

**ST. MARYS CITY COUNCIL
ST. MARYS, GEORGIA**

At the regular meeting of the St. Marys City Council, held in the St. Marys City Hall, St. Marys, Georgia:

Present:

William DeLoughy, Mayor
Greg Bird, Councilman, Post 1
Nancy Stasinis, Councilwoman, Post 2
Jim Gant, Councilman, Post 3
Keith Post, Councilman, Post 4
John Morrissey, Councilman, Post 5
Sidney Howell, Councilman, Post 6

On motion of Councilman Bird, which carried unanimously, the following Ordinance amendment was adopted:

AN AMENDMENT TO THE CODE OF ORDINANCES, CITY OF ST. MARYS, GEORGIA, TO ADD TO CHAPTER 2, ADMINISTRATION, A NEW ARTICLE IX TO ESTABLISH AN OPEN RECORDS ORDINANCE, TO COMPLY WITH O.C.G.A. §50-18-70, *ET SEQ.*, "THE GEORGIA OPEN RECORDS LAW", AS AMENDED IN THE 2012 SESSION OF THE GEORGIA GENERAL ASSEMBLY; DESIGNATING AN "OPEN RECORDS OFFICER" AND "ASSISTANT OPEN RECORDS OFFICER(S)" FOR SAID CITY; DEFINING THE DUTIES AND COMPENSATION THEREOF; PROVIDING FOR PUBLIC RECORD REQUESTS TO BE SERVED UPON THE OPEN RECORDS OFFICER OR, IN THE OFFICER'S ABSENCE OR UNAVAILABILITY, UPON AN ASSISTANT OPEN RECORDS OFFICER; PROVIDING FOR THE MANNER OF SERVING PUBLIC RECORDS REQUESTS ON THE OPEN RECORDS OFFICER; PROVIDING FOR NOTICE OF THE CITY'S OPEN RECORDS PROCEDURES; PROVIDING REASONABLE CHARGES FOR COMPLIANCE WITH PUBLIC RECORDS REQUESTS; TO REPEAL CONFLICTING CODE PROVISIONS, ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT WITH THE FOREGOING; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Georgia's Open Records Law, O.C.G.A. §50-18-70, *et seq.*, was amended in the 2012 Session of the General Assembly to enact new procedures for local governments (defined therein as "agencies") to comply with said law and to

provide greater transparency in making public records available to the public for inspection and copying, which instills greater public trust in government;

WHEREAS, under the amended law, agencies may designate one or more "Open Records Officers" for the purpose of accepting service of written requests in order to assure timely response if made to the proper officer, with skill and training in the law and procedures for public records compliance;

WHEREAS, the City of St. Marys, a Georgia municipal corporation, is an "agency" as defined at O.C.G.A. §50-18-70; and

WHEREAS, this City Council adopts as City public policy the statement of the General Assembly found at O.C.G.A. §50-18-70 (a);

NOW THEREFORE, it is, hereby ordained by the Mayor and Council of the City of St. Marys, this 20th day of August, 2012 that Chapter 2 of the Code of Ordinances, City of St. Marys, Georgia is hereby amended by adding the following code Sections 2-400 to 2-404 to be known as Article IX to read as follows:

ARTICLE IX - OPEN RECORDS

Sec. 2-400. Open Records Officer.

There is hereby created the office of Open Records Officer. The City Clerk is hereby designated as the City's Open Records Officer; the Open Records Officer may designate, in writing, an Assistant Open Records Officer(s) as required to perform the duties of his or her office.

Sec. 2-401. Duties.

It shall be the duty of the Open Records Officer and his or her duly designated Assistant Open Records Officer(s) to accept written requests to inspect and copy public records, pursuant to O.C.G.A. §50-18-70, *et seq.*, and to produce to the requester all records responsive to a request within a reasonable amount of time not to exceed three (3) business days of receipt of a request, unless the time for response is extended in accordance with law. The Open Records Officer shall ensure that all Open Records Requests are handled in accordance with the Georgia Open Records Act. No request shall be deemed filed until served upon the Open Records Officer, either by hand delivery to the Officer at the Clerk's Office, City Hall of the City of St. Marys, Georgia; by certified United States mail, return receipt requested; by statutory overnight delivery; by email to darlene.roellig@stmarysga.gov; or by facsimile transmission to 912-510-4013 or such other fax number designated on the City's Official Website for such purpose. Oral requests and requests, whether oral or in writing, served upon any other officer or employee of the City shall not be deemed filed, until the requester has filed his or her request, in writing, with the Open Records Officer. In the absence or unavailability of the Open Records Officer, an Assistant Open Records Officer shall perform the duties of the Open Records Officer. The absence or unavailability of a designated Open Records Officer shall not delay the City's response to a properly served request.

Sec. 2-402. Request Response.

Upon receipt of a request, it shall be the duty of the Open Records Officer to promptly ascertain the availability of all public records responsive to the request and to produce to the requester those records that can be located and produced within a reasonable time, not to exceed three (3) business days of receipt of a request. For purposes of computing the time within which a response must be made, the Open Records Officer shall not count the business day on which a request is received, nor any intervening Saturday, Sunday, or designated holiday on which City offices are closed for general business. Upon intake of a request, the Open Records Officer shall stamp the request with the date and time of receipt, and initial the request. In any instance where records are unavailable within three (3) business days of the request, it shall be the duty of the Open Records Officer to provide the requester with a written description of such records and a timeline for when the records will be available for inspection or copying and to provide the responsive records to the requester as soon thereafter as practicable. Such response shall also contain a good faith estimate of the cost to the requester for the search, retrieval, redaction, and production and copying of records. The Open Records Officer shall confer with every officer or department manager of the City, as necessary, to ascertain the existence of public records responsive to a request (including electronically-stored information), and it shall be the duty of every City officer and department manager to confer with and provide records, or true and correct copies of the originals thereof, to the Open Records Officer promptly, time being of the essence. Upon receipt of a public record responsive to a request, the Open Records Officer shall determine, in consultation with the City Attorney, if the record is exempt from disclosure by order of a court of this state or by law; if the record is exempt from disclosure, the written response by the Open Records Officer shall set forth the specific legal authority under which withholding of inspection of the record is claimed. The Open Records Officer shall maintain a log or other documentation of his or her due diligence to comply with a proper request.

Sec. 2-403. Fees.

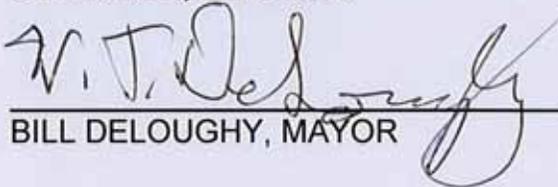
The Open Records Officer shall further have the duty to collect from a requester a reasonable charge for the search, retrieval, redaction, and production/copying of records, utilizing the most economical means available to identify and produce nonexcluded records. The charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the Open Records Officer, has the necessary skill and training to perform the request; provided, however, no charge shall be made for the first quarter hour. In addition thereto, where certified copies of specific records are sought, the fees for certified copies prescribed by law shall apply; otherwise, a fee for the copying of records shall not exceed 10¢ per page for letter or legal size documents or, in the case of other documents and electronic records, the actual cost of reproducing the document or media on which the records or media are produced.

Sec. 2-404. Litigation.

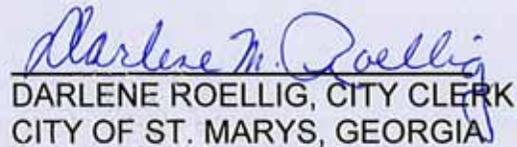
Requests by civil litigants, or their counsel of record, in any ongoing civil action or administrative proceeding shall be made in writing and shall include the style of the action or proceeding, the names and addresses of all parties and, if a party is represented by counsel, the name, address, and telephone number of the party's attorney; a copy of the request shall be served by the requester upon all parties or their counsel of record in the action or proceeding contemporaneous to filing the written request with the Open Records Officer. The Open Records Officer shall make duplicate set(s) of records provided in response to the request available to all parties or their counsel for the cost of copies only, unless a party or its counsel elects not to receive the records and pay the copying charge. If the City is a party to the action or proceeding, a set of responses shall be provided to counsel for the City at no charge.

This Amendment shall become effective upon passage.

**ST. MARYS CITY COUNCIL
ST. MARYS, GEORGIA**


BILL DELOUGHY, MAYOR

ATTEST:


DARLENE ROELLIG, CITY CLERK
CITY OF ST. MARYS, GEORGIA

EXPLANATION OF CHANGES

NOTE: Article IX, Open Records Ordinance consisting of Sections 2-400 to 2-404 is entirely new.