

1 STATE OF GEORGIA
2 CITY OF COLLEGE PARK

3
4 ORDINANCE 2016- 03

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6 AN ORDINANCE AMENDING SECTION 2-102, RECORDS MANAGEMENT OFFICER,
7 OF CHAPTER 2, ADMINISTRATION, OF ARTICLE VI, RECORDS MANAGEMENT, OF
8 THE CODE OF ORDINANCES OF COLLEGE PARK, TO DESIGNATE AN OPEN
9 RECORDS OFFICER AND ASSISTANT OPEN RECORDS OFFICER; TO PROVIDE FOR
10 SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN
11 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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13 WHEREAS, the governing authority of the City of College Park (“City”) is the Mayor
14 and Council thereof; and

15 WHEREAS, the City’s Code of Ordinances provides that the city clerk serves as the
16 City’s records management officer; and

17 WHEREAS, the Georgia’s Open Records law, O.C.G.A. § 50-18-70, et seq., was
18 amended in the 2012 Session of the General Assembly to enact new procedures for local
19 governments to comply with said law and to provide greater transparency in making public
20 records available to the public for inspection and copying, which instills greater trust in
21 government; and

22 WHEREAS, the governing authority desires to amend its Code of Ordinances to assign
23 to the city clerk the title of open records officer and the duties of responding to open records act
24 requests; and

25 **WHEREAS**, the governing authority desires to designate an assistant open records
26 officer for the City who shall perform the duties of the open records officer in his or her absence
27 or unavailability; and

28 **WHEREAS**, the governing authority desires to assign any person occupying the position
29 of assistant to the city clerk to serve as the assistant open records officer; and

30 **WHEREAS**, accordingly, the absence or unavailability of the open records officer shall
31 not delay the City's response to a properly served request; and

32 **WHEREAS**, upon adoption of this ordinance, the City will notify the legal organ of the
33 county in which the City's principal offices are located of the designation of the open records
34 officer and assistant open records officer;

35 **WHEREAS**, upon adoption of this ordinance, the City will prominently display such
36 designations on its website; and

37 **WHEREAS**, the health, safety, and welfare of the citizens of College Park, Georgia, will
38 be positively impacted by the adoption of this Ordinance.

39 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
40 **THE CITY OF COLLEGE PARK, GEORGIA**, and by the authority thereof:

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42 Section 1: The City's Code of Ordinances is hereby amended by striking through the
43 existing text of Section 2-102, Records Management Officer, of Chapter 2, Administration, of
44 Article VI, Records Management, and inserting the following text in lieu thereof, to read as
45 follows:

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47 (a) "The city clerk shall be designated as the records management officer whose duties shall
48 consist of the following:

- 49 (1) Establishing and maintaining an active and continuing program for the economical and
50 effective management of records;
51 (2) Creating and implementing procedures and regulations for efficient and effective records
52 management;
53 (3) Assisting each department in the implementation of a program of records management;
54 (4) Conducting training in records management to designees of departments;
55 (5) Preserving records of continuing value;

- 56 (6) Removing records not in common and current use from office space to city storage
57 facilities and removing other records upon the expiration of their day to day utility in the
58 office in accordance with approved disposition standards;
59 (7) Systematically eliminating all other records in accordance with approved disposition
60 standards; and
61 (8) Serving as the open records officer, pursuant to O.C.G.A. § 50-18-71(b)(1)(B) of the
62 Georgia Open Records Act, and accordingly responding to requests under the Georgia
63 Open Records Act, O.C.G.A. § 50-18-70, et seq.
64 (b) The assistant to the city clerk shall be designated as the assistant open records officer and
65 perform the duties of the open records officer, in the event of the city clerk's absence or
66 unavailability.
67 (c) All requests under the Georgia Open Records Act, O.C.G.A. § 50-18-70, et seq., shall be
68 submitted to the open records officer and/or assistant open records officer as designated in
69 this section.”
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71 Section 2. The preamble of this Ordinance shall be considered to be and is hereby
72 incorporated by reference as if fully set out herein.

73 Section 3. This Ordinance shall be codified in a manner consistent with the laws of the
74 State of Georgia and the City.

75 Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all
76 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
77 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

78 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
79 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
80 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
81 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
82 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
83 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
84 of this Ordinance.

85 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
86 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

87 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
88 express intent of the Mayor and Council that such invalidity, unconstitutionality or
89 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
90 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
91 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
92 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
93 enforceable, and of full force and effect.

94 Section 5. All ordinances and parts of ordinances in conflict herewith are hereby
95 expressly repealed.

96 Section 6. The effective date of this Ordinance shall be the date of adoption unless
97 otherwise stated herein.

98 ORDAINED this 1st day of February, 2016.
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CITY OF COLLEGE PARK, GEORGIA



Jack P. Longino, Mayor

ATTEST:



Melissa Brooks, City Clerk

APPROVED BY:

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Steven M. Fincher, City Attorney