

AN ORDINANCE

AN ORDINANCE ADOPTING A RECORDS RETENTION PLAN FOR THE CITY OF SENOIA, GEORGIA; APPOINTING A RECORDS MANAGEMENT OFFICER; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Whereas, under O.C.G.A. § 50-18-99 (d), the governing authority of the City of Senoia, Georgia, is required to establish a records management plan; and,

Whereas, the Mayor and Council is required to designate a Records Management Officer to coordinate and perform the responsibilities of the governing authority; and,

Whereas, the Records Management Officer will act for and in behalf of the Mayor and Council of the City of Senoia, Georgia, in directing and coordinating records management matters; and,

Whereas, the Mayor and Council is required to approve and adopt a records retention schedule; and,

Whereas, the records of the City of Senoia, Georgia, are not located in a centralized records management facility and are maintained in its various facilities, by departments or agencies of the city; and,

Whereas, it is necessary for the department heads for the various departments to cooperate with the Records Management Officer to implement the Records Management Plan;

IT IS THEREFORE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SENOIA, GEORGIA, AND ESTABLISHED AS FOLLOWS:

Section 1. "Retention Schedules For Local Government Records", as promulgated by the Archives, Records and Information Management Section, Georgia Secretary of State, effective April 1, 2005, as from time to time amended, are hereby adopted and incorporated by reference as the minimum retention schedules for public records of the City of Senoia, Georgia. For purposes of this section, definitions found at O.C.G.A. §50-18-91 are hereby incorporated by reference. Municipal Court records shall be maintained in accordance with those standards promulgated, from time to time, by the Georgia Administrative Office of Courts.

Notwithstanding an applicable records retention schedule to the contrary, records relevant to an actual or potential investigation, administrative proceeding, or lawsuit, shall be preserved until the City Attorney or other legal representative of the City determines the records are no longer needed. This exception supersedes any previously or subsequently established retention schedule for those records.

Section 2. The City Administrator and each Department Head under the City Administrator will be responsible for overseeing implementation, maintenance, security and compliance with record retention requirements. The responsibility imposed by this section includes training and education of employees in the creation, storage, indexing or archival of public records, records management and retention, compliance with Open Records laws, and production and disclosure of records in litigation.

Section 3. The City Clerk is hereby appointed and designated as the Records Management Officer for the City of Senoia, Georgia. It shall be the duty of the Records Management Officer to promulgate policies and procedures governing public records management ("records management program") and the training, supervision and discipline of officers and employees for violations of such policies and procedures. Such policies and procedures shall include electronically stored information in addition to records created or maintained in tangible format. The Records Management Officer may designate, in writing, such assistant or deputy officers as required to perform the duties of his office.

Section 4. Title to any public record created or required to be filed or recorded with the City or any department or agency thereof shall be vested in the City and no individual officer or employee shall acquire any property rights therein. Any records designated as "confidential" or "privileged" by law shall be so treated in their creation, maintenance, storage, dissemination, and disposal. Access to such records shall be restricted in the manner provided by law and disclosure thereof shall be made available only to authorized individuals. Unauthorized disclosure or the granting of access to any restricted public record of the City, except in strict accordance with this article and any records management program adopted pursuant thereto, shall constitute grounds for disciplinary action against city officers and employees responsible for such action, including removal from office or dismissal from employment.

Section 5. The destruction of public records shall occur only through the application of the appropriate retention schedule and after satisfying any administrative approvals necessary to authorize destruction. Alienation, alteration, theft or unauthorized destruction of public records of the City by any person or persons in a manner not authorized by an applicable records management program or retention schedule is prohibited, and may result in such person's criminal prosecution and/or removal from public office or dismissal from public employment.

Section 6. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 7. This ordinance shall become effective immediately upon adoption on second and final reading.

First Reading: November 6, 2006

Second Reading: November 27, 2006