

STATE OF GEORGIA
CITY OF DORAVILLE

ORDINANCE NO. 2023-38

AN ORDINANCE TO ESTABLISH A RECORDS RETENTION POLICY FOR CITY OF DORAVILLE, TO APPOINT THE CITY CLERK AS THE OFFICIAL RECORDS MANAGEMENT OFFICER OF DORAVILLE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Doraville is the Mayor and Council thereof;

WHEREAS, the City Council finds it necessary and desirable to adopt a retention schedule recommended by the Secretary of thereof;

WHEREAS, the City Clerk or his/her designee is designated as the Records Manager Officer for the City of Doraville thereof;

NOW THEREFORE, THE COUNCIL OF THE CITY OF DORAVILLE HEREBY ORDAINS:

Section 1. Section 2.08 of the City of Doraville Municipal Code is hereby amended by adding the said section in its entirety thereof:

"Sec. 2.08.01- Retention of public records; destruction of obsolete records.

(a) Pursuant to the Georgia Records Act, O.C.G.A. §50-18-90 et seq, the City of Doraville adopts the Records Management Plan and Records Retention Schedule for Local Government Records as published by the Georgia Secretary of State Department's Archives and History, and any such amendments or updates as may be made to such Retention Schedule for Local Government Records.

(b) All City of Doraville Records shall be maintained in accordance with the approved retention schedules, in the most updated version of the Retention Schedule for Local Government Records.

(c) The City Clerk shall serve as the Records Management Officer and will be the coordinator of the records management plan and is authorized to act for and on behalf of the City in directing and coordinating all record management matters, including storage, archiving, and destruction of records, under the Georgia Records Act. In discharging the records management and records destruction duties, the Records Management Officer

shall, whether personally or by delegation, maintain all records in accordance with Georgia Secretary of State Retention Schedule for Local Government Records adopted by the Mayor and Council, and shall destroy, allow, or direct any employee to destroy any record except as provided for on the aforesaid Retention Schedule.

(d) No record shall be destroyed except as provided in the approved retention schedule; provided, however, a written record may be destroyed if it is otherwise preserved by means of microfiche, scanning, or other reliable photographic or digital means as permitted by law.

(e) Whenever any records are destroyed, a certificate of destruction shall be prepared which shall show the type of records destroyed, the approved retention schedule number, the dates covered, and the volume destroyed. These memoranda of destruction shall be kept by the City Clerk in a central location and may be viewed by any member of the public as provided by law.

(f) Changes to the retention schedules shall be adopted by ordinance of the Mayor and Council."

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. Penalties in effect for violations of the City of Doraville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 6. The effective date of this Ordinance shall be its date of adoption.

SO ORDAINED this 16th day of October, 2023.



Joseph Geierman, Mayor


ATTEST:



Shanta J. Bingham, City Clerk (SEAL)



APPROVED AS TO FORM:



Cecil McLendon, City Attorney