

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2008-31

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA TO AMEND SECTION 2-243(e) TO PROVIDE REGULATIONS FOR CITY EMPLOYEE INFORMATION TECHNOLOGY AND TELECOMMUNICATION RESOURCES, ARTICLE IX PERSONNEL POLICIES, CHAPTER 2 ADMINISTRATION; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Doraville wishes to enhance its compliance with relevant local ordinances, state and federal laws on records retention and confidentiality;

WHEREAS, the Mayor and Council of the City have determined that some modifications to the Personnel Policies of the City with respect to records retention and confidentiality are appropriate to accomplish the goal of enhanced records retention compliance; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1.

That Section 2-243(e) Procedures, Article IX Personnel Policies, Chapter 2 Administration is deleted and the Code of Ordinances of the City of Doraville is hereby amended to read as follows:

"Chapter 2. Administration

Article IX. Personnel Policies

. . . .

Section 2-243. Employee use of the City information technology and telecommunication resources.

. . . .

(e) Procedures.

Use of the City Information Technology and Telecommunications Resources are subject to Federal, State, and City laws and regulations governing such, including but not limited to:

- Copyright Act*
- State Open Records Act*
- Standards of Ethical Conduct for Employees*

All messages to and from the City Attorney or other legal counsel seeking or providing legal advice or otherwise pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions should be marked with the following legend in all capital letters in the message:

*"CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED INFORMATION –
ATTORNEY WORK PRODUCT"*

In addition, in order to preserve the attorney-client privilege, messages to and from the City Attorney should never be sent to others via distribution lists, should never be forwarded to anyone else, and should never be retained on a network e-mail system. If it is necessary to retain a copy of an attorney-client privileged communication, it should be printed and placed in the appropriate file. Confidential communications between the City and its legal counsel should not be archived for disclosure to the public.

The City strongly discourages the local storage of large numbers of e-mail messages. Retention of such messages utilizes a large amount of storage space within the network server and may also slow down performance of the system. In addition, because e-mail messages can contain confidential information, it is advisable to limit the number, distribution, and availability of such messages. If the message generated or received is covered by the publication "Retention Schedules for Local Government Paper and Electronic Records" and should therefore be retained, employees should archive the message within a week of its receipt or generation.

Any e-mail message which does not pertain to City business, such as solicitations, may be deleted upon receipt by any employee. E-mail messages which are useful for the operation of the City, but are not covered by the retention schedule shall be retained for a minimum of thirty (30) days or until they are no longer useful to the City. Each Department Head or his or her designee shall determine once a month which messages should be deleted and if any additional messages should be archived."

Section 2.

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 or 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 3.

Penalties provided for violations of this Ordinance are set out in Section 1-12, as amended hereby, of the Code of Ordinances, City of Doraville, Georgia and are hereby incorporated as if set out fully.

Section 4.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5.

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

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

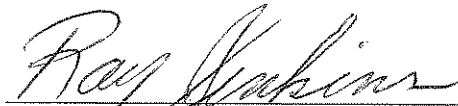
Section 7.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

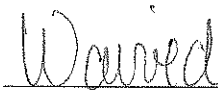
Section 8.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

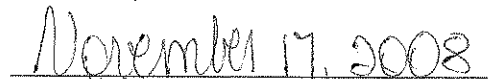
SO ORDAINED, this 17 day of November, 2008.



Ray Jenkins, Mayor
CITY OF DORAVILLE, GEORGIA



First Reading




Second Reading

ATTEST:



Rhonda Blackmon, City Clerk

APPROVED AS TO FORM:



Murray J. Weed, City Attorney
PMT5350