

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF FOREST PARK WITH RESPECT TO THE MANAGEMENT OF PUBLIC RECORDS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WITNESSETH:

Be it ordained by the Governing Body of the City of Forest Park as follows:

SECTION 1. That Title 2, Chapter 3, Article B is hereby amended by deleting said Article in its entirety and replacing it with the provisions of the attached Exhibit A.

SECTION 2. Intention of the Governing Body. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Forest Park, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 3. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 4. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 5. Codification and Severability.

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

(b) It is hereby declared to be the intention of the City 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 City 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 section, paragraph, sentence, clause or phrase 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 City 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 sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the

greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 6. Repeal of Conflicting Provisions. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Forest Park as provided in the City Charter.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this 6th day of November, 2023.

Mayor

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

ARTICLE B – Public Records

Sec. 2-3-21. Official records of city; keeping and maintaining.

The purpose of this article is to comply with the Georgia Records Act (O.C.G.A. § 50-18-90 et seq.) and the Open Records Act (O.C.G.A. § 50-18-70 et seq.) each as enacted by the General Assembly and as each Act may from time to time be amended, and to adopt the Records Retention Schedule for Local Government Records as published by the State of Georgia, and any such amendments or updates as may be made.

Sec. 2-3-22. Custodian designated.

- (a) Pursuant to Section 3.11 of the City Charter, the City Clerk is designated as the custodian of all City records. The office of the City Clerk shall serve as the coordinator of the records management program and is authorized to act for and on behalf of the City in directing and coordinating all records management matters under the Georgia Records Act. In discharging the records management and records destruction duties, the City Clerk shall, whether personally or by delegation, maintain all records in accordance with the Secretary of State's Retention Schedules for Local Government Records adopted by the City Council and shall not destroy, allow, or direct any employee to destroy, any record except as provided on the aforesaid retention schedule.
- (b) Whenever any records are destroyed, a certificate of destruction shall be prepared and maintained by the City Clerk which shall show the type of records destroyed, the approved retention schedule number, and the dates covered. These memoranda of destruction shall be kept by the City Clerk's office and may be viewed by any member of the public as provided by law.
- (c) It shall be the duty of each Department Director to cooperate fully with the City Clerk in complying with this article and the provisions of the Georgia Records Act. It shall further be the duty of each Department Director to implement the records management procedures and regulations issued by the City Clerk and the State of Georgia.

Sec. 2-3-23. Removal from city hall restricted.

The City Clerk shall not allow any person to take away from the city hall or any other place where the records are lawfully stored any records for any purpose whatsoever, unless by competent and lawful court order, except by motion of the governing body.

Sec. 2-3-24. Examination or inspection.

Any person desiring to see, inspect, examine, or copy any record made by any officer, agent, or employee of the city or any record of the City shall make written request and present the same to the City Clerk who shall comply with the provisions of Open Records Act.

Sec. 2-3-25. Inspection, examination or copying, presence of custodian required, hours limited.

In order to preserve the authenticity and correctness of any and all records of the City no person shall be allowed to see, inspect, examine or copy the same unless within the presence of the City Clerk or some person designated by the City Clerk, and such examination shall be made during regular business hours when City offices are kept open to the public.

Sec. 2-3-26. Cost of certified copies.

When the City Clerk is called upon from time to time to prepare and certify any copies of official records in his office, the costs of said preparation and certification shall be paid at the rate established by the City Clerk from time to time.

Sec. 2-3-27. "Records" construed.

The records referred to in this article shall include not only the minutes of the governing body, all contracts of the City, all ordinances and resolutions enacted by the governing body, all memoranda and records kept by the City Clerk of every nature whatsoever, all records of every other department of the City, and shall also include all other records kept and maintained by any officer, agent, servant or employee of the City concerning matters pertaining to the City except those records not open to public inspection by order of a court of the State of Georgia or by law.

Sec. 2-3-28. Formal Adoption of Records Retention Schedule

Pursuant to the Georgia Records Act, the City has adopted the Records Retention Schedule for Local Government Records as published by the Georgia Secretary of State's Department of Archives and History, and any such amendments or updates as may be made to such retention schedule for local government records. All City records shall be maintained in accordance with approved retention schedules, in the most updated version of the retention schedule for local government records.