

**RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS FOR
THE PURPOSE OF NAMING AN OPEN RECORDS OFFICER
AND FOR OTHER PURPOSES**

WHEREAS, the provisions of the Georgia Open Records Act, the “Act” (O.C.G.A. Section 50-18-70, *et seq.*), were amended by action of the Georgia Legislature during its 2012 session; and

WHEREAS, one of the changes to the Act allows for the appointment of an Open Records Officer to whom all written requests for records must be made; and

WHEREAS, the designation of an Open Records Officer will allow for more efficient compliance with the provisions of the Open Records Act;

NOW THEREFORE, pursuant to the provisions of the Act, the Newton County Board of Commissioners does hereby resolve as follows:

1. Jackie B. Smith, County Clerk, is designated as the Newton County Board of Commissioners Open Records Officer;
2. The Open Records Office shall serve the Newton County Board of Commissioners and all Newton County Departments that fall under the Newton County Board of Commissioners, including but not limited to, the following:
 - a. Administrative Services (Finance, Procurement)
 - b. Animal Control
 - c. Board of Tax Assessors
 - d. Building Services
 - e. County Manager’s Office
 - f. Development Services/Geographic Information Systems
 - g. Elections
 - h. Emergency Management Agency
 - i. Engineering
 - j. Factory Shoals Park
 - k. Fire Service
 - l. Fleet Management
 - m. 4-H/Extension Service
 - n. Human Resources (Employment, Benefits, Payroll)
 - o. Information Systems
 - p. Juvenile Court
 - q. Keep Covington Newton County Beautiful
 - r. Public Defender
 - s. Roads and Bridges
 - t. Solid Waste Management
 - u. Special Projects (SPLOST, Impact Fees, Trails, Grants)
 - v. Water Resources / Cornish Creek Plant

3. All written requests for records made under the Act directed to the County shall be made to the Open Records Officer;
4. The Open Records Officer is directed to cause all County websites to prominently display this designation and requirement;
5. The Open Records Officer is directed to notify the Covington News as the county legal organ and any other media regularly covering County matters of the content of this resolution;
6. The Open Records Officer is directed to notify all county employees and volunteers that any written requests made under the Act shall be directed to the Open Records Officer; and
7. This action shall be effective immediately upon the notifications to the media and the changes to the websites having been made.

SO RESOLVED this 17th day of July, 2012.

Newton County Board of Commissioners

By: Kathryn G. Morgan
Kathryn G. Morgan, Chair

Attest: Jackie B. Smith
Jackie B. Smith, County Clerk



Open Meetings Act Amendment Highlights:

- Definition changes:
 - The definition of “agency” subject to the Act now includes an “office” of the county;
 - “Meeting” is now defined as a gathering of a quorum where official business, policy or public matter is presented, discussed or voted upon;
 - Committees created by the BOC are subject to all requirements of the Act.

- The following *are not* meetings:
 - Inspecting facilities and properties provided no other official action is discussed or taken;
 - Attending statewide/regional meetings or trainings provided no official action is taken;
 - Meeting with state or federal legislative or executive officials at their office provided no official action is taken;
 - Traveling together provided no official business, policy or public matter is formulated, presented, discussed or voted upon;
 - Attending social, civic, ceremonial or religious events provided no official business, policy or public matter is formulated, presented, discussed or voted upon.

- Teleconferences:
 - Meetings may be conducted by teleconference in certain emergency situations;
 - Provided a quorum is present, members may attend meetings by teleconference for health reasons or if they are absent from the jurisdiction (typically limited to 2 times per calendar year).

- Meeting requirements:
 - Notice of all regular meetings must be posted at least one week in advance and on the county website.
 - Special called and emergency meetings are still permitted provided notice requirements are met.
 - Agenda, meeting summaries, and minutes are required for all meetings.
 - Minutes are required to identify the person making and seconding all motions and the name of each person voting for and against a motion.
 - Executive session minutes must be kept (but shall be confidential) and shall specify each issue discussed.
 - All votes are to be taken in an open meeting except votes authorized in executive session (which require a subsequent vote in an open meeting prior to being binding).

- Executive session:
 - Discussing or voting to:
 - Authorize settlement of matters raised by legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved;
 - Authorize the purchase, disposal, or lease of property;
 - Authorize the ordering of an appraisal related to the acquisition or disposal of real estate;
 - Enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or
 - Enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote;
 - Note: votes taken in executive session are not binding until a subsequent vote is taken in an open meeting where
 - For property, the identity of the property and the terms of the acquisition, disposal, or lease are disclosed before the vote, or
 - For settlements, where the parties and principal settlement terms are disclosed before the vote;
 - Discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee or interviewing applicants for the position of the executive head of an agency.
 - Does not apply to the receipt of evidence or when hearing argument on charges filed to determine personnel matters, including whether to impose disciplinary action or dismissal of dismiss a public officer or employee;
 - Does not apply when considering or discussing matters of policy regarding employment or hiring practices.
 - Discussing records exempt from disclosure under the Open Records Act.
- Criminal penalties increased from a maximum of \$500 to a maximum of \$1000 and civil penalties are authorized.

Open Records Act Amendment Highlights:

- Definition changes:
 - Records expanded to include “data” and “data field”.
- Records must be retained in accordance with the state Records Retention Act, O.C.G.A. § 50-18-90 et seq.
- The response timeline is unchanged.
- Requests may be made orally or in writing; requests must be in writing to enforce provisions.
- Records custodian or officer:
 - A records custodian/officer may be designated and may require all written requests be sent to designated person;
 - Three day response time would not begin until designated person receives request;
 - Must post information on web-site and notify papers of designated person.
- Fees:
 - Charge for administrative time still permitted;
 - Copying charges reduced to \$.10 per page;
 - For electronic records, may only charge for cost of media;
 - Can charge for records even if they are not picked up;
 - Must provide cost estimate if cost expected to exceed \$25.00.
 - May require prepayment if cost expected to exceed \$500.00 or if costs unpaid on previous requests (until previous charges paid).
- Exemptions mostly unchanged with a few exceptions:
 - Pending, rejected or deferred sealed bids or proposals and related detailed cost estimates are exempt from disclosure until final award or project abandoned;
 - Personal emails addresses, unlisted phone numbers, and cell phone numbers found in public records are exempt;
 - For current and former employees, the following information is exempt:
 - home address;
 - home telephone number;
 - day and month of birth;
 - social security number;
 - insurance or medical information;
 - mother's birth name;
 - credit card information;

- debit card information;
 - bank account information;
 - account number;
 - utility account number;
 - password used to access his or her account;
 - financial data or information other than compensation by a government agency;
 - unlisted telephone number if so designated in a public record
 - personal e-mail address;
 - cellular telephone number;
 - the identity of the public employee's immediate family members or dependents;
 - The burden for determining whether or not records may include information that would reveal trade secrets is substantially shifted to the private entity claiming the exemption;
 - Records pertaining to rating plans, underwriting rules and similar proprietary information used to administer self-insurance to a county are exempt;
 - Records of the Department of Economic Development pertaining to an economic development project are exempt until the project is secured by a binding commitment or has been terminated; and records related to state training programs for economic development projects;
 - Exhibits tendered to a court in a civil or criminal trial are not open to disclosure without the approval of the court.
- Criminal penalties increased from a maximum of \$100 to a maximum of \$1000 and civil penalties are authorized.