

WHITE COUNTY BOARD OF COMMISSIONERS
MINUTES OF THE REGULAR MEETING HELD ON
MONDAY, JANUARY 7, 2013 AT 4:30 P.M.

The White County Board of Commissioners held a Regular Meeting on Monday, January 7, 2013 at 4:30 p.m. in the Grand Jury Room of the White County Courthouse. Present at the meeting were: Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, County Manager Michael Melton, Finance Director Vicki Mays, and County Clerk Shanda Smallwood.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Pastor Ted Worley presented the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to adopt the minutes of the Regular Meeting held December 3, 2012 and the Called Meeting held December 19, 2012.

Mr. David Murphy, Director of Public Safety, presented the Board of Commissioners with notification from the National Weather Service that White County had met the necessary requirements to maintain the designation as a Storm Ready Community through February 28, 2015.

A proclamation was presented to Dr. Thomas Lumsden in recognition of his contributions to the White County Community. Dr. Lumsden was very appreciative of the gesture and had several family members in attendance.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a unanimous vote to elected Commissioner Craig Bryant to continue serving as Vice Chair for the Board of Commissioners for the 2013 calendar year.

Upon a motion made by Commissioner Holcomb, seconded Commissioner Nix there was a unanimous vote to approve a six (6) month renewal for White County's contract with CHA, Inc. for SPLOST Management. Mr. Kevin Hamby, CHA SPLOST Manager, stated that with projects wrapping up for the 2008 SPLOST Program, he could not recommend a one-year contract. The six (6) month contract was in the amount of \$24,500.00 and for a term January 1, 2013 to June 30, 2013 – with funding to be taken from the 2008 SPLOST Funds.

In considering a proposal from JM Smith Engineering for professional services related to the design of the proposed park area to be located behind the White County Courthouse – Mr. Melton recommended that the consideration be tabled until he had an opportunity to meeting with a few other firms.

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Upon a motion made by Commissioner Nix, seconded by Commissioner Bryant there was a unanimous vote to table the consideration of proposals related to this project at this time.

The two (2) bids received for the curb and gutter work at the Mauney Building Access Road were presented – Martin Construction @ \$11,138.60 and Charles Black Construction @ \$13,780.00.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to award the contract for curb and gutter work for the Mauney Building Access Road to Martin Construction in the amount of \$11,138.60 – with funding to be from the 2008 SPLOST.

Mr. David Murphy presented the four (4) bids received for the installation of the replacement emergency generator for the lower level of the Mauney Building – Anderson Power @ \$55,150.00, Cain Electric @ \$74,700.00, GenTech @ \$68,915.66, and Coldwell Electric @ \$56,250.00. Mr. Murphy stated that Anderson Power was the low bidder and that they currently had the contract for maintenance on the emergency generators. He also informed that the replacement generator would power the entire lower level and a portion of the upper level. He reviewed that funding being provided by a grant award of \$37,500.00 and budgeted local funds of \$17,650.00.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to award the emergency generator replacement for the Mauney Building to Anderson Power in the amount of \$55,150.00 – with funding from a GEMA Grant (\$37,500.00) and local budgeted funds (\$17,650.00).

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix there was a unanimous vote to adopt the following resolution (County Resolution No. 2013-01) designating an open records officer and alternate:

WHITE COUNTY BOARD OF COMMISSIONERS

COUNTY RESOLUTION NO. 2013-01

A RESOLUTION FOR THE PURPOSE OF NAMING AN OPEN RECORDS OFFICER, AN ALTERNATE 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 General Assembly during its 2012 session; and

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

Whereas, the Act further provides for notice of such change.

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Now, therefore, pursuant to the provisions of the Act, the White County Board of Commissioners does hereby resolve as follows:

1. Shanda Smallwood Murphy, County Clerk , is designated as the Open Records Officer and Krystal Davidson, Human Resources Coordinator, is designated as the Alternate Open Records Officer to act in the Open Records Officer's absence, both to act for White County and all of its related and subsidiary entities, herein the "County";
2. The term "County and all of it related and subsidiary entities" includes the following county departments and entities:
Maintenance, Administration, Network, Human Resources, Finance, Animal Control, E-911 / EMA, GIS, Fire Services, Road Department, Senior Services, Soil Conservation, Library, Building Inspection, Planning, Solid Waste, Code Enforcement, and Community & Economic Development
3. All written requests for records made under the Act directed to the County shall be made to the Open Records Officer, or in his or her absence, to the alternate;
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 White County 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 requests made under the Act shall be directed to the Open Records Officer or his or her alternate; and
7. This action shall be effective immediately upon the notifications to the media and the changes to the websites having been made.

Resolved this 7th day of January, 2013, by action of the White Board of Commissioners.

By: s/Travis C. Turner
Travis C. Turner, Chairman

Attest: s/Shanda Smallwood
Shanda Smallwood, County Clerk

-End of Resolution 2013-01-

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to adopt the following ordinance (County Ordinance No. 2013-02) amending County Code Chapter 2 Administration, Article I In General, Section 2-2 Open Records Policy – pursuant to current open records law:

WHITE COUNTY BOARD OF COMMISSIONERS

COUNTY ORDINANCE NO. 2013-02

**AN ORDINANCE TO AMEND THE OFFICIAL CODE OF WHITE COUNTY,
GEORGIA BY THE REVISION OF CHAPTER 2, ADMINISTRATION, ARTICLE I,
IN GENERAL**

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WHEREAS, Governor Nathan Deal signed House Bill 397 on April 17, 2012 changing the rules and regulations of Open Meetings and Open Records regulations,

AND WHEREAS, the White County Board of Commissioners adopted County Resolution 2000-02 on February 1, 2000 which set forth White County’s Open Records Policy– with said resolution being incorporated into the White County Code as Article I, Section 2-2 - Open Records Policy;

AND WHEREAS, the undersigned amend the County Code from time to time by Resolutions or Ordinance and now wish to further amend the White County Code pursuant to changes made during the 2012 Legislative Session;

NOW, THEREFORE, the White County Board of Commissioners hereby establishes the following amendments to the Official Code of White County thereby replacing the reference to County Resolution 2000-02 with reference to this resolution which establishes the policy by which White County will provide public access to documents.

RESOLVED this 7th day of January, 2013.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner
Travis C. Turner, Chairman

s/Terry D. Goodger
Terry D. Goodger, District 1

s/Lyn Holcomb
Lyn Holcomb, District 2

s/Edwin Nix
Edwin Nix, District 3

s/Craig Bryant
Craig Bryant, District 4

Attest:
s/Shanda Smallwood
Shanda Smallwood, County Clerk

WHITE COUNTY OPEN RECORDS LAW POLICY

To: All Department Heads and Employees

From: White County Board of Commissioners Date:

Re: White County Open Records Law Policy

The open records law is a state law that requires counties and other governmental agencies to provide public access to documents. It was enacted to make government more open to public scrutiny by requiring that documents and records maintained by government offices be produced for inspection and copying at any person's request. You may be criminally liable for failure to strictly comply with the requirements of this law. This memorandum is designed to alert you to your responsibilities.

General responsibilities under the open records law. Whenever any individual requests copies of "public records" or requests the opportunity to review "public records," the records custodian must make the copies or allow the individual the opportunity to review the documents within three business days if the records are available and are not "exempt" from the open records law. As explained in further detail below, the records custodian may charge a "reasonable fee," on behalf of the county, for complying with this request. If the estimated "reasonable fee" is greater than \$25, then you must provide the individual with a written estimate of the fee. However, it is a good practice to provide the estimate regardless of the estimated cost.

"Public records." The most important thing to remember about the open records law is that you must assume in almost all situations that everything in your department is a public record that is subject to inspection unless it falls within one of the specific statutory exemptions to the open records law. Public records include letters, internal memoranda, invoices, requisitions and reports maintained by or in your department. Penciled notes, e-mails, desk diaries, agendas, calendars, rolodexes, contact lists and telephone message slips may all be subject to disclosure. Even county records that are not physically located in your office, such as records kept in storage, archives, or at your home are open records. These may also include documents maintained by a private person or company on behalf of your department. You cannot exempt records from disclosure by asking a private company to undertake county work, to assume custody over county documents, or to conduct its own investigation or study of county activities.

"Public records" also includes information that is not on standard paper in printed form. Maps, plats, ledgers, photographs, directories to records, information maintained on CDs, DVDs, jump drives, microfiche and tapes may be considered public records, as well as information stored on computers such as databases, spreadsheets, electronic files, etc.

E-Mails and text messages are "public records." This includes any e-mails or texts (county business and personal) that you have received or sent on a county computer or county issued electronic device. Any e-mails or texts relating to county business that you may have received or

sent from your personal computer or electronic device are also "public records." Furthermore, records that are stored in the server for your computer network are subject to disclosure. Comments made and information provided on a social networking site such as Facebook, Linked In, or Twitter, that is maintained by the county would also be subject.

The key to deciding whether information is open to public inspection is asking whether it is prepared and maintained or received in the course of the operation of the county, regardless of its location or form.

Destruction of records. You may not delete, throw away, shred or destroy county records except in accordance with the schedule contained in the records management program adopted by the board of commissioners pursuant to O.C.G.A. § 50-18-99. The records management program explains how long each type of record must be kept. This schedule requires that e-mails be stored according to the type of e-mail. Transitory e-mails (i.e., messages of short-term interest with no documentary or evidential value) must be kept for their useful life. Administrative support e-mails (i.e., messages of a facilitative nature created or received in the course of administering programs) may be kept for a short term. Policy and program e-mails (i.e., messages that document the formulation and adoption of policies and procedures and the management of the county) must be kept on a long-term basis. For more information on the county's records management program, please contact the county clerk or county manager.

Exemptions to the open records law. Some records are exempt from the open records law and do not have to be released to the public. These exceptions are interpreted narrowly, with the presumption that the public should have access to information regarding the operation and responsibilities of counties. Because these exceptions to the rule of disclosure are to be interpreted narrowly, and because several of these have been the subject of court rulings, please consult with the county attorney immediately if you think that one or more exemptions apply to records you have been asked to make available. There are three types of exemptions: (1) records that you may not release; (2) records that you may, but are not required to, withhold; and (3) records that you may temporarily withhold, but must release in the future.

Records that may not be released. You are not allowed to release the records listed below. These records have been deemed to be private and protected and you could be held liable for allowing access to the following records:

- Documents that provide cable and video service provider financial information. See O.C.G.A. § 36-76-6(d).
- Documents required to be confidential pursuant to a court order. See O.C.G.A. § 50-18-71(a).
- Documents that are specifically required by the federal government to be kept confidential. See O.C.G.A. § 50-18-72(a)(1).
- Medical records. See O.C.G.A. § 50-18-72(a)(2) and (20).
- Documents or portions of documents that contain information the disclosure of which would be an "invasion of personal privacy." See O.C.G.A. § 50-18-72(a)(2). An "invasion of personal privacy" is a legal term that you should not attempt to interpret. County employees should not withhold documents based on this exception without first checking with the county attorney after first consulting with the county clerk or manager.

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- Portions of documents containing any individual's social security number, mother's birth name, credit card information, debit card information, bank account information, account and utility account, passwords and financial data, medical information or insurance data, unlisted telephone number, personal e-mail or cell phone number, day and month of birth, or information regarding public utility, television, Internet or telephone accounts held by private customers. See O.C.G.A. § 50-18-72(a)(20). Although you are generally prohibited from releasing this information, there are some limited situations where it may be released. For instance, this information may be released to other governmental officials and employees when they seek the information for administrative purposes. Similarly, information may be released for law enforcement purposes or pursuant to a court order. A news media representative may receive social security number and day and month of birth if they submit a written request signed under oath that the information sought is in connection with news gathering and reporting. The month and day of birth of a deceased individual may be released.
- Portions of documents which would reveal a county or other public employee's 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, account password, financial data or information other than compensatory by the county, unlisted telephone number, or identity of the public employee's immediate family or dependents. See O.C.G.A. § 50-18-72(a)(21).
- Portions of documents maintained by recreation programs that could reveal a child's name, address and phone number, if 12 years old or under. See O.C.G.A. § 50-18-72(a)(27).
- Documents or portions of documents that would reveal a trade secret. See O.C.G.A. § 50-18-72(a)(34).
- Documents or portions of documents that would disclose proprietary information that has not been released. See O.C.G.A. § 50-18-72(a)(35).
- Documents that are subject to the attorney client privilege or the attorney work product confidentiality. See O.C.G.A. § 50-18-72(a)(42).
- Documents or portions of documents containing confidential tax information. See O.C.G.A. § 50-18-72(a)(43), O.C.G.A. § 48-2-15 and/or O.C.G.A. § 48-5-314(a).
- Computer programs and software. See O.C.G.A. § 50-18-72(a)(44).
- Unless otherwise permitted by law, original trial exhibits without the approval of the judge assigned to the case. However, in most cases, a copy, photograph or other reproduction of a trial exhibit is an open record. See O.C.G.A. § 50-18-72(c).
- Vital records. See O.C.G.A. § 50-18-76 and 31-10-25.

Records that may be withheld. The following records may, but are not required to be, withheld. In other words, although you are not required to release the following records, they may be released.

- Documents or portions of documents compiled for law enforcement or prosecution purposes that would disclose (1) the identity of a confidential source, (2) a confidential investigative or prosecution material that would endanger the life or physical safety of an individual, or (3) the existence of a confidential surveillance or investigation. See O.C.G.A. § 50-18-72(a)(3).
- Georgia Uniform Motor Vehicle Accident Reports. However, certain individuals supplying a written statement of need may be supplied with a copy, such as the parties and witnesses involved or injured in the accident (and their attorneys or other representatives), the insurance companies, a district attorney, a solicitor, a law enforcement officer, individuals with a personal, professional or business connection with a party to the accident, an individual identified in the accident report, an individual that owns or leases one of the vehicles (or other property) damaged in the accident, an individual who may be liable as a result of the accident, an individual conducting "public interest" research, a representative of a news media organization, or an attorney needing the accident report as part of a criminal case or an investigation involving the safety of a road, railroad crossing or intersection. See O.C.G.A. § 50-18-2(a)(5).
- Confidential evaluations relating to the appointment or hiring of a public officer or employee. See O.C.G.A. § 50-18-72(a)(7).
- Documents that would reveal the location or character of a historic property that the Division of Historic Preservation of the Department of Natural Resources has determined the disclosure of which would create a substantial risk of harm, theft or destruction to the property. See O.C.G.A. § 50-18-72(a)(14).
- Records of farm water use by individual farms determined by water-measuring devices installed pursuant to O.C.G.A. § 12-5-31 or 12-5-105. See O.C.G.A. § 50-18-72 (a)(15).
- Documents that contain site specific information regarding the occurrence of rare species of plants or animals or the location of sensitive natural habitats the disclosure of which has been determined by the Department of Natural Resources to create a substantial risk of harm, theft or destruction to the species or habitat. See O.C.G.A. § 50-18-72(a)(18).
- Documents or portions of documents that would reveal the names, home addresses, telephone numbers, security codes, e-mail addresses, and other data developed by the county in connection with servicing, maintaining, operating, selling or leasing a burglar alarm system, fire alarm system or other electronic security system or with a neighborhood watch or public safety notification. See O.C.G.A. § 50-18-72(a)(19).
- Documents or portions of documents that would reveal the home address, home telephone number, social security number, insurance information or medical information, or identity of immediate family member or dependent of a public employee. See O.C.G.A. § 50-18-72(a)(21).
- Documents or portions of documents that would reveal any component in the process used to execute or adopt an electronic signature. See O.C.G.A. § 50-18-72(a)(23).
- Documents or portions of documents that would reveal the home and work address and telephone number, as well as hours of employment, of anyone who participates in or has expressed an interest in a county rideshare or carpool program. See O.C.G.A. § 50-18-

- 2(a)(24).
- Records that could compromise public security including vulnerability assessments, security plans and blueprints of public facilities. See O.C.G.A. § 50-18-72(a)(25).
- Portions of records identifying callers to 9-1-1 call centers by name, address and phone number. See O.C.G.A. § 50-18-72(a)(26).
- Documents or portions of documents which would reveal licenses to carry pistols or revolvers. However, law enforcement agencies may obtain records relating to licensing and possession of firearms. See O.C.G.A. § 50-18-72(a)(40).
- Documents or portions of documents that would reveal records pertaining to the rating plans, rating systems, underwriting rules, surveys, inspections, statistical plans, or similar proprietary information used to provide or administer liability insurance or self-insurance coverage to a county. See O.C.G.A. § 50-18-72(a)(45).

Records that may be withheld temporarily. The following records may, but are not required, to be withheld. However, if they are withheld from disclosure, they may only be held temporarily. Eventually, they must be released.

- Records of a pending investigation or prosecution of a criminal or unlawful activity by a law enforcement, prosecuting or regulatory agency do not have to be released until the investigation is concluded. See O.C.G.A. § 50-18-72(a)(3).
- Information compiled in an investigation of a county employee or official is not required to be released until ten days after it has been presented to the board of commissioners or other officer for action or until ten days after the investigation is concluded. See O.C.G.A. ~ 50-18-72(a) (8).
- Documents or portions of documents that would reveal the location of real property (i.e., land or land and a building or other structure) that the county is considering purchasing. However, these documents must be released once the property has been purchased or the plan to purchase has been abandoned. See O.C.G.A. § 50-18-72(a)(9).
- Pending bids and proposals on public works and road construction projects must be withheld until the final award of the contract is made or until the project is terminated or abandoned. See O.C.G.A. § 50-18-72(a)(10).
- Documents that would identify individuals applying for or under consideration for employment or appointment as an executive head (i.e., a county manager or administrator or department head) if the hiring process is not conducted in the open. See O.C.G.A. § 50-18-72(a) (11). Once the number of individuals under consideration has been narrowed down to three, the three finalists have the opportunity to withdraw their applications rather than have their names released. The names of the three finalists must be released at least 14 *days* before the individual is hired.
- Documents that are of historical research value and that have had a restriction of access placed upon them by the owner/donor do not have to be released until 75 years after the date of donation. See O.C.G.A. ~ 50-18-72(a)(13).

The public's rights under the open records law. The public has the right to a personal inspection of all public records not specifically exempted from disclosure under this law. It does not matter whether they are a citizen of our county or even our state. Similarly, except for information that could lead to identity theft (i.e., social security numbers, bank account

information, credit card information, mother's birth name, day and month of birth), it should not matter why they are seeking the records or how they will use the records. If it is a public record, then any individual may see it.

Anyone may also make copies of public records, for a uniform per-page charge (up to 10 cents per page), and, if the search or retrieval of the records imposes unusual administrative costs or burdens, for additional administrative charges (see below for further explanation of the fees that may be charged).

Anyone who asks for a record has the right, within three business days of the request: (1) to be told whether the document is an open or "public record" or whether a document (or a portion of a document) falls within one of the "exemptions" to the open records law; (2) to be given the legal

authority (by code section, subsection and paragraph number), if all or a portion of the requested records are "exempt;" (3) to be notified of any estimated charges for complying with the request; and (4) to be given copies of the requested documents, to be given the opportunity to inspect the requested documents or to have the requested documents e-mailed, faxed or otherwise transmitted electronically.

While county records belong to the public, the county serves as the custodian or trustee of the records and must protect them from permanent removal or alteration by an individual member of the public. Although individuals have the right to personally inspect or copy records, they do not have the right to remove public records from the office of the records custodian. As such, the records custodian or his or her designee should supervise the inspection of the records.

Reasonable fees that may be charged under the open records law. The law states that you may charge and collect a uniform copying fee not to exceed 10 cents per page for letter or legal sized documents and the actual cost for non-standard documents or electronic media. However, higher fees for certified copies or other specialized records may be charged, if authorized by law.

The law also authorizes a reasonable charge for the search, retrieval, redaction, and other direct administrative costs for complying with a request for records. The hourly charge permitted cannot exceed the salary of the lowest paid full-time employee who, in the discretion of the records custodian, has the necessary skill and training to fulfill the request. If such an administrative charge will be assessed and is estimated to be greater than \$25, you must provide it in writing to the individual requesting the documents within three business days of receiving the request, but before fulfilling the request. Additionally, you must use the most economical and efficient means available to comply with the request.

"Records Custodian." The law allows counties to designate one or more records custodians to handle open records requests. The custodian should be designated for this position by a resolution of the board of commissioners. The resolution should also specify which county departments and offices should be covered by the designated records custodian(s). Once a records custodian has been designated, the county is required to notify their legal organ and

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display this information in a prominent place on their website, if available. The following individuals have been designated by resolution of the board of commissioners as the "records custodian" and the alternate for the following departments:

<u>Department</u>	<u>Records Custodian</u>	<u>Alternate</u>
Maintenance	Maintenance Supervisor	County Clerk
Administration	County Clerk	HR Coordinator
Network	IT Director	IT Assistant
Finance	Finance Director	Accounting Coordinator
Human Resources	HR Director	HR Coordinator
Animal Control	Chief Animal Control Officer	County Clerk
E911 / EMA	E911 / EMA Director	E911 / EMA Administrative Assistant
Fire Services	Fire Chief	Fire Department Administrative Assistant
GIS	Director of Community & Economic Development	GIS Coordinator
Road Department	Public Works Director	Public Works Admin Assistant
Senior Services	Director of Senior Services	Senior Service Coordinator
Soil Conservation	Soil Conservation Technician	County Clerk
Library	Library Manager	County Clerk
Building Inspection	Director of Community & Economic Development	Permit Technician
Planning	Director of Community & Economic Development	Planning Director

Solid Waste	Planning Director	Director of Community & Economic Development
Code Enforcement	Director of Community & Economic Development	Code Enforcement Officer
Community & Economic Development	Director of Community & Economic Development	County Clerk

Any open records request received must be *immediately* forwarded to the appropriate records custodian, or if that person is unavailable, to their designated alternate. If neither the custodian nor the alternate is available or if there is any question as to whom the request should be forwarded to – the request should be immediately forwarded to the County Manager.

Handling open records requests. Generally, all requests for records are to be responded to within three business days. Whenever possible, this means providing electronic or hard copies of the documents to the requestor or providing access. Most requests for records should be handled at the time of request without special review.

However, when the request for records cannot be handled while the citizen is in the county office or if it appears that the request may require some searching or review, the following procedures should be followed.

1. While you cannot require that a request be made in writing, you may encourage the requestor to put it in writing to provide documentation of when the open records request was received, as well as help to prevent misunderstandings over the actual records being requested. A records request form is attached to this memorandum and should be offered to every person requesting records and if practicable, posted on the county website. The form may be e-mailed, faxed, or mailed to the requestor or provided to any requestor appearing in person. If the request form is not filled out by the requestor, the records custodian should note on a form what records were requested and by whom, if known. An adequate supply of forms should be on hand at all times. Additional copies may be made by the custodian or may be obtained from the county clerk.
2. Upon receipt of the request, the custodian should immediately date-stamp the request form.
3. Immediately review the request to ensure that it is addressed to the appropriate department or official. If you believe that the request may include documents held by other departments, take a copy of the request to the records custodians of those departments immediately. The three business day time period begins to run as soon as the records custodian received the request, if the county has designated a records custodian. Otherwise, the time period begins when the county receives the request.

4. *Within three business days of the request*, determine whether the county has records that are responsive to the request. You may not destroy documents or give them to someone else to prevent releasing them. However, if such records do not exist, let the requesting party know of this fact within the three business day time period.

5. *Within three business days of the request*, provide a written estimate of any copying charges or administrative charges for retrieving the documents. This is required if the estimate is greater than \$25. However, it is a good practice to provide it any time there will be copying or administrative charges.

6. *Within three business days of the request*, determine whether all or any portion of the documents are subject to any of the exemptions to the open records law. If all or any portion of the requested records are exempt, provide a written notice to the individual requesting the documents of the exemption, including the exact code section, subsection and paragraph. It is extremely important that you are complete and accurate in designating a record as exempt. Do not include any exemptions that do not actually apply to the requested records. If you have any questions about whether an exemption applies, contact the county manager, county clerk or county attorney immediately.

7. *Within three business days of the request*, allow the requesting party to inspect and/or copy the documents that are not exempt from the open records law. You may redact (strike through or white out) any exempt portion of the document prior to releasing it to the individual. If the records cannot be produced within this time, provide the requesting party a written description of the records and a timetable for their production.

8. You are not obligated to create documents that do not presently exist or to summarize information on a list or calculations if that has not already been created as a document or computer file. For example, you may be asked for a list of all persons delinquent in paying property taxes, but your records are maintained by street address. The appropriate response is to state that you have no document in your custody or control that contains the information requested, and that such information (e.g., delinquent taxpayers) is maintained in another way (e.g., in individual forms using street addresses). However if the information requested is kept in a database and you can access that information by performing a search or query, then you must provide that information.

9. At all times, be courteous, professional and prompt when handling open records requests. Remember, as county officials and employees it is one of our duties to provide access to records that belong to the public. Responding to open records requests should not be viewed as an interruption of your work - it is an important part of your work. Even when the records requestor seems adversarial, it is still your responsibility to maintain a professional and helpful attitude.

10. If practicable, post frequently requested information such as the budget, audit, minutes and the agenda on the website so that the public has direct access to this information. The open records law allows the county to provide this public access in lieu of providing separate copies or printouts. However, if you receive a request for data fields, you may not refuse to provide the records on the basis of this public access.

11. If you have any questions at any stage of handling an open records request, *contact the county attorney immediately*. Do not attempt to over-interpret the requirements of this policy or the open records law. If you fail to strictly adhere to all of the requirements of the open records law, you may be found guilty of a misdemeanor.

-End of County Ordinance No. 2013-02-
Associated Forms Not Attached

Following the adoption of County Ordinance 2013-02 – there was discussion amongst the Board concerning requirements of O.C.G.A. 50-18-72(a)(20)(A) which provides news media with the ability to obtain Social Security numbers and day / month of birth after executing a sworn affidavit attesting they were a news media representative and the information would be used solely for news gathering and reporting. It was emphasized that this requirement specifically states that it does not apply to the information of public employees. There was a consensus among the Board that they were uneasy with this requirement; although it was State Law.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote that it be County policy that if any department received a request pertaining to O.C.G.A. 50-18-72(a)(20)(A) by a media representative that the Board of Commissioners and the County Attorney would be notified.

Upon a motion made by Commissioner Holcomb, - following discussion in which there was consensus that it should be added to section 2-43 (Agendas) that all meeting agenda should be reviewed and approved by the Chairman prior to distribution to the public - seconded by Commissioner Goodger there was unanimous vote to adopt the following ordinance (County Ordinance 2013-03) thereby amending County Code Chapter 2 Administration, Article II Board of Commissioners, Sections 2-31 through 2-51 – pursuant to current White County Enabling Legislation and open meetings law.

WHITE COUNTY BOARD OF COMMISSIONERS

COUNTY ORDINANCE NO. 2013-3

AN ORDINANCE TO AMEND THE OFFICIAL CODE OF WHITE COUNTY, GEORGIA BY THE REVISION OF CHAPTER 2 , ADMINISTRATION, ARTICLE II BOARD OF COMMISSIONERS

WHEREAS, Governor Nathan Deal signed House Bill 397 on April 17, 2012 changing the rules and regulations of Open Meetings and Open Records regulations,

AND WHEREAS, the White County Board of Commissioners adopted County Resolution 2000-03 on January 4, 2000 which set forth meetings organization and public access – with said resolution being incorporated into the White County Code as Article II, Section 2-31 to Section 2-70;

AND WHEREAS, the undersigned amend the County Code from time to time by Resolutions or Ordinance and now wish to further amend the White County Code pursuant to changes made during the 2012 Legislative Session;

NOW, THEREFORE, the White County Board of Commissioners hereby establishes the following amendments to the Official Code of White County:

Sec. 2-31. - Open meetings. All meetings of the board of commissioners shall be held in accordance with the provisions of O.C.G.A § 50-14-1 et seq. The public shall at all times be afforded access to all meetings other than executive sessions.

Sec. 2-32. - Executive sessions

Executive sessions of the board may be held for the purpose of discussing topics exempted from public access requirements by O.C.G.A. §§ 50-14-2 and 50-14-3. Any portion of the meeting not subject to any such exemptions shall be open to the public.

(1)*Non-exempt topics.* If a ~~commissioner~~ **one or more persons in an executive session** attempts to discuss a non-exempt topic during an executive session, the chairperson **or other presiding officer** shall immediately rule that ~~commissioner~~ **discussion** out of order and such discussion shall cease. If the ~~commissioner~~ **one of more persons** persists in discussing the non-exempt topic, the chairperson **or other presiding officer** shall adjourn the meeting immediately.

(2)*Procedure for entering into executive sessions.* No executive session shall be held except pursuant to a majority affirmative vote of the board of commissioners taken in a public meeting. The minutes of the public meeting shall reflect the names of the commissioners present, those voting for the executive session, and the specific reasons for the executive session. ~~All votes taken on items discussed in executive session shall be taken in an open meeting.~~

(3) *Voting in executive session.* **No vote in executive session to acquire, dispose of, or lease real estate, or to settle litigation, claims, or administrative proceedings, shall be binding until a subsequent vote is taken in an open meeting where the identity of the property and the terms of acquisition, disposal, or lease are disclosed before the vote or where the parties and principal settlement terms are disclosed before the vote. All votes must be taken after due notice of the meeting and in compliance with the posting and agenda requirements set forth by O.C.G.A. § 50-14-1.**

(3)*Executive session minutes.*

~~a. *Executive sessions discussing real estate acquisition.* Minutes of an executive session in which the acquisition of real estate is discussed shall be taken in the same manner as minutes of an open meeting and available for public inspection except that any portion of the minutes identifying the real estate shall be redacted until such time as the acquisition of the real estate has been completed, terminated, abandoned or until court proceedings have been initiated.~~

~~b. *Other executive sessions.* Minutes of executive sessions devoted to any topic other than land acquisition may be maintained by the clerk at the direction of the chairman. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure, except that disclosure of such portions of minutes identifying real estate to be acquired by the board may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated.~~ **Minutes of executive session shall be recorded by the County Clerk or designee of the Chairman, but shall not be open to the public. Executive Session minutes shall specify each issue discussed in executive session and if**

matters subject to the attorney-client privilege are discussed, then the fact that an attorney-client discussion occurred and its subject matter shall be identified, however the substance of the discussion need not be recorded and shall not be identified in the minutes. Executive Session shall be kept and preserved for in-camera inspection by an appropriate court should a dispute arise as to the propriety of any executive session. Prior to the following regular meeting of the Board of Commissioners during which meeting minutes are considered for adoption, the County Clerk shall make the recorded executive session minutes available to each member of the Board for review. Executive Session minutes shall be considered for adoption at the following regular meeting of the Board of Commissioners

(4)*Chairman or presiding officer affidavit.* The chairman or other presiding officer shall execute an affidavit stating, under oath, that the executive session was devoted to topics exempt from the public access requirements. The affidavit shall include the specific exemption to the open meetings law. The affidavit shall be notarized and filed with the minutes of the open meeting.

Note: The entire board may execute an executive session affidavit.

Sec. 2-33. - Visual and sound recordings.

Visual, ~~sound, and visual~~ and sound recordings shall be permitted for all public hearings.

Sec. 2-34. - Quorum

A quorum as must be present for conducting meetings of the board. A quorum is a majority of all of the members of the board then in office. It is the duty of the chairman to enforce this rule. Any commissioner may raise a point of order directed to the chairman if he or she believes that a quorum is not present. If, during the course of a meeting, a commissioner or commissioners leave and a quorum no longer exists, the meeting may not continue. If a quorum is not attained within 30 minutes, the meeting may be rescheduled by the chairman with the approval of the commissioners present.

Sec. 2-35. - Chairman

The chairman of the board of commissioners, as presiding officer, is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the chairman shall enforce the rules of procedure that are adopted by the board of commissioners. The chairman shall be impartial and conduct the meetings in a fair manner. ~~The chairman may not introduce motions except that the chairman may introduce or second a motion to go into executive session as authorized by section 2-32 of this article.~~ In addition to serving as presiding officer, the chairman may vote on any question or issue before the board, submit and second motions to the board, represent the county government at ceremonial functions; appoint members and chairpersons to all committees of the board with the approval of the board; and performing such other duties as shall be delegated to the chairperson by the board of commissioners or as otherwise provided by law or resolution.

Sec. 2-36. - Vice-chairman.

The board shall select a vice-chairman from the board members at the beginning of each calendar year. The vice-chairman shall fulfill the duties of the chairman if the chairman is not in attendance.

Sec. 2-37. - Parliamentarian.

The county attorney shall serve as the parliamentarian for board meetings.

Sec. 2-38. - Amendments to the rules.

Any amendments to the rules of order shall be submitted by a commissioner in writing to the county administrator three business days before a regular meeting of the board. The proposed amendment shall be included in the agenda for that meeting and distributed to all board members. All amendments require a two-thirds vote of the board to be adopted.

Sec. 2-39. - Suspending the rules of order.

Rules of order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable, and requires a two-thirds vote of the board. Rules governing quorums (section 2-34), voting methods and requirements (sections 2-45 and 2-46), the notification to commissioners of meetings (section 2-41(1) and (2)) and rules necessary for compliance with state law may not be suspended; provided, however, that, in the event that a state of emergency is declared by the governor or other authorized state official, the board may waive time-consuming procedures and formalities imposed by state law.

Sec. 2-40. - Regular meetings.

Regular meetings of the board of commissioners for the transaction of public business pertaining to county matters shall be held in an appropriate office of the courthouse of the county on the first ~~Tuesday~~ **Monday** in each month of the year, unless otherwise posted as required by law. The time and exact location of the meetings will be set by the board of commissioners and the public will be notified thereof.

Sec. 2-41. - Meetings other than regular meetings.

The board may meet at times and locations other than those regularly scheduled meetings.

(1)*Special meetings and rescheduled regular meetings.* A regular meeting may be canceled, rescheduled or moved to a new location within the county site by the chairman for any reason. Other special meetings may be scheduled by the chairman or at the request of at least ~~two~~ **three** commissioners. Whenever a rescheduled regular meeting or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of the change shall be posted for at least 24 hours at the regular meeting place. In addition, written or oral notice shall be given by the clerk at least 24 hours in advance of the meeting to either the legal organ of the county or a newspaper having general circulation at least equal to that of the legal organ, as well as to each member of the county governing authority.

(2)*Meetings with less than 24 hours' notice.* When emergency circumstances occur, the board may hold a meeting with less than 24 hours' notice to the public. When such meetings are to be held, the clerk shall provide notice to the legal organ of the county or a newspaper with a general circulation at least equal to that of the legal organ and to each member of the county governing authority as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media.

(3)*Meetings during a state of emergency.* When it is imprudent, inexpedient or impossible to hold board meetings at the regular meeting place due to emergency or disaster resulting from manmade or natural causes, as declared by the governor or other authorized state official, the board may meet anywhere within or outside of the county. Such a meeting may be called by the chairman or by any two commissioners. At the meeting, the commissioners shall establish and

designate emergency temporary meeting locations where public business may be transacted during the emergency. Any action taken in such meetings shall have the same effect as if performed at the regular meeting site.

Sec. 2-42. - Order of business.

All regular board meetings shall substantially follow an established order of business. The order shall be as follows:

- (1) Call to order;
- (2) Pledge to the flag;
- (3) Invocation;
- (4) **Acknowledgments** ~~anyone not on the agenda~~;
- (5) Adopt previous minutes;
- (6) Old business;
- (7) Consent agenda;
- (8) New business;
- (9) **County Manager Comments**
- (10) Public comments;
- (11) Adjournment.

Sec. 2-43. - Agenda.

The county ~~administrator~~ **manager**, with the advice of the chairman and the commissioners, shall prepare an agenda of subjects to be acted on for each meeting. **All agendas shall be reviewed with and approved by the chairman prior to public distribution.** An agenda work session shall be held by the county ~~administrator~~ **manager** to finalize the agenda. The chairman and all commissioners may participate in the work session. Whenever a quorum of the board is present for an agenda work session, the meeting shall be open to the public and all notice and record-keeping requirements applicable to an open meeting shall be met. The agenda shall be made available to the commissioners at least one business day before every board meeting.

(1) *Requests for agenda items.* Members of the public may request that a particular subject be placed on the agenda for a meeting. To be considered, this request shall be submitted in writing to the county administrator and received at least three (3) business days before the agenda work session.

(2) *Changing the agenda.* The order of the agenda may be changed during a meeting by a majority vote of the board. A new item may be added to the agenda by a two-thirds vote of the board only if it becomes necessary to address the item during the meeting.

(3) *Agenda must be made public.* The agenda of all matters to come before the board shall be made available to the public upon request and shall be posted at the meeting site as far in advance as reasonably possible, but not more than two (2) weeks prior to the meeting.

Sec. 2-44. - Consent agenda.

A consent agenda may be prepared by the county ~~administrator~~ **manager** for the board to unanimously adopt motions on routine items. Any items of business that are expected to receive unanimous approval without debate may be placed on a consent agenda. At the appropriate time of the meeting, the chairman shall read all of the items on the consent agenda. If a commissioner objects to an item being on the consent agenda, the chairman shall move that particular item to the regular agenda. Following the reading of the consent agenda, the chairman may ask for

unanimous approval of the items on the consent agenda. If there are no objections, all the items on the consent agenda shall be approved by a majority vote of the board.

Sec. 2-45. - Decorum.

All commissioners shall conduct themselves in a professional and respectful manner. All remarks shall be directed to the chairman and not to individual commissioners, staff, or citizens in attendance. Personal remarks are inappropriate and may be ruled out of order. A commissioner may not speak at a meeting until he or she has been recognized by the chairman. All comments made by a commissioner shall address the motion that is being discussed. The chairman shall enforce these rules of decorum. If a commissioner believes that a rule has been broken, he or she may raise a point of order. A second is not required. The chairman may rule on the question or may allow the board to debate the issue and decide by majority vote.

Sec. 2-46. - Voting.

Passage of a motion shall require the affirmative vote of a majority of commissioners present and voting at a meeting at which a quorum is present. Unless otherwise specified in these procedures, a majority shall mean at least one-half of the commissioners present plus one commissioner, excluding abstentions. When a two-thirds majority is specified, a majority vote shall mean at least two-thirds of the commissioners present excluding abstentions. ~~In the event of a tie vote, the chairman shall vote to break the tie.~~

Sec. 2-47. - Abstentions.

A commissioner shall vote on all motions unless he or she has a conflict of interest preventing him or her from making a decision in a fair and legal manner. If a conflict of interest does exist, the commissioner shall explain for the record his or her decision to abstain on any vote.

Sec. 2-48. - Public participation.

Public participation in meetings of the board of commissioners shall be permitted in accordance with the provisions of this section.

(1)*Public comments.* The final agenda item of the meeting shall be reserved for comments from the public. All members of the public wishing to address the board shall submit their name and the topic of their comments to the county ~~administrator~~ manager at least three business days before the agenda work session. Individuals may be allotted three minutes to make their comments and those comments shall be limited to their chosen topic. These limits may be waived by a majority vote of the board.

(2)*Public participation on agenda items.* By a majority vote, the board may allow public comment on an agenda item at the time the item is being considered by the board. These comments shall be limited to the subject that is being debated. Members of the public may speak for three minutes and may speak only once. These limits may be waived by a majority vote of the board. Anyone wishing to speak at any board meeting must be recognized by the chairman before addressing the board.

(3)*Decorum.* Members of the public shall not make inappropriate or offensive comments at a board meeting and are expected to comply with the rules of decorum that are established for commissioners. Individuals violating any rules of the board may be ruled out of order by the chairman or on a point of order made by a commissioner. A majority vote of the board shall rule

on the point out of order. An individual violating the rules of decorum may be removed from the meeting at the direction of the chairman.

(4)*Public hearings.* The board may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the board. Hearings may be held immediately prior to, during or following a meeting of the board or at such other places and times as the board may determine. Hearings require at least ten minutes per side. No official action shall be taken at any such public hearing.

Sec. 2-49. - Meeting summary.

A summary of the subjects acted upon in a meeting and the names of the commissioners present at a meeting shall be written and made available to the public for inspection within two business days of the adjournment of the meeting.

Sec. 2-50. - Minutes.

The clerk of the board shall promptly record the minutes for each board meeting. The minutes shall specify the names of commissioners present at the meeting, a description of each motion or other proposal made at the meeting, the name of the commissioner who proposed each motion, the name of the commissioner who seconded each motion, and a record of all votes. In the case of a roll call vote, the name of each commissioner voting for or against a proposal shall be recorded. It shall be presumed that a commissioner has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the board. The board shall approve the minutes before they may be considered as an official record of the board. The minutes shall be open for public inspection once approved as official by the board but in no case later than immediately following the next regular meeting of the board. A copy of the minutes from the previous meeting shall be distributed to the commissioners at least one business day before the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the board at the beginning of each meeting. A majority vote is required for approval. Conflicts regarding the content of the minutes shall be decided by a majority vote. Upon being approved, the minutes shall be signed by ~~the chairman~~ **all members of the Board** and attested to by the Clerk of the board of commissioners.

Sec. 2-51. - Committees.

The chairman, with the concurrence of the board, may create committees of members of the board to study any issue before the board. Any such committees may make recommendations to the board of commissioners but no committee shall be empowered to make any final decision on any matter before it for consideration. In addition to board members, committees may include other county officials, staff or citizens at large. Whenever a committee is created, its duties, any limitation on the scope of its duties, and the times, places, and periods of time for which the committee may operate shall be determined by the chairman with the concurrence of the board. The chairman shall serve as an ex officio member of all committees. Committee meetings shall be open to the public and shall comply with the requirements of this meeting organization ordinance and state law.

RESOLVED this 7th day of January 2013.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner
Travis C. Turner, Chairman

s/Terry D. Goodger
Terry D. Goodger, District 1

s/Lyn Holcomb
Lyn Holcomb, District 2

s/Edwin Nix
Edwin Nix, District 3

s/Craig Bryant
Craig Bryant, District 4

Attest:

s/Shanda Smallwood
Shanda Smallwood, County Clerk

-End of County Ordinance No. 2013-03-

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to approve the award for the 2012 Edward Byrne Memorial Justice Assistance Grant in the amount of \$144,171.00 for the Appalachian Drug Task Force for grant period 01/01/2013 – 12/31/2013.

Ms. Bonnie York, Director of Senior Services, stated the expansion to the White County Senior Center was on track and going very well.

Mr. Kevin Hamby, CHA / SPLOST Manager, presented the monthly SPLOST Status Report (see attached). Although funding was in line with current projects – she cautioned the Board to not approve any additional substantial projects until additional revenues were collected.

Ms. Vicki Mays, Finance Director, presented the monthly financial status report (see attached).

Chairman Turner opened the floor for citizen participation. No comments were submitted.

The County Manager had no comments for the Board.

Following announcements, and upon a motion made by Commissioner Nix, seconded by Commissioner Bryant there was a unanimous vote to adjourn the meeting.

January 07, 2013 – Regular Meeting Minutes

The minutes of the January 7, 2013 Regular Meeting are hereby approved as stated this 28th day of January, 2013.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner
Travis C. Turner, Chairman

s/Terry D. Goodger
Terry D. Goodger, District 1

s/Lyn Holcomb
Lyn Holcomb, District 2

s/Edwin Nix
Edwin Nix, District 3

s/Craig Bryant
Craig Bryant, District 4

s/Shanda Smallwood
Shanda Smallwood, County Clerk