

**HABERSHAM COUNTY BOARD OF COMMISSIONERS**

**EXECUTIVE SUMMARY**

**SUBJECT:**       **Designation of the County Attorney's Office as Records Officer under the Open Records Act.**

**DATE:**           **December 19, 2022**                               **(X) RECOMMENDATION**

**COMMISSION ACTION REQUESTED ON: December 19, 2022**

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**PURPOSE:** To address the growing demand and complexity of requests for documents and records under the Open Records Act, to relieve the demand on the County Clerk's time to allow the County Clerk to focus on other duties which are being affected by the time demands on the County Clerk by requests under the Open Records Act.

**BACKGROUND/HISTORY:**

On December 17, 2018, the Board of Commissioners last approved revisions to the Records Management Ordinance, the purpose of which was to clarify the position and duties of the Records Management Officer, create a records inventory and management system and to clarify who serves as the records management officer. One particular approved revision was to Section 2-198 of the Records Management Ordinance which provides: "The County Manager, County Clerk and his/her designated representatives, shall be responsible for the administration and enforcement of the records management program." As such, the County Manager and the County Clerk are authorized to designate representatives.

The County Manager and the County Clerk, in consultation with the Commission Chairman, have determined that the County Clerk is in need of assistance in responding to the large number of Open Records Act requests being presented to the County. Due to the consequences to the County in potential fines and/or awards of attorneys' fees, it is more imperative than ever that the County respond timely and properly to all such Open Records requests. Since the County Attorneys' Office is routinely consulted with prior to responding and noting that other counties utilize the County Attorney's Office to properly and timely respond to Open Records Act requests, it is logical that the streamlining the process by utilizing the County Attorney's Office to properly review and respond to such requests will be to the benefit of the County and its citizens.

The County Manager proposes to designate the County Attorney's office as the designated representatives of the County to investigate, gather, prepare and respond to all Open Records Act requests on behalf of the County and the Board of Commissioners – excluding all elected officials and authorities. Compensation shall be adjusted by removing the monthly retainer to the following rate schedule:

|                                                                                                  |                  |               |
|--------------------------------------------------------------------------------------------------|------------------|---------------|
| Open Records requests                                                                            | Attorney Review: | \$150.00/hour |
|                                                                                                  | Paralegal:       | \$ 90.00/hour |
| General matters including monitoring of litigation matters being handled by ACCG-IRMA assignment |                  | \$195.00/hour |
| Active Litigation                                                                                | Partner          | \$225.00/hour |
|                                                                                                  | Associate        | \$195.00/hour |

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**OPTIONS:**

- 1) Approve designation of County Attorney as Records Officer for Open Records requests.
- 2) Deny designation of County Attorney as Records Officer for Open Records requests.
- 3) Commission defined alternative.

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**RECOMMENDED SAMPLE MOTION:**

I move to approve the designation of the County's Attorney's Office as Records Officer for Open Records requests with the recommended revised compensation schedule.

**DEPARTMENT:**

County Manager

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**ADMINISTRATIVE COMMENTS:** \_\_\_\_\_

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\_\_\_\_\_

**DATE:** \_\_\_\_\_

County Manager