

## Chapter 2

### ADMINISTRATION\*

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**\*Editor's note**—The city compiles and publishes separately additional administrative regulations in its manual of personnel policies and procedures. The manual includes regulations and standing operating procedures pertaining to operation of the police and fire departments. Official copies of the referenced documentation are on file in the office of the city clerk.

**Cross references**—Any ordinance fixing the salary of any city officer or employee saved from repeal, § 1-11(4); any administrative ordinances or resolutions of the city, not in conflict or inconsistent with the provisions of this Code saved from repeal, § 1-11(13); courts, ch. 30; civil emergencies, ch. 34; planning, ch. 46; taxation, ch. 62; utilities, ch. 70; zoning administration, app. A, art. XI.

**State law references**—Municipal corporations generally, O.C.G.A. § 36-3-1 et seq.; incorporation of municipal corporations, O.C.G.A. § 36-31-1 et seq.; powers of municipal corporations generally, O.C.G.A. § 36-34-1 et seq.; powers relating to administration of municipal government generally, O.C.G.A. § 36-34-2; The Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1 et seq.; provisions applicable to counties and municipal corporations, O.C.G.A. § 36-80-1 et seq.; home rule for municipalities, Ga. Const. art. IX, § II, ¶ II; supplemental powers of municipalities and counties enumerated, Ga. Const. art. IX, § II, ¶ III.

## GRAY CODE

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**ARTICLE I. IN GENERAL**

**Secs. 2-1—2-30. Reserved.**

**ARTICLE II. MAYOR AND COUNCIL\*****Sec. 2-31. Meetings.**

(a) The mayor and council shall hold regular meetings on the first Monday of each month at 6:00 p.m. unless otherwise ordered by the mayor and council.

(b) Special meetings of the mayor and council may be held on call of the mayor or two members of the council. Notice of the special meeting shall be delivered to the city clerk in writing and shall be served by the city clerk on all councilmembers and the mayor personally, or by telephone personally, at least 48 hours in advance of the meeting. If, after diligent effort, personal service is not possible, notice shall be deemed to have been served if delivered to the residence of record of the mayor or a member of the council by a police officer who certifies that such delivery was at least 24 hours prior to the convening of the meeting. This notice to mayor and councilmembers shall not be required, if the mayor and all councilmembers are present when the special meeting is called. This notice of any special meeting may be waived by the mayor or councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in the mayor or councilmembers' presence. Only the business stated in the call may be transacted at the special meeting.

(c) Meetings shall be held at the city hall complex, 109 James Street, Gray, Georgia.  
(Ord. of 7-12-1999; Ord. No. 04-O-006, 9-7-2004)

**Charter reference**—Meetings of mayor and aldermen, § 11.

**State law references**—Meetings to be open to public, O.C.G.A. § 50-14-1; requirement to prescribe the time, place and dates of regular meetings of governing authority, O.C.G.A. § 50-14-1(d); due notice requirements for other than regular meetings, O.C.G.A. § 50-14-1(d); exemptions from open meeting requirements, O.C.G.A. § 50-14-3.

**Sec. 2-32. Agenda.**

There shall be a written agenda prepared prior to each mayor and council meeting. Persons who desire to address the mayor and council at a meeting shall be required to notify the city clerk by the close of business on the Tuesday preceding the next mayor and council meeting. Each person who desires to address the mayor and council shall be limited in his remarks to five minutes in duration. The presiding officer retains the discretion to recognize any person attending a mayor and council meeting.

**\*Cross reference**—Elections, § 2-51 et seq.

**State law reference**—Personal liability of councilmembers and other municipal officers, O.C.G.A. § 36-33-4.

**Sec. 2-33. Parliamentary procedure.**

The proceedings of the mayor and council shall be generally governed by Robert's Rules of Order, Newly Revised, so far as applicable and not inconsistent with the special rules of the mayor council, the Charter and this Code.

**Sec. 2-34. Council committees.**

The mayor and council may create committees of members of the mayor and council for investigative and study purposes. Such committee may make recommendations to the mayor and council, but no committee shall be empowered to make any final decision on any matter before it for consideration. Members of each committee shall be chosen by three members of the mayor and council consisting of the mayor pro tem, and two other members of the mayor and council elected by the mayor and council. Each mayor and council committee shall consist of three councilmembers and each committee shall elect its chairperson.

(Ord. of 8-2-1999)

**Sec. 2-35. Compensation of mayor, mayor pro tem and city council members.**

(a) The mayor of the city shall be compensated in the amount of \$6,000.00 annually, payable in monthly installments.

(b) Each city council member shall be compensated in the amount of \$3,600.00 annually, payable in monthly installments.

(c) In addition to the compensation received as a council member, the mayor pro-tem shall receive \$1,200.00 annually, payable in monthly installments.

(d) This section shall become effective immediately upon the taking of office by the mayor, mayor protem and city council members elected in the 2001 municipal election.

(Ord. of 8-27-01)

**Sec. 2-36. Disqualifying relationships.**

No person shall be appointed or employed by the mayor, council, or any member thereof, to any city position or office, agency, or board who is related within the third degree by consanguinity or the second degree of affinity to the mayor or any member of the council, nor shall any other board created by the Charter of the city or the head of any department of the city hereafter, appoint or employ any person who is so related to any member of the board, or head of the department; nor shall any person be appointed or employed in any capacity on behalf of the city who is so related to the person so appointing or employing him.

(Ord. No. 09-O-005, 9-8-2009)

**Sec. 2-37. Presiding officer.**

The mayor shall preside at all council meetings; in the absence of the mayor, the mayor pro tem shall preside; if the mayor and mayor pro tem are both absent, the council shall elect a presiding officer. It shall be the duty of the presiding officer to preserve order and decorum, and

to cast the deciding vote in all cases where the council members are equally divided; and to exercise such other powers as are usual and customary for such presiding officer. The presiding officer shall, at all such meetings first have the agenda approved and follow the agenda as approved, unless waived.

(Ord. No. 12-O-001, 2-6-2012)

**Secs. 2-38—2-50. Reserved.**



**ARTICLE III. ELECTIONS\*****Sec. 2-51. Polling place.**

The polling place for municipal elections shall be the D. C. Childs Civic Center in the city hall complex, 109 James Street, Gray, Georgia.

**Sec. 2-52. Reserved.**

**Editor's note**—This section was deleted upon preclearance by the U.S. Department of Justice of the adoption of an amendment to the Charter in § 4(d) which reapportioned the city's election districts. The official copy of the Plan Gray 2 (2004) is on file in the office of the city clerk. The former § 2-52 was derived from Ord. of Feb. 1, 1993; Ord. No. 04-O-007, § 1, adopted Jan. 3, 2005.

**Charter reference**—Election districts, § 4(d).

**Sec. 2-53. Authority.**

The governing authority of the City of Gray may authorize the County of Jones by written agreement to conduct any or all of the city's elections or functions of the city's elections. (Ord. No. 10-O-007, 4-5-2010)

**Secs. 2-54—2-80. Reserved.****ARTICLE IV. FINANCE†****Sec. 2-81. Fiscal year.**

The fiscal year of the city shall commence on January 1 and end on December 31 of each year.

**\*Editor's note**—Pursuant to the ordinance of June 7, 1999, a retirement plan for the employees of the city and the joint trust agreement and the contract for the administration of such plan between the city and the Georgia Municipal Employees Benefit as provided by O.C.G.A. § 47-5-1 et seq., was adopted. Official copies of such documentation are on file in the office of the city clerk.

**Cross references**—Mayor and council, § 2-31 et seq.; sales of alcoholic beverages on election days, § 6-2.

**†Cross references**—Any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness saved from repeal, § 1-11(2); any contract or obligation assumed by the city saved from repeal, § 1-11(3); any appropriation ordinance saved from repeal, § 1-11(7); any ordinance providing for local improvements and assessing taxes for such improvements saved from repeal, § 1-11(9); any ordinance levying or imposing taxes not included in this Code saved from repeal, § 1-11(14); taxation, ch. 62.

**State law references**—Discretion of governing body as to management and disposition of property, O.C.G.A. § 36-30-2; acquisition, sale and lease by municipality of real and personal property, O.C.G.A. § 36-37-1 et seq.; disposition of municipal property generally, O.C.G.A. § 36-37-6; grants of state funds to municipalities, O.C.G.A. § 36-40-1 et seq.; multiyear lease, purchase or lease purchase contracts, O.C.G.A. § 36-60-13; local government budgets and audits, O.C.G.A. § 36-81-1 et seq.; establishment of fiscal year required, O.C.G.A. § 36-81-3; appointment of budget officer, O.C.G.A. § 36-81-4; preparation of proposed budget, O.C.G.A.

**Sec. 2-82. Purchasing.**

All purchases shall be made as directed by the mayor and council.

**Charter reference**—Checks to be signed by mayor and clerk-treasurer, § 22.

**Secs. 2-83—2-99. Reserved.**

**ARTICLE V. RECORDS MANAGEMENT AND RETENTION**

**Sec. 2-100. Title.**

This article shall be known as or may be cited as the "Gray Records Management and Retention Ordinance."

(Ord. No. 10-O-004, 4-5-2010)

**Sec. 2-101. Purpose.**

The purpose of this article is to prevent the proliferation of the records in original form maintained as public records, except to the extent the records may be necessary for permanent preservation as provided by state and federal law. Furthermore, it is the purpose of this article to establish and maintain an acting and continuing program for the economical and efficient management of public records, to provide for maximum utilization of city resources, office space, and filing equipment for approved records and management and retention schedules.

(Ord. No. 10-O-004, 4-5-2010)

**Sec. 2-102. Adoption of Georgia Records Act and related regulations.**

The city hereby adopts by reference the Georgia Records Act, O.C.G.A. § 50-18-90 et seq., and the rules and regulations, as amended from time to time and established pursuant to said act, as a basis for establishing a records management program. The city further adopts by reference the publication entitled "Retention Schedules for Local Government Records," printed by the Georgia Department of Archives and History as to both common and specific records, approved in May, 2009 and June, 2009, respectively, and as may be amended, altered, or modified from time to time, and to the extent compatible with the types of records generated and maintained by the city. If a particular series of records is required for litigation, audit or other special administrative needs, it shall be retained for as long as needed.

(Ord. No. 10-O-004, 4-5-2010)

**Sec. 2-103. Definitions.**

For purposes of this article, the following terms, phrases, words, and their derivations, shall have the meaning given herein except where the context clearly indicates a different meaning:

*Agency* means any city office, authority, department, division, board, commission, or other separate unit of city government created or established by federal, state, or local law.

§ 36-81-5; adoption of budget ordinance, O.C.G.A. § 36-81-6; accounting for public funds, O.C.G.A. § 45-8-1 et seq.; purchases through state, O.C.G.A. § 50-5-100 et seq.; power of expenditure, Ga. Const. art. IX, § IV, ¶ II.



*City* means the City of Gray, a Municipal Corporation of the State of Georgia.

*Record series* means documents or records having similar physical characteristics or relating to a similar function or activity of the city and filed in a unified or uniform fashion.

*Records* means all documents, papers, letters, maps, books, (except books in organized libraries), microfilm, magnetic tape, audio and video tapes, or any other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance, in the performance of functions of any agency, or created in the normal course of business of any agency.

*Retention schedule* means a set of instructions prescribing how long, where, and what form a record or record series shall be kept before disposition.

(Ord. No. 10-O-004, 4-5-2010)

**Sec. 2-104. City clerk designated as records management officer.**

The clerk of the city is responsible for the administration of the records management program and is hereby designated the records management officer for the city. The clerk will act for and on behalf of the council in directing and coordinating all records management matters. The duties of the clerk shall be, but are not limited to, the following:

- (1) Establish and maintain an active and continuing program for the economical and effective management of public records, including, but not limited to, an automated storage and retrieval system;
- (2) Assist each agency in the implementation of a plan for records management and/or retention;
- (3) Conduct training in records management and/or retention for any agents or designees or any city agency as needed;
- (4) Coordinate records management matters with the state records committee and the state department of archives and history;
- (5) Preserve records of continuing value;
- (6) Coordinate the removal of records not in common current use from office space to a designated records holding facility and remove other records upon the expiration of their day to day utility in the office in accordance with the approved disposition standards;
- (7) Systematically eliminate all of the records in accordance with approved disposition standards and retention schedules upon the expiration of their designated retention, unless otherwise needed for litigation, audit or other special administrative needs.

(Ord. No. 10-O-004, 4-5-2010)

**Sec. 2-105. Agency duties regarding records management and retention.**

It shall be the duty of each city agency to perform the following functions:

- (1) Make and preserve, or cause to be made and preserved, records containing adequate and proper documentation of the organization, function, policies, decisions, procedures, and essential transactions of the agency, which records are designed to furnish the information necessary to protect the legal and financial rights of the city and of persons directly affected by the agency's activities;
- (2) Cooperate fully with the city in complying with this article;
- (3) Establish and maintain an active and continuing program for the economical and efficient management of records and assist the city in the conduct of records management, surveys and inventories, where applicable;
- (4) Implement records management procedures and policies in accordance with those issued by the city;
- (5) Establish necessary safeguards against the removal or loss of records and such further safeguards as may be required by rules and policies of the city. These safeguards shall include, but not be limited to, notification to all officials, employees, designees or other agents of the agency that no records of the same are to be removed or destroyed except in accordance with this article;
- (6) Designate an agency records manager who shall maintain and operate a records management program in accordance with this article.

(Ord. No. 10-O-004, 4-5-2010)

**Sec. 2-106. Agency requests for variation from this article.**

(a) Any city agency that wishes to retain a record or record series in a time, place, or manner different than that specified in the approved retention schedule for that agency shall submit a written petition to the records management officer for consideration. The petition shall include, but is not limited to, the type of record or record series and the reason or reasons for the desired action modifying the record retention schedule. These reasons shall be based on the legal, physical, administrative, and historical retention requirements and standards established by the records management officer and the city council.

(b) The records management officer shall review each petition submitted by any city agency requesting a change in that agency's retention schedule and consider any and all evidence presented by the agency in its petition. The records management officer shall make a decision based upon the material submitted by the requesting agency to determine whether any modification of the existing retention schedule is warranted. Such decision shall be presented to the agency in writing within 20 days after the written request for a variation is submitted. If the state records committee has not issued final approval of any modifications adopted under this Code section, and a record or record series is scheduled for destruction pursuant to the

existing retention schedule, the record or record series shall not be destroyed until notification and/or approval of any modifications to the retention schedule is received from the state records committee or its designee.

(Ord. No. 10-O-004, 4-5-2010)

**Sec. 2-107. Storage and disposition of records.**

(a) A centralized records center or local holding areas shall be established and secured to safeguard records. All records not required for day to day city operation shall be transferred to the records center or local holding areas until destroyed or otherwise disposed of in accordance with the approved records retention schedule and destruction policies and procedures set forth herein.

(b) An archival depository will be selected to store those records that are determined to have permanent historical value.

(c) No record shall be altered, disposed of, or destroyed except in accordance with the provisions of this article.

(Ord. No. 10-O-004, 4-5-2010)

**Sec. 2-108. Retention and destruction of audio meeting tapes.**

The retention period for audio meeting tapes of the city council and each city agency, including advisory boards, authorities and other committees appointed by the city council shall be six months after the official minutes are approved.

(Ord. No. 10-O-004, 4-5-2010)

**Sec. 2-109. Penalties.**

Any person who removes, alters, steals, or destroys any records of any city agency in a manner not authorized by this article or any applicable retention schedule shall be guilty of a misdemeanor and may be prosecuted in Gray Municipal Court. Any person found guilty of violating this article shall be subject to the same sentencing, fines, and other imprisonment as other offenses with the jurisdiction of the municipal court. However, no custodian of any public record, or any city employee, agent, or designee who acts in substantial compliance with this article shall be held personally liable or guilty of a misdemeanor.

(Ord. No. 10-O-004, 4-5-2010)

**Sec. 2-110. Municipal court records.**

The disposal, destruction, or other action to be taken to be taken regarding the Gray Municipal Court shall be governed by O.C.G.A. § 50-18-92. The municipal judge shall recommend to the state records committee and the administrative office of the courts retention schedules for their approval pursuant to this Code section and follow any schedules which are eventually recommended and/or approved by same. Such retention schedules, when adopted, shall be incorporated into this article and made a part hereof by reference.

(Ord. No. 10-O-004, 4-5-2010)

**Sec. 2-111. Conflict of laws.**

(a) All laws or parts of law or resolutions or parts thereof, in conflict with this article are hereby repealed.

(b) To the extent any records are managed for retention and destruction pursuant to state and federal statute that conflict with this article, such records are exempt from the city's retention schedules. A city agency shall provide a written explanation to the records management officer identifying the records or record series and the applicable statutory citation so that such records can be removed from the city's retention schedules.

(Ord. No. 10-O-004, 4-5-2010)

Chapters 3—5

**RESERVED**

CD3:1

