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TITLE: Definitions and Gender-Neutral Language

NUMBER: 1

By-laws are rules or procedures adopted by the Authority to govern its internal operations. The use of such guidelines or by-laws helps the Authority to comply with the responsibility and duties delegated to it by law and by the local electorate in an efficient and effective manner.

A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as males, unless the context dictates otherwise.

"May" is always directory and not mandatory.

"Shall" is always mandatory and not directory.



TITLE: Number of Authority Members and Terms of Office

NUMBER: 2

2.1 The Macon Water Authority is composed of seven (7) members, five (5) of whom are elected, and two (2) of whom are appointed by the Macon/Bibb County consolidated government. Any person who is eligible to vote for members of the General Assembly, who is 21 years of age and who legally resides, according to all then current Local, State and Federal laws governing the same, within the district he or she seeks to represent is deemed qualified to hold the office of elected member. Such members shall not change their residence from their district during their term of office. A change in residence by a member from their district during the term of his or her office shall result in forfeiture of the office.

2.2 The five elected members are elected to represent districts 1 through 5 which are described in Georgia Laws 1992, p. 4991 *et seq.* The Chairman of the Authority is the member elected county wide to represent district 5 which encompasses all areas within the boundaries of the consolidated instrumentality of local government known as Macon/Bibb County, including for purposes of voting, Payne City. The terms of elected members are four (4) years.

2.3 The two (2) appointed members must be members of the governing authority of and are appointed by the governing authority of the Macon/Bibb County consolidated government. Appointed members serve at the pleasure of the appointing authority.



TITLE: Individual Members

NUMBER: 3

3.1 Members of the Authority have the power to act only in a properly called and conducted meeting of the Authority. The Authority shall not be bound in any way by any action or statement on the part of any individual member, except when such action is pursuant to specific instructions from the Authority.

3.2 Except as provided in 3.1 no Authority member, by virtue of his office, shall issue any orders or directions to the Executive Director or any other employee respecting any Authority business or procedures, nor shall he exercise any administrative responsibility with respect to the operations of the Authority or command the services of any Authority employee. Authority members are to interact with the Authority through its Executive Director. The Executive Director is responsible to the Board for the performance of the business of the Authority. The Board will hold the Executive Director accountable for his performance as well. The Board will endeavor to execute their duties to the best of their ability and uphold the Bylaws of the Authority.



TITLE: Filling Vacancies

NUMBER: 4

4.1 The judge of the Probate Court of Bibb County shall appoint a qualified person to serve until the next general election with respect to any vacancy among the elected members of the Authority having a term of more than 120 days to run. The appointee shall serve until a successor shall have been elected and qualified. The person elected at the next general election shall hold office for the unexpired term which resulted in the vacancy.

4.2 Any vacancy which has 120 days or less remaining in the term of the elected member shall not be filled but the remaining members shall constitute the Authority until the next election, provided, that appointments shall be made in any event if a vacancy causes more than one vacancy to exist on the Authority.



TITLE: Officers of the Authority

NUMBER: 5

5.1 The officers of the Authority shall be a Chairman and a Vice-Chairman.

5.2 The Chairman is the elected Authority member from District 5 as provided by paragraph 2.2.

5.3 The Vice Chairman shall be elected by the Authority members at the first regular meeting in January of each year and shall hold office for one (1) year and until his successor is elected.

5.4 The officers of the Authority shall perform, in addition to the duties specified in these by-laws, all other duties placed upon them by any resolution of the Authority.



Macon Water Authority

By-Laws

TITLE: Chairman

NUMBER: 6

6.1 The Chairman shall preside at all meetings of the Authority and serve as the representative of the Authority in carrying out its action. He or she shall exercise general supervision over Authority meetings, the preparation of agendas, and all other responsibilities delegated to the Chairman in these by-laws. The Chairman shall organize meeting content around those issues that, according to Board policy, clearly belong to the Board to decide or to monitor. He or she shall avoid and/or minimize information which is for neither monitoring performance no Board decisions. He or she shall ensure deliberation will be fair, open and thorough, but also timely, orderly and kept to the point.

6.2 Unless otherwise directed by the Authority, the Chairman shall serve as the official representative of the Authority at all functions at which the Authority is invited to be represented. The Chairman, may, at his option, designate, in writing, any other Authority member to serve in his stead.

6.3 Neither the Chairman nor any member of the Authority may act in the place of the Executive Director if that office is vacant, or in the absence of the Executive Director.



Macon Water Authority

By-Laws

TITLE: Vice Chairman

NUMBER: 7

The Vice Chairman may act in the place of the Chairman, with the same powers and duties, if that office is vacant or if the Chairman is absent. He has no other inherent powers. Additional powers may be conferred upon the Vice-Chairman by resolution of the Authority.



TITLE: Board Conduct and Procedures

NUMBER 8

8.0 The Board commits itself and its members to ethical, businesslike and lawful conduct, including proper use of authority and appropriate decorum when acting as Board members.

1. Board members must have loyalty to the Macon Water Authority and its staff.
2. The duty of each Board member to act on behalf of the Macon Water Authority applies to the entire Macon Water Authority, not just to those in the district from which the Board member was elected.
3. Board members must avoid conflicts of interest with respect to their fiduciary responsibility.
 - a. There will be no self-dealing or business conducted between a Board member and the organization. Board members will annually disclose their involvements with any organizations, vendors and associations that might be or might reasonably be seen as being a conflict.
 - b. When the Board is to decide upon an issue, about which a Board member has an unavoidable conflict of interest (i.e., when a Board member or his or her employer stands to gain or lose, personally, by the Board's action regarding a particular matter), that Board member shall absent herself or himself without comment from not only the vote, but also from the deliberation.
 - c. Board members will not use their Board position to obtain employment in the organization for themselves, family members or close associates. Should a Board member apply for employment, he or she must first resign from the Board
4. Board members will not attempt to exercise individual authority over the organization.
 - a. Board members' interaction with the Executive Director or with staff must recognize the lack of authority vested in individuals, except when explicitly Board authorized.
 - b. Board members' interaction with the public or with other entities must recognize the same limitation, as well as the inability of any Board member to speak for the Board beyond repeating explicitly stated public Board decisions.



- c. Board members shall not represent the Board to the press, except as requested by the Chairperson, in writing.
 - d. Except for participation in Board deliberation about whether reasonable interpretation of Board policy has been achieved by the Executive Director, Board members will not express individual judgments with respect to the performance of employees of the Executive Director. Nothing in this policy shall be interpreted to prohibit expressions of gratitude to or for staff.
- 5. Board members will respect the confidentiality appropriate for issues discussed in executive session.
 - 6. Board members will be properly prepared for Board deliberation.
 - 7. Board members will comply with the Georgia Open Meetings and Records Law and receive training on the same.
 - 8. No Board member shall have the right to request review of decisions made at a meeting from which he or she was absent without cause.
 - 9. The Board shall not make changes to Executive Director's responsibilities in his or her absence, nor to the Chairperson's responsibilities in his or her absence.
- 8.1 Board committees, when used, will be assigned so as to support the Board's duties and not so as to interfere with delegation or direction from the Board to the Executive Director.

Accordingly:

- 1. Board committees are to help the Board do its job, not to help or advise the staff. Committees ordinarily will assist the Board by preparing policy alternatives and the implications for Board deliberation. In keeping with the Board's broader focus, Board committees will normally not have direct dealings with current staff operations.
- 2. Board committees may not speak or act for the Board, except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the Executive Director.
- 3. Board committees may not exercise authority over staff. Because the Executive Director works for the full Board, the Executive Director will not be required to obtain approval of a Board committee before an executive action.
- 4. Committees which are required by state statute will exist and function in accordance with their requisite statutes.



5. This policy applies to any group that is formed by Board action, whether or not it is called a committee and regardless of whether the group includes Board members. It does not apply to committees formed under the authority of the Executive Director.

8.2 Standard of Conduct; Confidentiality; Conflicts of Interest.

1. The provisions of Code § 45-10-3 of the Official Code of Georgia Annotated shall apply to all Members of the Authority, and a Member of the Authority shall not engage in any transaction with the Authority, except pursuant to O.C.G.A. § 36-62A-1, which is applicable to the Authority, the "provisions of paragraph (9) of Code Section 45-10-3 of the Official Code of Georgia Annotated and the preceding sentence shall be deemed to have been complied with, and any such authority may purchase from, sell to, borrow from, loan to, contract with, or otherwise deal with any director or member or any organization or person with which any director or member of said authority is in any way interested or involved, provided
 - a. that any interest or involvement by such director or member is disclosed in advance to the Members or members of the authority and is recorded in the minutes of the authority,
 - b. that any interest or involvement by such director with a value in excess of \$200.00 per calendar quarter is published by the authority one time in the legal organ in which notices of sheriffs' sales are published in each county affected by such interest, at least 30 days in advance of consummating such transaction,
 - c. that no director having a substantial interest or involvement may be present at that portion of an authority meeting during which discussion of any matter is conducted involving any such organization or person, and
 - d. that no director having a substantial interest or involvement may participate in any decision of the authority relating to any matter involving such organization or person. As used in this Section, a 'substantial interest or involvement' means any interest or involvement which reasonably may be expected to result in a direct financial benefit to such director or member as determined by the authority, which determination shall be final and not subject to review.



TITLE: Executive Director and President

NUMBER: 9

9.1 The Executive Director is appointed by the Authority and serves at the pleasure of the Authority.

9.2 The Executive Director and President is the chief executive officer of the Authority and has charge of the administration of all Authority business under the direction of the Authority. He or She shall direct and assign the employees of the Authority under his/her supervision and shall organize, reorganize and arrange the administrative and supervisory staff and business affairs as best serves the Authority.

9.3 He or She shall select or approve the appointment of all personnel pursuant to the Personnel Rules of the Authority. He or She shall from time to time suggest policies, regulations, rules and procedures being necessary for the well-ordering of the Authority and shall in general perform all duties incident to the office of Executive Director and President and all such other duties as may from time to time be prescribed by the Authority.

9.4 He or She is responsible for coordinating the technology, finances, planning, public relations, laws, and regulations necessary to furnish quality, safe and reliable water, wastewater and storm water services to the Authority's customers. This will come about through i) employing the best possible staff, within budgeted resources, and providing adequate training, support and accountability to said staff in order to support the provisions herein; ii) Ensuring that an adequate physical plant and related environment exists, at all times, to enable the provisions herein; iii) Ensuring that the Authority disciplines and related activities support the provisions herein; iv) Encouraging the Board to faithfully defend the provisions herein from all internal/external threats that could/may arise from time to time; v) Shall take all steps reasonably necessary to insure that those services are provided in a manner which is consistent with the public health and welfare and the reasonable protection of the environment. In so doing, he or she must minimize costs to the consumer, conserve resources and maintain a healthy fiscal, and public relations atmosphere for the Authority.

9.5 With regard to the management of the Authority, the Executive Director shall act in the best interest of the Authority and shall not cause or knowingly permit any practice, activity or decision which is either unlawful, not in accordance with generally accepted business and professional ethics and practices, or is otherwise not in the best interest of the Authority or its customers.



9.6 Pursuant to resolutions duly adopted by the Authority, he or she shall accept state EPD and federal EPA grants.

9.7 The Executive Director and President is the custodian of all minutes, records, papers, documents and property owned by the Authority.

9.8 The Authority, individually and collectively, shall promptly refer all criticisms, complaints, and suggestions called to its attention to the Executive Director and President for study and recommendation. He or She shall attend all Authority meetings and committee meetings, shall serve as an ex-officio member of all Authority committees and shall provide administrative recommendations on each item of business to come before any committee or the Authority. When the board has told its Executive Director to achieve certain ends without violating certain limitations, monitoring performance becomes no less and no more than checking actual performance against these two sets of expectations. By setting the criteria and demanding targeted and precise information, the board is able to effectively monitor the Executive Director and thereby the organization.

9.9 If the Executive Director/President is incapacitated and unable to fulfill the duties of his position, the Assistant Executive Director and Vice President of Field and Plant Operations, or the then current equivalent position, shall immediately assume the role and responsibility of the Executive Director, until such time as the Board shall appoint another temporary or permanent Executive Director.



TITLE: General Counsel

NUMBER: 10

10.1 The General Counsel for the Authority shall act as counselor to the Authority and, unless prevented from doing so by illness, emergency or other extenuating circumstances, shall attend regular authority meetings, and other meetings as requested. He or she shall render opinions on any legal question when requested and shall prepare and supervise the preparation of all legal papers and documents to be executed by the Authority or shall approve the same before execution thereof.

10.2 General Counsel shall serve three primary functions: (1) to represent the Authority's interests in litigation; (2) to provide legal advice on general matters that arise in the ongoing operation of the Authority; and (3) to provide legal advice and counsel the Authority in the performance of its duties, including review, development, and revision of Authority policies and/or Bylaws.

10.3 The General Counsel shall represent the Authority in all litigation to which the Authority may be a party or in which it is interested, with such assistance as the nature of the case may require from other firms or lawyers.

10.4 He or she shall examine or cause to be examined the abstract or preliminary report of title respecting the purchase of any real estate by the Authority and shall render or cause to be rendered a written opinion thereon and shall represent the Authority in the purchase or sale of any real estate.

10.5 The Executive Director and President of the Authority may refer to him or her for attention and action any and all matters that it may deem proper and advisable for him or her to supervise, adjust or dispose of, and he or she shall perform such other and further duties as may be expressly conferred upon him or her at the direction of the Authority.

10.6 Many types of instances of legal assistance to the Authority may be considered routine and not necessitating specific Board approval or prior notification. However, when the Executive Director or President concludes that unusual types or amounts of professional legal service may be required, the Authority directs the Executive Director or President to advise it and to expeditiously seek either initial or continuing authorization for such service from the Board.

10.7 If an Individual member desires to consult directly with General Counsel, the member shall notify the Executive Director and President of the legal information to be sought. If it is determined that legal assistance is necessary and has not been previously sought on the matter, the member will be directed to consult individually with



General Counsel. Questions raised by members and General Counsel's replies will be reported to all board members. The chairperson of a committee may consult with General Counsel on issues that arise out of and in connection with the committee's work. The inquiry and response will be reported to all board members.



TITLE: Regular and Special Meetings

NUMBER: 11

11.1 The regular meeting of the Authority shall be held at 4:30 p.m. on the first Thursday in each month.

11.2 If the regular meeting date falls on a holiday, the Authority shall establish an alternate meeting date during its meeting for the prior month.

11.3 The standing committees shall conduct their regular monthly meetings on the third Thursday of each month at 4:30 p.m. in the following order: Finance, Engineering and Personnel. The order in which the meetings are conducted may be changed as agreed by the majority of Board members in attendance. The Pension Committee shall meet on the third Thursday in February, May, August and October.

11.4 Special meetings may be called to give members the opportunity to discuss and vote upon important matters that may arise between regular meetings. Special meetings may be called at any time by the Chairman upon a notice of not less than 24 hours. The Chairman shall call a special meeting at the request of (3) three Authority members. No special meeting shall be called either by the Chairman or upon the request of three (3) members unless reasonable written or oral notice shall be given to each Authority member at least 24 hours prior thereto specifying the subject of any matters to be considered at the meeting. Other than in an emergency situation, the Chairman shall endeavor to schedule any special meeting to begin at 3:00 p.m. or later.

11.5 A member may waive lack of proper notice of a special meeting, or of any special action, by formal written waiver or by attendance and participation in the meeting or action. Waivers of notice shall be noted in the minutes of the meeting.

11.6 Adjournment of a regular or special meeting to a later date may be had by action duly taken, and at such adjourned meeting, all business may be regularly transacted which would have been proper in the meeting from which the adjournment is taken.

11.7 A notice containing the time, place and date of each regularly scheduled Authority and committee meeting shall be posted on an appropriate bulletin board in the Main Office in compliance with Georgia's open meetings laws.

11.8 Whenever any meeting of the Authority or a committee is held at a time or place other than at the time and place prescribed for regular meetings, the Authority shall give notice by posting a written notice in the Main Office and giving either written or oral notice to the **Macon Telegraph** at least twenty-four (24) hours in advance of the meeting and following all procedures required by Georgia's open meetings laws.



11.9 Meetings Shall Mean:

1. The gathering of a quorum of the members of the body of the Authority at which any official business, policy, or public matter of the Authority is formulated, presented, discussed, or voted upon.
2. The gathering of a quorum of any committee of the members of the Authority or a quorum of any committee created by the Authority at which any official business, policy or public matter of the committee is formulated, presented, discussed, or voted upon.
3. Circumstances may necessitate that the Authority conduct meetings virtually or a member of the Authority attend a meeting virtually. All virtual meetings (or virtual attendance) will be held in accordance with the Open Meetings Act.

11.10 Meetings Shall Not Mean:

1. The gathering of a quorum of the members of the governing body of the Authority or committee for the purpose of making inspections of physical facilities or property of the Authority at which no other official business of the Authority is to be discussed or official action is to be taken.
2. The gathering of a quorum of the members of a governing body of the Authority or any committee for the purpose of meeting with officials of the legislative or executive branches of the state or federal government at state or federal offices and at which no official action is to be taken by members.
3. The gathering of a quorum of the Authority's Board of Commissioners for the purpose of traveling to a meeting or gathering so long as no official business, policy, or public matter is presented, discussed, formulated, or voted upon by the governor.
4. The gathering of a quorum of the members the Authority at a social, ceremonial, civic or religious event so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum.

TITLE: Rules for Conducting Authority Meetings

NUMBER: 12

12.1 The Chairman shall preside at all regular and special meetings of the Authority and shall rule on all questions, inquiries, motions or other items put before the meeting. Motions to overrule the chairman shall not be debated and shall be voted on immediately.

12.2 Four (4) members of the Authority shall constitute a quorum for the transaction of business at any regular or special meeting. The Chairman shall establish whether a quorum is present at the beginning of a meeting. If a quorum is not present, a meeting cannot be held. The withdrawal from a meeting by any member by virtue of which the quorum is broken will not necessitate adjournment of a meeting and the remaining members present may legally act.

12.3 Subject to Section 12.2, the affirmative vote of four (4) members is required to approve any motion.

12.4 The Chairman shall proceed with the items on the approved agenda as the same has been approved by the Authority. Items on the agenda may be taken out of order upon the unanimous consent of the members present.

12.5 Every member of the Authority has the right to participate in the discussion of pending business unless debate is limited by a proper motion. It is the duty of the Chairman to recognize members reasonably, but he must at all times keep order during debate.

12.6 When a question is submitted to vote, every member present shall vote upon it unless specifically excused by the Authority from voting or unless he is financially interested in the question, in which latter case he shall not vote. If members refuse to vote or attempt to "abstain" from voting, it shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the person voting against the proposal or abstaining.

12.7 When a motion has been carried in the affirmative or negative, it shall be in order for any member who voted on the side which prevailed, or who was absent when the vote was taken, to move for reconsideration during the same meeting at which the main motion was first considered.



12.8 A motion to close debate ends discussion on the motion which is on the floor and brings the closure motion to an immediate vote. It requires a second, is not debatable, is not amendable, and requires four (4) affirmative votes.

12.9 Except as the same may be in conflict with any of these by-laws or Georgia law, the rules of parliamentary procedure set forth in *Parliamentary Law for Non-Profit Organizations* shall govern the Authority in its deliberations and any other matter on which there is no by-law or state law that assists the Authority in making a decision.

12.10 The Chairman of the Authority and the Chairman of any Committee of the Authority shall conduct all meetings in accordance with Georgia's Open Meetings Act.

TITLE: Public Meetings and Closed Sessions

NUMBER: 13

13.1 All meetings of the Authority shall be open to the public. However, the Authority may for closed sessions allowed by law by a majority vote in public, close a meeting and continue in Executive Session.

13.2 Closed executive sessions of those members present of the Authority may be held for:

1. Discussing the future acquisition, disposal lease, or appraisal of real estate, subject to approval in a subsequent vote.
2. Discussions concerning the appointment, employment, hiring, disciplinary action, dismissal, or performance of an officer or employee, except that sessions to receive evidence or to hear argument on charges filed to determine disciplinary action or dismissal of an officer or employee shall be open.
3. Interview prospective candidates for the position of Executive Director of the Authority;
4. Meeting with legal counsel to discuss pending or potential litigation, settlements, claims, administrative proceedings or other proceedings brought or to be brought by or against the Authority or any of its officers or employees, except that any portion of a meeting to seek advice on whether to close a meeting shall be open. Also, a privileged closed meeting with legal counsel is not allowed if persons are present who are not the attorney or client.
5. Discussing documents that are exempt from disclosure under the Open Records Act.
6. Mediation of a dispute between the Authority and any other party with one or more neutral third parties. Any decision or resolution agreed to by the Authority at any such mediation shall not become effective until ratified in a public meeting and the terms of any such decision or resolution are disclosed to the public. (O.C.G.A. Section 50-14-3(a)(5)).

13.3 When any meeting of the Authority is closed because it qualifies as a closed session:

1. The specific reason for closure shall be entered in the official minutes;
2. A majority of the quorum present shall vote for closure;
3. The minutes shall reflect names of members present and those voting for closure; and



4. The minutes of that part of the meeting dealing with the decision to conduct an executive session shall be made available for public inspection.

13.4 When any meeting of the Authority is devoted in part to matters within a closed executive session exception, any portion of the meeting not subject to such exception shall be open, and minutes pertaining to such portion shall be made available for public inspection as set forth in By-Law 21.

13.5 The Chairman and each member attending a closed session of the Authority or a Committee shall execute the affidavit required by Georgia law

TITLE: Preparation of Agenda and Delivery of Meeting Material

NUMBER: 14

14.1 The Authority's business will be transacted in the following order:

1. Call to order.
2. Approval of agenda.
3. Confirmation of Authority and committee minutes.
4. Petitions and requests from the public.
5. Report of standing committees:
 - a. Finance Committee
 - b. Engineering Committee;
 - c. Personnel Committee
6. Report of special committees.
7. Unfinished business.
8. New business.
9. Report of the Executive Director.
10. Referrals to committees.
11. Adjournment.

14.2 The order of business may be altered or suspended at any meeting upon the unanimous consent of the members present.

14.3 Petitions and requests from the public shall only be heard under item 3. of the Authority's agenda. Persons desiring to sell goods or services to the Authority will not be allowed to address the Authority during the regular monthly meeting, but must contact the Chairman or Executive Director and request to be placed on the appropriate committee agenda within the time frame set forth in Section 13.6.

14.4 The Chairman with the assistance of the Executive Director shall prepare the agenda for each meeting of the Authority and have it delivered with supporting information, to each Authority member on the Monday before each regular meeting and at least 48 hours prior to each special meeting. Agendas shall include the committee reports from the prior month except as to emergencies.

14.5 Any item previously referred to a committee which has not been acted upon within the time limits prescribed in By-law No. 16.11 shall be placed on the Authority agenda by the Chairman under new business without any recommendation from the committee.

14.6 The agenda shall be made available to the public and shall include all matters expected to come before the Authority or a committee. Further, it shall be available to the public upon request and shall be posted at the meeting site as required by the Open Meetings Act.



14.7 Items may be added to a committee agenda only at the request of a committee chairman and upon the direction of the Authority Chairman not later than 5:00 p.m. on the First Monday following the regular Authority meeting.

14.8 At the end of a regular meeting when referrals are solicited by the Chairman, any member of the Authority may request that an item be placed on the agenda of a committee's next meeting. If there is doubt about which committee is appropriate, the Chairman of the Authority shall have the power to assign the item to the appropriate standing committee for its consideration and recommendation.

TITLE: Preparation of Minutes of Meetings

NUMBER: 15

15.1 The Executive Director is responsible for the preparation of the minutes of all Authority and committee meetings. Minutes shall include:

1. The classification (regular, adjourned or special), date and place of meeting.
2. The call to order stating the time, person presiding and his office.
3. The record of board members, employees and other persons in attendance.
4. A record of any corrections to the minutes of the previous meetings and the action approving them.
5. A record of all communications presented to the Authority or a committee.
6. A record of all reports of Authority members or employees.
7. A description of each motion or other proposal made;
8. A record of all votes taken. In the case of a roll call vote, the name of each person voting for or against a proposal shall be recorded. In all other cases it shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or names of persons who are excused from voting or names of persons who do not vote because they have a financial interest in question.
9. In the case of a meeting any part of which is closed to the public, the names of board members present, the names of those voting for closure, and the specific statutory exception for closing the meeting.

15.2 All reports requiring board action, resolutions, agreements and other written documents shall be made a part of the minutes by reference, and shall be placed in the document file as a permanent record.

15.3 The minutes of any portion of an Authority or committee meeting which is not subject to an exception involving closure shall be taken, recorded, and open to the public according to law.

15.4 The minutes of all meetings shall be kept and approved in

accordance with the Georgia Open Records Act, including but not limited to providing a written summary of the subjects acted on and the members present at a meeting. The minutes of a meeting shall be promptly recorded and such records shall be open to public inspection and once approved as official by the Authority, but in no case later than immediately following the next regular meeting of the Authority or a committee.

15.5 After minutes have been approved at the next regular Authority meeting, the tape recordings used by the Authority's secretary to assist in the preparation of the minutes may be erased and reused.

15.6 Minutes of closed sessions shall be reviewed in a closed session and approval in an open session as provided by the Georgia Open Records Act.

TITLE: Standing Committees

NUMBER: 16

16.1 At the regular meeting of the Authority in January of each year, or no later than the first regularly scheduled Committee meetings for January, the Authority shall, upon the recommendation(s) of the Chairman, appoint three (3) standing committees, each of which shall consist of a chairman and four (4) members:

1. Finance
2. Engineering
3. Personnel

In the event the Board Chairman's first recommended committee appointments are not approved by the Board, the Chairman will continue to recommend additional and differing committee recommendations until such time as a slate is approved by the Board. In the event the Chairman refuses to offer such necessary, additional committee recommendations, the Board may elect, from one of its Members, a Chairman for the express purposes of advancing committee recommendations until such time as a slate is approved by the Board. Nothing in this Section 16.1 shall be construed to give the Chairman sole authority to convene any meetings as a Committee of the Whole, without the authorized actions of the Board.

16.2 A committee is not a Board committee unless authorized by a majority of the Board. The only Board committees are those set forth in this policy, unless otherwise stated. A committee shall cease to exist, except for standing committees, upon completion of its assigned task or upon being relieved of its responsibilities by the Board.

16.3 A vice-chairman for each committee shall be elected by the committee at the first regular meeting of the committee in January of each year and shall hold office for one (1) year and until his successor is elected.

16.4 Standing committees shall have such duties, functions and jurisdiction as shall from time to time be set forth in these Bylaws.

16.5 Each committee shall have the aid of an Authority staff employee to assist in accomplishing its duties. The Executive Director may designate a staff member to be responsible for addressing each item which is assigned to a board committee, upon approval of that committee.

16.6 A quorum of three (3) members must be present to conduct official business. The affirmative vote of three (3) members is required to approve any motion. The member presiding may cancel any committee meeting should a quorum not be present ten minutes after the scheduled meeting time, and shall cancel the meeting if a quorum is not present fifteen minutes after the scheduled meeting time.

16.7 A committee to which a matter has been referred with power to act may do so upon the affirmative vote of three (3) members of the committee. The committee shall advise the Authority of any such action taken no later than the next regularly scheduled meeting of the Authority.

16.8 The committee chairman, or in his absence, the vice-chairman, shall preside at all regular and special meetings of the committee. The member presiding shall rule on all questions, inquiries, motions and other items put before the meeting. Motions to overrule the presiding officer shall not be debated and shall be voted on immediately.

16.9 When an item is put on the floor for action by a committee, it shall be debated by the members of the committee under the direction of the member presiding. When the committee members have completed debate on an item and are ready to vote, the member presiding may recognize any other member of the Authority who is present to address the item.

16.10 The member presiding over a committee may at any time after referral but prior to final action being taken by the Authority, defer action one time on any item which has been referred to a committee

16.11 Any items which may be referred to a standing committee for investigation and a recommendation by either the Chairman or the Authority shall be taken up by and acted upon by the committee not later than the second committee meeting following the referral. A committee cannot indefinitely table any item referred to it. If a committee fails to act upon any such item as of the second committee meeting following referral, that item shall automatically be placed upon the agenda of the Authority meeting held immediately following the second committee meeting for action by the Authority without a recommendation from the committee. See Section 14.6.

16.12 It shall be the responsibility of the Chairman to appoint any other special committees whenever necessary. The chairman shall outline the duties and responsibilities of each such committee at the time of appointment and shall serve as an ex-officio member of the committee. Special committees shall be considered dissolved upon the submission of a final report.

16.13 Changes to committee by-laws must be referred to committee then to full-board as provided by Section 24.2.

16.14 Committee meetings are subject to and shall be conducted in accordance with Georgia's open meetings laws.



TITLE: Finance Committee

NUMBER: 17

17.1 The Executive Director shall prepare and submit a proposed budget to the committee. The committee shall review the proposed budget, conduct budget hearings, and recommend a proposed budget to the Authority. The proposed budget, including any necessary rate increases, will be presented to the Authority no later than September 1 of each year. The committee shall also review and make recommendations to the Authority for the purchase of all equipment, supplies and vehicles not previously approved in the Authority's budget.

17.2 The committee shall review and approve the annual audit report and the management letter. It may review all invoices and bills which have been presented to the Authority, and shall make reports and recommendations thereon to the Authority.

17.3 The Finance Committee may review all reports concerning the status of state and federal grant funds and may make recommendations to the Authority regarding the acceptance and/or administration of any such funds.

17.4 All bid purchases which the Finance Committee is not authorized to approve (see Section 17.5) shall be reviewed and recommended to the Authority for approval. Recommendations regarding purchases shall be forwarded to the Committee with the regular committee materials.

1. The Finance Committee may authorize without further Authority action all expenditures for items approved in the Authority budget.

17.5 Any proposals for the Authority to issue bonds or enter long term debt shall be submitted to the Finance Committee which shall make a recommendation to the Board as to whether the Authority should proceed to issue such bonds or enter such long term debt.

17.6 All proposed changes, revisions, or additions to this Section 16 shall first be referred to the Finance Committee and then to the full authority pursuant to Section 24.2.



TITLE: Engineering Committee

NUMBER: 18

18.1 The Engineering Committee shall maintain communication with the Engineering, Water Treatment Operations, Wastewater Treatment Operations and Field Operations Departments.

18.2 The committee shall review and recommend to the Authority, major changes, renovations and projects recommended to maintain all Authority facilities.

18.3 The committee shall review all requests for water and sewerage extensions and for the establishment of basin specific fees, and make recommendations thereon consistent with policies previously adopted by the Authority for dealing with such requests.

18.4 The committee shall investigate and study matters referred to it by the Authority or the Chairman including, but not limited to, the purchase and sale of real estate, and the general capital improvement needs of the Authority.

18.5 All proposals to add to, modify or change the Operating Rules of the Authority shall be referred to this committee. See Section 24.4. The policies adopted from time to time by the Authority governing the operations of the Engineering, Water Treatment Operations, Wastewater Treatment Operations and Field Operations Departments shall be collectively referred to as the Operating Rules.

18.6 All proposed changes, revisions, or additions to this Section 18 shall be referred to the Engineering Committee and then to the full Authority pursuant to Section 24.2.



TITLE: Personnel Committee

NUMBER: 19

19.1 The Personnel Committee shall review all recommendations of the Executive Director regarding personnel policies and procedures, job classifications, wage scales, and reclassification. All such recommendations shall be referred to the Authority for action.

19.2 The committee reviews the annual recruitment document prepared by the human resources department and the Executive Director. This document shall include an assessment of the adequacy of the Authority's policies on hiring, retention, and promotion and any recommendation for correcting any deficiencies that are identified. In addition, the committee shall be kept informed on such matters as workers' compensation, safety, and any other subject that is related to the welfare of the Authority's work force

19.3 All proposals to add to, modify or change the Personnel Rules of the Authority shall be referred to this Committee. See Section 24.4

19.4 All proposed changes, revisions, or additions to this Section 19 shall first be referred to the Personnel Committee and then to the full Authority pursuant to Section 24.2.



TITLE: Pension Committee

NUMBER: 20

20.1 As provided in, House Bill 635, Section 2.2 and in Section 2.2 of the Authority's Retirement Savings Plan there shall be a Pension Committee composed of six (6) members, which Committee shall administer the terms of the Pension Plan and the Retirement Savings Plan and such rules and regulations for the well-ordering of the Pension Plan and the Retirement Savings Plan as may be prescribed by the Authority. The Authority shall elect three (3) of its members to the Committee who shall serve at the pleasure of the Authority. The official and employee members of the Pension Plan and the Retirement Savings Plan shall elect and certify to the Authority three (3) members who shall serve on the Committee. For purposes of these by-laws, the term "official and employee members of the Pension Plan" shall mean any officer or employee of the Authority who is eligible to be a member of the Pension Plan by virtue of Section 1.16 of House Bill 635 , and who participates in the plan and the term "official and employee members of the Retirement Savings Plan shall mean an officer or employee of the Authority who is eligible to be a member of the Retirement Savings Plan by virtue of Section 1.17 of the Retirement Savings Plan and who participates in the plan.

20.2 The three Authority members of the Pension Committee shall be the chairmen of the standing committees, Finance, Engineering and Personnel. The Chairman of the Authority shall serve as an ex-officio member of the Pension Committee and is authorized to vote on any item which comes before the Committee, in the absence of one of the other Authority members.

20.3 The Chairman of the Finance Committee shall serve as Chairman of the Pension Committee. A quorum of four (4) members must be present to conduct official business. The affirmative vote of four (4) members is required to approve any motion. The member presiding may cancel any committee meeting should a quorum not be present ten minutes after the scheduled meeting time, and shall cancel the meeting if a quorum is not present fifteen minutes after the scheduled meeting time.

20.4 The three official and employee members of the Pension Committee shall be elected for terms of four (4) years. The members of the Pension Plan and the Retirement Savings Plan shall meet on the first Monday in April in even numbered years for the purpose of electing persons to fill the expiring terms on the Committee. The members of the Plan shall also meet to elect any new member required to fill any unexpired term created by a vacancy in office.

20.5 Each official and employee member of the Pension Plan and the Retirement Savings Plan shall be offered the opportunity to nominate a candidate to fill any vacancy on the committee. The top three nominees shall be placed upon a ballot, which shall be



distributed to all of the official and employee members of the Pension Plan and the Retirement Savings Plan. The nominee with the highest number of votes shall be elected.

20.6 The Committee reviews the performance of the investments held in the Pension Plan and the Retirement Savings Plan and recommends to the Authority the employment of investment advisors, funds custodians and any advisory services necessary for the efficient management and operation of the Plan.

20.7 Any recommendations for amending the provisions of the Pension Plan and the Retirement Savings Plan shall be referred to this committee for investigation and recommendation to the Authority.

20.8 All proposed changes, revisions, or additions to this Section 20 shall first be referred to the Pension Committee and then to the full Authority pursuant to Section 24.2



TITLE: Policy Committee

NUMBER: 21

21.1 There shall be a Policy Committee consisting of the Authority Chairman and the chairman of each standing committee.

21.2 The Authority Chairman shall serve as the chairman of the Policy Committee.

21.3 Matters shall be referred to the Policy Committee by the Authority Chairman or upon the request of four (4) members.

21.4 The chairman of the committee shall schedule meetings of the committee on an as needed basis consistent with the requirements of Section 11.

21.5 A quorum of three (3) members must be present to conduct official business. The affirmative vote of three (3) members is required to approve any motion.

21.6 The "two meeting" rule set forth in Section 16.11 shall apply to this committee.

22.1 All actions of the Authority shall be taken in official Authority meetings called, scheduled and conducted according to the Charter, these by-laws, and the laws of the State of Georgia.

22.2 Whenever the Authority is authorized or required by law to name a representative of the Authority to serve as a member of another body or agency, the Chairman shall submit nominations for such appointment subject to the approval of the Authority.

22.3 All documents for the purchase and sale of real property shall be executed by the Chairman and attested by the Executive Director who shall affix the Authority's seal thereto.

22.4 All monies disbursed by the Authority shall be paid upon checks and signed by the Chairman and the Executive Director, and during the absence or disability of either of them, co-signed by the Vice Chairman.

22.5 Any proposed additions, modifications, amendments or deletions to the Charter, these By-Laws, the Personnel Rules, the Operating Rules, or any other rules or policies of the Authority shall be put in writing and submitted to the Executive Director in time to be placed on the appropriate meeting agenda as required by these By-Laws.



TITLE: Payment of Travel Expenses for Authority Business

NUMBER: 23

23.1 Travel expenses for Authority members whose duties require them to travel outside of Bibb County will be paid and/or reimbursed as provided in this By-Law.

23.2 The following are authorized expenditures:

1. Meals (food, tips, etc.) on a Per Diem basis with the amount to be determined by the Executive Director depending upon destination. Per diem will be paid from time of departure until return with appropriate adjustments for a partial day.

Tips, taxi fares, etc. \$10.00 per day, or such other amount as established by the board from time to time

Lodging @ seminar/convention rate Actual Expense

Mileage at the maximum Internal Revenue Service allowed rate per vehicle.

Ground Transportation (To Airport & Return/Airport to Hotel Return) Actual Expense

Parking Actual Expense

Conference and seminar fees Actual Amount re:
registration, materials, tuition, etc.

Airline tickets Actual Expense

23.3 Each Authority member is authorized to expend not more than one-seventh of the Authority Member travel budget as established in each fiscal year budget.

23.4 The following limitations and requirements shall be observed with respect to the expenditure of travel funds by Authority members:

1. Airline reservations shall be made through the Authority's executive administrative assistant office. Invoices for air travel shall be made directly to and paid by the Authority.

2. Hotel arrangements shall be made so as to have room charges and taxes invoiced directly to the Authority. Upon checkout, members will be responsible for settling any incidental charges not included in the room rate and tax.

TITLE: Amendments

NUMBER: 24

24.1 Proposals and suggested amendments to the Charter of the Authority shall be drafted by the attorney for the Authority, and after approval by the Authority as a regular item of business shall be forwarded to the local legislative delegation for enactment.

24.2 Proposed new by-laws and suggested amendments to or revisions of existing by-laws may be adopted by the Authority during the second of two regularly scheduled meetings of the Authority in the agendas for which the proposed additions, amendments or revisions have been submitted in writing.

24.3 By-laws and Authority regulations shall be subject to suspension for a specified purpose and limited time by vote of the members of the Authority in attendance at a meeting in the call for which the proposed suspension has been described in writing, or upon the affirmative vote of six (6) members of the Authority when no such written notice has been given.

24.4 Proposed additions, revisions or modifications, to the Personnel Rules or Operating Rules shall be put in writing and assigned as an agenda item to the Personnel or Engineering Committee, as appropriate, and subject to Section 16.11 shall be referred back to the Authority for final action.



TITLE: Appendix (Selected Statutes)

O.C.G.A. § 50-14-1 Open and Public Meetings

§ 50-14-1. Meetings of departments, agencies, boards, etc., to be open to public; notice of meetings and agenda

- (a) As used in this chapter, the term:
 - (1) "Agency" means
 - (A) Every state department, agency, board, bureau, office, commission, public corporation, and authority;
 - (B) Every county, municipal corporation, school district, or other political subdivision of this state;
 - (C) Every department, agency, board, bureau, office, commission, authority, or similar body of each such county, municipal corporation, or other political subdivision of the state;
 - (D) Every city, county, regional, or other authority established pursuant to the laws of this state; and
 - (E) Any nonprofit organization to which there is a direct allocation of tax funds made by the governing body of any agency as defined in this paragraph which constitutes more than 33 1/3 percent of the funds from all sources of such organization; provided, however, that this subparagraph shall not include hospitals, nursing homes, dispensers of pharmaceutical products, or any other type organization, person, or firm furnishing medical or health services to a citizen for which they receive reimbursement from the state whether directly or indirectly; nor shall this term include a subagency or affiliate of such a nonprofit organization from or through which the allocation of tax funds is made.
 - (2) "Executive session" means a portion of a meeting lawfully closed to the public.
 - (3) (A) "Meeting" means;
 - (i) The gathering of a quorum of the members of the governing body of an agency at which any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon, or
 - (ii) The gathering of a quorum of any committee of the members of the governing body of an agency or a quorum of any committee created by the governing body, at which any official business, policy, or public matter of the committee is formulated, presented, discussed, or voted upon.
 - (B) "Meeting" shall not include:
 - (i) The gathering of a quorum of the members of the governing body or committee for the purpose of making inspections of physical facilities or property under the jurisdiction of such agency at which no other official business of the agency is to be discussed or official action is to be taken;
 - (ii) The gathering of a quorum of the members of a governing body or committee for the purpose of attending state-wide, multi-jurisdictional, or regional meetings to participate in seminars or courses of training on matters related to the purpose of the agency or to receive or discuss information on matters related to the purpose of the agency at which no official action is to be taken by the members;
 - (iii) The gathering of a quorum of the members of the governing body or committee for the purpose of meeting with officials of the legislative or executive branches of the state or federal government at state or federal offices and at which no official action is to be taken by the members;



(iv) The gathering of a quorum of the members of the governing body of an agency for the purpose of traveling to a meeting or gathering as otherwise authorized by this subsection so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum; or

(v) The gathering of a quorum of the members of the governing body of an agency at social, ceremonial, civic, or religious events so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum.

This subparagraph's exclusions from the definition of the term meeting shall not apply if it is shown that the primary purpose of the gathering or gatherings is to evade or avoid the requirements for conducting a meeting while discussing or conducting official business.

(b)(1) Except as otherwise provided by law, all meetings shall be open to the public. All votes at any meeting shall be taken in public after due notice of the meeting and compliance with the posting and agenda requirements of this chapter

(2) Any resolution, rule, regulation, ordinance, or other official action of an agency adopted, taken, or made at a meeting which is not open to the public as required by this chapter shall not be binding. Any action contesting a resolution, rule, regulation, ordinance, or other formal action of an agency based on an alleged violation of this provision shall be commenced within 90 days of the date such contested action was taken or, if the meeting was held in a manner not permitted by law, within 90 days from the date the party alleging the violation knew or should have known about the alleged violation so long as such date is not more than six months after the date the contested action was taken.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, any action under this chapter contesting a zoning decision of a local governing authority shall be commenced within the time allowed by law for appeal of such zoning decision.

(a) The public at all times shall be afforded access to meetings declared open to the public pursuant to subsection (b) of this Code section. Visual and sound recording during open meetings shall be permitted.

(b) (1) Every agency subject to this chapter shall prescribe the time, place, and dates of regular meetings of the agency. Such information shall be available to the general public and a notice containing such information shall be posted at least one week in advance and maintained in a conspicuous place available to the public at the regular place of an agency or committee meeting subject to this chapter as well as on the agency's website, if any. Meetings shall be held in accordance with a regular schedule, but nothing in this subsection shall preclude an agency from canceling or postponing any regularly scheduled meeting.

(2) For any meeting, other than a regularly scheduled meeting of the agency for which notice has already been provided pursuant to this chapter, written or oral notice shall be given at least 24 hours in advance of the meeting to the legal organ in which notices of sheriff's sales are published in the county where regular meetings are held or at the option of the agency to a newspaper having a general circulation in such county at least equal to that of the legal organ; provided, however, that, in counties where the legal organ is published less often than four times weekly, sufficient notice shall be the posting of a written notice for at least 24 hours at the place of regular meetings and, upon written request from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone, facsimile, or e-mail to that requesting media outlet at least 24 hours in advance of the called meeting. Whenever notice is given to a legal organ or other newspaper, that publication shall immediately or as soon as practicable make the information available upon inquiry to any member of the public. Upon written request from any local broadcast or print media outlet, a copy of the meeting's agenda shall be provided by facsimile, e-mail, or mail through a self-addressed, stamped envelope provided by the requester. (3) When special circumstances occur and are so declared by an agency, that agency may hold a meeting with less than 24 hours' notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances, including notice to the county legal organ or a newspaper having a general circulation in the county at least equal to



that of the legal organ, in which event the reason for holding the meeting within 24 hours and the nature of the notice shall be recorded in the minutes. Such reasonable notice shall also include, upon written request within the previous calendar year from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone, facsimile, or e-mail to that requesting media outlet.

(e)(1) Prior to any meeting, the agency or committee holding such meeting shall make available an agenda of all matters expected to come before the agency or committee at such meeting. The agenda shall be available upon request and shall be posted at the meeting site, as far in advance of the meeting as reasonably possible, but shall not be required to be available more than two weeks prior to the meeting and shall be posted, at a minimum, at some time during the two-week period immediately prior to the meeting. Failure to include on the agenda an item which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item.

(2)(A) A summary of the subjects acted on and those members present at a meeting of any agency shall be written and made available to the public for inspection within two business days of the adjournment of a meeting.

(B) The regular minutes of a meeting subject to this chapter shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting; provided, however, that nothing contained in this chapter shall prohibit the earlier release of minutes, whether approved by the agency or not. Such minutes shall, at a minimum, include the names of members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded. It shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.

(C) Minutes of executive sessions shall also be recorded but shall not be open to the public. Such minutes shall specify each issue discussed in executive session by the agency or committee. In the case of executive sessions where matters subject to the attorney-client privilege are discussed, the fact that an attorney-client discussion occurred and its subject shall be identified, but the substance of the discussion need not be recorded and shall not be identified in the minutes. Such minutes 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.

(f) An agency with state-side jurisdiction or committee of such an agency shall be authorized to conduct meetings by teleconference, provided that any such meeting is conducted in compliance with this chapter.

(g) Under circumstances necessitated by emergency conditions involving public safety or the preservation of property or public services, agencies or committees thereof not otherwise permitted by subsection (f) of this Code section to conduct meetings by teleconference may meet by means of teleconference so long as the notice required by this chapter is provided and means are afforded for the public to have simultaneous access to the teleconference meeting. On any other occasion of the meeting of an agency or committee thereof, and so long as a quorum is present in person, a member may participate by teleconference if necessary due to reasons of health or absence from the jurisdiction so long as the other requirements of this chapter are met. Absent emergency conditions or the written opinion of a physician or other health professional that reasons of health prevent a member's physical presence, no member shall participate by teleconference pursuant to this subsection more than twice in one calendar year.

O.C.G.A. § 50-14-3(a)(5) Open and Public Meetings**O.C.G.A. § 50-14-3. Exceptions**

(a) This chapter shall not apply to the following:

- (1) Staff meetings held for investigative purposes under duties or responsibilities imposed by law;
- (2) The deliberations and voting of the State Board of Pardons and Paroles, and in addition such board may close a meeting held for the purpose of receiving information or evidence for or against clemency or in revocation proceedings if it determines that the receipt of such information or evidence in open meeting would present a substantial risk of harm or injury to a witness;
- (3) Meetings of the Georgia Bureau of Investigation or any other law enforcement or prosecutorial agency in the state, including grand jury meetings;
- (4) Adoptions and proceedings related thereto;
- (5) Gatherings involving an agency and one or more neutral third parties in mediation of a dispute between the agency and any other party. In such a gathering, the neutral party may caucus jointly or independently with the parties to the mediation to facilitate a resolution to the conflict, and any such caucus shall not be subject to the requirements of this chapter. Any decision or resolution agreed to by an agency at any such caucus shall not become effective until ratified in a public meeting and the terms of any such decision or resolution are disclosed to the public. Any final settlement agreement, memorandum of agreement, memorandum of understanding, or other similar document, however denominated, in which an agency has formally resolved a claim or dispute shall be subject to the provisions of Article 4 of Chapter 18 of this title;
- (6) Meetings:
 - (A) Of any medical staff committee of a public hospital;
 - (B) Of the governing authority of a public hospital or any committee thereof when performing a peer review or medical review function as set forth in Code Section 31-7-15, Articles 6 and 6A of Chapter 7 of Title 31, or under any other applicable federal or state statute or regulation; and
 - (C) Of the governing authority of a public hospital or any committee thereof in which the granting, restriction, or revocation of staff privileges or the granting of abortions under state or federal law is discussed, considered, or voted upon;
- (7) Incidental conversation unrelated to the business of the agency; or
- (8) E-mail communications among members of an agency; provided, however, that such communications shall be subject to disclosure pursuant to Article 4 of Chapter 18 of this title.

(b) Subject to compliance with the other provisions of this chapter, executive sessions shall be permitted for:

- (1) Meetings when any agency is discussing or voting to:
 - (A) Authorize the settlement of any matter which may be properly discussed in executive session in accordance with paragraph (1) of Code Section 50-14-2;
 - (B) Authorize negotiations to purchase, dispose of, or lease property;
 - (C) Authorize the ordering of an appraisal related to the acquisition or disposal of real estate;
 - (D) Enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or
 - (E) Enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote.

No vote in executive session to acquire, dispose of, or lease real estate, or to settle litigation, claims, or administrative proceedings, shall be binding on an agency until a subsequent vote is taken in an open meeting where the identity of the property and the terms of the acquisition, disposal, or lease are disclosed before the vote or where the parties and principal settlement terms are disclosed before the vote;

(2) Meetings when 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. This exception shall not apply to the receipt of evidence or when hearing argument on personnel matters, including whether to impose disciplinary



action or dismiss a public officer or employee or when considering or dismissing matters of policy regarding the employment or hiring practices of the agency. The vote on any matter covered by this paragraph shall be taken in public and minutes of the meeting as provided in this chapter shall be made available. Meetings by an agency to discuss or take action on the filling of a vacancy in the membership of the agency itself shall at all times be open to the public as provided in this chapter.

(3) Meetings of the board of trustees or the investment committee of any public retirement system created by or subject to Title 47 when such board or committee is discussing matters pertaining to investment securities trading or investment portfolio positions and composition; and

(4) Portions of meetings during which that portion of a record made exempt from public inspection or disclosure pursuant to Article 4 of Chapter 18 of this title is to be considered by an agency and there are no reasonable means by which the agency can consider the record without disclosing the exempt portions if the meeting were not closed.

O.C.G.A. § 50-14-4 Closed Meetings

O.C.G.A. § 50-14-4. Procedure for closure of meetings

(a) When any meeting of an agency is closed to the public pursuant to any provision of this chapter, the specific reasons for such closure shall be entered upon the official minutes, the meeting shall not be closed to the public except by a majority vote of a quorum present for the meeting, the minutes shall reflect the names of the members present and the names of those voting for closure, and that part of the minutes shall be made available to the public as any other minutes. Where a meeting of an agency is devoted in part to matters within the exceptions provided by law, any portion of the meeting not subject to any such exception, privilege, or confidentiality shall be open to the public, and the minutes of such portions not subject to any such exception shall be taken, recorded, and open to public inspection as provided in subsection (e) of Code Section 50-14-1.

(b)(1) When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

(2) In the event that one or more persons in an executive session initiates a discussion that is not authorized pursuant to Code Section 50-14-3, the presiding officer shall immediately rule the discussion out of order and all present shall cease the questioned conversation. If one or more persons continue or attempt to continue the discussion after being ruled out of order, the presiding officer shall immediately adjourn the executive session.

O.C.G.A. § 50-18-71 Inspection of Public Records

O.C.G.A. § 50-18-71. Inspection and copies of public records; request procedure; fees and charges



(a) All public records shall be open for personal inspection and copying, except those which by order of a court of this state or by law are specifically exempted from disclosure. Records shall be maintained by agencies to the extent and in the manner required by Article 5 of this chapter.

(b)(1)(A) Agencies shall produce for inspection all records responsive to a request within a reasonable amount of time not to exceed three business days of receipt of a request; provided, however, that nothing in this chapter shall require agencies to produce records in response to a request if such records did not exist at the time of the request. In those instances where some, but not all, records are available within three business days, an agency shall make available within that period those records that can be located and produced. In any instance where records are unavailable within three business days of receipt of the request, and responsive records exist, the agency shall, within such time period, provide the requestor with a description of such records and a timeline for when the records will be available for inspection or copying and provide the responsive records or access thereto as soon as practicable.

(B) A request made pursuant to this article may be made to the custodian of a public record orally or in writing. An agency may, but shall not be obligated to, require that all written requests be made upon the responder's choice of one of the following: the agency's director, chairperson, or chief executive officer, however denominated; the senior official at any satellite office of an agency; a clerk specifically designated by an agency as the custodian of agency records; or a duly designated open records officer of an agency; provided, however that the absence or unavailability of the designated agency officer or employee shall not be permitted to delay the agency's response. At the time of inspection, any person may make photographic copies or other electronic reproductions of the records using suitable portable devices brought to the place of inspection. Notwithstanding any other provision of this chapter, an agency may, in its discretion, provide copies of a record in lieu of providing access to the record when portions of the record contain confidential information that must be redacted.

(2) Any agency that designates one or more open records officers upon whom requests for inspection or copying of records may be delivered shall make such designation in writing and shall immediately provide notice to any person upon request, orally or in writing, of those open records officers. If the agency has elected to designate an open records officer, the agency shall so notify the legal organ of the county in which the agency's principal offices reside and, if the agency has a website, shall also prominently display such designation on the agency's website. In the event an agency requires that requests be made upon the individuals identified in subparagraph (B) of paragraph (1) of this subsection, the three-day period for response to a written request shall not begin to run until the request is made in writing upon such individuals. An agency shall permit receipt of written requests by e-mail or facsimile transmission in addition to any other methods of transmission approved by the agency, provided such agency uses e-mail or facsimile in the normal course of its business.

(3) The enforcement provisions of Code Sections 50-18-73 and 50-18-74 shall be available only to enforce compliance and punish noncompliance when a written request is made consistent with this subsection and shall not be available when such request is made orally.

(c)(1) An agency may impose a reasonable charge for the search, retrieval, redaction, and production or copying costs for the production of records pursuant to this article. An agency shall utilize the most economical means reasonably calculated to identify and produce responsive, nonexcluded documents. Where fees for certified copies or other copies or records are specifically authorized or otherwise prescribed by law, such specific fee shall apply when certified copies or other records to which a specific fee may apply are sought. In all other instances, the charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour.

(2) In addition to a charge for the records, retrieval, or redaction of records, an agency may charge a fee for the copying of records or data, not to exceed 10¢ per page for letter or legal size documents or, in the case of other documents, the actual cost of producing the copy. In the case of electronic records, the agency may charge the actual cost of the media on which the records or data are produced.

(3) Whenever any person has requested to inspect or copy a public record and does not pay the cost for search, retrieval, redaction, or copying of such records when such charges have been lawfully estimated and agreed to pursuant to this article, and the agency has incurred the agreed-upon costs to make the records available, regardless of whether the requester inspects or accepts copies of the records, the agency shall be authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments by such agency.

(d) In any instance in which an agency is required to or has decided to withhold all or part of a requested record, the agency shall notify the requester of the specific legal authority exempting the requested record or records from disclosure by Code section, subsection, and paragraph within a reasonable amount of time not to exceed three business days or in the event the search and retrieval of records is delayed pursuant to this subsection or pursuant to subparagraph (b)(1)(A) of this Code section, then no later than three business days after the records have been retrieved. In any instance in which an agency will seek costs in excess of \$25.00 for responding to a request, the agency shall notify the requester within a reasonable amount of time not to exceed three business days and inform the requester of the estimate of the costs, and the agency may defer search and retrieval of the records until the requester agrees to pay the estimated costs unless the requester has stated in his or her request a willingness to pay an amount that exceeds the search and retrieval costs. In any instance in which the estimated costs for production of the records exceeds \$500.00, an agency may insist on prepayment of the costs prior to beginning search, retrieval, review, or production of the records. Whenever any person who has requested to inspect or copy a public record has not paid the cost for search, retrieval, redaction, or copying of such records when such charges have been lawfully incurred, an agency may require prepayment for compliance with all future requests for production of records from that person until the costs for the prior production of records have been paid or the dispute regarding payment resolved.

(e) Requests by civil litigants for records that are sought as part of or for use in any ongoing civil or administrative litigation against an agency shall be made in writing and copied to counsel of record for that agency contemporaneously with their submission to that agency. The agency shall provide, at no cost, duplicate sets of all records produced in response to the request to counsel of record for that agency unless the counsel of record for that agency elects not to receive the records.

(f) As provided in this subsection, an agency's use of electronic record-keeping systems must not erode the public's right of access to records under this article. Agencies shall produce electronic copies of or, if the requester prefers, printouts of electronic records or data from data base fields that the agency maintains using the computer programs that the agency has in its possession. An agency shall not refuse to produce such electronic records, data, or data fields on the grounds that exporting data or redaction of exempted information will require inputting range, search, filter, report parameters, or similar commands or instructions into an agency's computer system so long as such commands or instructions can be executed using existing computer programs that the agency uses in the ordinary course of business to access, support, or otherwise manage the records or data. A requester may request that electronic records, data, or data fields be produced in the format in which such data or electronic records are kept by the agency, or in a standard export format such as a flat file electronic American Standard Code for Information Interchange (ASCII) format, if the agency's existing computer programs support such an export format. In such instance, the data or electronic records shall be downloaded in such format onto suitable electronic media by the agency.

(g) Requests to inspect or copy electronic messages, whether in the form of e-mail, text message, or other format, should contain information about the messages that is reasonably calculated to allow the recipient of the request to locate the messages sought, including, if known, the name, title, or office of the specific person or persons whose electronic messages are sought, and, to the extent possible, the specific data bases to be searched for such messages.

(h) In lieu of providing separate printouts or copies of records or data, an agency may provide access to records through a website accessible by the public. However, if an agency receives a request for data fields, an agency shall not refuse to provide the responsive data on the grounds that the data is available in whole or in its constituent parts through a website if the requester seeks the data in the electronic



format in which it is kept. Additionally, if an agency contracts with a private vendor to collect or maintain public records, the agency shall ensure that the arrangement does not limit public access to those records and that the vendor does not impede public record access and method of delivery as established by the agency or as otherwise provided for in this Code section.

(i) Any computerized index of county real estate deed records shall be printed for purposes of public inspection no less than every 30 days, and any correction made on such index shall be made a part of the printout and shall reflect the time and date that such index was corrected.

(j) No public officer or agency shall be required to prepare new reports, summaries, or compilations not in existence at the time of the request.

O.C.G.A. § 50-18-72 Inspection of Public Records

O.C.G.A. § 50-18-72. Exception of certain records

(a) Public disclosure shall not be required for records that are:

(1) Specifically required by federal statute or regulation to be kept confidential;

(2) Medical or veterinary records and similar files, the disclosure of which would be an invasion of personal privacy;

(3) Except as otherwise provided by law, records compiled for law enforcement or prosecution purposes to the extent that production of such records is reasonably likely to disclose the identity of a confidential source, disclose confidential investigative or prosecution material which would endanger the life or physical safety of any person or persons, or disclose the existence of a confidential surveillance or investigation;

(4) Records of law enforcement, prosecution, or regulatory agencies in any pending investigation or prosecution of criminal or unlawful activity, other than initial police arrest reports and initial incident reports; provided, however, that an investigation or prosecution shall no longer be deemed to be pending when all direct litigation involving such investigation and prosecution has become final or otherwise terminated; and provided, further, that this paragraph shall not apply to records in the possession of an agency that is the subject of the pending investigation or prosecution;

(5) Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the submission of a written statement of need by the requesting party to be provided to the custodian of records and to set forth the need for the report pursuant to this Code section; provided, however, that any person or entity whose name for identifying information is contained in a Georgia Uniform Motor Vehicle Accident Report shall be entitled, either personally or through a lawyer or other representative, to receive a copy of such report; and provided, further, that Georgia Uniform Motor Vehicle Accident Reports shall not be available in bulk for inspection or copying by any person absent a written statement showing the need for each such report pursuant to the requirements of this Code section. For the purposes of this subsection, the term "need" means that the natural person or legal entity who is requesting in person or by representative to inspect or copy the Georgia Uniform Motor Vehicle Accident Report:

(A) Has a personal, professional, or business connection with a party to the accident;

(B) Owns or leases an interest in property allegedly or actually damaged in the accident;

(C) Was allegedly or actually injured by the accident;

(D) Was a witness to the accident;

(E) Is the actual or alleged insurer of a party to the accident or of property actually or allegedly damaged by the accident;

(F) Is a prosecutor or a publicly employed law enforcement officer;

(G) Is alleged to be liable to another party as a result of the accident;

(H) Is an attorney stating that he or she needs the requested reports as part of a criminal case, or an investigation of an potential claim involving contentions that a roadway, railroad crossing, or intersection is unsafe;



- (I) Is gathering information as a representative of a news media organization;
- (J) Is conducting research in the public interest for such purposes as accident prevention, prevention of injuries or damages in accidents, determination of fault in an accident or accidents, or other similar purposes; provided, however, that this subparagraph shall apply only to accident reports on accidents that occurred more than 30 days prior to the request and which shall have the name, street address, telephone number, and driver's license number redacted; or
- (K) Is a governmental official, entity, or agency, or an authorized agent thereof, requesting reports for the purpose of carrying out governmental functions or legitimate governmental duties;
- (6) Jury list data, including, but not limited to, persons' names, dates of birth, addresses, ages, race, gender, telephone numbers, social security numbers, and when it is available, the person's ethnicity, and other confidential identifying information that is collected and used by the Council of Superior Court Clerks of Georgia for creating, compiling, and maintaining state-wide master jury lists and county master jury lists for the purpose of establishing and maintaining county jury source lists pursuant to the provisions of Chapter 12 of Title 15; provided, however, that when ordered by the judge of a court having jurisdiction over a case in which a challenge to the array of the grand or trial jury has been filed, the Council of Superior Court Clerks of Georgia or the clerk of the county board of jury commissioners of any county shall provide data within the time limit established by the court for the limited purpose of such challenge. Neither the Council of Superior Court Clerks of Georgia nor the clerk of a county board of jury commissioners shall be liable for any use or misuse of such data;
- (7) Records consisting of confidential evaluations submitted to, or examinations prepared by, a governmental agency and prepared in connection with the appointment or hiring of a public officer or employee;
- (8) Records consisting of material obtained in investigations related to the suspension, firing, or investigation of complaints against public officers or employees until ten days after the same has been presented to the agency or an officer for action or the investigation is otherwise concluded or terminated, provided that this paragraph shall not be interpreted to make such investigatory records privileged;
- (9) Real estate appraisals, engineering or feasibility estimates, or other records made for or by the state or a local agency relative to the acquisition of real property until such time as the property has been acquired or the proposed transaction has been terminated or abandoned;
- (10) Pending, rejected, or deferred sealed bids or sealed proposals and detailed cost estimates related thereto until such time as the final award of the contract is made, the project is terminated or abandoned, or the agency in possession of the records takes a public vote regarding the sealed bid or sealed proposal, whichever comes first;
- (11) Records which identify persons applying for or under consideration for employment or appointment as executive head of an agency or of a unit of the University System of Georgia; provided, however, that at least 14 calendar days prior to the meeting at which final action or vote is to be taken on the position of executive head of an agency or five business days prior to the meeting at which final action or vote is to be taken on the position of president of a unit of the University System of Georgia, all documents concerning as many as three persons under consideration whom the agency has determined to be the best qualified for the position shall be subject to inspection and copying. Prior to the release of these documents, an agency may allow such a person to decline being considered further for the position rather than have documents pertaining to such person released. In that event, the agency shall release the documents of the next most qualified person under consideration who does not decline the position. If an agency has conducted its hiring or appointment process without conducting interviews or discussing or deliberating in executive session in a manner otherwise consistent with Chapter 14 of this title, it shall not be required to delay final action on the position. The agency shall not be required to release such records of other applicants or persons under consideration, except at the request of any such person. Upon request, the hiring agency shall furnish the number of applicants and the composition of the list by such factors as race and sex. The agency shall not be allowed to avoid the provisions of this paragraph by the employment of a private person or agency to assist with the search or application process;

- (12) Related to the provision of staff services to individual members of the General Assembly by the Legislative and Congressional Reapportionment Office, the Senate Research Office, or the House Budget and Research Office, provided that this exception shall not have any application to records related to the provision of staff services to any committee or subcommittee or to any records which are or have been previously publicly disclosed by or pursuant to the direction of an individual member of the General Assembly;
- (13) Records that are of historical research value which are given or sold to public archival institutions, public libraries, or libraries of a unit of the Board of Regents of the University System of Georgia when the owner or donor of such records wishes to place restrictions on access to the records. No restriction on access, however, may extend more than 75 years from the date of donation or sale. This exemption shall not apply to any records prepared in the course of the operation of state or local governments of the State of Georgia;
- (14) Records that contain information from the Department of Natural Resources inventory and register relating to the location and character of a historic property or of historic properties as those terms are defined in Code Sections 12-3-50.1 and 12-3-50.2 if the Department of Natural Resources through its Division of Historic Preservation determines that disclosure will create a substantial risk of harm, theft, or destruction to the property or properties or the area or place where the property or properties are located;
- (15) Records of farm water use by individual farms as determined by water-measuring devices installed pursuant to Code Section 12-5-31 or 12-5-105; provided, however, that compilations of such records for the 52 large watershed basins as identified by the eight digit United States Geologic Survey hydrologic code or an aquifer that do not reveal farm water use by individual farms shall be subject to disclosure under this article;
- (16) Agricultural or food system records, data, or information that are considered by the Department of Agriculture to be a part of the critical infrastructure, provided that nothing in this paragraph shall prevent the release of such records, data, or information to another state or federal agency if the release of such records, data, or information is necessary to prevent or control disease or to protect public health, safety, or welfare. As used in this paragraph, the term "critical infrastructure" shall have the same meaning as in 42 U.S.C. Section 5195c(e). Such records, data, or information shall be subject to disclosure only upon the order of a court of competent jurisdiction.
- (17) Records, data, or information collected, recorded or otherwise obtained that is deemed confidential by the Department of Agriculture for the purposes of the national animal identification system, provided that nothing in this paragraph shall prevent the release of such records, data, or information to another state or federal agency if the release of such records, data, or information is necessary to prevent or control disease or to protect public health, safety, or welfare. As used in this paragraph, the term "national animal identification program" means a national program intended to identify animals and track them as they come into contact with or commingle with animals other than herd mates from their premises of origin. Such records, data, or information shall be subject to disclosure only upon the order of a court of competent jurisdiction;
- (18) Records that contain site-specific information regarding the occurrence of rare species of plants or animals or the location of sensitive natural habitats on public or private property if the Department of Natural Resources determines that disclosure will create a substantial risk of harm, theft, or destruction to the species or habitats or the area or place where the species or habitats are located; provided, however, that the owner or owners of private property upon which rare species of plants or animals occur or upon which sensitive natural habitats are located shall be entitled to such information pursuant to this article;
- (19) Records that reveal the names, home addresses, telephone numbers, security codes, e-mail addresses, or any other data or information developed, collected, or received by counties or municipalities in connection with neighborhood watch or public safety notification programs or with the installation, servicing, maintaining, operating, selling, or leasing of burglar alarm systems, fire alarm systems, or other electronic security systems; provided, however, that initial police reports and initial incident reports shall remain subject to disclosure pursuant to paragraph (4) of this subsection;



(20)(A) Records that reveal an individual's social security number, 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, insurance or medical information in all records, unlisted telephone number if so designated in a public record, personal e-mail address or cellular telephone number, day and month of birth, and information regarding public utility, television, Internet, or telephone accounts held by private customers, provided that nonitemized bills showing amounts owed and amounts paid shall be available. Items exempted by this subparagraph shall be redacted prior to disclosure of any record requested pursuant to this article; provided, however, that such information shall not be redacted from such records if the person or entity requesting such records requests such information in a writing signed under oath by such person or a person legally authorized to represent such entity which states that such person or entity is gathering information as a representative of a news media organization for use in connection with news gathering and reporting; and provided, further, that such access shall be limited to social security numbers and day and month of birth; and provided, further, that the news media organization exception in this subparagraph shall not apply to paragraph (21) of this subsection.

(B) This paragraph shall have no application to:

(i) The disclosure of information contained in the records or papers of any court or derived therefrom including without limitation records maintained pursuant to Article 9 of Title 11;

(ii) The disclosure of information to a court, prosecutor, or publicity employed law enforcement officer, or authorized agent thereof, seeking records in an official capacity;

(iii) The disclosure of information to a public employee of this state, its political subdivisions, or the United States who is obtaining such information for administrative purposes, in which case, subject to applicable laws of the United States, further access to such information shall continue to be subject to the provisions of this paragraph;

(iv) The disclosure of information as authorized by the order of a court of competent jurisdiction upon good cause shown to have access to any or all of such information upon such conditions as may be set forth in such order;

(v) The disclosure of information to the individual in respect of whom such information is maintained, with the authorization thereof, or to an authorized agent thereof; provided, however, that the agency maintaining such information shall require proper identification of such individual or such individual's agent, or proof of authorization, as determined by such agency;

(vi) The disclosure of the day and month of birth and mother's birth name of a deceased individual;

(vii) The disclosure by an agency of credit or payment information in connection with a request by a consumer reporting agency as that term is defined under the federal Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.);

(viii) The disclosure by an agency of information in its records in connection with the agency's discharging or fulfilling of its duties and responsibilities, including, but not limited to, the collection of debts owed to the agency or individuals or entities whom the agency assists in the collection of debts owed to the individual or entity;

(ix) The disclosure of information necessary to comply with legal or regulatory requirements or for legitimate law enforcement purposes; or

(x) The disclosure of the date of birth within criminal records.

(C) Records and information disseminated pursuant to this paragraph may be used only by the authorized recipient and only for the authorized purpose. Any person who obtains records or information pursuant to the provisions of this paragraph and knowingly and willfully discloses, distributes, or sells such records or information to an unauthorized recipient or for an unauthorized purpose shall be guilty of a misdemeanor of a high and aggravated nature and upon conviction thereof shall be punished as provided in Code Section 17-10-4. Any person injured thereby shall have a cause of action for invasion of privacy.

(D) In the event that the custodian of public records protected by this paragraph has good faith reason to believe that a pending request for such records has been made fraudulently, under false pretenses, or by means of false swearing, such custodian shall apply to the superior court of the county in which such records are maintained for a protective order limiting or prohibiting access to such records.



(E) This paragraph shall supplement and shall not supplant, overrule, replace, or otherwise modify or supersede any provision of statute, regulation, or law of the federal government or of this state as now or hereafter amended or enacted requiring, restricting, or prohibiting access to the information identified in subparagraph (A) of this paragraph and shall constitute only a regulation of the methods of such access where not otherwise provided for, restricted, or prohibited;

(21) Records concerning public employees that reveal the 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, 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 and the identity of the public employee's immediate family members or dependents. This paragraph shall not apply to public records that do not specifically identify public employees or their jobs, titles, or offices. For purposes of this paragraph, the term "public employee" means any officer, employee, or former employee of:

(A) The State of Georgia or its agencies, departments, or commissions;

(B) Any county or municipality or its agencies, departments, or commissions;

(C) Other political subdivisions of this state;

(D) Teachers in public and charter schools and nonpublic schools; or

(E) Early care and education programs administered through the Department of Early Care and Learning;

(22) Records of the Department of Early Care and Learning that contain the:

(A) Names of children and day and month of each child's birth;

(B) Names, addresses, telephone numbers, or e-mail addresses of parents, immediate family members, and emergency contact persons; or

(C) Names or other identifying information of individuals who report violations to the department;

(23) Public records containing information that would disclose or might lead to the disclosure of any component in the process used to execute or adopt an electronic signature, if such disclosure would or might cause the electronic signature to cease being under the sole control of the person using it. For purposes of this paragraph, the term "electronic signature" has the same meaning as that term is defined in Code Section 10-12-2;

(24) Records acquired by an agency for the purpose of establishing or implementing, or assisting in the establishment or implementation of, a carpooling or ridesharing program, including, but not limited to, the formation of carpools, vanpools, or buspools, the provision of transit routes, rideshare research, and the development of other demand management strategies such as variable working hours and telecommuting;

(25)(A) Records, the disclosure of which would compromise security against sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the protection of life, safety, or public property, which shall be limited to the following:

(i) Security plans and vulnerability assessments for any public utility, technology infrastructure, building, facility, function, or activity in effect at the time of the request for disclosure or pertaining to a plan or assessment in effect at such time;

(ii) Any plan for protection against terrorist or other attacks that depends for its effectiveness in whole or in part upon a lack of general public knowledge of its details;

(iii) Any document relating to the existence, nature, location, or function of security devices designed to protect against terrorist or other attacks that depend for their effectiveness in whole or in part upon a lack of general public knowledge;

(iv) Any plan, blueprint, or other material which if made public could compromise security against sabotage, criminal, or terroristic acts; and

(v) Records of any government sponsored programs concerning training relative to governmental security measures which would identify persons being trained or instructors or would reveal information described in divisions (i) through (iv) of this subparagraph.

(B) In the event of litigation challenging nondisclosure pursuant to this paragraph by an agency of a document covered by this paragraph, the court may review the documents in question in camera and may



condition, in writing, any disclosure upon such measures as the court may find to be necessary to protect against endangerment of life, safety, or public property.

(C) As used in division (i) of subparagraph (A) of this paragraph, the term "activity" means deployment or surveillance strategies, actions mandated by changes in the federal threat level, motorcades, contingency plans, proposed or alternative motorcade routes, executive and dignitary protection, planned responses to criminal or terrorist actions, after-action reports still in use, proposed or actual plans and responses to bioterrorism, and proposed or actual plans and responses to requesting and receiving the National Pharmacy Stockpile;

- (26) Unless the request is made by the accused in a criminal case or by his or her attorney, public records of an emergency 9-1-1 system, as defined in paragraph (3) of Code Section 46-5-122, containing information which would reveal the name, address, or telephone number of a person placing a call to a public safety answering point. Such information may be redacted from such records if necessary to prevent the disclosure of the identity of a confidential source, to prevent disclosure of material which would endanger the life or physical safety of any person or persons, or to prevent the disclosure of the existence of a confidential surveillance or investigation;
- (27) Records of athletic or recreational programs, available through the state or a political subdivision of the state, that include information identifying a child or children 12 years of age or under by name, address, telephone number, or emergency contact, unless such identifying information has been redacted;
- (28) Records of the State Road and Tollway Authority which would reveal the financial accounts or travel history of any individual who is a motorist upon any toll project;
- (29) Records maintained by public postsecondary educational institutions in this state and associated foundations of such institutions that contain personal information concerning donors or potential donors to such institutions or foundations; provided, however, that the name of any donor and the amount of donation made by such donor shall be subject to disclosure if such donor or any entity in which such donor has a substantial interest transacts business with the public postsecondary educational institution to which the donation is made within three years of the date of such donation. As used in this paragraph, the term "transact business" means to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative in an amount in excess of \$10,000.00 in the aggregate in a calendar year; and the term "substantial interest" means the direct or indirect ownership of more than 25 percent of the assets or stock of an entity;
- (30) Records of the Metropolitan Atlanta Rapid Transit Authority or of any other transit system that is connected to that system's TransCard, SmartCard, or successor or similar system which would reveal the financial records or travel history of any individual who is a purchaser of a TransCard, SmartCard, or successor or similar fare medium. Such financial records shall include, but not limited to, social security number, home address, home telephone number, e-mail address, credit or debit card information, and bank account information but shall not include the user's name;
- (31) Building mapping information produced and maintained pursuant to Article 10 of Chapter 3 of Title 38;
- (32) Notwithstanding the provisions of paragraph (4) of this subsection, any physical evidence or investigatory materials that are evidence of an alleged violation of Part 2 of Article 3 of Chapter 12 of Title 16 and are in the possession, custody, or control of law enforcement, prosecution, or regulatory agencies;
- (33) Records that are expressly exempt from public inspection pursuant to Code Sections 47-1-14 and 47-1-127;
- (34) Any trade secrets obtained from a person or business entity that are required by law, regulation, bid, or request for proposal to be submitted to an agency. An entity submitting records containing trade secrets that wishes to keep such records confidential under this paragraph shall submit and attach to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets pursuant to Article 27 of Chapter 1 of Title 10. If such entity attaches such an affidavit, before producing such records in response to a request under this article, the agency shall notify the entity of its intention to produce such records as set forth in this paragraph. If the agency makes a determination that the specifically identified information does not in fact constitute a trade secret, it shall notify the entity submitting the affidavit of its intent to disclose the information within ten days unless prohibited from doing so by an appropriate court



order. In the event the entity wishes to prevent disclosure of the requested records, the entity may file an action in superior court to obtain an order that the requested records are trade secrets exempt from disclosure. The entity filing such action shall serve the requester with a copy of its court filing. If the agency makes a determination that the specifically identified information does constitute a trade secret, the agency shall withhold the records, and the requester may file an action in superior court to obtain an order that the requested records are not trade secrets and are subject to disclosure;

- (35) Data, records, or information of a proprietary nature produced or collected by or for faculty or staff of state institutions of higher learning, or other governmental agencies, in the conduct of, or as a result of, study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where such data, records, or information has not been publicly released, published, copyrighted, or patented;
- (36) Any data, records, or information developed, collected, or received by or on behalf of faculty, staff, employees, or students of an institution of higher education or any public or private entity supporting or participating in the activities of an institution of higher education in the conduct of, or as a result of, study or research on medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity, until such information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency. This paragraph shall apply to, but shall not be limited to, information provided by participants in research, research notes and data, discoveries, research projects, methodologies, protocols, and creative works;
- (37) Any record that would not be subject to disclosure, or the disclosure of which would jeopardize the receipt of federal funds, under 20 U.S.C. Section 1232g or its implementing regulations;
- (38) Unless otherwise provided by law, records consisting of questions, scoring keys, and other materials constituting a test that derives value from being unknown to the test taker prior to administration which is to be administered by an agency, including, but not limited to, any public school, any unit of the Board of Regents of the University System of Georgia, any public technical school, the State Board of Education, the Office of Student Achievement, the Professional Standards Commission, or a local school system, if reasonable measures are taken by the owner of the test to protect security and confidentiality; provided, however, that the State Board of Education may establish procedures whereby a person may view, but not copy, such records if viewing will not, in the judgment of the board, affect the result of administration of such test. These limitations shall not be interpreted by any court of law to include or otherwise exempt from inspection the records of any athletic association or other nonprofit entity promoting intercollegiate athletics;
- (39) Records disclosing the identify or personally identifiable information of any person participating in research on commercial, scientific, technical, medical, scholarly, or artistic issues conducted by the Department of Community Health, the Department of Public Health, the Department of Behavioral Health and Developmental Disabilities, or a state institution of higher education whether sponsored by the institution alone or in conjunction with a governmental body or private entity;
- (40) Any permanent records maintained by a judge of the probate court pursuant to Code Section 16-11129, relating to weapons carry licenses, or pursuant to any other requirement for maintaining records relative to the possession of firearms, except to the extent that such records relating to licensing and possession of firearms are sought by law enforcement agencies as provided by law;
- (41) Records containing communications subject to the attorney-client privilege recognized by state law; provided, however, that this paragraph shall not apply to the factual findings, but shall apply to the legal conclusions, of an attorney conducting an investigation on behalf of an agency so long as such investigation does not pertain 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; and provided, further, that such investigations conducted by hospital authorities to ensure compliance with federal or state law, regulations, or reimbursement policies shall be exempt from disclosure if such investigations are otherwise subject to the attorney-client privilege. Attorney-client communications, however, may be obtained in a proceeding under Code Section 50-18-73 to prove justification or lack thereof in refusing disclosure of documents under this Code section provided the judge of the court in which such proceeding

is pending shall first determine by an in camera examination that such disclosure would be relevant on that issue. In addition, when an agency withholds information subject to this paragraph, any party authorized to bring a proceeding under Code Section 50-18-73 may request that the judge of the court in which such proceeding is pending determine by an in camera examination whether such information was properly withheld;

- (42) Confidential attorney work product; provided, however, that this paragraph shall not apply to the factual findings, but shall apply to the legal conclusions, of an attorney conducting an investigation on behalf of an agency so long as such investigation does not pertain 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; and provided, further, that such investigations conducted by hospital authorities to ensure compliance with federal or state law, regulations, or reimbursement policies shall be exempt from disclosure if such investigations are otherwise subject to confidentiality as attorney work product. In addition, when an agency withholds information subject to this paragraph, any party authorized to bring a proceeding under Code Section 50-18-73 may request that the judge of the court in which such proceeding is pending determine by an in camera examination whether such information was properly withheld;
- (43) Records containing tax matters or tax information that is confidential under state or federal law;
- (44) Records consisting of any computer program or computer software used or maintained in the course of operation of a public office or agency; provided, however, that data generated, kept, or received by an agency shall be subject to inspection and copying as provided in this article;
- (45) 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 any agency;
- (46) Documents maintained by the Department of Economic Development pertaining to an economic development project until the economic development project is secured by binding commitment, provided that any such documents shall be disclosed upon proper request after a binding commitment has been secured or the project has been terminated. No later than five business days after the Department of Economic Development secures a binding commitment and the department has committed the use of state funds from the OneGeorgia Authority or funds from Regional Economic Business Assistance for the project pursuant to Code Section 50-8-8, or other provisions of law, the Department of Economic Development shall give notice that a binding commitment has been reached by posting on its website notice of the project in conjunction with a copy of the Department of Economic Development's records documenting the bidding commitment made in connection with the project and the negotiation relating thereto and by publishing notice of the project and participating parties in the legal organ of each county in which the economic development project is to be located. As used in this paragraph, the term "economic development project" means a plan or proposal to locate a business, or to expand a business, that would involve an expenditure of more than \$25 million by the business or the hiring of more than 50 employees by the business;
- (47) Records related to a training program operated under the authority of Article 3 of Chapter 4 of Title 20 disclosing an economic development project prior to a binding commitment having been secured, relating to job applicants, or identifying proprietary hiring practices, training, skills, or other business methods and practices of a private entity. As used in this paragraph, the term "economic development project" means a plan or proposal to locate a business, or to expand a business, that would involve an expenditure of more than \$25 million by the business or the hiring of more than 50 employees by the business; or
- (48) Records that are expressly exempt from public inspection pursuant to Code Section 47-20-87.
 - (b) This Code section shall be interpreted narrowly so as to exclude from disclosure only that portion of a public record to which an exclusion is directly applicable. It shall be the duty of the agency having custody of a record to provide all other portions of a record for public inspection or copying.
 - (c)(1) Notwithstanding any other provision of this article, an exhibit tendered to the court as evidence in a criminal or civil trial shall not be open to public inspection without approval of the judge assigned to the case.

(2) Except as provided in subsection (d) of this Code section, in the event inspection is not approved by the court, in lieu of inspection of such an exhibit, the custodian of such an exhibit shall, upon request, provide one or more of the following:

- (A) A photograph;
- (B) A photocopy;
- (C) A facsimile; or
- (D) Another reproduction.

(3) The provisions of this article regarding fees for production of a record, including, but not limited to, subsections (c) and (d) of Code Section 50-18-71, shall apply to exhibits produced according to this subsection.

(d) Any physical evidence that is used as an exhibit in a criminal or civil trial to show or support an alleged violation of Part 2 of Article 3 of Chapter 12 of Title 16 shall not be open to public inspection except by court order. If the judge approves inspection of such physical evidence, the judge shall designate, in writing, the facility owned or operated by an agency of the state or local government where such physical evidence may be inspected. If the judge permits inspection, such property or material shall not be photographed, copied, or reproduced by any means. Any person who violates the provisions of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 20 years, a fine of not more than \$100,000.00, or both.