City of Winder Personnel Policy Manual
Title: Media Inquires/ Open Records
Date Issued: 07/2011
Policy: 013

Mayor

City Administrator

13.10 Purpose

The City of Winder is committed to providing timely, accurate and consistent information to the media by building and maintaining positive relationships with representatives of the local and national print, broadcast and web-based media. To achieve these goals, and to comply with laws regarding data privacy and government records, the following procedures have been adopted.

13.11 Interacting with the Media

A. All media requests shall be directed to the City Clerk and copied to the City Administrator. The City Clerk or designee shall ensure that the correct person responds to the request within a reasonable period of time or as directed by the law.

B. No employee is permitted to speak to the media or make official statements without first notifying the Mayor, City Administrator, or City Clerk. The Police Chief, the Fire Chief or designee are authorized to make statements to the media in the area of public safety.

C. It is not the intent of this policy to limit city employees from talking to the media. However, any city employee who communicates with the media or public on matters of public interest or public controversy should preface such communication with a statement indicating that he/she is speaking in an individual capacity only and NOT on behalf of the City or any City Department. Employees providing inaccurate, false, slanderous, or misleading information or information deemed to be confidential shall be subject to disciplinary measures.

13.12 Open Records

All open records requests shall be forward to the City Clerk the same day that it is received. Upon receipt of the request the City Clerk or designee shall assign the request to the appropriate personnel and determine any fees associated with the request.

RESOLUTION NO. R-12-26

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF WINDER PERSONNEL POLICY; TO REVISE SECTION 13.12 ENTITLED "OPEN RECORDS"; TO CLARIFY POLICY REGARDING INTERNAL RECORDS REQUESTS; TO PROVIDE FOR CODIFICATION IN THE CITY OF WINDER PERSONNEL POLICY; TO REPEAL CONFLICTING POLICIES OR RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Winder, Georgia ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and,

WHEREAS, the City, by and through its City Council, is vested with the authority to adopt clearly reasonable personnel policies; and,

WHEREAS, the City adopted a Personnel Policy in 2023, which provides a policy guide for City employees including but not limited to the expectations of attendance, functional guidance, and discipline in the operations of the City; and,

WHEREAS, it is the desire of the City Council to provide clarification between situations where employees or officials request internal records necessary for the performance of their official duties and those situations where employees or officials request internal records not necessary for the performance of their official duties; and,

WHEREAS, the City Council wishes to amend Section 13.12 of the Personnel Policy to provide for the clarification of policies regarding internal records requests.

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF WINDER, GEORGIA, HEREBY RESOLVES AS FOLLOWS:

1.) **Incorporation of Recitals.** The above-stated recitals are true and correct and are incorporated as though fully set forth herein.

2.) **Personnel Policy Amendment.** Section 13.12 of the Personnel Policy of the City of Winder is hereby amended by striking the language of that Section in its entirety and replacing it as follows:

Open Records
13.12

A. Any Open Records Request, written or verbal, received by an employee other than the City Clerk shall be forwarded to the City Clerk as soon as possible, but in no event later than the same day that such Open Records Request is received. Upon receipt of the Open Records Request, the City Clerk or designee shall assign the Open Records Request to the appropriate personnel for processing and shall create any response required by the Open Records Act. The City Clerk is authorized to communicate with the City Attorney in furtherance of fulfilling any Open Records Request.

B. City officials and employees may directly request from the appropriate personnel, without filing a formal Open Records Request, only those records and documents which are necessary or required for the legitimate and objectively reasonable performance of such official's and employee's scope of official duties. Any and all requests for records and documents which are not necessary or required for the performance of legitimate and objectively reasonable official duties must be requested via a formal Open Records Request to the City Clerk. By way of illustration and not limitation, records and documents requested in furtherance of an issue related to the personal interest of the requestor that is unconnected to the legitimate and objectively reasonable performance of an official or employee's scope of official duties shall not be allowed without following the formal Open Records Request procedure.

C. Should any City official or employee directly request records or documents from another official or employee, and the official or employee to whom such a request is made is unsure of whether the request falls under the meaning of "necessary or required for the legitimate and objectively reasonable performance of such official's and employee's scope of official duties" as stated within Sec. 13.12(B), then the official or employee to whom the request is made shall not fulfill the request by providing the records and documents unless or until the formal Open Records Request process is followed. For the avoidance of doubt, this Paragraph shall mean that the person to whom such a request is made shall be authorized to require the person requesting such records and documents to follow the formal Open Records Request process.

D. In the event that any employee either requests, or retrieves, records or documents unconnected to a legitimate and objectively reasonable performance of the requestor's official duties, then disciplinary action may include termination of both the employee who requested such records and documents as well as the employee who provided such records and documents.

3.) **Authorization.** The Mayor, City Clerk, and such other City agents or officials as may be necessary or convenient are hereby authorized to take all actions necessary or convenient to effectuate the purposes of this Resolution.

4.) **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

5.) **Repeal of Conflicting Provisions.** All Resolutions and Policies, or parts of Resolutions or Policies, are hereby repealed to the extent they are inconsistent with this Resolution.

6.) **Effective Date.** This Resolution shall take effect immediately upon its adoption.

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BE IT SO RESOLVED, this 7th day of May, 2026.

THE CITY OF WINDER

Jimmy Terrell, Mayor

ATTEST:

Anna Childs, City Clerk

[seal]

APPROVED AS TO FORM:

Warren Tillery, City Attorney