



**Wednesday, April 14, 2021 | 12:00 p.m.**  
**ARC Governance Committee Meeting**

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**Or call in (audio only)**

[+1 470-419-6063](tel:+14704196063), [848064805#](tel:+14704196063848064805) United States, Atlanta

Phone Conference ID: 848 064 805#

The meeting agenda with all presentations and references can be found at: [www.atlantaregional.org/board](http://www.atlantaregional.org/board)

- I.** Welcome and Pledge of Allegiance *Kerry Armstrong, Chair*
- II.** Chairman’s Comments
- III.** Consent Agenda *Kerry Armstrong, Chair*
- IV.** Action Items *Kerry Armstrong, Chair*
  - A. March 10, 2021 Meeting Summary
  - B. Treasurer’s Report *Bob Reeves, Treasurer*
  - C. Other Post Employment Benefits (OPEB) Policy *Kevin Crump, Senior Director, Center for Business Services*
- V.** Discussion/Information Items *Kerry Armstrong, Chair*
  - A. Open Records Policy (First Read) *Brittany Zwald, ARC Staff Legal Counsel*
  - B. Regional Snapshot - Workforce *Felicia Moore, Chair, CRC*  
*Mike Carnathan, Senior Manager, Research & Analytics Group*
  - C. Florida v. Georgia - A Water Win and What’s Next *Felicia Moore, Chair, CRC*  
*Katherine Zitsch, Managing Director, Natural Resources*
  - D. Forsyth County Update *Eric Dial, Chair, SRSC*  
*John Bayalis, Manager, Intergovernmental Affairs*  
*Doug Hooker, Executive Director*
  - E. Legislative Update *Eric Dial, Chair, SRSC*  
*John Bayalis, Manager, Intergovernmental Affairs*
- VI.** Executive Director’s Report and Announcements *Doug Hooker, Executive Director*
- VII.** Convene Executive Session for the Purpose of Personnel Discussion for Executive Director Hooker *Kerry Armstrong, Chair*
- VIII.** Adjourn Executive Session
- IX.** Adjourn Main Governance Session

**Next Committee Day:**

- 4<sup>th</sup> Wednesday, April 28, 2021 (Strategic Relations Sub-Committee)
- 2<sup>nd</sup> Wednesday, May 12, 2021 (CRC, TAQC, Governance, Board)
- 4<sup>th</sup> Wednesday, May 26, 2021 (ACA, ARWDB)



Atlanta Regional Commission



## Board and Governance Committee Summary

*NOTE: As per ARC bylaw revisions adopted in December 2020, the ARC Board is now following a bi-monthly schedule, while the Governance Committee maintains a monthly meeting schedule. This meeting summary is designed to streamline the reporting process for ARC Board and Governance Committee meetings. Items covered only in the Governance Committee are at the bottom of the recap.*

**March 10, 2021**

### **ARC Committee Appointments & Housing Subcommittee**

ARC Board Chairman Kerry Armstrong announced that he has made the following officer and committee appointments for 2021:

- **ARC Officers:**
  - Vice Chair – Rochelle Robinson (Mayor, Douglasville)
  - Secretary – Romona Jackson Jones (Chairwoman, Douglas County)
  - Treasurer – Bob Reeves (Citizen District 3)
- **Governance Committee:** Kerry Armstrong, Chair; Rochelle Robinson, Vice Chair
- **Budget and Audit Review Subcommittee:** Bob Reeves, Chair
- **Ethics Committee:** Romona Jackson Jones, Chair
- **Pension Board of Trustees:** Kerry Armstrong, Chair
- **Strategic Relations Subcommittee:** Chair, Eric Dial (Mayor, City of Tyrone)
- **Advisory Committee on Aging:** Co-Chair, Romona Jackson Jones
- **Atlanta Regional Workforce Development Board:** Co-Chairs Randy Hayes, Eric Dial
- **Community Resources Committee:** Chair, Felicia Moore (President, Atlanta City Council)

- **Transportation & Air Quality Committee:** Chair Mark Matthews (Citizen District 14); Vice Chair Mike Mason (Mayor, City of Peachtree Corners)
- **Urban Area Security Initiative:** Chair, Keisha Lance Bottoms (Mayor, City of Atlanta)

### **Housing Subcommittee Formed to Tackle Housing Affordability and Stability**

Chairman Armstrong also announced the creation of a Housing Subcommittee that will be part of the Community Resources Committee. This committee will consist of mayors and county commission chairs who are motivated to address housing issues in their communities. Members will seek to have frank conversations about barriers they face to tackling housing affordability, hear from a diversity of stakeholders about their concerns and needs, and commit to a list of shared priorities to tackle housing affordability in their jurisdictions.

The Housing Subcommittee will be co-chaired by Nicole Hendrickson, Chair of the Gwinnett County Commission, and Rob Garcia, a former Citizen Member of ARC who serves as Atlanta president of Pinnacle Financial Partners.

### **Treasurer's Report : March 2021**

[Presented at ARC Board Meeting and Governance Committee]

ARC Board Treasurer Bob Reeves presented the December Treasurer's report. The estimated fund balance as of Feb. 28, 2021 was \$5,497,494

- [Treasurer's report presentation](#)

### **CSR Update: ARC Strategic Communications Plan and Annual Partners**

Malika Reed Wilkins, Senior Director of the Center for Strategic Relations, presented on several key topics. She provided an update on ongoing efforts to develop an ARC strategic communications plan, which aims to position ARC as the region's most-trusted source for the data, tools, and resources to address the region's challenges. She also informed the board about the agency's 2021 Annual Strategic Partners: Georgia Power, Uber, and Delta Air Lines.

- [Strategic Relations Presentation](#)

### **ARC Board Approves Amendment to Transportation Improvement Program Amendment**

The Atlanta Regional Commission Board approved an amendment to the FY 2020-2025 [Transportation Improvement Program](#), or TIP, which programs federal and state funding for transportation projects across metro Atlanta. ARC works closely with officials in cities and counties in the 21-county Atlanta region and partner planning agencies to reflect the most up to date information in the TIP and ensure that the project list meets local priorities. This amendment involves changes to project cost estimates and schedules.

- [Presentation](#)
- [ARC News Release](#)

### **New MRPA Fee Structure Approved**

The ARC Board approved updates to the Metropolitan River Protection Act (MRPA) fee structure. MRPA creates a 2,000-foot land and water protection buffer along the Chattahoochee River Corridor and limits land disturbance, impervious surfaces, and development in floodplains in the corridor. Currently, fees are charged only when someone submits a development application to ARC for full review. Increasingly, however, ARC conducts “vulnerability category reevaluations” based on new site condition information involving features which directly impact vulnerability—at no charge. The proposed update would phase in fee increases over two years, starting in July 2021, and add a smaller fee for vulnerability category reevaluation. This is the first fee increase since 1985.

- [MRPA Review Fee Structure Change Presentation](#)

### **2021 Regional Development Plan Update Adopted**

The Board voted to adopt the 2021 Regional Development Plan (RDP) update. This update describes the growth vision of the region, provides policy guidance for ARC programs and programming, provides input for the Regional Forecast, and provides recommendations to local governments about future growth. The RDP is part of The Atlanta Region’s Plan, the agency-wide comprehensive plan to “win the future” through world-class infrastructure, support for a competitive economy, and establishing healthy, livable communities. The RDP is required to be updated every five years.

- [Regional Development Plan – March 2021 Update](#)

### **Coordinated Regional Workforce Initiatives Help Job-Seekers and Employers**

Rob LeBeau, manager of ARC’s Workforce Solutions Group, and John Helton, executive director of Atlanta Career Rise, presented on the collaborative, regional focus of WorkSource Metro

Atlanta and highlighted innovations designed to better serve job-seekers and employers, including:

- A new website, ATLworks.org, that is now being used by all five WorkSource agencies in metro Atlanta to provide information for job-seekers and employers and make the onboarding process for services much easier.
- A targeted, multi-platform outreach campaign to promote ATLworks.org that includes digital ads, billboards, messages on bus shelter and at rail stations, and flyers and brochures. It's already proving successful, with sign-ups up by more than 200%
- A common application form that is much more user-friendly. In the past, each of the five workforce boards in metro Atlanta used different applications that were challenging to fill out.
- A series of webinars to help job-seekers developed during the pandemic. All Career Resource Centers remain closed.
- A collaboration between WorkSource Metro Atlanta and Atlanta Career Rise through the Metro Atlanta Industry Partnerships, which works on capacity-building for employer-led industry partnerships This collaboration works in new ways to source workers; offers virtual regional career fairs (one at Aerotropolis attracted 1,000+ candidates). Apprenticeships and trainings also provided (AMR ambulance service is an example)
- [Presentation](#)

### **ARC Legislative Update**

[Presented at ARC Board Meeting and Governance Committee]

John Bayalis, intergovernmental affairs manager, presented an update on state and federal legislative issues. Highlights include:

- HR130, which realigns Forsyth County to the Atlanta Regional Commission, passed the House with unanimous approval and now heads to the state Senate
- The state House adopted a budget that includes increased funding for behavioral health, home- and community based services, and improvements to the Bankhead MARTA station.

### **Executive Director updates and announcements:**

[Presented at ARC Board Meeting and Governance Committee]

- The 2021 LINK trip will take place in Chicago on Oct. 27-30. All board members are automatically invited to participate. The Chicago visit was initially planned in May 2020 but was rescheduled due to the pandemic. Our goal is to send new invitations early next month.
- ARC has received the first phase of a \$9.3 million contract from the U.S. Department of Transportation to develop a [“Complete Trip-ITS4US” project](#) designed to improve transportation for older adults and people with disabilities. The project will provide detailed information and step-by-step navigation tailored for user’s specific needs, along with a range of other features geared to improve trip efficiency and safety. The pilot project will be developed over the next two years and will focus on residents in Gwinnett County.

**Next ARC Committee Days:**

- March 24: Advisory Committee on Aging
- May 12: CRC, TAQC, Governance

**Next Board Meeting:**

- May 12, 1:30 p.m.

## **ARC GOVERNANCE MEETING ATTENDANCE: MARCH, 2021**

Armstrong, Kerry	<b>Present</b>
Arnold, Julie Keeton	<b>Present</b>
Burnette, Dennis	<b>Present</b>
Clarkson, Eric	<b>Present</b>
Day, Joy	<b>Present</b>
Dial, Eric	<b>Present</b>
Mathews, Mark	<b>Present</b>
Reeves, Bob	<b>Present</b>
Robinson, Rochelle	<b>Present</b>
Turner, Jeff	<b>Present</b>
<b>DOUG HOOKER</b> - Executive Director	<b><i>Any questions? Contact: Charissa White-Fulks</i></b>

## ARC BOARD MEETING ATTENDANCE: MARCH, 2021

Armstrong, Kerry	Present
Arnold, Julie Keeton	Present
Bivins, Charlton	<b>NOT PRESENT</b>
Bonner, Deane	Present
Bottoms, Keisha Lance	<b>NOT PRESENT</b>
Burnette, Dennis	Present
Cantrell, Greg	Present
Clarkson, Eric	Present
Clemons, Ollie	Present
Cupid, Lisa	Present
Davis, Tread - NON VOTING	Present
Day, Joy	Present
Dial, Eric	Present
Evans, Vince	Present
Harrell, Carlotta	Present
Hearn, Lee	Present
Hendrickson, Nicole	Present
Hutchison, Steve	<b>NOT PRESENT</b>
Jackson Jones, Romona	Present
Johnston, Harry	Present
Levetan, Liane	Present
Mason, Mike	Present
Mathews, Mark	Present
McGuire, Mickey	Present
Miller, Steve	<b>NOT PRESENT</b>
Moore, Felicia	Present
Nesbitt, Oz	Present
O'Neal, Angelia	Present
Paul, Rusty	<b>NOT PRESENT</b>
Pitts, Robb	Present
Reeves, Bob	Present
Robinson, Rochelle	Present
Thurmond, Michael	<b>NOT PRESENT</b>
Turner, Jeff	<b>NOT PRESENT</b>
Wan, Alex	Present
Williams, Vince	Present
DOUG HOOKER - Executive Director	<i>Any questions? Contact: Charissa White-Fulks</i>





## MEMORANDUM

**DATE:** April 14, 2021  
**TO:** Atlanta Regional Commission  
**FROM:** Bob Reeves, Treasurer  
**SUBJECT:** Treasurer's Report

Attached is the summary of total governmental fund type revenues, expenditures and change in fund balance through **March 31, 2021**. Total governmental fund revenues, expenditures and change in fund balance may be summarized as follows:

Fund Balance at 1/1/21 (estimate)		\$5,472,373
Add: Revenues and Transfers in	\$11,749,010	
Total Expenditures	<u>11,491,069</u>	
Revenue over (under) Expenditures	257,941	
Net Increase, (Decrease) in Fund Balance		<u>257,941</u>
Estimated Fund Balance at 12/31/2021		\$5,730,314

ATLANTA REGIONAL COMMISSION			
Treasurer's Report			
Revenues and Expenditures			
March 31, 2021			
	Budget	Y-T-D	% Y-T-D to Budget
Fund Balance as of 1/1/2021 (est)	\$5,472,373	\$5,472,373	
Revenues:			
Regional Appropriations	5,183,200	2,591,600	50.0%
Interest Income	45,000	1,050	2.3%
Special Revenue Fund Income	89,260,157	8,882,995	10.0%
Local Match	4,469,869	271,277	6.1%
Enterprise Income	866,500	2,087	0.2%
Miscellaneous Income	150,000	-	0.0%
<b>TOTAL</b>	<b>\$99,974,726</b>	<b>\$11,749,010</b>	<b>11.8%</b>
Expenses:			
Salaries and Benefits	26,932,741	6,026,676	22.4%
Contracts	20,982,370	1,480,364	7.1%
Equipment	576,918	32,842	5.7%
Miscellaneous Operating	3,701,338	138,436	3.7%
Travel	388,044	2,001	0.5%
Rent and Related	1,898,303	468,200	24.7%
Other Computer Expenses	1,242,690	277,174	22.3%
Sub-Grants/Participant Payments	45,604,918	3,065,376	6.7%
Other Expenses	-	-	0.0%
Over/(Under) Indirect Recovery	(1,383,554)	-	0.0%
<b>TOTAL</b>	<b>\$99,943,768</b>	<b>11,491,069</b>	<b>11.5%</b>
Excess (Deficiency) of Revenues Over (Under) Expenses	30,958	257,941	
Estimated Fund Balance:			
December 31, 2021	\$ 5,503,331	\$5,730,314	



ATLANTA REGIONAL COMMISSION

DATE: April 14, 2021

**ISSUE SUMMARY:      ARC Other Post-Employment Benefits Policy**

**FROM:**      Kevin Crump, Senior Director, Center for Business Services

**IMPORTANCE:**

Historically, the Atlanta Regional Commission pre-funded retiree medical benefits that have already been earned by ARC employees and retirees. This practice provides an explicit subsidy to offset the cost of the retiree-only premium and an implicit subsidy due to charging retirees a blended active/retiree premium rate. Such subsidies -- the other post-employment benefits (“OPEB”) -- are funded through an account subject to Section 401(h) of the Internal Revenue Code (“Code”) as ancillary benefits under ARC’s pension plan.

In 2016, funding discontinued for this account due to financial constraints at the time and sufficient funding to meet OPEB obligations accruing within the 401(h). Atlanta Regional Commission has approximately \$11 million in a 401(h). ARC has not ever formally adopted a policy to pre-fund the retiree medical obligation.

ARC solicited the assistance of external benefit consultants, Aon, and outside benefits counsel at Dentons to develop and finalize the policy as it has been brought forward for adoption to formalize the pre-funding of these benefits going forward.

**ACTION REQUIRED: Approval and adoption of the Other Post Employment Benefits Funding Policy**



ATLANTA REGIONAL COMMISSION

**A RESOLUTION ADOPTING THE  
ATLANTA REGION COMMISSION'S  
OTHER POST-EMPLOYMENT BENEFIT FUNDING POLICY**

**WHEREAS**, the Atlanta Regional Commission is a Regional Commission pursuant to O.C.G.A. § 50-8-30, et seq., and a Metropolitan Area Planning and Development Commission created pursuant to O.C.G.A. § 50-8-80, et seq.; and

**WHEREAS**, pursuant to O.C.G.A. § 50-8-90, a Metropolitan Area Planning and Development Commission has the ability to establish benefits for employees; and

**WHEREAS**, the Atlanta Regional Commission has established Other Post-Employment Benefits, which includes retiree healthcare costs, as a benefit for employees, and created a 401(h) trust in which to keep those funds; and

**WHEREAS**, the Atlanta Regional Commission's contributions to fund these OPEB are subject to Chapter 8, Section 401 (h) of the Internal Revenue Code of 1963 and amended on October 3, 1989; and

**WHEREAS**, in maintaining such OPEB funding practices, Atlanta Regional Commission will seek to sustain a rate of return matching the Pension Fund of the Atlanta Regional Commission; and

**WHEREAS**, as no such funding policy has been in place previously, this policy was developed to formally establish the objectives and guidance for the Atlanta Regional Commission Other Post-Employment Benefits Funding Policy.

**NOW, THEREFORE, BE IT RESOLVED** that the Atlanta Regional Commission adopts the Other Post-Employment Benefits Funding Policy to govern pre-funding the trust established under section 401(h) of the Internal Revenue Code of 1963.

**FURTHER RESOLVED**, the Other Post-Employment Benefits will continue to be funded by the Commission per Internal Revenue Code Section 401(h) until a changed or suspended funding practice is agreed by the Governance Committee; and

**FURTHER RESOLVED**, that Atlanta Regional Commission directs Staff to perform any and all duties and to take any and all actions required to place said Policy in full force and effect, including but not limited to execution of any document necessary to implement the above resolutions.

I do hereby certify that the foregoing resolution was adopted by the Governance Committee of the Atlanta Regional Commission on April 14, 2021.

**ATLANTA REGIONAL COMMISSION**

**ATTESTED**

---

Douglas R. Hooker, Executive Director

---

Charissa White-Fulks, ARC Executive  
Assistant/Board Secretary

DRAFT



ATLANTA REGIONAL COMMISSION

DATE: April 14, 2021

**ISSUE SUMMARY:**

**OPEN RECORDS POLICY**

**FROM:** W. Kerry Armstrong, Chair, Governance Committee

**IMPORTANCE:**

The Open Records Act is a state law that requires governmental agencies to provide public access to documents. It was enacted to make government more open to public scrutiny by requiring that documents and records maintained by government offices be produced for inspection and copying at any person's request. In 2012, the State of Georgia revised the Georgia Open Records Act. Within the revised law, entities may designate an Open Records Officer to whom all open records requests must be made in writing.

While the Act does not require that an agency appoint such an officer, ARC has informally utilized such a role. The attached resolution is to formally appoint the role of Open Records Officer. All written requests for records made under the Act directed to ARC shall be made to the Open Records Officer, or in his or her absence, to the alternate. The Open Records Officer is directed to cause all ARC websites to prominently display this designation and requirement. The Open Records Officer is directed to notify the Fulton Daily Report as the appropriate legal organ and any other media regularly covering ARC matters of the content of this resolution. The Open Records Officer is directed to notify all ARC employees and volunteers that any requests made under the Act shall be directed to the Open Records Officer or his or her alternate. This action shall be effective immediately upon the notifications to the media and the changes to the websites having been made.

**ACTION REQUIRED:**

First Read



ATLANTA REGIONAL COMMISSION

**A RESOLUTION OF THE ATLANTA REGIONAL COMMISSION BOARD FOR THE PURPOSE OF NAMING AN OPEN RECORDS OFFICER, AN ALTERNATE OPEN RECORDS OFFICER AND ADOPTING AN OPEN RECORDS POLICY**

**WHEREAS**, the Georgia Open Records Act, the “Act” (O.C.G.A. § 50-18-70, et seq.), allows for the appointment of an Open Records Officer to whom all written requests for records must be made; and

**WHEREAS**, the Act further provides for notice of such designation; and

**WHEREAS**, O.C.G.A. § 50-8-98 authorizes such a commission to adopt bylaws and rules and regulations concerning all aspects of its functions and operations; and

**WHEREAS**, the Board wishes to support the designated role by adopting an Open Records Policy and Record Request Form.

**NOW, THEREFORE**, pursuant to the provisions of the Act, the Atlanta Regional Commission Board does hereby resolve as follows:

The Board adopted the Open Records Policy; and

Brittany Zwald, Staff Legal Counsel, is designated as the Open Records Officer and Malika Reed-Wilkins, Director of Strategic Relations, is designated as the Alternate Records Officer to act in the Open Records Officer’s absence, both to act for the Atlanta Regional Commission and all of its related and subsidiary entities, herein the “ARC”; and

All written requests for records made under the Act directed to ARC shall be made to the Open Records Officer, or in their absence, to the alternate; and

The Open Records Officer is directed to cause all ARC websites to prominently display this designation and requirement; and

The Open Records Officer is directed to notify the Fulton Daily Report as the appropriate legal organ and any other media regularly covering ARC matters of the content of this resolution; and

The Open Records Officer is directed to notify all ARC employees and volunteers that any requests made under the Act shall be directed to the Open Records Officer or his or her alternate; and

This action shall be effective immediately upon the notifications to the media and the changes to the websites having been made.

I do hereby certify that the foregoing resolution was adopted by the Atlanta Regional Commission on \_\_\_\_\_.

---

Charissa White-Fulks, ARC Executive Assistant/Board Secretary





Atlanta Regional Commission

## MEMORANDUM

**TO:** ARC Staff

**FROM:** Douglas R. Hooker, Executive Director

**DATE:**

**RE:** Open Records Officer

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

Brittany Zwald, Staff Legal Counsel, is designated as the Open Records Officer and Malika Reed-Wilkins, Director of Strategic Relations, is designated as the Alternate Records Officer to act in the Open Records Officer's absence, both to act for the Atlanta Regional Commission. All written requests for records made under the Act directed to ARC shall be made to the Open Records Officer, or in his or her absence, to the alternate. The Open Records Officer is directed to cause all ARC websites to prominently display this designation and requirement. The Open Records Officer is directed to notify the Fulton Daily Report as the appropriate legal organ and any other media regularly covering ARC matters of the content of this resolution. The Open Records Officer is directed to notify all ARC employees and volunteers that any requests made under the Act shall be directed to the Open Records Officer or his or her alternate. This action shall be effective immediately upon the notifications to the media and the changes to the websites having been made.

Written open records requests should be directed to the Open Records Officer. Any verbal requests received should be tracked on the form attached to the Open Records Policy and submitted to the Open Records Officer. Open records requests **MUST** be responded to within 3 business days. For written requests, the 3 business days starts upon receipt of the request by the Open Records Officer. For verbal requests, the 3 business days starts when the agency receives the request. Please note that time is of the essence. For questions regarding Open Records, please contact the Open Records Officer at 470.378.1494 or [bzwald@atlantaregional.org](mailto:bzwald@atlantaregional.org).

[atlantaregional.org](http://atlantaregional.org)

International Tower  
229 Peachtree St, NE | Suite 100  
Atlanta, Georgia 30303

## **Atlanta Regional Commission Open Records Policy**

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

### **I. GENERAL RESPONSIBILITIES UNDER THE OPEN RECORDS LAW.**

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

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

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

**III. E-MAILS AND TEXT OR INSTANT MESSAGES ARE PUBLIC RECORDS.** This includes any e-mails, text or instant messages (agency business and personal) that you have received or sent on an agency computer or agency issued electronic device. Any e-mails, text or instant messages relating to agency business that you may have received or sent from your personal computer or electronic device are also public records. Furthermore, records that are stored in the server for your computer network are subject to disclosure. Comments made and

information provided on a social networking site such as Facebook, LinkedIn, Instagram, or Twitter that is maintained by ARC would also be subject.

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

**IV. DESTRUCTION OF RECORDS.** You may not delete, throw away, shred, or destroy agency records except in accordance with the state of Georgia Retention Schedule pursuant to O.C.G.A. § 50-18-99. The records management program explains how long each type of record must be kept. Correspondence (i.e., emails, letters, other communications, etc.) is retained based on the subject matter and the significance of the communication which may be transitory (kept for useful life), general (kept for five years or duration of the record associated with the communication if longer than five years) or administrative (permanent). For more information on ARC's records management program, please contact the designated Records Custodian. The agency custodian of public records is differentiated from the Open Records Officer, in that the records custodian is responsible for records retention, archiving, and management. ARC's Retention Policy can be found in Chapter VIII. Of the Purchasing Policy found here: [Chapter VIII. Retention Policy](#)

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

a. **RECORDS THAT MAY NOT BE RELEASED.** You are not allowed to release the records listed below. The following records have been deemed to be private and protected and you could be held liable for allowing access:

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

- Portions of documents containing any individual's social security number, mother's birth name, credit card information, debit card information, bank account information, account and utility account, passwords and financial data, medical information or insurance data, unlisted telephone number, personal e-mail or cell phone number, day and month of birth, or information regarding public utility, television, internet, or telephone accounts held by private customers. See O.C.G.A. § 50-18-72(a)(20). Although you are generally prohibited from releasing this information, there are some limited situations where it may be released. For instance, this information may be released to other governmental officials and employees when they seek the information for administrative purposes. Similarly, information may be released for law enforcement purposes or pursuant to court order. A news media representative may receive social security number and day and month of birth if they submit a written request signed under oath that the information sought is in connection with news gathering and reporting. The month and day of birth of a deceased individual may be released.
- Portions of documents which would reveal agency or other public employee's home address, home telephone number, day and month of birth, social security number, insurance or medical information, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, account password, financial data or information other than compensatory by ARC, unlisted telephone number, or identity of the public employee's immediate family or dependents. See O.C.G.A. § 50-18-72(a)(21).
- Portions of documents maintained by recreation programs that could reveal a child's name, address, and phone number, if 12 years old or under. See O.C.G.A. § 50-18-72(a)(27).
- Documents or portions of documents that would reveal a trade secret. See O.C.G.A. § 50-18-72(a)(34).
- Documents or portions of documents that would disclose proprietary information that has not been released. See O.C.G.A. § 50-18-72(a)(35).
- Documents that are subject to the attorney-client privilege or the attorney work product confidentiality. See O.C.G.A. § 50-18-72(a)(42).
- Documents or portions of documents containing confidential tax information. See O.C.G.A. § 50-18-72(a)(43), O.C.G.A. § 48-2-15 and/or O.C.G.A. § 48-5-314(a).
- Computer programs and software. See O.C.G.A. § 50-18-72(a)(44).
- Unless otherwise permitted by law, original trial exhibits without the approval of the judge assigned to the case. However, in most cases a copy, photograph, or other reproduction of a trial exhibit is an open record. See O.C.G.A. § 50-18-72(c).
- Vital records. See O.C.G.A. §§ 50-18-76; 31-10-25; 19-7-46.1.
- Confidential evaluations relating to the appointment or hiring of a public officer or employee. See O.C.G.A. § 50-18-72(a)(7).
- Documents or portions of documents that would reveal any component in the process used to execute or adopt an electronic signature. See O.C.G.A. § 50-18-72(a)(23).

b. *RECORDS THAT MAY BE WITHHELD*. The following records may, but are not required to be, withheld. In other words, although you are not required to release the following records, they may be released.

- Documents or portions of documents compiled for law enforcement or prosecution purposes that would disclose the identity of a confidential source, (2) confidential investigative or prosecution material that would endanger the life or physical safety of an individual, or (3) the existence of a confidential surveillance or investigation. See O.C.G.A. § 50-18-72(a)(3).
- Georgia Uniform Motor Vehicle Accident Reports. However, certain individuals supplying a written statement of need may be supplied with a copy, such as the parties and witnesses involved or injured in the accident (and their attorneys or other representatives), the insurance companies, a district attorney, a solicitor, a law enforcement officer, individuals with a personal, professional or business connection with a party to the accident, an individual identified in the accident report, an individual that owns or leases one of the vehicles (or other property) damaged in the accident, an individual who may be liable as a result of the accident, an individual conducting “public interest” research, a representative of a news media organization, or an attorney needing the accident report as part of a criminal case or an investigation involving the safety of a road, railroad crossing, or intersection. See O.C.G.A. § 50-18-2(a)(5).
- Documents that would reveal the location or character of a historic property that the Division of Historic Preservation of the Group of Natural Resources has determined the disclosure of which would create a substantial risk of harm, theft, or destruction to the property. See O.C.G.A. § 50-18-72(a)(14).
- Records of farm water use by individual farms determined by water-measuring devices installed pursuant to O.C.G.A. §§ 12-5-31 or 12-5-105. See O.C.G.A. § 50-18-72(a)(15).
- Documents that contain site-specific information regarding the occurrence of rare species of plants or animals or the location of sensitive natural habitats, the disclosure of which has been determined by the Group of Natural Resources to create a substantial risk of harm, theft, or destruction to the species or habitat. See O.C.G.A. § 50-18-72(a)(18).
- Documents or portions of documents that would reveal the names, home addresses, telephone numbers, security codes, e-mail addresses, and other data developed by ARC in connection with servicing, maintaining, operating, selling, or leasing a burglar alarm system, fire alarm system, or other electronic security system or with a neighborhood watch or public safety notification. See O.C.G.A. § 50-18-72(a)(19).
- Documents or portions of documents that would reveal the home address, home telephone number, social security number, insurance information or medical information, or identity of immediate family member or dependent of a public employee. See O.C.G.A. § 50-18-72(a)(21).
- Documents or portions of documents that would reveal the home and work address and telephone number, as well as hours of employment, of anyone who participates in or has expressed an interest in a agency rideshare or carpool program. See O.C.G.A. § 50-18-2(a)(24).
- Records that could compromise public security including vulnerability assessments, security plans, and blueprints of public facilities. See O.C.G.A. § 50-18-72(a)(25).
- Portions of records identifying callers to 9-1-1 call centers by name, address, and phone number. See O.C.G.A. § 50-18-72(a)(26).

- Audio recordings of 9-1-1 calls which contain the speech in distress or extreme cries of the caller who is a minor or who died during the call. See O.C.G.A. § 50-18-72(a)(26.1).
- Audio and video recordings from devices used by law enforcement officers in a place where there is a reasonable expectation of privacy when there is no pending investigation. See O.C.G.A. § 50-18-72(a)(26.2).
- Documents or portions of documents which would reveal licenses to carry pistols or revolvers. However, probate court judges and law enforcement agencies may obtain records related to licensing and possession of firearms. See O.C.G.A. § 50-18-72(a)(40).
- Documents or portions of documents that would reveal records pertaining to the rating plans, rating systems, underwriting rules, surveys, inspections, statistical plans, or similar proprietary information used to provide or administer liability insurance or self-insurance coverage to a agency. See O.C.G.A. § 50-18-72(a)(45).

c. *RECORDS THAT MAY BE WITHHELD TEMPORARILY.* The following records may, but are not required, to be withheld. However, if they are withheld from disclosure, they may only be held temporarily. Eventually, they must be released.

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

**VI. THE PUBLIC'S RIGHT UNDER THE OPEN RECORDS LAW.** The public has the right to a personal inspection of all public records not specifically exempted from disclosure under this law. It does not matter whether they are a citizen of our region or even our state. Similarly, except for information that could lead to identity theft (i.e., social security numbers,

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

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

Anyone who asks for a record has the right, within three business days of the request (1) to be told whether the document is an open or "public record" or whether a document (or a portion of a document) falls within one of the "exemptions" to the open records law; (2) to be given the legal authority (by code section, subsection, and paragraph number), if all or a portion of the requested records are "exempt;" (3) to be notified of any estimated charges for complying with the request; and (4) to be given copies of the requested documents, to be given the opportunity to inspect the requested documents, or to have the requested documents e-mailed, faxed, or otherwise transmitted electronically.

While agency records belong to the public, ARC serves as the officer or trustee of the records and must protect them from permanent removal or alteration by an individual member of the public. Although individuals have the right to personally inspect or copy records, they do not have the right to remove public records from the ARC offices. As such, the Open Records Officer or their designee should supervise the inspection of the records.

**VII. REASONABLE FEES THAT MAY BE CHARGED UNDER THE OPEN RECORDS LAW.** The law states that you may charge and collect a uniform copying fee not to exceed 10¢ per page for letter or legal sized documents and the actual cost for non-standard documents or electronic media. However, higher fees for certified copies or other specialized records may be charged, if authorized by law.

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

**VIII. RECORDS OFFICER.** The law allows the agency to designate one or more records officer to handle open records requests. Once an Open Records Officer has been designated, ARC is required to notify their legal organ and display this information in a prominent place on their website, if available. The following individuals have been designated as the Open Records Officer and the alternate for the entire agency and any related committees:

- Records Officer: Brittany Zwald, Staff Legal Counsel
- Alternate: Malika Reed-Wilkins, Director of the Center for Strategic Relations

Any open records request received must be immediately forwarded to the Open Records Officer, or if that person is unavailable, to his or her designated alternate.

**IX. HANDLING OPEN RECORDS REQUESTS.** Generally, all requests for records are to be responded to within three business days. Whenever possible, this means providing electronic or hard copies of the documents to the requestor or providing access. Most requests for records should be handled at the time of request without special review. However, when the request for records cannot be handled while the citizen is in ARC office or if it appears that the request may require some searching or review, the following procedures should be followed.

While you cannot require that a request be made in writing (although you can direct all written requests to the designated Open Records Officer), you may encourage the requestor to put it in writing to provide documentation of when the open records request was received, as well as help to prevent misunderstandings over the actual records being requested. A records request form is attached to this memorandum and should be offered to every person requesting records and if practicable, posted on ARC website. The form may be e-mailed, faxed, or mailed to the requestor or provided to any requestor appearing in person. If the request form is not filled out by the requestor, the Open Records Officer should note on a form what records were requested and by whom, if known. An adequate supply of forms should be on hand at all times. Additional copies may be made by the officer.

Upon receipt of the request, the officer should immediately date-stamp the request form. The three-business-day time period begins to run as soon as the Open Records Officer receives the request, if ARC has designated an Open Records Officer. Otherwise, the time period begins when ARC receives the request.

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

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

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

Within three business days of the request, allow the requesting party to inspect and/or copy the documents that are not exempt from the open records law. You may redact (strike through or



white out) any exempt portion of the document prior to releasing it to the individual. If the records cannot be produced within this time, provide the requesting party a written description of the records and a timetable for their production.

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

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

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

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

**ATLANTA REGIONAL COMMISSION  
OPEN RECORDS REQUEST**

Pursuant to the open records law, I would like to \_\_\_ inspect and copy; or \_\_\_ obtain copies of  
(please check one) the following ARC records:

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(In order to reduce administrative and copying charges, please provide as detailed a description as possible of the records that you are requesting.)

Please check one:

\_\_\_\_\_ I would like to review the documents/receive the copies within three business days of this request if the records are available; however, I understand that if the records cannot be produced within three business days, a timetable for their release will be provided to me; or

\_\_\_\_\_ I do not need the documents/access within three business days, but would like to review the documents/receive the copies by (insert desired timetable).

I understand that, pursuant to O.C.G.A. § 50-18-71, I may be charged administrative and copying fees for the cost to search, retrieve, copy, redact, and supervise access to the requested documents. This fee represents the hourly rate of the lowest-paid, full-time employee with the necessary skill and training to respond to my request, with no charge for the first 15 minutes that it takes to respond to the request. The charge for copies is 10¢ per page for letter or legal sized documents and the actual cost for non-standard documents or electronic media; however, higher fees for certified copies or other specialized records may be charged, if provided by law. I understand that I will be asked to prepay all costs associated with retrieving the records before the request will be processed if the estimated cost for producing the records exceeds \$500, or if I have failed to pay for requested records in the past. I agree to pay all copying and/or administrative costs incurred with fulfilling my open records request.

If there are any questions about my request, I may be contacted at \_\_\_\_\_ (please insert daytime telephone number) or by e-mail at \_\_\_\_\_ (please insert e-mail address).

\_\_\_\_\_ (signature) \_\_\_\_\_ (date)

\_\_\_\_\_ (printed name)

\_\_\_\_\_ (address)

**FOR AGENCY USE ONLY:**

Open records requests are not required to be in writing. If the requestor declines to use this records request form, fill in this form based upon the information that the requestor provided and sign below.

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Name of Employee Receiving Verbal Request: \_\_\_\_\_

Signature: \_\_\_\_\_

Group: \_\_\_\_\_