

A Primer on Georgia's Sunshine Laws

Georgia law has a strong bent toward favoring increased transparency in regards to its respective public institutions, which ultimately culminated in the amendment of the statutes for Opening Meetings and Open Records in 1998 and more substantive revisions in 2012. Below is a succinct look at the state's Sunshine Laws, as presently constituted, specifically regarding meetings.

Who must comply with Sunshine Laws?

The code provides a broad definition of the term "agency" and requires the following to transact business in the open: city councils, county commissions, regional development authorities, library boards, school boards, planning commissions, zoning boards and most committees of the University System of Georgia. See: O.C.G.A. § 50-14-1(a)(1)

In addition, the statute applies to any committees created by the above listed entities and are required to abide by the requirements of notice and admission to the public. See: O.C.G.A. § 50-14-1(a)(3)(A)(ii)

What constitutes a meeting?

The code provides two essential elements to a meeting: 1) there is a quorum of the members of a governing board or of any committee of its members and 2) public business or policy is discussed, presented or any official action is taken. See: O.C.G.A. § 50-14-1

Meeting notices

Regular meetings: The regular meeting time and place of agency or committee meetings shall be posted **at least one week in advance** in a conspicuous place at the regular meeting location and also on the agency's website. See: O.C.G.A. § 50-14-1(d)

Special and Emergency meetings: Meetings that are held outside the regular time and place require due notice **at least 24 hours in advance** at the regular meeting location and oral notification to the newspaper that serves as the official legal organ for the county. If the official legal organ is published fewer than four times a week, then written notice must be provided to any local media outlets. See: O.C.G.A. § 50-14-1(d)(2)

Meeting Agenda and Minutes

Agendas: An agenda of any meetings shall be made available and posted **at a minimum of two weeks** prior to the scheduled meeting. See: O.C.G.A. § 50-14-1(e)(1)

Minutes: Minutes of any regular meeting must become public when approved at the next regularly scheduled meeting. In addition, minutes of closed meetings must be kept but do not have to be disclosed unless the agency consents or is otherwise ordered to do so by a court. See: O.C.G.A. § 50-14-1(e)

Meetings Conducted By Telephone

Telephone meetings are allowed provided that they follow all public notification provisions and the public is able to access the telephone meeting. See: O.C.G.A. § 50-14-1(f)

Votes Held During Meetings

The law requires that votes held during meetings must be public and the minutes accurately reflect the person making and seconding motions. Also, the minutes must record the name of each member who votes affirmatively for or in dissent of a proposal. See: O.C.G.A. § 50-14-1(b) and O.C.G.A. § 50-14-2(e)(2)(B)

Penalties

Any actions that are taken during a meeting that violates the law are void and can be set aside if challenged **within 90 days of their discovery**. See: O.C.G.A. § 50-14-1(b)(2)

Anyone who “willfully and knowingly” conducts or participates in a meeting that does not comply with the law may be found guilty of a misdemeanor punishable by a fine not in excess of \$1,000.00. See: O.C.G.A. § 50-14-6

In addition, a court may impose a civil penalty not to exceed \$1,000.00 against anyone who negligently conducts or participates in a meeting outside the compliance of law. The court also may impose a civil penalty not to exceed \$2,500.00 for each additional violation committed within a year of the first violation. See: O.C.G.A. § 50-14-6