

OPEN MEETINGS ACT

RESOURCES FOR THE PLANNING COMMISSION

Material adapted from the Citizen Media Law Project

During this down time in the economy, local governments and planning commissions have a great chance to look at their internal practices and policies, so that when growth does bounce back they are prepared for it.

The information below concerns legislation on open meetings in Georgia. The Open Meetings Act can be found in Title 50, Chapter 14 of the Georgia Code. When conducting the business of the planning commission, all members must be educated as to the legal requirements relevant to the body's meeting and communication.

The Georgia Open Meetings Act covers the meetings of "the governing body of an agency" and committees created by its members. The planning commission qualifies as an agency under this definition.

What is a Meeting?

Under the Georgia Open Meetings Act, a "meeting" is any gathering of a quorum of members of a governing body of an agency to discuss or take action regarding official business or policy. The term also applies to information-gathering and fact-finding sessions called by these bodies where a quorum of members is present and the session relates to the body's public business.

Governing bodies may hold meetings by written, telephonic, electronic, wireless, or other virtual means. However, these electronic meetings must be open to the public and are subject to the notice requirements outlined below. While the law is not certain on this point, it appears that email communications between members of a governing body may constitute a "meeting."

Notice

The right to attend meetings is not necessarily meaningful without proper notice of those meetings. To address this issue, Georgia law requires governing bodies of agencies to establish a set schedule of regular meetings and to post notice of this schedule at a conspicuous location at its regular meeting place. The posted notice for regularly scheduled meetings must include dates, times, and locations for the meetings (O.C.G.A. 50-14-1(d)). Governing bodies are required to post agendas for regularly scheduled meetings as far in advance as possible, but not more than two weeks beforehand (O.C.G.A. 50-14-1(e)).

Governing bodies of agencies may also hold meetings besides those regularly scheduled, but they must provide notice to the public *at least twenty-four hours* beforehand. A governing body must post this notice at the place of its regular meetings, and it must give written or oral notice to the local newspaper where notices of sheriff's sales are published or another newspaper with greater circulation in the area (O.C.G.A. 50-14-1(d)).

Minutes and Recordings

The Georgia Open Meetings Act requires governing bodies to record minutes of their meetings and to make them available to the public for inspection. The minutes must contain, at a minimum, the names of the members present at the meeting, a description of each motion or other proposal made and a record of all votes.

Upcoming Events

Summer Commissioners Training Program

June 4-5, 2009—Jekyll Island, GA

For more information visit www.accg.org

Municipal Elections Training

June 9-11, 2009—Atlanta, GA

For more information visit www.gmanet.com

Georgia Rural Development Council

June 11-12, 2009—Macon, GA

For more information call 706.583.2736

GMA Annual Convention

June 20-23, 2009—Savannah, GA

For more information visit www.gmanet.com

Community Planning Academy: ArcGIS Desktop II

July 15-17, 2009—Atlanta, GA

For more information visit

www.atlantaregional.com/communityplanningacademy

Resources

The Georgia Municipal Association has published a report, *Government in the Sunshine: A Guide to Georgia's Open Meetings and Open Records Laws for Municipal Officials* (August 2008). The report examines the legislation in detail and offers sample documents as well as opinions from the state's attorney general. It can be found online at: www.gmanet.com/Publications.aspx.

