



Open Meetings & Open Records: Fundamental Information

Open Meetings

Georgia's Open Meetings Act requires that state and local governmental bodies conduct their business so citizens can review and monitor their elected officials and others working on their behalf. The Act requires that government meetings be open to the public. The Act also requires government bodies to provide reasonable notice of all meetings.



What is a Meeting?

When a quorum of the members of an agency, board, commission, etc. meets for the purpose of discussing or presenting official business, policy, or takes official action, the meeting must be open to the public. This means the public may not be excluded from workshops, fact-finding, or purely deliberative meeting sessions simply because no final action is taken or anticipated. Telephonic, electronic, wireless, or other virtual meetings also must be open to the public.



What is Not a Meeting?

The definition of a meeting does not include certain gatherings of a quorum so long as the primary purpose of the gathering is not to evade the requirements of the Open Meetings Act and no official action is taken by the members during that gathering. Such exceptions include:

1. Making inspection of physical facilities or property
2. Attending state-wide, multijurisdictional, or regional meetings
3. Meeting with officials of the legislative or executive branches
4. Traveling to a meeting or gathering
5. Attending social, civil, ceremonial, or religious events



Executive Session

The Open Meetings Act provides exceptions that allow certain closed meetings and some confidential actions. This is known as an Executive Session. This meeting may be closed so long as a specific statutory exception applies, and the specific reason(s) of the closure must be entered into the official minutes. Primary reasons for an Executive Session include:

1. Discuss pending or potential litigation
2. Discuss possible purchase, sale, or lease of property (real estate)
3. Discuss hiring, disciplining, or evaluation of personnel



Notice of a Meeting

In addition to mandating open meetings, the Open Meetings Act requires that notice to the public be provided in advance of all meetings including emergency meetings. Notice of the time, place, and date of the meeting must be made available and be posted at the meeting location. This information must also be posted on the City's website. Notice of the meeting generally comes in the form of an agenda.



Agenda

An agenda of all matters expected to be discussed must be made available to the public prior to the meeting. The agenda is to be considered the meeting roadmap or outline of the items to be considered. A sample agenda would include the following items:

1. Call to Order
2. Approval of the Agenda
3. Approval of the Minutes from the Previous Meeting
4. Reports
5. Old Business
6. New Business
7. Board Member Items
8. Adjournment



Agenda Cont.

Tips for creating an effective agenda:

- Make sure the meeting is necessary
- Draft a realistic agenda
- Do not add too many items to the agenda – allow time to discuss important or difficult items

Minutes

Minutes of all public meetings must be kept in writing and made available to the public for inspection. Minutes should contain, at a minimum, the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the individuals making and seconding the motion, and a record of all votes. These minutes are subject to the Open Records Act after approval, unless voluntarily released before approval. A summary of the meeting must also be available within two business days after the meeting.



Open Records Requests

Georgia's Open Records Act provides the public with broad access to governmental records and documents. The public has a right to see, inspect, and copy all "public records". These "public records" are broadly defined to include the following: documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by an agency.



Open Records Requests Cont.

Other items subject to disclosure under the Open Records Act include:

- Handwritten notes
- Emails
- Text messages
- Calendars

Open Records Requests Cont.

Items not subject to disclosure under the Open Records Act include but are not limited to:

- Attorney-client privilege and attorney work product
- Security systems and neighborhood watch programs
- Security plans
- Job references and examinations
- Trade secrets



Open Records Requests Cont.

Public records must be made available for inspection within three (3) business days of receiving the request. If the records exist and are subject to inspection but are not available within three business days, a timetable for their inspection must be given to the requester within the three business days and the records themselves must be provided as soon as practicable.



Violations of Open Meetings or Open Records Act

Anyone the court finds “knowingly and willfully” conducting or participating in a meeting without complying with all parts of the Open Meetings Act or “knowingly and willfully” failing or refusing to provide timely access to records subject to inspection by the Open Records Act is guilty of a misdemeanor punishable by a fine not in excess of \$1,000.00. Alternatively, a court may impose a civil penalty not to exceed \$1,000.00 against anyone who negligently conducts or participates in a meeting without complying with the Act or who refuses to provide timely access to public records. The court may also impose a criminal fine or civil penalty not in excess of \$2,500.00 for each additional violation committed within one year of the first violation.



If you have any questions or
concerns, please contact
the City Clerk:

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