Open Government laws

Georgia Attorney General (http://law.ga.gov)

HB 397 (AS PASSED), Signed by Gov. April 2012

The Open Meetings Act (50-14-1)

The Open Records Act (50-18-70)

Georgia First Amendment Foundation (http://www.gfaf.org)

Open Meetings...applies to

- County Commissioners;
- City councils;
- Commissions or authorities, established by state or local governments
- School boards and most committees of the University System of Georgia; and,
- Non-profit corporations operating public hospitals.
- Nearly every group that performs any function of a government entity…
Executive (closed) Sessions

- A portion of a meeting lawfully closed to the public.
- The specific reasons for such closure shall be entered upon the official minutes, as well as the participants.
- Exceptions for Open Meetings include authorizing settlements (litigation); property negotiations, ordering appraisals or entering into contracts or options to purchase land (real estate); discussing or deliberating on Personnel.
- Effective April 2012, minutes of Executive Sessions shall also be recorded but shall not be open to the public. Specify each issue discussed. Attorney-client privileged discussions need not be recorded. ES minutes shall be kept and preserved for in camera inspection by an appropriate court, should a dispute arise.

Open Records

Agenda’s, minutes, ordinances, resolutions, proclamations;

Documents, papers, letters;

Maps, books, tapes, photographs, or DVD’s;

Computer-based or generated information, including but not limited to emails and CD’s;

Similar material prepared and maintained or received in the course of the operation of a public office or agency; and,

Records received, prepared or maintained by a private person, firm, corporation or other private entity either contemplating, in the performance of, or in cooperation with public officials and relating to the use of public resources and funds.

What is an Agenda?

- Simply put, an agenda is a list, an outline or a plan.
- This list/outline/plan includes potential action, topics and problems, or issues that will be discussed during a meeting.
- Meeting agendas are typically either informal, formal, prioritized and timed.
Agendas “101”

- Are there procedural rules for meetings? What about Robert’s Rules of Order?
- Regularize the agenda format
- Who prepares the agenda? Who approves the agenda?
- Establish deadlines for the agenda
- Who can add items and when?
- When and how will the agenda be provided to Commissioners or Councilmembers (with supporting documents), and to the employees, general public and media?

Agenda “No-No’s”

- Too much on the agenda
- Lack of time to deal with important items
- Make sure the meeting is necessary
- Don’t pack the agenda with too many difficult items or incompatible subjects

Agenda “Do’s”

Determine what type of agenda will be used such as:
- Traditional – guided by parliamentary authority
- Priority – grouping in the order of importance
- Subject-based – grouping similar subjects

Draft a realistic agenda; distribute a finalized agenda in advance
List the topic or title of the meeting, list the leader(s) of the meeting, and list the date, time and location of the meeting

Current law states:
“Shall be available upon request and shall be posted at the meeting site as far in advance of the meeting as reasonably possible…”

Post/publish an annual calendar/schedule of meetings
Agenda Formats

• Annotated - with critical commentary or explanatory notes

• Outline - divided into headings and subheadings with a brief statement that presents the main points in a concise form

Agenda Formats – cont’d

◦ An agenda format could include the following:
  ◦ Call to Order
  ◦ Roll Call/Announcement of a Quorum
  ◦ Invocation
  ◦ Pledge of Allegiance
  ◦ Consent Agenda
  ◦ Adoption of the Agenda
  ◦ Reading and approval of the minutes
  ◦ Public Comment
  ◦ Special Presentations
  ◦ Reports of Special Committees
  ◦ Unfinished Business
  ◦ New Business
  ◦ Board Appointments
  ◦ Executive (closed) Session
  ◦ Adjournment
The Metamorphosis of Minutes

• Schedule/calendar, includes date/time/place/location
• Meeting notice/type of meeting
• Agenda/Add-ons
• Members present or absent/other participants (like County/City staff and public)
• Motions/Action
• Discussion/Votes
• Draft/Final/Minute Books or other alternate format

Types of Minutes

• Agenda’s build
• Action Minutes build
• Summary and/or Verbatim Minutes

• ‘Verbatim minutes’
  • a record of every single word said at a meeting
  • are often long and can be difficult to skim for a particular piece of information, unless you are using an electronic (word-searchable) format

Types of Minutes – cont’d

• ‘Summary minutes’ (used most)
  • includes the discussion leading up to a decision and the action as a result
  • is normally written in full sentences rather than bullet points
  • is useful as a reminder for participants after the meeting
  • ensures that absent colleagues are able to know what decisions were made and the discussion leading up to those decisions
  • can be used to trace the history of a project
  • (caution) can lead to a subjective interpretation by the Clerk…
Types of Minutes – cont’d

• ‘Action minutes’ (legally required)
  • simply records what actions have been decided upon, who is responsible and what the milestones and deadlines are
  • the purpose of these minutes is to provide only a record of decisions that require action

Resources for Minutes

• http://www.effective-meetings.com/meetingbasics/minutes.asp
• The Art of Taking Minutes by Delores Dochterman
• Other Clerks and your Predecessor(s)
• The County/City Attorney
• The ACCG/GMA listserv
ANY QUESTIONS?

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