

## **Open Meetings Act**

The School Council is subject to the Open Meetings Act (Official Code of Georgia Annotated [OCGA] § 20-2-86[f]). A meeting for the purposes of the Open Meetings Act is defined as a quorum of the members of the Council or any committee of its members at which any public matter, official business, or policy is to be discussed or presented, or at which official action is to be taken, or recommendations on any public matter, official business, or policy are to be formulated, presented or discussed

All meetings are open unless otherwise provided by law. Regular meetings of the Council must have:

- Announcements of the time, place, and dates of regular meetings posted in a conspicuous location at least one week in advance of the meeting date and time at the place where the meetings are held;
- Notice given to the Council members at least seven days prior to a meeting (OCGA § 20-2-86[f]), and
- Regular meetings may be cancelled or postponed without notice.

Council meeting agendas must:

- Include all matters expected to come before the Council; and
- Be posted at least seven days in advance of the meeting at the meeting site and on the school website.

*Note: Failure to include an item on the agenda that becomes necessary to address during the meeting does not prohibit the Council from considering and acting upon the item.*

Council meeting summaries must:

- Be written and made available to the public for inspection within two business days of the adjournment of the meeting.
- Include the subjects acted on and the members present at the meeting.

Council meetings must have minutes that:

- Are promptly recorded and open to public inspection once approved as official by the Council no later than immediately following the next regular meeting of the Council;
- Include, at a minimum, the names of Council members present, the description of each motion or other proposal made during the meeting, names of those individuals making and seconding each motion or proposal, and a record of all votes taken and the results of those votes;
- Include the name of each person voting for or against the proposal, or abstaining from voting on the proposal;
- Are kept on file at the school office for anyone to request to review (OCGA § 20-2-86[l]); and
- Are sent to Council members within 20 days following each Council meeting (OCGA § 20-2-86[l]).

*Visual and/or sound recording of Open Meetings will be permitted.*

## Executive Session

Meetings, or a portion of a meeting, may be closed to the public (an “executive session”) ONLY if the Superintendent or his or her designee requests an executive session for matters related to the purchase, disposition or lease of property or real estate; personnel matters; or any other matter covered by attorney-client privilege.

## Procedures for a Closed Meeting

- A. Specify reason(s) for closing the meeting--must be within the exceptions listed above and recorded in the minutes.
- B. A majority vote of a quorum present for the meeting is necessary to close the meeting.
- C. Minutes must reflect the names of the Council members present and the names of those voting to close the meeting.
- D. Minutes of the executive session are available to the public as are other meeting minutes.
- E. Only the portion of the meeting that deals with exceptions under the law will be closed; other portions of the meeting must be open.
- F. When a meeting or portion of a meeting is closed, the Council Chair will execute and file with the minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting of the closed portion of the meeting was devoted to matters within the exceptions provided by law and identifying the specific reason for closing the meeting. A meeting may not be closed in order to discuss whether or not to close a meeting.

## Violation of Open Meetings Act

1. Anyone knowingly and willfully conducting or participating in a meeting in violation of the Open Meetings act is guilty of a misdemeanor and, upon conviction, punished by a fine not to exceed \$1000.00. Alternatively, a civil penalty may be imposed by the court in any civil action brought pursuant to this chapter against any person who negligently violates the terms of this chapter in an amount not to exceed \$1,000.00 for the first violation. A civil penalty or criminal fine not to exceed \$2,500.00 per violation may be imposed for each additional violation that the violator commits within a 12-month period from the date that the first penalty or fine was imposed.
2. Superior courts have jurisdiction to enforce the Open Meetings law; the attorney general has the authority to bring law enforcement actions, criminal or civil.
3. If a superior court determines that a Council has not complied with the act, the court will—unless special circumstances exist—assess in favor of the complaining party reasonable attorney's fees and other litigation costs.

## References

[Georgia's Sunshine Laws: A Citizen's Guide to Open Government](#)  
[GA Public Schools and the Open Records Act](#)