

3.2

Synopsis of Attorney General Opinions

**SECTION 3 ACCESS TO MEETINGS UNDER THE
GEORGIA OPEN MEETINGS ACT**

**3.2 SYNOPSIS OF ATTORNEY GENERAL OPINIONS
REGARDING GEORGIA OPEN MEETINGS ACT**

- 1980 **Hospital Authorities. Op. Att'y Gen. U80-6.**
* Meetings of hospital authorities created by the Georgia Hospital Authorities Act are subject to requirements of Open Meetings Act because the funds which the hospital authorities operate and which they expend are public funds."
- 1983 **Student disciplinary hearings. Op. Att'y Gen. 83-9.**
* Student disciplinary hearing held before board of education must be open to the public.
* "[A]ny deliberations of the board at which the final action on a student disciplinary case is discussed" must be open to the public.
- 1985 **Meetings by telephonic conference. Op. Att'y Gen. 85-26.**
* Meetings of Stone Mountain Memorial Association, "an instrumentality of the State of Georgia and a public corporation with the powers of a private corporation," may be conducted by speaker telephone conference where public access is provided.
- 1985 **Advisory committee meetings. Op. Att'y Gen. U85-42.**
* Advisory Committee on Area Planning and Development, is not an ad hoc advisory committee but instead "act[s] for the State" when it performs its statutory duties and is, therefore, subject to the Open Meetings Act.
* Under McLarty v. Board of Regents, 231 Ga. 22 (1973), ad hoc advisory committees, which "can take no official action," are not subject to the Act; McLarty does not extend to meetings of Advisory Committee on Area Planning and Development.
- 1986 **Law enforcement agency meetings. Op. Att'y Gen. U86-35.**
* Georgia Organized Crime Prevention Council, whose activities are concerned with "the prevention, detection or investigation of organized crime in Georgia," is a law enforcement agency, and is, therefore, exempt from the Open Meetings Act pursuant to O.C.G.A. § 50-14-4(3).
- 1988 **Closed meetings; notice provisions. Op. Att'y Gen. U88-30.**
* An agency must comply with the notice provisions of the Open Meetings Act even for meetings that are properly closed to the public. Minutes must be made available to the public giving the reasons for closure, the names of the members present and the names of those voting for closure.

1989

Private corporation serving a public function. Op. Att'y Gen. U89-5.

- * Private Industry Councils, which are primarily funded by the federal government through the state government, are "agencies" for purposes of the Open Meetings Act. PIC "review groups," which do not have decision-making authority and do not formulate recommendations on official business or policy to the governing body are not subject to the Act. PIC "consolidation committees," which are comprised of PIC members and do make recommendations to the full PIC board, are subject to the Act. In accordance with the Act, written or oral notice of meetings must be provided at least 24 hours in advance and must be given to a local legal organ or newspaper of general circulation.

1989

Deliberations of state commission. Op. Att'y Gen. 89-6.

- * Deliberations of the State Ethics Commission after taking evidence in an administrative hearing of a contested case are subject to the requirements of the Open Meetings Act.

1991

Personnel matters. Op. Att'y Gen. 91-8.

- * Discussions regarding personnel matters during Subsequent Injury Trust Fund Board meetings are not subject to the Open Meetings Act unless the Board is conducting an evidentiary hearing or entertaining argument in a disciplinary proceeding.
- * Portions of meetings during which medical and rehabilitation records of individuals are discussed are not subject to the Act and may be closed since those records are exempt from disclosure under the Open Records Act.

1994

Meetings by telephonic conference. Op. Att'y Gen. 94-11.

- * Use of a telephonic conference is permissible for a regular meeting of the State Properties Commission in compliance with the Open Meetings Act; members participating by telephonic means in such a meeting may be counted to reach a quorum.

1995

Attorney-client privilege. Op. Att'y Gen. 95-1.

- * Although state agencies may employ persons with legal training and experience to serve as administrative legal service officers, those persons may not provide legal advice or representation to the agency, and no attorney-client relationship or privilege arises between the legal services officer and other agency officers or employees, or the agency itself.

1995

School board personnel meetings. Op. Att'y Gen. U95-15.

- * A school board may not close to the public any meeting devoted to the airing of grievances about school personnel by interested members of the public. Further, should the school board conduct an inquiry into the actions of school personnel any evidence or argument presented to the board must be held in an open meeting, but the board may close that portion of the meeting consisting of deliberation or discussion of

disciplinary action upon proper compliance with the statutory meeting closure provisions.

1998

Executive Meetings. Op. Att'y Gen. U98-3.

- * Although some limited individuals may be permitted to attend a closed executive session under the Open Meetings Act, a covered "agency" does not have *carte blanche* in determining who may remain. Instead, such agencies must determine on a case-by-case basis which people may remain in a closed session, permitting *only* those persons whose presence is consistent with an applicable exception to remain in the closed meeting.