

University of Georgia Foundation's meetings are latest to be opened by Thurbert Baker 'All the state's business... should be conducted in full view,' says the Attorney General

By Tom Bennett

Atlanta -- Georgia open-government disputes often begin as the densest of thickets, only to end with findings for openness that are as plain as the nose on your face.

Take, for example, Attorney General Thurbert Baker's Feb. 26 letter to the University of Georgia foundation.

That powerful group of wealthy fund-raisers cannot cite the "employee compensation" exception as a reason for closing meetings about UGA President Michael Adams' pay. Why not? Because he doesn't work for them. Rather, he's an employee of the Board of Regents.

Only seven working days went by before the foundation board waved the white flag.

Lynda B. Courts of Atlanta is the current chair. On the stationery of "The University of Foundation, 394 South Milledge Avenue, Athens," she wrote to Attorney General Baker on March 9, saying:

"The foundation ratified last Fall its intent to conduct its meetings in accordance with the Act. The foundation has considered your letter, and wishes to avoid litigation with your office regarding the application of the Act...

"The foundation agrees to the following:

-- "It will conduct all meetings (as defined in the Act) of the Board of Trustees and its Executive Committee in accordance with the terms of the Act; and

" "It will not assert, as to any person employed by the Board of Regents, the exception in ... Section 50-14-3(6)... as a basis for closing a meeting."

The decision "was the right thing to do," Wyck Knox, treasurer of the foundation, told the Journal-Constitution.

It "marks a recognition that all of the state's business, regardless of how controversial it may be, should be conducted in full view of the public," Baker said.

This latest big Baker letter ruling not only placed into circulation another important precedent. Here it is: You have to work for an agency for a meeting to be closed to talk about your pay.

In addition, this was one of the rare occasions when Baker, under a 1998 law, threatened legal action. In almost all cases, his open-government mediation program has depended upon firm letters that reason through the law, prod and cajole.

The five-month dispute also brought Georgia open government into the mainstream of day-to-day discussion among Georgians, and onto front pages.

The Georgia First Amendment Foundation took a firm stand for opening the foundation's meetings. Hollie Manheimer, executive director, wrote to Baker on Feb. 25, saying:

"When it improperly closed meetings Feb. 12 and 13, the UGA foundation did a great disservice to the state and violated both the letter and the spirit of the Open Meetings Act.

"Discussion regarding the leadership of one of this state's premier public educational institutions is exactly the type of debate that must take place in the open."

Previous Baker letter rulings that opened up important meetings and records include:

- Sept. 1998, meetings of the Augusta-Richmond County Aviation Commission;
- May 1999, records of the Georgia Amateur Athletic Foundation, which prepared Atlanta's bid for the 1996 Olympic Games; and
- Nov. 1999, Georgia's uniform motor vehicle accident reports.