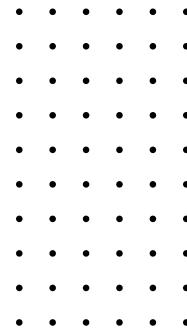


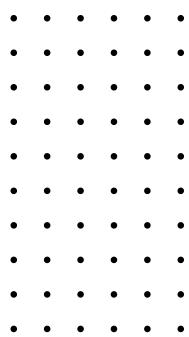


GEORGIA FIRST
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How to Simplify Open Records & Meetings: Practical Tips for Local Governments

Streamline processes and build trust by making local government operations more transparent to people in your community.



First Amendment Clinic
School of Law
UNIVERSITY OF GEORGIA

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How to Simplify Open Records & Meetings: Practical Tips for Local Governments

Public records and meetings, required under Georgia's Sunshine Laws, make local government decisions, operations, and actions more transparent to the people in your community. Sunshine Laws increase public engagement.

But providing public records and running open meetings can be time-consuming. The good news is you can streamline processes and build trust with citizens by proactively enabling public access.

PUBLIC RECORDS

Help records requesters help you

Make it easy for citizens to self-serve by creating a “Public Records” webpage, and link to it from a prominent place on your local government website homepage. On your Public Records page, provide links to a repository of frequently requested public records. Examples of documents you can proactively make available include:

- Agendas and minutes from open meetings (see below)
- Policy and procedures manuals
- Annual budgets and financial reports
- Audit reports
- Strategic development plans
- Facilities plans
- Reports submitted to external agencies by your local government and its departments
- Law enforcement information, including:
 - Crime reports and data (jurisdiction-wide, and by district or neighborhood)
 - Traffic violation reports and data
 - Incident and arrest reports

- Government contracting records, including:
 - Requests for proposals (RFPs) or invitations to bid (ITBs) from your local government and its departments
 - Contractor information for public works and consulting services engaged by your local government
 - Contractor reports (interim and final)
- Archives of responses to prior public record requests (to avoid fulfilling similar requests multiple times)

Good example of a local government that proactively posts public records:

City of Savannah - <https://savannahga.justfoia.com/publicportal/home/newrequest>

Simplify the request process

Make the process clear and easy for citizens and staff.

- On your Public Records webpage, provide the name and contact information of the person(s) to whom oral and written records requests should be submitted.
- Your local government may designate a single person to receive all public records requests or may designate a public-records contact person for each department.
- If you have the ability to produce an online records request form that can be submitted electronically to the public-records contact person, this can help reduce emails and phone calls.

Let requesters know what will happen next

Provide the following information on your Public Records webpage:

- Records responsive to a public records request must be provided within three business days of receipt of the request, no matter whether the request is submitted via an online form, email, snail mail, or by phone or in person.
- Mark your calendar: The first business day after the request is received is Day 1 under the law.
- If responsive records exist but cannot be produced within three business days, before Day 3 ends, the requester must be provided with a description of the existing records and a timeline for when the records will be made available, which must be as soon as practicable.
- Your local government is not required to create records that do not exist. But within the three-day timeline you must inform the requester if no responsive records exist.

Let requesters know about costs

- Local governments are not required to charge for producing public records. It is a best practice not to charge unless fulfilling the request will require significant time and burden. And the law prohibits charging a requester anything for the first 15 minutes of time spent responding to a public records request.
- If your local government does have a practice of charging for public records requests, post your local government's fee schedule for records production. The fee schedule should include:
 - The cost per page of hard copies (cannot exceed 10 cents per page)
 - The cost of media frequently used to produce records such as flash drives
 - The hourly salary of the lowest-paid full-time employee capable of producing the records
 - Guidance explaining that if fees associated with producing requested records will exceed \$25, your local government will inform the requester of the estimated cost and get their agreement to pay before the work is done to gather and produce the records.
- Your local government can require prepayment for records only if: (1) the estimated cost of producing them exceeds \$500, or (2) the same requester has failed to pay in the past for records they requested.

Explain why a record is being withheld

- If you will not provide a record, you must provide a written response to the requester within three business days of receipt of the request detailing the reason for denial.
- If your local government believes the record being sought is exempt from production under the Open Records Act or another law, you must cite the specific law (i.e., Georgia Code section, subsection and paragraph) that exempts the record from public disclosure.

Learn more: The Georgia Open Records Act appears in the Georgia Code at O.C.G.A. §§ 50-18-70 through 50-18-77, and is also explained in the Georgia First Amendment Foundation's "Red Book" *Guide to Open Government in Georgia*: gfaf.org/resources/the-red-book

MEETINGS

Make open meetings easier for everyone

- Create an “Open Meetings” webpage accessible from your local government homepage.
- Before every meeting:
 - Post public meeting notices and agendas on your local government homepage.
 - For regular meetings, post notices of the meeting time and location at least one week in advance of the meeting.
 - It is a best practice to post meeting agendas at least 24 hours in advance of the meeting.
 - For special and emergency meetings, post notices and agendas 24 hours in advance of the meeting.
- After every meeting, post:
 - Meeting summaries within two business days after the meeting
 - Meeting minutes no later than immediately following the next regularly scheduled meeting
 - Include documents and slide presentations that were reviewed or discussed during the meeting
 - Executive session affidavits
 - Government video and audio recordings of the meeting

Good example of an agency that proactively posts Open Meetings documents:

Atlanta Board of Education

https://simbli.eboardsolutions.com/SB_Meetings/SB_MeetingListing.aspx?S=36031014

Know the law, and be ready to explain it

- The Georgia Open Meetings Act defines a “meeting” which must be open to the public as the gathering of a quorum (50% + 1 person) of any of the following at which any official business, policy, or public matter of the agency is formulated, presented, discussed or voted upon:
 - The governing body of an agency (your local government and its departments are all agencies), or
 - Any committee of the members of the governing body, or
 - Any committee created by the governing body.
- A quorum subject to the Open Meetings Act may occur in person or by telephone, group text, or video conference.
- The public may make video or audio recordings of any open meeting.

Learn more: The Georgia Open Meetings Act appears in the Georgia Code at O.C.G.A. §§ 50-14-1 through 50-14-6, and is also explained in the Georgia First Amendment Foundation's "Red Book" *Guide to Open Government in Georgia*: gfaf.org/resources/the-red-book

Understand rules for executive sessions

- A portion of an open meeting can be closed to the public by a majority vote of the meeting participants, but only for a reason authorized by the Open Meetings Act or another state law that allows a confidential meeting, called an "executive session."
- Examples of legally authorized reasons for executive session include deliberations (but not votes) about personnel matters, attorney-client discussion of lawsuits or legal claims, and real estate transactions.
- The official presiding over the public meeting must execute and file a notarized affidavit stating the specific, statutorily authorized reason for the executive session. This affidavit must be included with the legally required meeting minutes.
- Any vote taken on matters discussed during an executive session must be taken in public. Failure to take a public vote means the outcome of the vote is non-binding.

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Questions about its content may be directed to info@gfaf.org.