

House Bill 1040

By: Representatives Jones of the 167th and Hogan of the 179th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open
2 and public meetings, so as to provide for notice of meetings; to provide for placing items on
3 the agenda; to provide for the provision of certain information regarding closed meetings;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open and public
8 meetings, is amended by revising paragraph (1) of subsection (e) of Code Section 50-14-1,
9 relating to meetings to be open to public, limitation on action to contest agency action,
10 recording, notice of time and place, access to minutes, and telecommunications conferences,
11 as follows:

12 "(e)(1) Prior to any meeting, the agency or committee holding such meeting shall make
13 available an agenda of all matters expected to come before the agency or committee at
14 such meeting. The agenda shall be available upon request and shall be posted at ~~the~~
15 ~~meeting site as far in advance of the meeting as reasonably possible, but shall not be~~
16 ~~required to be available more than two weeks prior to the meeting and shall be posted,~~
17 ~~at a minimum, at some time during the two-week period immediately prior to the meeting~~
18 least one week in advance and maintained in a conspicuous place available to the public
19 at the regular place of an agency or committee meeting subject to this chapter as well as
20 on the agency's website, if any. Failure to include on the agenda an item which becomes
21 necessary to address during the course of a meeting shall not preclude considering and
22 acting upon such item; provided, however, that adding items to the agenda shall be
23 limited to emergency conditions involving public safety or the preservation of property
24 or public services, agencies, or committees thereof not otherwise feasible in accordance
25 with this subsection. Adding an item to the agenda shall require a two-thirds' vote by the
26 members of the agency or committee."

27 **SECTION 2.**

28 Said chapter is further amended by revising Code Section 50-14-2, relating to certain
29 privileges not repealed, as follows:

30 "50-14-2.

31 This chapter shall not be construed so as to repeal in any way:

32 (1) The attorney-client privilege recognized by state law to the extent that a meeting
33 otherwise required to be open to the public under this chapter may be closed in order to
34 consult and meet with legal counsel pertaining to pending or potential litigation,
35 settlement, claims, administrative proceedings, or other judicial actions brought or to be
36 brought by or against the agency or any officer or employee or in which the agency or
37 any officer or employee may be directly involved; provided, however, that the specific
38 nature of the pending or potential litigation shall be identified, including the parties
39 anticipated to assert a claim or to initiate a judicial action, and the meeting may not be
40 closed for advice or consultation on whether to close a meeting; and

41 (2) Those tax matters which are otherwise made confidential by state law."

42 **SECTION 3.**

43 Said chapter is further amended by revising paragraph (1) of subsection (b) of Code
44 Section 50-14-4, relating to procedure when meeting closed, as follows:

45 "(b)(1) When any meeting of an agency is closed to the public pursuant to subsection (a)
46 of this Code section, the person presiding over such meeting or, if the agency's policy so
47 provides, each member of the governing body of the agency attending such meeting, shall
48 execute and file with the official minutes of the meeting a notarized affidavit stating
49 under oath that the subject matter of the meeting or the closed portion thereof was
50 devoted to matters within the exceptions provided by law and identifying the specific
51 relevant exception. The official minutes of the meeting shall not be open to the public
52 in accordance with subparagraph (e)(2)(C) of Code Section 50-14-1; however, such
53 affidavits shall be part of the public record."

54 **SECTION 4.**

55 All laws and parts of laws in conflict with this Act are repealed.