

St. Marys River Management Committee

P.O. Box 251 Folkston, Georgia 31537

MINUTES OF MEETING

October 5, 2009

The St. Marys River Management Committee (SMRMC or committee) held its regularly scheduled meeting on October 5, 2009, at the Nassau County Building in Callahan, Florida. Committee members and visitors in attendance are listed on a separate sheet. A quorum of members was present.

CALL TO ORDER

Co-Chairman Chip Campbell called the meeting to order at 7:20 p.m. The minutes from the September meeting were distributed and Chip asked the committee to approve moving the UGA Septic update to follow the Georgia Water Council presentation. The committee approved the agenda change. Treasurer Winifred Stephenson was not present so there was no Treasurer's report. Chip also informed the committee of a new agenda format beginning this month that will allow for any public comments at the end of the agenda, in order to help the business meeting run more efficiently.

Georgia Regional Water Council (GWC) Update

Merrill Varn and Trish Gramajo provided an overview of the Georgia Water Council process and the highlights from the Coastal GWC and Suwannee-Satilla GWC that occurred in late September. Highlights included the timeline for the water management plan to be complete, procedure for how to provide input into the process, and upcoming milestones the GWC's will be tackling in the coming year. Merrill requested the committee appoint a task force (i.e. subcommittee) of Georgia members to work on a report for the next Georgia water council meeting. The committee appointed Merrill, Chip, Ken Hase, and Karen Chisholm to serve on the subcommittee, attend upcoming GWC meetings, and interact with GWC members on any issues that related to the SMRMC River Management Plan.

University of Georgia/Septic "Think Tank" Update

Laurie Fowler provided an overview of the Septic "Think Tank" working group and informed the committee of a new funding opportunity the group is working on. A funding proposal will be submitted to the Georgia 319 program by November 30th to help fund a septic assessment, use of aerial imagery, implementation of septic maintenance projects such as an inspection and tracking program, and possibly help with the production of septic maintenance outreach materials if the budget allows for the Georgia counties. Other funding programs are also being investigated to help fund the priority recommendations that will help county health departments in Florida. The group's latest meeting was today, October 5th and the next meeting will take place on November 2nd.

2010 Georgia Coastal Incentive Grant (CIG) Program Update

Kelly O'Rourke provided an update of this year's CIG funding program and offered her assistance with any proposals from Charlton or Camden counties. Kelly distributed materials on this year's theme and strongly suggested proposals try to incorporate the theme as a focus. CIG proposals due next January require a 100% match (can be all in-kind match), and each project can be up to \$100,000. Kelly reminded the committee that county proposals require a county

resolution, so incorporate enough time to get a resolution passed by the respective board of county commissioners.

Discussion ensued on some ideas that have been circulated on possible projects such as helping fund priority recommendations from the septic working group and addressing the erosion problem at the Trader's Hill boat ramp in Charlton County. Charlton members Russell Barber and Mitchell Crawford agreed a project at Trader's Hill would be very beneficial and the Charlton County Commission had already approved erosion restoration work that will improve the boat ramp the previous year when Russell had approached the county commission on the matter. Russell will work with both the CIG and USFWS on submitting a proposal that could address the erosion.

University of Florida/Water Quality Technical Meeting

Tom Ankersen (UF Conservation Law Clinic) provided an overview on the upcoming water quality technical meeting scheduled for November. Presenters request the committee cover the cost of lunch for up to 18 participants including UF and UGA students (3) and faculty (3), committee members (1-4), and water quality resources from Florida and Georgia (5-8). Ken Hase made a motion for the committee to pay for the cost of a reasonable lunch budget up to a maximum of \$500.00. Dean Woehrle seconded the motion and the committee unanimously approved the budget allowance.

Sunshine Laws for Open Meetings in Florida and Georgia

Tom Ankersen introduced two students from the UF law clinic to present information they had gathered and a memorandum to the committee on the topic. Anthony Pinzino and Adam Darrow provided an overview of their research on applicable open meeting laws in both Florida and Georgia. Pinzino and Darrow distributed copies of their memorandum and provided information on who the laws apply to, the definition of a meeting, and typical forms of meeting the noticing requirements. Overall, the students suggested a hybrid approach of how to ensure the interstate committee meets the Florida requirements while being considerate of their Georgia members. The students answered several questions for the committee and agreed to do some specific research and come back to the committee for the next meeting with more information.

End of the Year Meeting

Geoff Sample informed the committee of the possibility of getting noted Florida nature photographer John Moran to be the keynote speaker for the upcoming end of the year meeting. Discussion ensued on the end of the year meeting date, location, and function of the event. The committee voted that there will be no regular business meeting in December. The December meeting will be an end of the year, holiday event instead of a business meeting. The committee noted this action would require that typical end-of-year business such as nominating officers and approving minutes occur at the November meeting. The holiday meeting was tentatively set for December 4th (pending White Oak approval). Because there is no scheduled business meeting for December, the nominating committee composed of Jeremy Flood, Merrill Varn, and Dean Woehrle will meet prior to the November 2 business meeting to develop a list of proposed officers for 2010.

Public Comment

Jeremy Flood with Rayonier announced Rayonier's upcoming Billionth Tree ceremony and luncheon in Nassau County on November 19th and invited all SMRMC members to attend.

It was announced the next meeting will be Monday, November 2, 2009.

The meeting adjourned at 8:37 p.m.

MEMORANDUM

From: Anthony Pinzino and Adam Darrow, UF Conservation Clinic

To: Tom Ankerson, Director UF Conservation Clinic

SUBJ: St. Mary's River Management Committee and Applicable Open Meetings Laws

Date: 05 October 2009

Question Presented

Under applicable laws in both Florida and Georgia, may an inter-state committee and its subcommittees conduct meetings without impinging either state's rules regarding public meetings and notices thereof?

Brief Answer/Recommendation

Probably not. The spirit of both states' laws is clearly based on the premise that all meetings at which public business is conducted must comply with the relevant open meetings laws unless an exception applies. Although there is no case law directly on point, it seems reasonable that courts would not find that the diversity of citizenship nullifies the intent of either state's legislature. Because of this lack of clarity, however, it is our recommendation that the St. Mary's River Management Committee (SMRMC) adopt a hybrid notice procedure following the strictest requirements of each state as outlined below. (see Appendix I for tabular summary). Additionally, the Committee may consider submitting a request to both states' Attorneys General for an opinion.

Background

The St. Mary's River Management Commission (SMRMC) is an intergovernmental Committee of elected and appointed members from the four counties along the St. Mary's River: Charlton, Camden, Nassau, and Baker counties. The SMRMC was created by a joint effort of the County Commissioners of the four respective counties. The SMRMC meets monthly to discuss, develop and implement plans and programs regarding the St. Mary's River and is open to the public in accord with applicable sunshine laws. The Committee is advisory in nature and does not have the power to impose rules, regulations or other requirements. Its funding is largely derived from public sources, including the St. Johns River Water Management District in Florida. An issue has arisen regarding with which open meetings (sunshine) laws the SMRMC and its subcommittees must comply. Specifically, in a meeting involving at least one member from Georgia and one from Florida, do Florida's or Georgia's sunshine laws apply and to whom. Further, does the location of the meeting affect this determination? If the Florida Sunshine Law applies, is it applicable to the members appointed by Georgia local governments? Conversely the same questions arise regarding the Georgia Sunshine Law.

Florida

In Florida, the Sunshine Laws are established in Article 1, Section 24 of the Florida Constitution. The Constitution states that all meetings of any collegial public body of a

county at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public.¹ Section 286.011 of Florida Statutes implements the sunshine law directive of the Florida Constitution. 286.011(1) similarly to the Florida Constitution, provides that all meetings of any board or commission of any state agency, or authority or of any agency or authority of any county, at which official acts are to be taken must be open to the public at all times. The Sunshine “[L]aw is equally applicable to elected and appointed boards and applies to any gathering [formal or informal] of two or more members of the same board to discuss a matter that will foreseeably come before the board for action.”² The Sunshine Law also binds all members of advisory committees.³ Florida courts have held that the Florida Legislature “intended to extend application of the ‘open meeting’ concept so as to bind every ‘board or commission’ of the state, or of any county or political subdivision over which it has dominion and control.”⁴

There are some specific exceptions to the Florida Sunshine laws. Though, being for the purpose of public benefit, Sunshine Law is generally liberally construed for its public purpose while exemptions tend to be narrowly construed.⁵ One such exception, is the limited exception for fact-finding committees. The exception applies only to fact-finding activities, such as strictly information gathering and reporting.⁶ To date, there is little Attorney General opinion (discussed in more detail regarding an interstate water compact infra), no statutory exceptions, and no case law pertaining to the issue of applicability of Florida Sunshine Law to interstate committees formed by local governments and interstate members of those committees. The Florida Supreme Court in *Town of Palm Beach v. Gradison*, 296 So. 2d 473, 477 (Fla. 1974) stated that “[t]he principle to be followed is very simple: When in doubt, the members of any board, agency, authority or commission should follow the open-meeting policy of the State.” Additionally, it is a second degree misdemeanor to knowingly violate the Sunshine Laws with conduct which occurs inside or outside the state.⁷

In Florida, boards and committees found to be subject to the Florida Sunshine Law have two overarching procedural requirements they must conform with, proper notice and keeping minutes of all applicable meetings. Florida Statute section 286.011(1) states that all meetings falling under the umbrella of the Sunshine Law must provide “reasonable

¹ Article I, s. 24, Fla. Const.; *Frankenmuth Mutual Insurance Company v. Magaha*, 769 So. 2d 1012, 1021 (Fla. 2000), noting Sunshine Law “is of both constitutional and statutory dimension.”

² Informal Op. Att’y Gen. Fla. December 28, 2005 Sunshine Law, nonprofit organization; See Op. Att’y Gen. Fla. 73-223 (1973). See *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693 (Fla. 1969); *Canney v. Board of Public Instruction of Alachua County*, 278 So. 2d 260 (Fla. 1973)

³ *Monroe County v. Pigeon Key Historical Park, Inc.*, 647 So. 2d 857, 869 (Fla. 3d DCA 1994).

⁴ *Times Publishing Company v. Williams*, 222 So. 2d 470, 473 (Fla. 2d DCA 1969), *disapproved in part on other grounds*, *Neu v. Miami Herald Publishing Company*, 462 So. 2d 821 (Fla. 1985); See *Turner v. Wainwright*, 379 So. 2d 148, 155 (Fla. 1st DCA 1980), *affirmed and remanded*, 389 So. 2d 1181 (Fla. 1980) (rejecting argument that legislative requirement that certain board meetings be open to the public implies the board could meet privately to discuss other matters).

⁵ See *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693 (Fla. 1969).

⁶ *Cape Publications, Inc. v. City of Palm Bay*, 473 So. 2d 222 (Fla. 5th DCA 1985); Op. Att’y Gen. Fla. 95-06 (1995) (group, on behalf of public entity, functioning solely as a fact-finder or information gatherer with no decision-making authority, is not subject to Florida Sunshine Law).

⁷ *FLA Stat. 286.011(3)(c) (2008)*; *FLA Stat. 286.011(3)(c) (2008)*

notice” to the public of the upcoming meeting. Reasonable public notice requirements apply even if there is not a quorum present,⁸ or the subject matter is of general knowledge in an open door style forum.⁹ However, The Sunshine Law is silent regarding the specifics of how notice must be made.¹⁰ Due to the silence on specifics, a variety case-by case forms of notice have been employed and interpreted as “reasonable” under the Statute.¹¹ One requirement the Florida courts and Florida Attorney General have fleshed out is that every notice must provide enough time and information prior to the meeting to enable media outlets and the public to attend the meeting.¹² In *Rhea v. City of Gainesville*, the court said the notice requirement exists to give the public notice of pending matters that might affect their rights, affording the then the opportunity to present their side, and providing reasonable time to attend if they want.¹³ The Florida Attorney General’s Office has provided the following general guidelines as suggestions for notice procedures that may vary on case specific facts:

1. The notice should contain the time and place of the meeting and, if available, an agenda (or if no agenda is available, subject matter summations might be used) [Florida courts have held that the Sunshine Law does not require notice of each item to be discussed in a meeting be published in an agenda];
2. The notice should be prominently displayed in the area in the agency's offices set aside for that purpose, *e.g.*, for cities, in city hall;
3. Emergency sessions should be afforded the most appropriate and effective notice under the circumstances and special meetings should have at least 24 hours reasonable notice to the public; and
4. The use of press releases and/or phone calls to the wire services and other media is highly effective. On matters of critical public concern such as rezoning, budgeting, taxation, appointment of public officers, etc., advertising in the local newspapers of general circulation would be appropriate.¹⁴

Specifically regarding the amount of time before a meeting that is deemed “reasonable”, in *Rhea v. City of Gainesville*, the court held that a one in a half hour notice prior to a meeting was insufficient. On the hand, in *Yarbrough v. Young*, the court held that a three day notice for a special meeting sufficiently satisfied the Sunshine Law notice requirements.¹⁵

The other chief Florida Sunshine Law procedural requirement is the keeping of minutes from all applicable meetings. Fla. Stat. §286.011(2) (2009) encompasses the

⁸ Op. Att’y Gen. Fla. 90-56 (1990)

⁹ TSI Southeast, Inc. v. Royals, 588 So. 2d 309, 310 (Fla. 1st DCA 1991)

¹⁰ See Fla stat. 286.011(1)(2009) (silent on specifics of notice)

¹¹ Government-in-the-Sunshine Manual, Part 1, Notice & Procedural Requirements, Office of Att’y Gen. Fla. (2009)

¹² Op. Att’y Gen. Fla. 04-44 (2004), 80-78 (1980), and 73-170 (1973); And see *Rhea v. City of Gainesville*, at 222.

¹³ 574 So. 2d 221, 222 (Fla. 1st DCA 1991)

¹⁴ Government-in-the-Sunshine Manual, Part 1, Notice & Procedural Requirements, Office of Att’y Gen. Fla. (2009)

¹⁵ 462 So. 2d 515 (Fla. 1st DCA 1985)

keeping minutes requirements of the Sunshine Law, stating in relevant part, “The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection.” The Florida Attorney General has made clear that it is unnecessary to keep minutes in verbatim transcript form.¹⁶ Minutes in this context only require a “brief summary or series of brief notes or memoranda reflecting the events of the meeting.”¹⁷

Georgia

Much of the above discussion on member applicability and legislative intent likewise applies to Georgia. Georgia codified its standards for open government in the Open and Public Meetings Act¹⁸ and the Open Records Act.¹⁹ Broadly speaking, these Acts set forth a few basic governing principles and specific implementation requirements. The default presumption is that “[e]xcept as otherwise provided by law, all meetings . . . shall be open to the public.”²⁰

All “agencies” of the state or any local government are subject to this presumption. The Act defines “agency” to include what are traditionally thought of as governmental bodies, but also includes some non-profit organizations as well.²¹ In the context of the SMRMC, two possible classifications may apply.

First, it may be possible to classify the Committee as a “department, agency, board, bureau, commission, authority and similar body of [a] county, municipal corporation or other political subdivision.”²² This would depend on what (if any) authorities have been given the committee by the counties. More information about this relationship would be needed, however if there is no direct link to the county government and the SMRMC is more a group of concerned citizens without governmental ties, than classification under this definition seems unlikely. The Georgia Supreme Court spoke directly to a related issue in its 1973 unanimous decision in McLarty v. Board of Regents of the Univ. System of Ga.²³ There, the court held that the statutory language was clear and only applies to “meetings of the variously described bodies which are empowered to act officially for the State and at which such official action is taken.”²⁴ In this case, the group in question was an organization which reviewed the proposed uses of Student Activity Funds. Although the members were appointed through the University’s offices, their function was only advisory in nature and the group was not empowered to make official determinations or decisions. Accordingly, the court further held that “[t]he ‘Sunshine Law’ does not encompass the innumerable groups which are organized and meet for the purpose of collecting information, making recommendations, and rendering advice but which have no authority to make

¹⁶ Op. Att’y Gen. Fla. 82-47 (1982)

¹⁷ Government-in-the-Sunshine Manual, Part 1, Notice & Procedural Requirements, Office of Att’y Gen. Fla. (2009); See Op. Att’y Gen. Fla. 82-47 (1982)

¹⁸ O.C.G.A. §§ 50-14-1 through 6

¹⁹ O.C.G.A. §§ 50-18-70 through 76

²⁰ O.C.G.A. § 50-14-1 (b)

²¹ O.C.G.A. § 50-14-1(a)(1)

²² O.C.G.A. § 50-14-1(a)(1)(C)

²³ 200 S.E.2d 117 (Ga. 1973).

²⁴ Id. at 118

governmental decisions and act for the State. The Georgia Supreme Court again addressed the inapplicability state's sunshine law to advisory groups in 1987. The court confirmed that meetings of a group which had no "official power" to act on behalf of the state are not subject to the state's sunshine laws.²⁵

Second, SMRMC may fall within the scope of the Act depending on the group's sources of funds. A non-profit organization which receives more than 1/3 of its funds directly from state taxes is also deemed to be an "agency"²⁶ and thus subject to the Act. If SMRMC does not fall within either of these definitions, it is not an "agency" under the Open and Public Meetings Act, and therefore would not be subject to the Act's requirements.

On the other hand, if SMRMC is an "agency" of the state, it and all of its subcommittees must comply with the Act. As such, except for the purposes of inspecting physical facilities under its jurisdiction, all meetings must comply. Subsection 50-14-1(a)(2) defines a meeting as "the gathering of a quorum of the members of the governing body of an agency or of any committee of its members created by such governing body . . . at a designated time and place at which any public matter, official business, or policy to the governing body are to be formulated, presented, or discussed." (emphasis added). This definition does not specifically contemplate memberships of different states and makes no distinctions for smaller groups or sub-committees. As such, the intent clearly is that all "public matters" or "official business" be duly noticed and advertised so general members of the public may attend and comment.

The Act enumerates several very specific requirements regarding noticing meetings and posting of formal agendas. These requirements are detailed in sections O.C.G.A. § 50-14-1(c) through (f). Notably, "due notice" is at least 24-hours in advance of meetings unless deemed necessary by "special circumstances"²⁷ and the specified advance time for posting an agenda is two weeks.²⁸

Interestingly, O.C.G.A. § 50-14-1(f) allows agencies with "state-wide" jurisdiction to conduct meetings by teleconference, provided all the requirements of the Open Meetings Law are met. This is seemingly at odds with the notice publication requirements of subsection (d) and is not likely to apply to SMRMC as it is not a "state-wide" committee. Additionally, violation of the Act is a misdemeanor, punishable by fine not to exceed \$500.²⁹

Trans-Boundary Organizations

The creation of the Apalachicola-Chattahoochee-Flint (ACF) Compact in 1997 raised the question of whether Florida Sunshine Law would apply to the River Basin Commission created by the Compact. Alabama, Florida, Georgia, and the United States of America were all parties to ACF River Basin Compact, which became effective upon enactment of concurrent legislation by each State and the United States Congress. "The purpose of the Compact [was] to promote interstate comity, remove causes of present and future

²⁵ Atlanta Journal v. Hill, 257 Ga. 398 (Ga. 1987) (holding that an Administrative Review Panel was not subject to the state's open meeting laws because the group's powers granted by mayoral executive order were not valid, and therefore the Panel was only advisory in nature.)

²⁶ O.C.G.A. § 50-14-1(a)(1)(E)

²⁷ O.C.G.A. § 50-14-1(d)

²⁸ O.C.G.A. § 50-14-1(e)(1)

²⁹ O.C.G.A. § 50-14-6

controversy, equitably apportion the surface waters of the Apalachicola, Chattahoochee, and Flint River Basin, engage in water planning, and develop and share common databases.”³⁰

In December 1998, the Florida Attorney General released an informal opinion regarding the applicability of Florida Sunshine Law to the ACF River Basin Commission.³¹ According to the Attorney General, the Commission is subject to Florida Sunshine Law partly because the ACF Compact bestows upon it a level of authority that would be subject to the Sunshine Law if the Commission was a Florida agency. Examples include the Commission’s authority “to create committees and delegate responsibilities; To plan, coordinate, monitor, and make recommendations for the water resources of the ACF Basin; . . . [and] [t]o participate with other governmental and nongovernmental entities in carrying out the purposes of this Compact.”³² The Sunshine law does not apply to agencies created under federal law and operating within the state.³³

Although the Sunshine Law does not apply to federal agencies, the authorization of each state legislature including the Florida Legislature is required to create the Compact and the ACF Commission. This authorization, according to the Attorney General, also subjects the Commission to the requirements of the Sunshine Law. Despite the fact that the Compact is given the full weight of federal law, and thus supersedes any conflicting state or local law, there are no contrary state provisions present. After review of the open meeting requirements provided in the Compact, the Florida Attorney General articulated that there is no preemption conflict between federal and state open meeting laws, so the Sunshine Law would still apply. In conclusion the Attorney General expressed that the “public access” and notice requirements expressed in the ACF Compact complement the Florida Sunshine Law.³⁴

Conclusions

There is no case law or formal opinion which addresses the specific issue at hand. The closest analogous situation found is the Attorney General opinion regarding the ACF basin compact. Although the facts of the SMRMC and its subcommittees meetings differ from the ACF Compact, there are enough similarities to at least question if the same conclusion would be true of the instant case. Although both Florida and Georgia default to having the open-meeting policy apply, the requirements of compliance in each state differ substantially.

It is clear that under Florida law that any gathering of SMRMC members constitutes a meeting, regardless of quorum or nature of business conducted. In Georgia, however, there is a reasonable possibility that the Georgia Open Meetings Act does not even apply to full meetings of the entire Committee because of the way “agency” is defined. Even if the Georgia Act does not apply, Florida members would still be subject to Florida law and the requirements imposed thereby, regardless of the location of any meetings.

³⁰ Informal Op. Att’y Gen. Fla. December 11, 1998 ACF basin Sunshine Law applicability

³¹ *Id.*

³² *Id.*

³³ *See, Op. Att’y Gen. Fla. 71-191 (1971)*

³⁴ *Id.*

It is therefore our recommendation that SMRMC adopt a Committee procedure that reflects the hybrid, trans-boundary nature and goals of the organization. This procedure should reflect the more stringent requirements of each state's law, as outlined in Appendix 1. The advisory committee may submit questions to each state's Attorney General requesting an informal opinion on how best to comply with the similar intent but different wording of the governing statutes. These steps will help ensure that all laws are complied with and prevent any of SMRMC's members from being potentially subject to costly criminal liability.

Appendix I

Comparison of Key Florida and Georgia Sunshine Laws

	Florida Sunshine Law Application & Procedural Requirements	Georgia Sunshine Law Application & Procedural Requirements
Who must comply?	<p>Fla. Stat. § 286.011(1) - All meetings of any board or commission of any state agency, or authority or of any agency or authority of any county, at which official acts are to be taken.</p> <ol style="list-style-type: none"> All members of an advisory committee are subject to Florida Sunshine Law.³⁵ Florida Legislature “intended to extend application of the ‘open meeting’ concept so as to bind every ‘board or commission’ of the state, or of any county or political subdivision over which it has dominion and control.³⁶ 	<p>O.C.G.A. § 50-14-1</p> <p>Any agency of the state:</p> <ol style="list-style-type: none"> Group which has official power to act on behalf of the State. <ol style="list-style-type: none"> purely advisory committees are not subject to compliance.³⁷ Non-profit group which derives over 1/3 of its funds from the state.
What is a meeting?	<p>Any gathering [formal or informal] of two or more members of the same board to discuss a matter that will foreseeably come before the board for action.³⁸</p>	<p>O.C.G.A. § 50-14-1(a)(2)</p> <p>“[T]he gathering of a <u>quorum</u> of the members of the governing body of an agency <u>or of any committee of its members</u> created by such governing body . . . at a designated time and place at which any public matter, official business, or policy to the governing body are to be formulated, presented, or discussed.” (emphasis added).</p>
Notice-Length	<p>Fla. Stat. §286.011(1)</p> <p>“Reasonable notice” must be given.</p> <ol style="list-style-type: none"> Mere hours before a meeting is not sufficient. 3-5 days has been held to be sufficient. 	<p>O.C.G.A. § 50-14-1(d)</p> <ol style="list-style-type: none"> “Due notice” is 24-hours “Special Circumstances” may be declared by the agency. When so declared, the standard becomes “reasonable notice” given the

³⁵ *Pigeon Key Historical Park, Inc.*, 647 So. 2d 857, 869 (Fla. 3d DCA 1994).

³⁶ *Times Publishing Company v. Williams*, 222 So. 2d 470, 473 (Fla. 2d DCA 1969): *See Turner*, 389 So. 2d 1181 (Fla. 1980) (rejecting argument that legislative requirement that certain board meetings be open to the public implies the board could meet privately to discuss other matters).

³⁷ *See McLarty v. Board of Regents of the Univ. System of Ga.* 200 S.E.2d 117 (Ga. 1973); *Atlanta Journal v. Hill*, 257 Ga. 398 (Ga. 1987).

³⁸ Informal Op. Att’y Gen. Fla. December 28, 2005 Sunshine Law, nonprofit organization; *See Op. Att’y Gen. Fla. 73-223* (1973). *See Doran*, 224 So. 2d 693 (Fla. 1969); *Canney*, 278 So. 2d 260 (Fla. 1973)

		circumstances and meeting agenda.
Notice-Method	<p>Notice should contain time and place of meeting. Method of notice must be “reasonable.”</p> <p>For all meetings, the public must be noticed of matters possibly affecting their rights, and provided enough information and time for media and public to attend.</p>	<p>The time, place and dates of “regular” meetings must be posted at regular meeting location. Meetings may also be noticed via same “legal organ” which advertises sheriff’s sales in the county, or other outlet published not less than 4 times a week.</p> <p>Any changes from schedule must be given “due notice.”</p>
Notice-Agenda	<p>An agenda should be part of notice if available. If no agenda is available, subject matter summations might be used.</p>	<p>O.C.G.A § 50-14-1(e)(1)</p> <p>Agenda of “expected” topics must be posted at meeting site “as far in advance as reasonably possible,” but not greater than two weeks prior to the meeting. Failure to include topic does not prevent discussion/action of topic that becomes necessary to discuss during the meeting.</p>
Minutes	<p>Fla. Stat. § 286.011(2) –</p> <p>Minutes must be “promptly recorded”</p> <ol style="list-style-type: none"> 1. All meetings subject to Sunshine Law must have minutes kept. 2. Either, brief summary, notes, or memoranda satisfy this requirement. 	<p>O.C.G.A § 50-14-1(e)(2)</p> <p>Minutes must be made available to public within 2 business days of meeting.</p> <ol style="list-style-type: none"> 1. Must include members present. 2. Must include “summary of the subjects acted on.”