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January 26, 2016

Via email: jmonacell@sgrlaw.com

James P. Monacell, Esquire
Promenade II, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309-3592

RE: Open Meetings Act Complaint from David Mattingly regarding the Avondale Estates Downtown Development Authority (DDA)

Dear Mr. Monacell:

I received your response to my January 13 letter, and I appreciate the detailed explanation you provided in response to Mr. Mattingly's complaint. I understand from your letter that due to a misunderstanding of legal advice on what could be discussed in executive session, the Downtown Development Authority did go into an executive session to discuss the appointment of a director, in violation of O.C.G.A. § 50-14-3(b)(2).

As I mentioned in my previous letter, one goal of the Attorney General's mediation program is to attempt to resolve disputes between citizens and local government; we also hope to encourage compliance with the Open Records and Open Meetings Acts and to educate citizens and agencies about the requirements of the Acts. I believe those goals have been accomplished in this case. I understand from your letter that the members of the DDA will soon be attending membership training, and that they will make sure that their policies and procedures can be clarified to prevent any further violations.

As part of our mediation program, our office offers training sessions and presentations on the Open Records and Open Meetings Acts, and although we cannot offer legal advice to anyone other than our clients, we are available by phone to discuss any issues that an agency may have questions about. I am closing my file on this matter, but the DDA and their staff should feel free to contact me if any further issues arise.

James P. Monacell, Esquire
January 26, 2016
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Sincerely,

A handwritten signature in black ink that reads "Jennifer Colangelo". The signature is written in a cursive, flowing style.

JENNIFER COLANGELO
Assistant Attorney General

cc: Mr. David Mattingly

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January 20, 2016

ADVANCED BY EMAIL

Jennifer Colangelo
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Re: Open Meetings Act Complaint from David Mattingly regarding the
Downtown Development Authority of Avondale Estates

Dear Ms. Colangelo:

Thank you for your letter of January 13, 2016, in which you indicate your office has chosen to mediate a complaint from Mr. David Mattingly concerning Downtown Development Authority of Avondale Estates' meetings of October 27, 2015 and January 7, 2016.

I have had an opportunity to inquire into the circumstances of those meetings. As you note in your letter, the Open Meetings Act does not require an authority to allow public comments or questions at its meeting, so I have focused on the executive sessions that were conducted as part of the meetings on those dates.

As you know, the Downtown Development Authority comprises a board consisting of directors appointed by the Mayor and Commission of Avondale Estates. The City Manager had sought advice from the City Attorney concerning whether the Mayor and Commission's deliberations on new appointments to the Downtown Development Authority were appropriately to be held in executive session and was advised, consistent with O.C.G.A. § 50-14-3(b)(2), that that was the case.

The Downtown Development Authority planned to interview persons who would be considered for open positions on the Downtown Development Authority and asked the



City Manager for advice on whether this appropriately would be done in executive session. The City Manager repeated the advice he had received from the City Attorney. Unfortunately, as you note in your letter, the same statutory section has an exception stating that when a matter concerning an appointment of a director to an authority is considered by that authority itself, the proceedings are to be open to the public. Not knowing of this distinction and exception, the Downtown Development Authority did hold execution sessions on the dates referred to solely for the purpose of interviewing the interested persons in a question-and-answer format. No deliberations or votes were conducted in these sessions, those being reserved for the continuation of the open meeting.

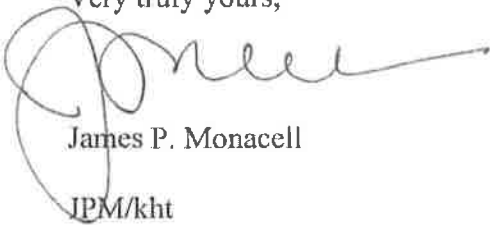
This lapse on the part of the Downtown Development Authority in recognizing the requirement of that code section was inadvertent and made in good faith. Most of the members of the Downtown Development Authority at the relevant times were themselves recently appointed, and had not yet completed their authority membership training, which training is scheduled in the near future.

The Downtown Development Authority has every wish and intention to comply fully with the Open Meetings Act and will do so on an ongoing basis, seeking advice from this firm, as its counsel, as appropriate in the future. Certainly Mr. Mattingly and other members of the public may be assured that executive sessions will be conducted in the future only for matters specifically provided for by law, and will not be conducted for the purposes of interviewing possible Downtown Development Authority members. We appreciate Mr. Mattingly's bringing this to our attention so that the Downtown Development Authority's policies and procedures can be clarified in this respect.

We thank you for your mediation in this matter.

With best wishes.

Very truly yours,



James P. Monacell

JPM/kht