

April 20, 2023

TO: Mayor Mark Moore, Don Cannon, Planning Commission Chair, member of the City Council of Walnut Grove, members of Planning & Zoning Commission of Walnut Grove, Attorney Tony Powell and citizens of Walnut Grove

FROM: Maxine McClanahan, citizen of Walnut Grove, GA

RE: Meeting of Planning and Zoning Commission scheduled for today, April 20, 2023.

As per the laws I have cited below I ask you the following question. Will the meeting of Planning and Zoning which also includes Public Hearings be cancelled for this evening?

It appears to me that this meeting did NOT meet the requirements of Georgia Law for notice. The Planning & Zoning meeting was ONLY posted on the City's website as occurring. The agenda was posted there this morning at some point but was not there last night. There was no notice of any kind posted on the Municipal Building until around 1:30 PM today. At that time the Mayor and another person were seen at the building and the agenda for the meeting was seen posted on the building. Earlier today that agenda was NOT on the door. As this is NOT only less than 7 days notice of regular meeting as per 50-14-1.(d)(1) this is not even a 24 hour notice.

I am concerned that not only is this meeting not in compliance with the laws but that it could leave the city in jeopardy for legal recourse from someone due to the fact that the notices were not followed.

Please respond to

Thank you,

Maxine McClanahan

50-14-1. a. (3)(A) 'Meeting' means:

- (i) The gathering of a quorum of the members of the governing body of an agency at which any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon; or
- (ii) The gathering of a quorum of any committee of the members of the governing body of an agency or a quorum of any committee created by the governing body at which any official business, policy, or public matter of the committee is formulated, presented, discussed, or voted upon.

(b)(1) Except as otherwise provided by law, all meetings shall be open to the public. All votes at any meeting shall be taken in public after due notice of the meeting and compliance with the posting and agenda requirements of this chapter.

(2) Any resolution, rule, regulation, ordinance, or other official action of an agency adopted, taken, or made at a meeting which is not open to the public as required by this chapter shall not be binding.

(c) The public at all times shall be afforded access to meetings declared open to the public pursuant to subsection (b) of this Code section.

(d)(1) Every agency subject to this chapter shall prescribe the time, place, and dates of regular meetings of the agency. Such information shall be available to the general public and a notice containing such information shall be posted at least one week in advance and maintained in a conspicuous place available to the public at the regular place of an agency or committee meeting subject to this chapter as well as on the agency's website, if any.

(e)(1) Prior to any meeting, the agency or committee holding such meeting shall make available an agenda of all matters expected to come before the agency or committee at such meeting. The agenda shall be available upon request and shall be posted at the meeting site as far in advance of the meeting as reasonably possible, but shall not be required to be available more than two weeks prior to the meeting and shall be posted, at a minimum, at some time during the two-week period immediately prior to the meeting.

50-14-6. Any person knowingly and willfully conducting or participating in a meeting in violation of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000.00. Alternatively, a civil penalty may be imposed by the court in any civil action brought pursuant to this chapter against any person who negligently violates the terms of this chapter in an amount not to exceed \$1,000.00 for the first violation. A civil penalty or criminal fine not to exceed \$2,500.00 per violation may be imposed for each additional violation that the violator commits within a 12 month period from the date that the first penalty or fine was imposed. It shall be a defense to any criminal action under this Code section that a person has acted in good faith in his or her actions.