

# **Bond Case Briefs**

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## **OPEN MEETINGS - GEORGIA**

### **Gravitt v. Olens**

**Court of Appeals of Georgia - July 16, 2015 - S.E.2d - 2015 WL 4314382**

Attorney General brought a civil action seeking to enforce Open Meetings Act (OMA), alleging city and city mayor had negligently violated the OMA by refusing to allow a member of the public to attend and videotape a meeting of the city council, and sought the imposition of civil penalties and the award of attorney fees pursuant to the OMA. The Superior Court denied the defendants' motion to dismiss the action on the basis of sovereign and official immunity, and granted summary judgment in favor of the Attorney General. Defendants appealed.

The Court of Appeals held that:

- City was not entitled to assert sovereign immunity to bar enforcement action;
- Mayor's actions were ministerial, and therefore he was not entitled to official immunity;
- City was not a "person" subject to imposition of civil penalties;
- Genuine issue of material fact existed as to whether citizen was removed from open public meeting at the direction of the mayor precluding summary judgment;
- Imposition of \$2500 civil penalty each for second and third OMA violations was excessive; and
- Defendants' acts lacked substantial justification, such that attorney fees were recoverable under OMA.