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ATTORNEYS

July 15, 2026

SENT VIA ELECTRONIC MAIL

Kristen Settlemire, Assistant Attorney General
GEORGIA DEPARTMENT OF LAW
40 Capitol Square, S.W.
Atlanta, Georgia 30334
Email: KSettlemire@law.ga.gov

Re: College Park's Response to Alleged Violations of Georgia's Open Meetings Act

Ms. Settlemire:

As you are aware, Denmark Ashby Matricardi LLC ("Firm") represents the City of College Park, Georgia ("City" or "College Park"). Recently, the City received a complaint, alleging violations of Georgia's Open Meetings Act ("Act"), O.C.G.A. §§ 50-14-1, *et seq.*, arising from the City's special-called meeting held on June 28, 2026, in Savannah, Georgia, and a *purported* meeting that was not held on June 15, 2026 ("Complaint"). Despite the allegations, Georgia law permits municipalities to conduct meetings outside city limits. Moreover, nothing suggests that the public was denied access to the subject meeting agenda or lacked knowledge concerning the subject/purpose of the meeting. Rather, it *appears* that certain citizens are attempting to weaponize a perceived technicality to challenge the City Council's ability to conduct legitimate legislative business. Please consider this Correspondence as the City's response to the Complaint.

On June 28, 2026, College Park held a special-called City Council meeting ("Meeting") at the Marriot Savannah Riverfront in Savannah, Georgia ("Marriot").¹ The Meeting was advertised pursuant to the Act, however, some City residents have asserted complaints of *alleged* violations of the Act because the Meeting agenda was not posted at the Savannah Marriot and the Meeting occurred outside the City limits. Despite these meritless complaints, the Meeting agenda was publicly available online, at City Hall, and in the Meeting room at the Marriot. Indeed, there was

¹ Notably, the City Mayor and Council were in Savannah from June 26 through June 30, 2026, to attend the Georgia Municipal Association ("GMA") 2026 Annual Convention. Each year, the GMA holds a convention, where municipal leaders from across Georgia learn, share ideas, and strengthen relationships to assist cities, like College Park, succeed. Because the GMA annual convention attracts city councilmembers from across the State, cities commonly hold meetings while attending the convention.



no intent to deceive the public or preclude discussion in deliberate violation of the Act. Rather, the City held a publicly noticed, open to the public, and proper special-called meeting on June 28, 2026, at the Marriot.

Pursuant to the Act, except as otherwise provided by law, all meetings shall be open to the public. O.C.G.A. § 50-14-1(b). The Act seeks to eliminate closed meetings which promote public distrust of officials who are clothed with the power to act in their name. Cardinale v. Westmoreland, 367 Ga. App. 267, 274, 885 S.E.2d 275 (2023). Accordingly, the Act requires that the governing body, here the City Mayor and Council, provide proper and advance notice of the meeting, the meeting be open to the public, an agenda is published prior to the meeting, and the minutes from that meeting are properly recorded and made public after the meeting. Here, the undisputed facts demonstrate that the City substantially complied with the Act's notice and openness requirements, as well as conducted a meeting that was fully open to the public. Indeed, there was a crowd of College Park citizens clamoring to gain access to the Marriot room in advance of the Meeting. Moreover, certain unfounded and baseless complaints or allegations from a select group of citizens regarding decisions made by elected officials do not warrant the Office of the Attorney General to wade into the realm of local legislative affairs. In this regard, the City respectfully points out that there is no requirement in the Act that limits the location of a City Council meeting—Georgia law and precedent permit the conduct of meetings outside the City limits. Rather, the Act merely ensures that the public has proper notice of meetings, that the meetings are held in open public,² and that the meetings are accessible for the public to attend. In fact, countless meetings are held throughout this State beyond the jurisdictional limits of local governments and State agencies alike.

Should the Attorney General begin to challenge the decisions of local legislative bodies beyond authority provided under the Act, it would give rise to the appearance that the Attorney General is creating law, rather than enforcing the Act as directed by the General Assembly. Respectfully, the Attorney General must remain neutral when investigating alleged violations of the Act. Notably, the City believes that certain language in your June 30, 2026 letter ("Letter") lends itself to the *appearance* that the Attorney General is being a fair arbiter of the facts.³ Evidence of this has presented itself in the media, which has seized upon such language to create the *appearance* that the City has violated the Act.

Finally, as none of the allegations found in the Letter represent a violation of the Act, it *appears* that the Attorney General is asking that the local governing body, which was elected to wield the powers of the City, bend to the will of a certain group of un-elected citizens who are weaponizing the Attorney General after failing at the ballot box. To put it another way, the Attorney General is asking that the governing body for the City of College Park govern itself and operate under the direction of an unelected group of residents. The City is hopeful that the Attorney General is not advocating on behalf of a group of unelected citizens and, to that end, reviews the contents of the City's response with that background.

² Except where the law provides that matters can be conducted in executive session. O.C.G.A. § 50-14-1.

³ For example, in the Letter, the Attorney General states, "At the very least, however, it does not appear that the city's actions fostered public transparency."

Accordingly, please see the following showing that City has not violated the Act by holding a publicly noticed, publicly attended, and properly held City meeting at the Marriot on June 28, 2026.

I. The Meeting Was Properly Noticed and Open to the Public

As courts have explained, the Act merely requires advance notice of meetings open to the public. Maxwell v. Carney, 273 Ga. 864, 864, 548 S.E.2d 293 (2001). Prior to the Meeting, the City provided advance notice identifying the date, time, and location of the special-called meeting.⁴ The notice was posted⁵ in advance of the Meeting at City Hall with the location of the Meeting in Savannah, published in accordance with the legal notice procedures, made available through the City's website, and linked for live-stream viewing. The Meeting was open to all members of the public and residents, who attended in person and through the City's live-stream platform. Throughout the Mariott, there was signage concerning the Meeting. In fact, there was a crowd of concerned citizens waiting outside the Meeting room at the Marriot waiting for the doors to open and the Meeting to start.

The purpose of the Act is to ensure that governmental decision-making occurs openly and that the public has meaningful access to meetings of public bodies. Without question, the City fully satisfied the Act's purpose. Members of the public were aware of the Meeting, attended the Meeting, and observed the Meeting.

II. Holding the Meeting Outside the City Limits Does Not Violate the Act

The Letter also *appears* to suggest that the City improperly conducted a meeting outside the City limits. However, absolutely nothing in the Act prohibits a municipality from conducting a properly noticed meeting outside the city's geographical limits. Instead, the Act focuses upon adequate notice and meaningful public access. Indeed, "[t]he Georgia Assembly passed the [Act] to ensure that the people's business is conducted in an open and assessable manner." Claxton Enter. v. Evans Cnty. Bd. of Comm'rs, 249 Ga. App. 870, 875, 549 S.E.2d 830 (2001). Here, the fact that a lively crowd of concerned citizens attended the Meeting clearly establishes that the Meeting was open and accessible.

Although Georgia courts have not specifically declared that municipalities are permitted to conduct meetings outside of the city's territorial limits, if the location does not prevent public attendance and the city satisfies the notice requirements, the Act permitted the City to hold the Meeting in Savannah. Corkren v. Maynard, 374 Ga. App. 777 (2025). In Corkren, a resident of the City of Winder, Georgia, filed a complaint alleging that she did not have notice of the meeting, there was no agenda posted, and no meeting was conducted at the normal meeting place. After correspondence with city officials, the plaintiff became aware that the meeting was being held at

⁴ See Exhibit "A" showing the notices for the meeting.

⁵ Although the Act does not define the term, "posted," the complainants *ostensibly* believe that the Act requires the City to attach the agenda to the Meeting room wall. However, neither the Act nor court decisions support this reading. Indeed, simply attaching a notice to a door did not afford adequate notice pursuant to the Act. Diamond Waste, Inc. v. Monroe Cnty., Ga., 796 F. Supp. 1511, 1521 (M.D. Ga. 1992). Rather, as outlined here, the key is adequate notice and an open meeting.

a different location in Young Harris, Georgia. However, upon arrival, there was no notice posted at the Young Harris location indicating where the meeting was to take place. Ultimately, because the matter was resolved based upon the statute of limitations and executive session exception, the Court of Appeals did not address the complaint that city official failed to provide access to the meetings to the public when holding the meeting in Young Harris. Although the Court of Appeal had the opportunity and could have explicitly declared that meetings outside the jurisdiction violate the Act, the Court of Appeals made no such declaration. Rather, the Court intimated that the Act would be violated only if the local government effectively prevented public access in the manner and location used for a meeting. Put simply, the Act does not impose a geographical limitation on city meetings, and the Corkren Court read no such limitation into the Act.

Notwithstanding the Act's silence concerning the permissible location of meetings, the facts needed to even entertain the notion that the public was effectively barred from the Meeting are not present. Rather, College Park publicly identified the Meeting location in advance, posted the agenda and meeting information at City Hall, the meeting remained open to the public, residents attended, and the proceedings were simultaneously live-streamed.⁶ These facts demonstrate that the public was not deprived of access to the Meeting in violation of the Act.

III. The Complaint Regarding the Agenda Does Not Constitute a Violation of the Act

In addition to the location concern, a primary allegation in the Letter concerns whether the meeting agenda was physically posted at the meeting site.⁷ Admittedly, prior to any meeting, an agenda of all matters shall be available upon request and posted at the meeting site. O.C.G.A. § 50-14-1(e). However, nothing in the Act or case law suggests that the “posting” requirement mandates that agenda be physically affixed to the Meeting room wall/door. Rather, “posting” refers to publishing the agenda or displaying the agenda in a public place to ensure public notice. That is exactly what occurred in this case as the agenda was available online, at City Hall, and on a table within the Meeting room.

EarthResources, LLC v. Morgan Cnty., 281 Ga. 396, 638 S.E.2d 325 (2006) is instructive concerning complaints related to the posting of meeting agendas. In EarthResources, a property owner sued a county and board, seeking the review of the denial of the verification of a zoning ordinance for a proposed landfill. Id. at 396-97. Addressing the claim that the denial was invalid because the board violated the Act when posting of the notice at the regular meeting site and posting the agenda at the wrong site, the Court of Appeals explained that the notice was timely posted at the office of the board and properly advised the public that the meeting would be held at an alternate site. Id. at 399. Likewise, the meeting agenda was available upon request at the office of the board. Id. “Although the failure to post the agenda at the alternative site constituted a technical violation

⁶ See Exhibit “A”.

⁷ To the extent that any *alleged* complaint concerns or attempts to conflate the argument that only “state agencies” are permitted under the Act to hold meetings via telecommunications and throughout the State, this permission for a “state agency” does not limit or otherwise bar a local government from holding a meeting outside its jurisdiction. Although the General Assembly specifically authorized State-wide agencies to meet by teleconference, O.C.G.A. § 50-14-1(f), such authorization does not, by negative inference, mean that cities are prohibited from meeting outside of geographical jurisdiction. Indeed, if the General Assembly sought to impose such a limitation, it could have enacted a location limitation, like the other prohibitions contained in the Act.

of the statute, we do not construe the statute so tightly as to consider the failure to comply with the letter of the agenda provision to require invalidation of the decision adverse to EarthResources.” *Id.* at 400. Because there was no allegation, much less evidence, that the technical violation of the agenda-posting requirement deprived a fair and open consideration or impeded the remedial/protective purpose of the Act, posting of the agenda at the regular meeting site was sufficient compliance with the Act. *Id.* at 400-01. Like *EarthResources* where there was no actionable violation of the Act, any *purported* technicalities related to the Meeting do not give rise to a violation of the Act. Although an agenda was not affixed to a wall or door of the Meeting room, the printed agenda was inside the Meeting room and was available to attendees. Importantly, the Act does not elevate form over substance. The relevant inquiry is whether the public was denied meaningful access to the meeting or prevented from learning the subjects to be considered.

Here:

- the Meeting itself was properly noticed;
- notice was posted at the City Hall with the Marriot meeting location;
- the public knew the location, date, and time of the Meeting;
- notices were posted in the main lobby of the Marriot and outside the Meeting room informing the location and time of the meeting;
- agendas were available at the Meeting location;
- Members of the public attended the Meeting and were in mass awaiting the opening of the door for the start of the Meeting;
- no individual was denied admission; and
- the proceedings were broadcast electronically.

Under these circumstances, any *technical* deviation regarding the precise placement of the agenda did not impair public participation and, therefore, does not constitute the type of violation contemplated by the Act. As discussed in *EarthResources*, Georgia courts have consistently recognized that technical defects which do not interfere with the public's right to observe governmental proceedings do not warrant invalidation of governmental action or the imposition of sanctions.

Moreover, for special-called meetings with less than 24 hours' notice, cities must state the reason for the meeting in the notice and in the meeting minutes. O.C.G.A. § 50-14-1(d)(3). In such a situation, the Act requires that the reason for holding the meeting within 24 hours and the nature of the notice used must be recorded in the minutes of the meeting. *Slaughter v. Brown*, 269 Ga. App. 211, 213, 603 S.E.2d 706 (2004). Here, proper notice was provided with more than 24-hours' notice. Therefore, the City was not required to state the reason for the meeting on the record.

IV. No Evidence Exists of Intentional Evasion of the Act

Equally significant, there is no evidence that the City attempted to evade the Act or conduct governmental business in secret. To the contrary, the City intentionally conducted a public meeting, publicly announced its location, permitted public attendance, maintained agendas at the meeting site, City Hall, and online, as well as live-streamed the proceedings to maximize public

access. These actions are fundamentally inconsistent with any *allegation* that the City sought to conceal its deliberations or circumvent Georgia's open government laws.

V. Conclusion

Having carefully reviewed the allegations contained in the Letter, nothing suggests that the City violated the Act. Rather, the Meeting was properly noticed, open to the public, accessible both in person and electronically, and conducted in a manner consistent with the Act's underlying purpose of governmental transparency. Although the City continually reviews its procedures and welcomes opportunities to improve administrative practices, the facts do not support a finding that the Act was violated. Accordingly, the City respectfully requests that the Attorney General conclude that no enforcement action is warranted and cease review of this matter. Should the Attorney General require any additional information or documentation, the Firm would be pleased to provide it.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "W.A. Denmark".

WINSTON A. DENMARK, ESQ.
Counsel for the City of College Park

cc: Michael Hicks, City Manager

EXHIBIT A



PUBLIC NOTICE

SPECIAL CALLED MEETING

COLLEGE PARK CITY COUNCIL

A Special Called Meeting of the Mayor and City Council of the City of College Park will be held on Sunday, June 28, 2026 at 4:00 p.m. in Boardroom A located at: Marriott Savannah Riverfront, 100 General McIntosh Blvd., Savannah, GA 31401 for the following purpose:

1. Roll Call
2. Approval of Agenda
3. DMO Bids Consideration

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PUBLIC NOTICE

SPECIAL CALLED MEETING COLLEGE PARK CITY COUNCIL

A Special Called Meeting of the Mayor and City Council of the City of College Park will be held on Sunday, June 28, 2026, at 4:00 p.m. in Boardroom A located at: Marriott Savannah Riverfront 100 General McIntosh Blvd Savannah, GA, 31401 for the following purpose:

1. Roll Call
2. Approval of Agenda
3. DMO Bids Consideration

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Posted on June 26, 2026 | Last Updated on July 06, 2026



PUBLIC NOTICE

SPECIAL CALLED MEETING COLLEGE PARK CITY COUNCIL

A Special Called Meeting of the Mayor and City Council of the City of College Park will be held on Sunday, June 28, 2026, at 4:00 p.m. in Boardroom A located at: Marriott Savannah Riverfront 100 General McIntosh Blvd Savannah, GA, 31401 for the following purpose:

1. Roll Call
2. Approval of Agenda
3. DMO Bids Consideration



**SPECIAL CALLED MEETING AGENDA
COLLEGE PARK MAYOR & CITY COUNCIL**

Date: June 28, 2026

Time: 4:00 p.m.

**Location: Boardroom A, Marriott Savannah
Riverfront, 100 General McIntosh Blvd
Savannah, GA 31401**

1. Roll Call
2. Approval of Agenda
3. DMO Bids Consideration



**SPECIAL CALLED MEETING AGENDA
COLLEGE PARK MAYOR & CITY COUNCIL**

Date: June 28, 2026

Time: 4:00 p.m.

**Location: Boardroom A, Marriott Savannah
Riverfront, 100 General McIntosh Blvd
Savannah, GA 31401**

1. Roll Call
2. Approval of Agenda
3. Consideration and Action on DMO proposals
4. Board Appointments – Ward 1 and 2 (BIDA and Board of Zoning Appeals)



Kelly L. Bogner, CMC

City Clerk

City of College Park • City Clerk's

Department

3667 Main Street, College Park, Georgia

30337

404-767-1537 ext 1010

• kelly.bogner@collegetparkga.gov

www.collegetparkga.gov

Connect with College Park



From: Queenie Brown <qbrown@collegetparkga.gov>

Sent: Friday, June 26, 2026 12:05 PM

To: Kelly Bogner <Kelly.Bogner@collegetparkga.gov>

Cc: South Fulton Legals <sflegals@mdjonline.com>; legals@news-daily.com

Subject: City of Colle Park - Legal Notice - Special Called Meeting

Hello,

Please see the attached Legal Notice for the City of College Park to hold a Special Called Meeting Sunday, June 28th at 4pm
Marriott Savannah Riverfront 100 General McIntosh Blvd Savannah, GA, 31401 in Boardroom A

This is not notice and not publication.

Thank you,

Proprietary Statement

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the City of College Park, GA by emailing it@collegetparkga.com and place Proprietary Statement Response in the subject line. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.