



STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF OPEN RECORDS COUNSEL
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402

Justin P. Wilson
Comptroller

March 1, 2012

The Honorable Bill Haslam, Governor
The Honorable Ron Ramsey, Lieutenant Governor and Speaker of the Senate
The Honorable Beth Harwell, Speaker of the House of Representatives
State Capitol
Nashville, Tennessee 37243

Dear Governor Haslam, Lieutenant Governor Ramsey, and Speaker Harwell:

Transmitted herewith is the annual report from the Office of Open Records Counsel and the Advisory Committee on Open Government pursuant to Tennessee Code Annotated Section 8-4-603(b).

Thank you for your consideration of this report, and please do not hesitate to contact the office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Elisha D. Hodge".

Elisha D. Hodge, Esq.
Open Records Counsel

Report to the General Assembly:
Office of Open Records Counsel
and
Advisory Committee on Open Government

A Report to the Governor and 107th Tennessee General Assembly

March 1, 2012

INQUIRIES AND ACTIVITIES

Total number of inquiries: 1266

Breakdown of inquiries

Citizens: 597

Media: 104

Government: 565

Inquiries concerning

Public records: 979

Open meetings: 249

Complaints filed regarding alleged open meetings violations: 38

Records Inquiries by topic (may be listed in several)

Fees: 136

Retention of records: 30

General Issues regarding Public Records: 727

Inquiries regarding access to law enforcement records: 171

Inquiries regarding the applicability of specific exemptions: 202

Media Interviews: 27

Presentations: 12

Opinions Released: 4

Internet Forums Approved: 1

OPINIONS RELEASED BY THE OFFICE OF OPEN RECORDS COUNSEL SINCE MARCH 2011

- ✓ Accessing Unredacted Certified Payroll Records (2011)
- ✓ Physical Access to Cellular Phones to Inspect Text Messages (2011)
- ✓ The Accessibility of Carter County Building Permit Applications (2011)
- ✓ The Interplay between FERPA and the TPRA (2011)

PRESENTATIONS

2011	
3/2/2011	Monroe County Government
3/11/2011	Presentation to the Office of the Comptroller of the Treasury
4/1/2011	Justine, Law and Media Presentation at the Howard Baker Center
5/13/2011	Davidson County Criminal Court Clerk's Office Training
6/6/2011	Tennessee Association of County Election Officials Legal Seminar
8/9/2011	Tennessee Bar Association CLE Presentation
8/9/2011	Tennessee Bar Association Public Service Announcement
10/4/2011	Tennessee Association of Park and Recreation Officials
11/3/2011	Knoxville Bar Association
11/17/2011	Tennessee Association of School Business Officials
12/01/2011	MTAS Administrative Officer Training
2012	
2/28/2012	Nashville School of Law Administrative Law Class

ADVISORY COMMITTEE ON OPEN GOVERNMENT

Organization	Member	Term End	Gender	Race	Grand Division
Chair, Senate State and Local Government Committee	Yager, Senator Ken	Ex Officio	M	C	M & E
Chair, House State and Local Government Committee	Ramsey, Representative Bob	Ex Officio	M	C	W
Tennessee Attorney General and Reporter	Kleinfelter, Assist AG Janet	Ex Officio	F	C	M
Tennessee Coalition for Open Government	Bowles, Dorothy	2012	F	C	E
Tennessee Press Association	Gibson, Frank	2012	M	C	M
Tennessee Municipal League	Jenkins, Chad	2012	M	C	M
Tennessee County Services Association or County Officials Association of Tennessee	West, Jay	2012	M	C	M
Tennessee School Board Association	Martin, Amy	2012	F	C	E
Common Cause	Williams, Dick	2014	M	C	M
League of Women Voters	Wilson, Shirley	2014	F	C	M
Tennessee Hospital Association	Gee, Thomas	2014	M	C	W
Tennessee Association of Broadcasters	Harvey, Robb	2014	M	C	M
Tennessee Board of Regents or The University of Tennessee	Scoggins, Matthew	2014	M	C	E
Society of Professional Journalist	Fitzgerald, Sharon	2014	F	C	M
Tennessee Association of Chiefs of Police	Chrisman, Glenn	2014	M	C	M
Tennessee Sheriffs' Association	Ray, Patrick	2014	M	C	M
AARP	Fields, Fred	2014	M	C	E

Tennessee Comptroller of the Treasury Office of Open Records Counsel



Elaha Hodge, JD
Open Records
Counsel

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ACOG Meeting Scheduled for October 21, 2011
[Click here for Notice and Agenda](#)

Recent Releases

2011 The Interplay between FERPA and the TPRA

What's New

Public Records Video

Updated Forms and Instructions Available Now.

Click on the "Forms, Schedules, Policies, and Guidelines" Tab to access.



Questions

Issues

	Citizen wants to file a complaint regarding the process used to hire of Johnny Piper.
	Citizen requested any cases that discuss being able to cure a violation of the open meetings law.-This is a follow-up from presentation that I gave.
	The Board is going to have a shred-it company come in and shred various recording including meeting minutes. Is there any guidance that I was aware of about what types of records needed to be shredded and not just thrown away?
Can a local school board delegate its responsibility to accept applications and narrow down a list of potential superintendents to the TSSBA so that the meetings related to this process are not public?	
	The city recorder has been told by the city attorney and a representative from MTAS that she does not have to take minutes for work sessions even though the members deliberate towards decisions at these sessions. Is that accurate?
	I received several complaints from citizens who are claiming that the power board violated the open meetings act when it had conversations with the current superintendent at a social gathering about the superintendent position and his interest in taking the positions as superintendent
	I was interviewed regarding the annual report and the types of questions that the office gets for both public records and open meetings
	I was emailed regarding the Williamson County Commission's plan to create an Internet Forum. I was emailed the resolution and plan for my review. I emailed the attorney back a number of issues that need to be addressed.
I received a call from a member of an election commission who is the secretary. She said that at the last meeting, the Commission voted to have the Administrator transcribe the minutes of the meeting instead of her. She wants to know if that was ok.	
	I was asked to offer any suggestions or insight into an issue in Cannon County. On Jan 15th, the Commission met and voted upon a resolution regarding constables. It is believed that the meeting violated the open meeting laws.
	He wanted to discuss whether or not a governing body could cure a violation of the open meetings act
What can be done at this point regarding the manner in which Johnny Piper was hired?	
	The Pigeon Forge City Council had a special called meeting last week and would not begin the meeting. Is there a requirement or procedure for meetings in the open meetings act?
Is TML subject to the public records act? How can I get access to a report generated by TML?	
	Citizen filed a complaint about the Cannon County Commission meeting that occurred on January 15, 2011. He said that prior to the introduction of the resolution; one of the commissioners got up and stated that this matter had been discussed prior to the meeting. He also indicated that neither the notice nor the agenda indicated that this issue was going to be discussed. It was brought up under "other business."
I would like to know if the "SUNSHINE LAW" has any applications to Home Owners Board of Directors.	

Questions

Issues

<p>Do you have to take minutes at a workshop?</p>	
<p>Citizen wants to know where she can find a copy of the Opinion in Smith County Education Association v. Anderson, 676 S.W.2d 328 (1984). The Opinion regards the attorney-client exception to the Open Meetings Act. Can you help me with that?</p> <p>I also have a legal question. If the city government holds a meeting with their lawyer, but during that same meeting brings in a third party who is not involved in any pending or threatened litigation, a.) Has the city waived the attorney - client exception? b.) would such circumstances violate the Open Meetings Act?</p>	
<p>Citizen requested a case or citation to a case related to executive sessions</p>	
	<p>The Election Commission wants to hold a special called meeting on Thursday, April 4, 2011. The notice will run in the paper tomorrow giving 6 days notice. Is that enough time or is the Commission required to provide 10 days notice. Also, is the notice was worded correctly?</p>
<p>What type of notice does the election commission need to have for a special called meeting?</p>	
	<p>Administrator was told that she needed to contact me regarding the notice that they had put in the paper for a special called meeting. The notice was running today for a meeting Wednesday and the notice purposes stated in the call was organization, to elect officers, and any other business that might come before the commission. They plan to discuss the employment situation of the election administrator.</p>
<p>What needs to happen to cancel a special called meeting and reschedule?</p>	
<p>Wilson Co.EC posted notice for a meeting for the 19th so that it can organize within the 20 day statutory timeframe. The Election Commission traditionally advertises it meetings in the newspaper, but the newspaper is not going to run until Friday or Saturday and the meeting is scheduled for Tuesday. The Commission posted notice at the court house, election commission office and in other government buildings. The notice will not run in newspaper until Friday. Has the Commission provided proper notice?</p>	
	<p>Citizen made an open meetings complaint about the Monroe County Financial Management Committee. The facts presented were that the committee was scheduled to meet at 4, all of the members went into the Mayor's office at about 12 minutes till 4 and did not come out until 4:15. When they came out at 4:15, there was no agenda and they began discussing various issues.</p>
	<p>Is the LOC subject to the Open Meetings Act?</p>
	<p>Two members of a board requested a special called meeting at the last regularly scheduled meeting and the vote was defeated. Then two members got on the elevator after the meeting with a third member and a member of the media and two of the members supposedly said, "we are having a special called meeting." The third member did not say anything, but later agreed to have a special called meeting. Was that a violation of the open meetings act?</p>
	<p>Citizen has questions about the legality of the meeting and actions taken by the Cannon County Commission.</p>
	<p>A special called meeting has been noticed for the 21st and the notice is very limited as far as the</p>

Questions

Issues

	purpose of the meeting. The members want to add some items. Also, only three of the 5 commissioners are going to be there on the 21st when they want to add the reorganization to the call. What needs to be done?
	The City Council has not approved minutes since January because none have been drafted. Has the Open Meetings Act has been violated?
	The Rutherford County Election Commission noticed a special called meeting for Monday. The subject was limited to discussing and addressing issues of conflict of interest. They now want to appoint an administrator at that meeting. Can they?
Is there a way for the Board of Director of the hospital to go into executive session to discuss what to do with the ambulance service?	
Is the following an open meetings violation? The county commission had a meeting on the 16th were they rescinded action that was taken at a previous meeting where there was an alleged open meetings violation and reconsidered the issue with the same result. The agenda has the item on it, but for second reading purposes.	
Citizen asked that I explain to him what the Open Meetings Act required as far as discussion and decision making.	
	Citizen called to make a complaint about a possible open meetings violation. He says that on April 21, 2011, the Commission voted to reduce the new election administrator's salary to \$15,000.00. They had not discussed it in their work session prior to the meeting and it was not a specific item on the agenda.
<p>*Open Meetings Complaint</p> <p>Information provided to the office: Prior to the commission meeting on April 18, 2011, one of the commissioners (Gobble) was approached by some other commissioners (Ken Arney and Steve Lawrence) about voting to oust the Mayor as the chairman of the commission. Lawrence Hodge (1st District), was also approached and he met with the Mayor and told him that some of the Commissioners were planning to vote him out as chairman and name Jo Ann Blakenship as the new chairman.</p> <p>The county attorney (Keith Bowers) was overheard speaking with Commissioner Street after the meeting about why the plan was not carried out. He subsequently admitted in public that he knew what was going to happen because he had discussed it with several commissioners prior to the meeting.</p>	
Citizen asked that I explain to her what was allowed and not allowed under the Open Meetings Act. She asked specifically if there is an exception for members of local governments when they are discussing proprietary information. She also asked whether it was a violation for two mayors to discuss this type of issue.	
Citizen asked if the Economic Development Oversight Committee in Jefferson County is subject to the public records and open meetings laws? Also, various local government committees are not speaking where the public can hear what is being discussed.	

Questions

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<p>If a meeting has been scheduled and advertised then it stops for recess, don't they have to state when the meeting will start again?</p>	
<p>Is it a violation of the meetings act for a reporter to survey council members at budget votes and then report on it?</p>	
<p>County Commissioner called and said that he and some other commissioners kick some issues around and decided not to put issue on the agenda per the county attorney's advice.</p>	<p>Commissioner received a copy of the letter and wanted to let me know that the allegations were not true, but as he talked, he told me that he and other Commissioners had "KICKED AROUND THE IDEA of voting to remove the mayor and after speaking with the county attorney about it, they decided as a group not to pursue it.</p>
<p>Reporter wanted to discuss the complaints I received about alleged OM violations by the Carter County Commission on April 18. She also requested the names of the persons who made the complaints, especially who the 2 commissioners were.</p>	
	<p>The Secretary of a board was asked to have minutes drafted a few days after the meeting because she was waiting until the day of the meeting to provide the Commissioners copies of the minutes. The commissioners voted on this and she is not complying. What does the law require? Can someone else take the minutes? What needs to be done if someone makes a request for the minutes and she has not prepared them yet?</p>
<p>What constitutes "adequate public notice" for Work Session meetings where no official vote is taken? We read (and Shauna discussed with the City Administrator) your opinion on minutes at work sessions/committee meetings and it has in it the quote from Neese where debate occurs then a meeting for which there must be adequate public notice and recorded minutes occurs. So the question has come up: Does the full agenda for these work sessions have to be published, or could the City simply publish notice that the meeting will be occurring (and then possibly refer individuals to the City's website for the full agenda): Shauna and I are of the thought that the entire agenda must be published, but said that we would make sure with you that you have the same interpretation.</p>	
<p>At the last School Board (workshop) on May 5th, the School Board negotiated a contract that will be presented at this coming Thursday's school Board meeting. Is it permitted to negotiate a School Directors contract at a workshop? Please refer to the newspaper article attached.</p>	
<p>Open Records Complaint - Loudon County Fire Implementation Task Force Made a request to both the Mayor's office and the chairman of the Task Force. The Chairman asked several questions about why I wanted the records and what she intended to do with them. Citizen called and said that she felt intimidated. She also said that the Task Force was created by the County Commission but it did not notice meetings and there were no minutes.</p>	<p>I called Chairman Collins and discussed with him what Ms. Hunter had asserted and told him that these questions were not permitted and that the law was clear that you could not use intimidation to deny access to public records. I then discussed with Brenda Bright in the Mayor's office that based upon all of the information that I have, the Task Force was created by the Commission for purposes of making recommendations to the Commission and it should operate in accordance with the Open Meetings Act.</p>
	<p>Citizen reported that in February of this year, two members of the Carter County Commission stood up and publically stated that they had met as a group prior to the public meeting. He is going to send me the video tape. He also wanted to discuss what if any remedy the people of Carter County have relative</p>

	<p>to the open meetings and public records violations that he perceives are occurring in Carter County.</p> <p>Citizen attended a Monroe County commission meeting and the school director brought up a couple issues that the commission voted on under Director's report. Is that a violation of the OM Act since it was not stated specifically on the agenda as an action item and it was not a part of the notice for the meeting?</p> <p>They voted to decline to accept state and federal money (2 million dollars) because the director did not want to fire a principal and fire some of the staff at a particular high school. They also voted to allow certain employees to take part in a retirement incentive plan.</p>
<p>A citizen made a complaint about the Monroe County School Board bringing up items that were voted upon under Director's report and then deliberated and decided not to take grant money and voted on retirement incentive.</p>	
<p>Citizen requested a copy of the Opinion in Smith County Education Association v. Anderson, 676 S.W.2d 328 (1984). The opinion regards the attorney-client exception to the Open Meetings Act. Can you help me with that?</p> <p>I also have a legal question. If the city government holds a meeting with their lawyer, but during that same meeting bring into the meeting a third party who is not involved in any pending or likely litigation,</p> <p>a.)Has the city waived the attorney -client exception? b.)Would such circumstances violate the Open Meetings Act?</p>	<p>I looked through the cases that I have saved and I do not have any others that address attorney-client privileged sessions and the Open Meetings Act.</p>
	<p>A citizen wants to know how much notice needs to be provided to the public for a special called meeting and what the notice needs to say.</p>
<p>1. Loudon County's Open Records Policy has a provision "Section F. Custody of records" which states in part... "Public records shall also remain on the County's premises..." How does the public enforce this provision?</p> <p>2. When I inspected Chairman's Collin's records, I believe there are some missing records. I'll look for specific examples if needed buy my person observation, one email may reference something else but that record was not in "his" set of records.</p> <p>3. If two or more committee members transact business over an email or meet over (lunch) to discuss the next steps that the committee will take, is this a violation of the Open Meetings Act? How does the Open Meetings law apply to these set of circumstances?</p> <p>4. Also, based on the same records, I feel that this public body is not following the Open Meetings law starting with the new county mayor. For example: the county mayor wrote a letter (attachment) dated Nov. 3, 2010 to Chief Hart requesting that the Fire Committee meet with him or if he could not attend, a board member of the Loudon County Fire Rescue, in his stead. The county mayor said ... "We failed to set a date for the Fire Study Committee last night." I</p>	

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<p>heard that a meeting was held on Nov. 2, 2010. A number of months ago, a citizen went to see the FSC meeting but when he requested a copy, he was not sent the email. Furthermore, when I went to look for the email, it was missing from the FSC folder.</p>	
<p>The attached are the February minutes from the Carter County Planning and Zoning meeting that was held earlier on the same day that the full commission meeting was held. Please note that the minutes do not reflect that there was a discussion or a vote to not bring up an item that was on the full commission agenda. This along with the fact that 2 of the commissioners admit (in the full commission meeting) that there was a meeting before the commission meeting to table the motion, confirms that the commissioners had a private meeting to discuss public matters.</p>	
	<p>*Complaint-the Election Commission met last night for a special called meeting that was supposed to be held to reorganize the Board. The majority members also voted to fire the AOE and to hire a new AOE. The notice was specific to reorganization only.</p>
<p>Was the Fair Board chairman's work session with a potential vendor before a meeting of the entire Fair Board a violation of the open meetings act?</p>	
	<p>One of the members of the financial feasibility oversight committee wants all of the members to meet before the public meeting to discuss the questions that are going to be presented to the requestor. Is that an issue?</p>
<p>Below is notice of an executive session meeting posted by the city of Eagleville sometime yesterday. Do Tennessee laws require that the notice give at least a generic reason for the executive session meeting being closed, such as "to discuss possible litigation"? Otherwise how can it be determined that closing the meeting falls within the provisions of the Open Meetings Act exceptions?</p>	
<p>Commissioner stated that the election commission had its regular monthly meeting yesterday, and the commission tapes its meetings and then the secretary takes the tape to prepare the meeting minutes which will be approved by the next commission meeting. Someone has already asked for the tape from yesterday's meeting. I have informed the person that we don't have the tape because the secretary is using it to prepare the minutes. What is a timeline for this type of request?</p>	
<p>Citizen stated I have another question or two related to the City of Eagleville May 26 council meeting that was posted as a closed executive session. The meeting, which included the mayor, city council, city attorney and MTAS consultant William Haston, lasted for more than one hour and was definitely closed to the public.</p> <p>I have since learned that one of the topics discussed in the closed session was an ongoing controversy about whether or not to transfer a Ford Explorer from the police department to the fire department because the police department has two cars and does not need this one. The side wanting to sell the car to help pay off</p>	

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<p>the new police cars argues that the police chief says the Ford Explorer is unsafe for police use because the vehicle's design. The side that wants to give it to the fire department for the fire chief's use says that the vehicle would not be unsafe for the fire department use because the vehicle would not be driven at the high speeds sometimes required for the police vehicles.</p> <p>I don't know if the proposed FY 2012 city budget was discussed at the closed meeting but the second reading of the budget was presented for a vote with little comment at the public meeting which followed the closed one.</p> <p>Following the May 26th meetings, I asked MTAS's Mr. Haston under what exception was the first meeting closed, and he said the council has a right to meet and discuss items without the public there as long as they were not going to act on what was discussed. Eagleville's city attorney also said the closed meeting was allowed under the "code".</p> <p>Besides chance meetings, retreats, social gatherings, sewer plant inspections etc., when is it proper under the public meetings law for city council members to meet in a quorum without the public being allowed to attend? My understanding of the law is that even if the council could meet without the public, unless they meet under the exceptions, that they could not legally discuss any matters that are pending before the council or that may come before the council for a vote. Is this true?</p>	
<p>Are all of the meetings of this Commission special called and what do the notices need to look like? For a meeting on the 10th, does the administrator have enough time to post notice in the newspaper that does not run until Tuesday, June 7th?</p>	
<p>Is it illegal for the Housing Authority Commissioners to meet with the City Commissioners?</p>	
<p>If a meeting is recessed do we have to readvertise when the meeting will reconvene?</p>	
<p>A file was requested and questions asked about all open meetings violations for Rutherford County?</p>	
	<p>I received a complaint from one of the election commissioners about the commissioner who serves as a secretary and her failure to have the minutes established within the 10 days voted upon and her refusal to provide draft minutes for inspection on the night of the meeting</p>
	<p>An office is going to be built out and there is a meeting scheduled with the county architect. One commissioner from each party wants to attend the meeting with the AOE. She wants to know if that is ok.</p>
	<p>A complaint was made to this office relative to the minutes of the meeting that the secretary is preparing and her refusal to allow the commissioners to see her draft notes the night of the meetings.</p>
<p>Attorney represents the City of Mt Pleasant and the police department has put together a disaster preparedness plan that addresses natural disasters and terrorist</p>	

Questions

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<p>attacks. The chief wants to present the plan for approval at a private meeting and wants to maintain the records as confidential.</p>	
<p>Open Records Request for Jefferson County Board of Education. Requested meeting minutes for May meeting and 2 meetings in June. The Secretary for the Board told her that she could not have the drafts, but she could have the minutes after they are approved in July.</p>	
	<p>The commission wants to set up regularly scheduled meetings and the AOE wants to know how that needs to be done.</p>
	<p>Citizen wanted me to explain to him again my opinion on whether or not the meeting of the planning commission that was held last year to approve the Islamic Center was held in accordance with the Open Meetings Act.</p>
<p>The Loudon County Utility Board of Commissioners met at the chairman's home last week to discuss labor negotiation issues. Is that permissible?</p>	
	<p>Two aldermen want to go together and do a site inspection of a project tomorrow. The issue is that the entire BOMA is about to prioritize the projects that the city has underway at a public meeting. What are my thoughts on this issue?</p>
<p>Citizen had some questions specifically related to the issue that is before the court relative to whether or not the meeting of the planning commission was conducted in accordance with the open meetings act.</p>	
<p>Can county commissioners get together and discuss with one another their thoughts on redistricting plans or does that have to be done at a public meeting? Is that a meeting?</p>	
<p>Is there time to provide proper notice for a 2:30 pm June 22 meeting of the Board of Claims?</p>	
<p>Is the Board of Directors for the Community Clinic of Shelbyville and Bedford County subject to the open meetings act?</p>	
	<p>Attended a Finance Committee meeting on last Monday and a Budget Committee meeting last Thursday. The Commissioners failed to use microphones and address the audience loud enough to be heard.</p>
<p>Is it a violation of the open meetings act for an attorney to advise members of a board during an executive session that if the members vote a certain way, the Board will be sued? Also, is it only appropriate to go into executive session when a lawsuit has actually been filed?</p>	
<p>Can multiple members of the commission go to the administrator and talk to her about complaints that they have received and put her on an action plan? Can one commissioner go alone and talk to the AOE and let he know that complaints have been received and a meeting is likely to put her on an action plan?</p>	
<p>Citizen reported that in the ER Council Meeting tonight a citizen came forward, was recognized and yielded his time to another citizen who then came forward. The second citizen was told that he was out of order that the previous citizen could not yield his time to him. The citizen speaking was given 5 minutes instead of 10.</p>	

Questions

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<p>After the meeting the citizen spoke to the Mayor about Roberts Rules allowing one citizen to yield their time to another and he said the Mayor said that was only in legislative meetings. Not sure what that meant, since I would think that a meeting of the City Council would be a legislative meeting. Should they have allowed the second citizen to speak for 10 minutes?</p>	
	<p>The Memphis City Pension Board has been closing the parts of its meetings where medical information is presented. The local media is complaining. Can that part of the meeting be closed?</p>
	<p>AOE feels that she and her commissioners need to be able to sit down and work to resolve some issues related to the way that the Office is running. She wants to know if they only provide information, if that has to be done at a public meeting.</p>
	<p>The CED Board of Commissioners needs to meet and they are not going to be able to get a physical quorum. Can they have a telephonic meeting?</p>
<p>I am a trainer with the Tennessee Association of Utility Districts. Currently I am heavily involved in developing and presenting training for utility district commissioners. A question that has come up just about every time we deal with open meetings and open records concerns the disposal/destruction of audio recording of board meetings after the minutes have been transcribed. Does your office have, or can you point me to, guidance on what a board should do before disposing of or destroying these audio recordings?</p>	
	<p>The chairman of her Board and the State Representative in her area want her to discuss with them before the meeting information that she was directed by the entire Commission to discuss at the next meeting. She wants to know if that will be a violation of the Open Meetings Act</p>
<p>A governing body has delegated to a committee the ultimate decision making on an issue that is tied to some litigation. He is planning to meet with the committee in executive session and advise them on the settlement parameters that he has been given. One of the members of the governing body wants to sit in the executive session with the Committee. Is this an issue?</p>	
	<p>Citizen went to a Claiborne County School Board meeting last night and was asked to leave and they tried to make her leave. She asked for any information that I could provide relative to the public's right to attend meetings of a governmental entity.</p>
	<p>The election commission does not have regular meetings, but they want to and they want to know how that will change how they are required to advertise.</p>
<p>Has the law been violated if the budget that is published as required by Tenn. Code Ann. Section 6-56-206 has a mathematical error in it? Citizen also referenced a possible sunshine violation by the Mayor, Vice Mayor, and some other officials, but said that she would get me more information on this issue.</p>	
	<p>Citizen requested a letter written by the County Attorney to the Commission members. Was denied a copy of the letter based upon the attorney-client privilege. I was told that the letter was discussed at length and portions of the letter read at a public Commission meeting. Should the letter have been discussed at the meeting and has there been a waiver?</p>
<p>Can the 911 director call each board member of the local 911 Board and schedule an informal meeting to discuss an employee's pressing issues without publishing</p>	

Questions

Issues

any notice?	
Is the Memphis Animal Shelter Advisory Board required to have its meetings open to the public?	
Does the Animal Shelter Advisory Board have to hold meetings that are open to the public?	
	Memphis is closing the meetings of the Memphis Animal Shelter to the public. As taxpayers, we should be allowed to continue to attend these meeting and voice our concern. They are breaking the LAW of Tennessee!
Do you agree that the Animal Advisory Board is not subject to the TN Open Meetings Act?	
	Citizen filed a complaint against the Memphis Animal Services Advisory Board for closing its meeting to the public.
	Citizen said that the county attorney made some comments last night at a meeting about the fees that the County is allowed to charge for copies of public records. Asked what those fees were and if I had said something to him about the fees that she was charged by the planning commission. This issue was not on the agenda.
Attorney generally tells her board members that they cannot email one another, but is that correct? Are there times when they can email one another?	
Does this office need any information from the commission regarding the manner in which the violation that occurred in May was remedied? Do they just need to make a note to their file that contains the minutes from the meeting where the violation was remedied?	
The sheriff is having a meeting with his staff at the court house tomorrow. Is the meeting required to be open to the public?	
	There was a meeting this afternoon because a candidate was disqualified because of where he lives. At the end of the presentation, he said that one of the board members should not vote because she was conflicted. Wanted my opinion on that. He said that he spoke with Mark Goins and someone from the ethic commission and both said that there did not appear to be a conflict.
	Citizen filed complaint against the Memphis Animal Shelter Advisory Committee.
Citizen reported that in Memphis, this past Wednesday, Memphis Animal Services was supposed to have an open board meeting at the public library, as the usual place & time every month. Wednesday, there was no meeting there but I was told later by the Mayor that the board meeting was closed to the public and was held elsewhere. Because of illegal things going on at the Animal Shelter, I believe they were afraid to have to answer tough questions concerning missing dogs, the unnecessary death of animals in their control, animal abuse, removal of publicly viewed cameras, felons working there, employees on the run from arrest warrants and more serious crimes committed there. The Mayor stated the board isn't a government entity and isn't required to be open to the public. I disagree. What recourse do we, as the tax payers, have?	
A citizen has a question, or rather an interpretation in regards to a statement that was made during the MTAS Elected Officials Level I course in Knoxville last	

<p>February. I have reviewed my notes and there is a slide on pages 43 & 44 of the student manual in the Section titled "Ethics and Open Meetings". As I recall the discussion on Notice of Meetings, adequate public notice of such meeting is required by law; and that the notice must include the meeting's agenda or reference to where the public may view the agenda. It was my understanding that items not included on a published agenda could not be added to the agenda, and, discussed or acted upon without adequate public notice.</p> <p>Added to an agenda the day of a regularly scheduled meeting, was an item NOT PREVIOUSLY PUBLISHED ANYWHERE to initiate an action that will require an amendment to the city code. I raised the question about adequate notice and was literally told that "this was an emergency" and needed to be addressed immediately. A motion on the subject matter was made and seconded, and passed with 6 aye votes and my vote to abstain. The issue had nothing to do with public debt, nor was the matter at hand an "imminent danger" to the public at large and in my opinion, based on my observations during the Level I training, required adequate public notice. Am I off the mark here? I am aware of at least one other occasion where an item was placed on the agenda that had not been previously published or made known to other elected members of the board.</p>	
<p>Are meetings of the University of Tennessee department committee required to be public meetings?</p>	
<p>Is a committee that was set up by the director of a department to look at pay differentials subject to the open meetings act? The Committee was set up by the director and the committee makes recommendations to the director and then if the director accepts the recommendation, he passes it on to two other UT staff members.</p>	
<p>A citizen filed a complaint stating that the Memphis Animal Services is having closed door Advisory Board meetings. These meetings were previously open to the public until MAS started receiving negative attention due to the practices there.</p>	<p>A complaint was filed against the Memphis Animal Services Advisory Committee.</p>
<p>Can the Convention Center Authority Board of Directors have an executive session to discuss how to proceed with regard to a case that was just lost that they have the authority to direct another agency to appeal?</p>	
<p>The attorney for a board want to know if she puts notice in the meeting notice that records related to a marketing strategy plan are available, does that meet the statutory requirements?</p>	
	<p>A board is suppose to meet today and two members are not available, can those members have a proxy vote? The bylaws are silent about the ability to have a proxy vote. Also, what is electronic participation?</p>
	<p>Can a local board meet by telephone in order to create a quorum? The citizen is also having issues with the HR director responding to public records request and requested that I provide him with a memo</p>

Questions

Issues

	once he sends me a question to address about the accessibility of HR records.
	Can the Board of Director's for a hospital use an internet forum?
Is it permissible for the redistricting committee members to call another member and ask questions about certain districts? Can he work with someone not on the committee to get information to take back to the committee? What is the difference between a workshop and a meeting and can they have workshops?	
A citizen wants to discuss issues regarding the sunshine law.	
	County Commission had a meeting that wasn't published where they made decisions about the School Board budget. Citizen filed a complaint.
	Is there a requirement that there be a public hearing when a reapportionment map is being adopted?
Campbell County Election Commission had a regularly scheduled meeting and discussed an issue under new business (the hiring of a new administrator) that was not listed on the agenda that was published. Is that a violation?	
Citizen reported that the Roane County Beer Board met here yesterday and recessed the meeting. They said they did not have to announce or publicize when the meeting would resume because it was a recessed meeting. Citizen wants to know if this is allowed under the state open meetings law.	
Citizen had a question concerning a meeting of the Four Lake Board doing personnel review of employees of the Four Lake Regional Industrial Development Authority. If the executive board is doing the reviews and making a future recommendation to be voted on does the meeting have to be a public meeting?	
Chairman Cramer called with this question: "Other than the committee and full commission meetings which are advertised and open to the public, is there a requirement for a special public hearing on the proposed changes to the commissioner districts?"	
Citizen asked does the Tennessee Open Meetings Act apply the Tennessee Supreme Court when the Court is making administrative rules or amendments to such rules. If so, would a comment period soliciting written comments meet the requirements of the act or would the Court be required to have an open hearing when deliberating on their final decisions regarding administrative rules or amendments thereto?	
A citizen reported that she was told by the Planning Commission Director that before she can ask a question in the public meeting, she had to submit the question in writing 10 days before the meeting. The committee would then discuss it and decide if you can ask the question. Is that legal?	
Can a municipal board meet telephonically?	
Is a subcommittee of the Perinatal Advisory Committee required to post notice of its meetings?	
Do the sunshine laws apply to the Boards of Homeowner Associations?	
What is the time frame on "promptly" for recording minutes? Are draft minutes	

Questions

Issues

<p>available? Can copies of meeting recordings be requested? Can a citizen request that the information be emailed?</p>	
	<p>A citizen filed another complaint because she was not satisfied with the response that I sent her relative to the Animal Services Advisory Committee</p>
<p>A citizen reported: At the July meeting of the Rhea County Commission, several residents showed up in protest of a wheel tax being implemented in Rhea County and the measure was voted down. County Commission elected to move the meeting to Fall Creek Falls with no building number and no specific meeting place just Fall Creek Falls. A majority of residents here in Rhea County were unable to make the trip for various reasons ie financial, health, jobs etc. My question is this, is it legal for the commission to move the meeting place out of the county knowing that most of the residents can't or won't attend and discuss the business of this county?</p>	
	<p>A citizen filed the following complaint: With regard to the "Fall Creek Falls" retreat styled meeting, it was designed to conduct a meeting in order to bring up the issue of a wheel tax that was already addressed in a previous meeting where a packed room of people came to express opposition to any such tax. Mr. Gardner contacted me and expressed his concern not so much about "adequate notice", which as I understand is examined by courts on a case-by-case basis, but he was concerned that the commissioners said they were going to "get away", but also an agenda of some sort was created. His primary concern was too many people that wanted to attend could not attend due to the extreme burden of traversing caves, mountainous terrain through miles and miles of back roads across ridges and mountains. To my understanding, the commissioners went to Fall Creek Falls and had a "workshop". As with every workshop ever heard, no record or any sort of "minutes" are ever kept due to the commissioners' position that "a workshop involves no votes, just discussions" and therefore no minutes are required. Personally, I was under the impression that any public meeting must have some sort of record of that meeting regardless of what term they use to avoid the Open Meetings Act. The commissioners had their "workshop" at some point on the night they arrived at this Fall Creek Falls location and then early the next morning convened and addressed in a "special called meeting". In any event, I understand the concept of "adequate notice". However, my position is that if a legislative body such as a county commission can advise the public that they will be having a meeting that is OPEN TO THE PUBLIC AND THE PUBLIC IS INVITED, and hold that meeting in some other county, then what prohibits them from giving notice that a meeting will be held in some other state, perhaps Los Vegas where they travel at a taxpayer expense and the taxpayer is free to attend the meeting in Vegas. There is no difference. Therefore, it seems clear what these guys have done and clearly scampered away from public scrutiny by having a meeting at a location such as "Fall Creek Falls" which is not a city and is some sort of state park nestled somewhere in the mountains. I was raised around here and know of Fall Creek Falls and absent a 4 wheel drive vehicle; I have no clue how to access it. Maybe the mountainous logging roads that led to such place have been paved but nonetheless, the public has been restricted access. The primary concern, which is a valid concern the mere fact that a public notice was given is not the only requirement these commissioners can rely upon. Restated, these commissioners can merely give adequate notice that the next meeting will be held in Japan and we all are free to attend. The county</p>

	<p>commission is "unreasonably restricting access to the meeting". I believe that scheduling and holding a meeting at such great distance away from Rhea County is effectively "restricting access" to that meeting.</p> <p>I haven't found any case law pertaining to the "unreasonably restricting access to the meeting" prong, but there are instructive cases in Florida where recently a Knox County Court has relied upon Bigelow v. Howze 291 S.2d 645 (Fla. App. 1974). That entire Sunshine law case involving Knox County, TN can be read at this link: http://www.tnpress.com/sunshinelaw/NSvKnoxCountyCommission.pdf In any event, I will try to find the "adequate notice" the commissioners gave and scan it as a file and email it to you for your review. Honestly, I feel the commissioners made an extra effort to abide by the letter of the Sunshine Law but violated the very spirit of that law. Naturally, the 100% curative measure is for concerned citizens to united and elect persons that will undo the various wrongdoings that have evolved into a way of life for these little backwoods, rural, nepotistic, biased, racist counties such as the one I live in being Rhea County. That Monkey Trial in 1925 may have proved that some around here evolved not only from a monkey, but from snakes as well... :o)</p> <p>Considering the overall demographics of Rhea County, the county is of a majority of elderly and disabled people. Certainly hundreds of affidavits could be attained from people that may have wanted to attend the meeting but could not attend the meeting, myself included. The public notice given never stated where this meeting was to be held, just some place up on top of some "mountain" several "mountains" away from all the "mountains" that surround us here. I consider myself a reasonable minded person and even using MapQuest.com, I still would never found the meeting location. I may have been able to find "Fall Creek Falls", just as I could MapQuest and find the Snake River canyon, but absent information as to "which cave or under what rock" was the actual location of some meeting held there, then how can any person not claim they were "unreasonably restricted access to the meeting"?</p> <p>Any assistance you can provide to me concerning "unreasonably restricting access to the meeting" would be greatly appreciated.</p>
<p>A citizen reported the following: The County Commission and its various committees are scheduling meetings on the fly, often with only a couple days notice. The Standard Banner is supposedly the legal newspaper of public record for Jefferson County, and it only publishes twice a week so the notices can't always be published far enough ahead to meet the legal requirement (I think its three days). Recently a new on-line paper started up that publishes weekly, but it has a link to a section with any critical updates and public notices. The Commission secretary is providing the meeting information to the Jefferson County Post (along with the Standard Banner), and they add it to that section. I'm not sure that meets the legal requirement since it's only available by going to their website, and it isn't the newspaper of public record for the county. Then again, I'm not even sure what the term newspaper of public record means, how it got that designation or what the requirements are? I've been trying to research it on-line, but I'm not having any luck. Help?</p>	
<p>A citizen asked if I have any information about what legislators would be participating in the October meeting relative to public notice.</p>	
	<p>The election commission voted at its last meeting to have regularly scheduled meetings. Should the</p>

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	<p>AOE post notice of that in the newspaper? There is a regularly scheduled meeting scheduled for the 14th, what does the notice for that meeting have to look like? What if they do not need to meet? Can they take up items not on the agenda at the regularly scheduled meetings?</p>
	<p>Fentress County published a notice in the newspaper relative to the issuance of GO bonds. Is the notice in compliance with the statute?</p>
	<p>A complaint was filed by a citizen alleging that an employee took a poll of each alderman on an issue and then the results of the poll were published in the newspaper with the way that each alderman voted during the poll. Is this a violation of the open meetings act?</p>
<p>A citizen wants to know when the county board of equalization is meeting to hear his petition for reappraisal and if the meeting is open to the public.</p>	
	<p>Please explain the difference in what the notice has to look like for a regularly scheduled meeting and a special called meeting. Does she have to verbally answer questions about voter registration? What does inspection really mean?</p>
<p>A county attorney presented the following: The County's Audit Committee is desirous of meeting in Executive Session, in other words, not during a public meeting, to discuss the findings of personal service contract bids. T.C.A. §4-35-108 reads in pertinent part: Notice of meetings -- Open meetings -- Exceptions. (a) Except as provided in subsection (b), all meetings of an audit committee created pursuant to this chapter shall abide by the notice requirements adhered to by the state governing board, council, commission, or equivalent body to which the audit committee is attached. (b) All meetings of an audit committee created pursuant to this chapter shall be subject to the open meetings provisions of title 8, chapter 44, except that the audit committee may hold confidential, nonpublic executive sessions to discuss: (1) Items deemed not subject to public inspection under §§ 10-7-503 and 10-7-504, and all other matters designated as confidential or privileged under this code; §§ 10-7-50 (7) reads: Proposals received pursuant to personal service, professional service, and consultant service contract regulations, and related records, including evaluations and memoranda, shall be available for public inspection only after the completion of evaluation of same by the state. Sealed bids for the purchase of goods and services, and leases of real property, and individual purchase records, including evaluations and memoranda relating to same, shall be available for public inspection only after the completion of evaluation of same by the state. So, my question is, do you feel the Audit Committee can meet in executive session to discuss a personal services contact proposal?</p>	
<p>If a member of the redistricting committee who is also a county commissioner discusses with another county commissioner the county commission voting to delay acceptance of the redistricting committee's plan, would that be a violation of the open meetings act?</p>	

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	Received a call from the Mayor and discussed with him the fact the office had received an inquiry regarding the agenda item that mentioned ratification of polling on giving a conditional offer of employment to an applicant for a position. Provided him some case law relative to polling.
	Discussed with the PIO officer for the City and several other city officials the issues related to polling and was asked to provide them with whatever case law and AG opinions I could find on the issue.
	A citizen provided me a copy of the minutes that are to be approved on Monday and a recording from the meeting to which the minutes are related. Is it a violation of the OM Act for the minutes to be incorrect?
	Received a complaint and sent an open meetings violation letter for meeting outside of an adequately noticed public meeting.
	I received a fax from a citizen that contained the draft meeting minutes from the August 15, 2011 Carter County Commission meeting. The draft is to be approved on Monday. The citizen wanted to point out that there a number on inaccuracies in the draft minutes regarding my contact with the County on her records request.
	The minutes of the Carter County Commission meeting are not accurate and there is recording of the meeting that proves it. Is that a violation of the OM Act?
	At one time, there were minutes from the Memphis Animal Services Board that said that the city attorney made a motion on an issue and she is not a member of the board. However, the version of the minutes that is on the Internet now says something different. Is that a violation of the OM act?
	A citizen filed a complaint stating that the new chairman of the commission told the local media station that he had discussed with the other members of the commission who was going to be nominated as chairman and no one wanted the position, so he agreed to take it. Is that a violation of the open meetings act? She is going to send me the video from the news
	Discussed the issue related to the Board of Mayor and Alderman polling. Also discussed other issues related to open meetings. We also discussed access to records that are relevant to a pending or contemplated criminal action
Is it a violation for the Mayor and an alderman and the City recorder to meet outside of a public meeting?	
	Is it a violation of the open meetings act for the Mayor and an alderman to meet with the city recorder and for the city recorder to present them information about the operations of the police department?
I was just wondering about the ability by law for our local county election commission to have a telephonic meeting if it is deemed necessary For example, if one of our commissioners isn't able to attend for whatever reason. I can't remember the answer to this question that you gave at a session at a TACEO meeting.	
I have scanned your opinions on the website and did not see one on the issue of whether an agenda may be amended during a meeting, to add items that did not appear in the meeting notice. I frequently advise cities not to do this, as the public has the right to know before a meeting what items will be discussed, and amending the agenda after a meeting starts appears to me to violate the law on notice. Have you ever issued an opinion on this issue? Would you be inclined to do so?	

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<p>The problem many cities have an item on their meeting agendas that permits "amendment of agenda" at which time council members may add items to that meeting agenda and then take those matters up in the same meeting. Does this pose a problem under the Public Meetings Act notice requirements? I have advised cities that if it is something like a resolution honoring the boy scouts for work in the city, or some other honorary type of action it is probably OK, but no ordinances, votes or matters of substance should be added unless the meeting notice published states that the matter is to be taken up by the governing body, so the public is informed. This is a continuing issue in many cities, so our guidance would be very helpful.</p>	
<p>Is it a violation of the open meetings act for a mayor to spend money without the council knowing about or voting on the expenditure or the revenue source for the second expenditure?</p>	
	<p>An individual running for constable asked 3 commissioners separately to vote for him and they said that they would, is that a violation?</p>
<p>An attorney asked the following: Is the 21 member School Transition Planning Commission established pursuant to the Norris-Todd Law subject to the provisions of T. C. A. § 8-44-108 which permits "boards, agencies and commissions of state government" and "state debt issuers" as well as those municipal governing bodies "organized under title 6, chapter 18, and having a city commission of three (3) members" and a population of more than 2,500 to "allow participation by electronic or other means of communication" provided that, if a physical quorum is not present at the location of a meeting "the governing body must make a determination that a necessity exists."</p>	
	<p>The Hawkins County Commission has allegedly been meeting outside of public meetings. A citizen filed a complaint.</p>
	<p>Received a complaint about an open meetings violation.</p>
	<p>An election commission has to meet within 5 days of a cured petition being filed pursuant to Tenn. Code Ann. Section 2-5-151. The commission meets tonight, so can they tell the public at the meeting when they are going to reconvene and let that be their notice to meet? Can they meet on Friday?</p>
	<p>An attorney asked whether or not I would agree to the statement that a conversation is only deliberation when someone is trying to solicit votes on a particular measure?</p>
	<p>A reporter interviewed me regarding the situation with the Hawkins County Commission and I emailed him a copy of the letter that was sent.</p>
	<p>A citizen called and said that he and a few other constables in the Madison area have been meeting and discussing various issues related to their work. Are these meetings subject to the Open Meetings Act?</p>
<p>A reporter requested a copy of the open meetings letter that was sent to the Hawkins County Mayor and the name of the person who made the complaint.</p>	
<p>Is the 21 member School Transition Planning Commission (TPC) established pursuant to the Norris-Todd Law subject to the provisions of T. C. A. § 8-44-109</p>	

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<p>which allows electronic communication between members of a governing body by means of a forum over the Internet?</p>	
	<p>Information was requested by an attorney and questions asked about the Internet forum plans that were submitted by Loudon County, Blount County and Williamson County and any other governing body to date.</p>
<p>Can a special called meeting be held and an issue discussed that is not in the notice?</p>	
	<p>Is the Community Chest Group subject to the open meetings and public records acts?</p>
	<p>At the regularly scheduled commission meeting, an issue was brought up and voted upon that was not on the agenda. Is that permitted?</p>
<p>A citizen presented the following: The budget committee met at a meeting that was not properly noticed and voted on a measure and then the same issue was presented for approval by the full commission. Is there a violation? The issue was brought up for approval and there was some subsequent conversation and discussion on the matter and then a vote was taken 17-6 to purchase the land prior to the auction.</p>	
	<p>If a meeting needs to be canceled, what needs to be done? Is there a time in which you have passed the point of being able to cancel a meeting?</p>
	<p>Interview-The school board met and voted extend the contract of the director of schools without properly noticing the meeting pursuant to Tenn. Code Ann. Section 49-2-203. Is this a violation of the OM act?</p>
	<p>A citizen made a complaint about an open meetings violation by the Lincoln County Budget Committee.</p>
<p>Does the Elbridge Water Association in Obion County have to record minutes of its meetings? Is the board subject to the open meetings and public record acts?</p>	
<p>There is going to be a meeting with some HUD officials and the Shelby County Housing Authority Board of Directors. The HUD officials are going to discuss with the Board some compliance and control issues and ways to fix those issues. Does the meeting need to be noticed?</p>	
	<p>The mayor contacted me after she received the open meetings letter and I discussed with her the various issues related to the special called meeting and regularly called meeting of the Lincoln County Commission and the alleged violation.</p>
	<p>The Transition Board wants to meet and evaluate and RFP together, but they want to do it in private. Is there any provision that will allow them to go into executive session to evaluate the proposals?</p>
	<p>A reporter wants to attend a meeting involving the police chief, staff for the Mayors for the city and county, the sheriff and some others who sit on the Public Safety Committee. Is that a public meeting?</p>
	<p>An open meetings letter was sent to the Mayor and she called to discuss the fact that the property purchase is going to be brought back up at the commission meeting on the 15th and she wanted to know if she could put this issue under "other business."</p>
<p>An attorney presented the following: It appears from your presentation earlier this year that public bodies could have</p>	

<p>proxy voting while still complying with the open meetings laws. I'm concluding based on slide 10, that the organization would have to comply with its own bylaws regarding proxy voting. I'm trying to figure out if the non-profit (501c3) governing bodies of public charter schools could do so. They must, according to 49-13-105(11), comply with the open meetings laws, but the charter schools act does not specifically address proxy voting. Does that seem correct to you?</p>	
<p>A citizen made a complaint and stated the following: The Mayor & Alderman conducted meetings in private, discussing city business. Is that a violation of the OM act and can the city decide that the public is no longer going to be able to speak at public meetings?</p>	
	<p>The attorney for the County asked that I review the information that he had been provided about the Clarksville Montgomery County Economic Development Council and discuss my thoughts on whether or not the Council is required to hold public meetings.</p>
	<p>The Loudon County School Board wants to have meetings by telephone and email. Can they legally conduct meetings electronically? Will the emails be public record? The citizen also requested a copy of the letter that I sent the chairman in May about an alleged violation.</p>
<p>Is the IDB required to allow citizens to speak at its meetings?</p>	
<p>The following questions were asked by a citizen: 1. Is it permissible under the Open Meetings Law for school board members to conduct business by email, phone calls, etc.? 2. What's to keep the director from polling each school board member by email or phone for their input and then make school business decisions? 3. I have observed the director texting or emailing; if it's to school board members, would this information be public records? If so, are emails required to be kept a certain amount of time or can they be deleted? 4. Does the Open Meeting and Open Records law apply to the school board Executive Committee when they deliberate and conduct business?</p>	
	<p>Received an open meetings complaint.</p>
	<p>The Town of Bolivar has not had any meetings regarding redistricting. The staff for MTAS did all of the work and now the Council is just going to approve the plan. Is there anything in the law that requires the Council to hold meetings regarding redistricting and allow the public to speak on the issue?</p>
	<p>A citizen filed the following complaint : I'm a concerned citizen of Hamilton County and am aware of a meeting that I believe is in violation of the Open Meetings Act. The following was reported by the Chattanooga Times Free press article on Nov. 12 here http://www.timesfreepress.com/news/2011/nov/12/hamilton-county-commissioners-private-meeting-disc/: "Hamilton County commissioners held a private meeting with County Attorney Rheubin Taylor on Friday to discuss the Occupy Chattanooga protesters camped out on the county courthouse lawn. The meeting was not announced as required by the state's Open Meetings Act, also known as the "Sunshine Law." Taylor said a Tennessee Supreme Court decision allows some meetings about legal issues to</p>

	<p>remain private on the grounds of attorney-client privilege. When called during business hours to cite the decision, Taylor did not return the call.</p> <p>Commissioner Fred Skillern, who did not attend the meeting, said later he was “almost certain” the topic was what to do about the group of protesters that assembled on the courthouse lawn Tuesday night after moving from its previous encampment at City Hall.</p> <p>“They called, and I gave them my opinion,” Skillern said. “I think they were just being briefed by legal about what we could do and couldn’t do.”</p> <p>Skillern said those camping in tents on the lawn “are doing things we wouldn’t allow the average citizen to do.”</p> <p>Six other commissioners reached by the Chattanooga Times Free Press on Friday afternoon confirmed they attended the meeting and declined to comment about the topic, citing its legal nature. One said the meeting lasted more than an hour.</p> <p>Asked early Friday about the county’s rules for use of the courthouse lawn, county spokesman Mike Dunne said in an e-mail that “Attorney Taylor has informed me there is no county code governing the property’s use.”</p> <p>At least twice, the state Supreme Court has said the Sunshine Law allows public bodies to meet privately with an attorney about pending litigation. Taylor said the topic did not involve a suit now in litigation.</p> <p>The law applies to meetings where commissioners “deliberate toward a decision on any matter,” not just ones in which they vote.</p> <p>According to the state Supreme Court, “Once any discussion, whatsoever, begins among the members of the public body regarding what action to take based upon the advice of counsel, whether it be settlement or otherwise, such discussion shall be open to the public and failure to do so shall constitute a clear violation of the Open Meetings Act.”</p>
<p>A citizen reported the following: I'm with Occupy Chattanooga's Legal Working Group. We have a concern regarding a secret meeting that the Hamilton County Commission held with the County Attorney on Friday, 11/11. This meeting was not announced as required by the state's Open Meetings Act. According to the Chattanooga Times Free Press, Attorney Taylor advised the meeting did not involve a suit now in litigation. It is our understanding that the topic of the meeting was the free speech being expressed on public property outside the courthouse by Occupy Chattanooga. The Legal Working Group has requested minutes of the meeting from both the County Clerk's office and the County Attorney's office. We were told by the Clerk's office that if there were notes, the Attorney would have them. The Attorney's office advised us there were no notes from the meeting. The Occupy Chattanooga Legal Working Group requests that the Tennessee Attorney General's office conduct an immediate and thorough investigation into whether this meeting violated the state Sunshine Law. If it is found that the meeting does violate state law, Occupy Chattanooga needs a copy of the meeting minutes. Also, action by the state should be taken to redress the violation.</p>	
<p>Can the Hawkins County Election Commission meet privately as long as there is</p>	<p>Received an open meetings complaint regarding the City of Pigeon Forge.</p>

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no deliberation or votes being taken on an issue?	
	The AOE called and said that the board wants to meet to approve the redistricting plan and then approve the minutes of that meeting before they adjourn so that they can send the plan on to Nashville. Can this be done?
A reporter provided me with information regarding an alleged open meetings violation by the Bean Station Utility Board of Commissioners	
If multiple members of the Monroe County School Board want to get together and discuss and vote on acquiring land in Tellico, does that meeting have to be advertised and open to the public?	
	The chairman of a board received the open meetings letter that I sent and wanted to discuss the open meetings act generally.
Can the redistricting committee meet with the attorney for the committee in order to discuss the plan that needs to be submitted to the state if the committee feels that it could be sued if the current proposal is adopted?	
Does the audit committee of the Post Conviction Defender Commission have to hold meetings that are noticed and open to the public?	
	The Mayor has a measure that he wants to send a letter to the other Council members about that contains his opinion on the issue; does that violate the Open Meetings Act?
	The Road Committee had a meeting and there was no notice and no agenda. All of that committee's meetings are special called meetings. What can be done?
A citizen asked the following: I am seeking information regarding the sunshine law for our county in TN. (Van Buren) For a special called meeting of our County Commission, what has to be done? How many days must a notice be posted in public locations, in the local newspaper prior to the meeting? Does the agenda for the special called meetings have to be included?	
If two members of a county governing body meet in private to deliberate county business, is this a violation of the state open meetings law? Also, if two members of a county governing body meet to discuss county business, does the law require adequate public notice?	
A citizen contacted the office and said the following: Someone told me that any organization receiving more than 50% of their funding from government sources (tax dollars) is required to meet the Sunshine Laws for open meetings, but I'm not sure that's true. Can you please clarify under what circumstances the Sunshine Laws kick in for non-profits?	
Is it a conflict for the city attorney to represent the city and a private individual in a land purchase deal where the private individual would be making a lot of money off of the city and would the conflict notification have to be in writing to the City?	
Does a citizen have a right to audio tape an open meeting? What section of code	

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<p>is that in?</p>	
	<p>How far in advance of a meeting do a notice and an agenda for a regularly scheduled meeting have to be published?</p>
	<p>A commissioner questioned why a citizen was bringing in a tape recorder to tape a meeting and indicated that the recorder could not be brought in. Wanted to know if that was accurate.</p>
<p>A reporter asked for my opinion regarding the following: The Hawkins County Director of Schools presents "informational items" to the school board each month, always including a few items that she informs them were decided by the "executive committee," often involving the expenditure of funds. When she was asked after the meeting if the entire BOE did not have to vote on spending money, she said the board had authorized expenditures under a certain amount to be decided by the "executive committee." At first she did not want to say who even sat on that committee and / or say anything about when they met. Finally she said the committee was made up of the Board of Education's (1) Chairman and; (2) Vice-chairman (viz two members of the same elected body) and herself. Then, she said well, "we don't actually ever meet. I call one of them and then I call the other one and that is how all our decisions are made." Would that not constitute a "secret ballot," Would that not be an attempt to "circumvent" the open meetings act? After she said how the "meetings" were not really "meetings," she instantly said, "We'd never violate the sunshine law."</p>	
<p>Are Condo Associations subject to the Sunshine Law?</p>	
<p>What are the notice requirements for state level commissions? Specifically, what are the notice requirements for the POST Commission?</p>	
<p>He has a question concerning the Election Commission meeting tomorrow</p>	<p>The Commission is having a meeting today and there is a contentious issue on the agenda which is likely going to come down to a tie vote because one of the members is not available because she has had a death in her family. If they table the issue, can it be held open until the next meeting without posting a new notice?</p>
<p>Can elected officials have work sessions without the public being invited? I thought that the public is entitled to be present whenever an elected body convenes to discuss an issue.</p>	
<p>There are board members meeting in private with staff to discuss evaluating staff. Is this a violation of the open meetings act?</p>	
	<p>County attorney called to discuss the open meetings act and the provision that discusses action being void.</p>
<p>A county attorney presented the following: Our County commission has raised some questions about a bond transaction issued by the city of Hendersonville Industrial Development Board ("IDB"). As most counties do when they have a question, they created a study committee. This Ad Hoc committee, at its first official meeting, raised several general questions about the history of the bonds as well as the present financial picture of these transactions. I sent these questions to the attorney for the city as well as the</p>	

<p>attorney for the Industrial Development Board. In my letter, I also asked that certain board members from the past and present boards attend to assist in responding to the questions. We did not ask the IDB or city to vote or make any decisions, just have someone with knowledge come help us figure how some funds have been spent.</p> <p>Early this morning I received a letter from the attorney for the IDB informing me that it would be an open meetings violation for members of the IDB to come to our meeting. Do you feel that asking board members questions about a past and present financial decision is a violation of the open meetings laws?</p>	
<p>How far in advance of a meeting should notice of the meeting be provided to the public? Where is notice required to be posted?</p>	
<p>Citizen had the following open meetings question: (vice mayor and a member called a meeting and not the mayor; the charter sets out a procedure for calling a meeting and it may or may not have been followed. If it was not followed, is that a violation of the open meetings act?</p>	
<p>Citizen reported attached is the letter we received, today, from the mayor, James Bellar. I fully understand that we can only take their word for the audio recording although it is interesting that Ms. Randolph never starts any meetings without it, having delayed a board meeting a couple of times when I have attended the meetings to run across the street and get it. However, we find comfort in the fact that the concern about us being able to bring our own recording device is now "allowed." If it keeps the meetings more honest as to how they speak of citizens whom they do not like and factual with regard to the minutes that have been, to date, edited (or altered, depending on one's view), then it is a small accomplishment. Please assist us in obtaining the minutes of these meetings that are required under the OM act.</p>	
<p>The Regional Planning Commission is going to meet and review the applications submitted for the Director of Planning position. Do they have to do this in a public meeting given that they will not be taking a vote on this issue?</p>	
<p>Citizen provided the following when filing a complaint: This is the termination letter Sandra Lowry received. It was handwritten. Jan.23, 2012 Sandra, I regret to inform you, your lack of improvement in your behavior and work performance has forced me to terminate you, effective today, 1-23-12 I am asking that you please hand over all of your keys that pertain to the City of Niota, your city cell phone, any credit cards you may have that belong to the city and your computer passwords. I will mail your last pay checks to you. If you will call city hall with a list of your belongings, I will see that you get them. Should you need anything else, I ask that you put it in writing and mail to city hall.</p>	

<p>I wish you only the best. Commissioner Corum</p> <p>Clearly the Commissioners have been meeting outside of public meetings.</p>	
<p>Citizen reported that the Niota City Government has been overthrown for lack of a better word, by three commissioners and a resident. Three commissioners have been meeting in private during city hall hours and after hours at city hall. There has been more than a year of harassment from one of the commissioners to the women working at the City. On a couple occasions the harassment has been so intense several of the employees have been transported by ambulance to the ER. Last Thursday one of the three commissioners (Rutledge) handed the City Recorder and advertisement for the local newspaper. The ad was for her job as the City Recorder. The ad asked that resume's be sent to City Hall to Commissioner Corum's attention. Commissioner Corum is one of the three breaking the Sunshine Law and harassing employees. The situation became so intense 911 was called by the City Recorder.</p> <p>On Monday at 4:30 Corum and a citizen, Rebecca Owens approached the City Recorder as she was leaving City Hall and terminated her employment. Across the road was an audience of five citizens and two other commissioners, Rutledge and Baker. The citizen Rebecca Owens named herself as interim City Recorder. On Monday night Owens, and the three commissioners (Corum, Baker, and Rutledge) were at City Hall past 11pm in private. Owens was seen on Tuesday in City Hall with her personal computer linked to the City Recorder computer copying files.</p> <p>Corum and Owens along with Baker and Rutledge are ignoring the Mayor and other two commissioners, making decisions without regard to the law. Employees are not receiving their paychecks this week. Owens claims she cannot access the Peachtree system and therefore employees cannot be paid.</p> <p>The attorney resigned this week due to this turmoil, attorney Chuck Pope of Athens TN. I am concerned as a citizen and former board member. Baker was nominated to the board in December to fill an unexpired term; Corum was also nominated by the board for the same reason in September of last year. Rutledge was elected to the board and has worked diligently to destroy the City. The Mayor is Lois Preece, and can give you information. I am hopeful other citizens are calling your office or you have heard from the Mayor. You can read articles from the Daily Post Athenian, access 911 tapes, speak with the DA in Athens as I am aware information has been provided to their office. There is much more to this drama but I am hopeful this will start a process. This problem needs immediate help and I am not sure whom the citizens can contact other than your office.</p>	

I would like to request a copy of the letter that was sent to Mark Thomas in reference to Bedford County 911. Did the board violate the Act?	
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Citizen requested assistance to clarify some Open Meetings and Open Records questions and concerns. Citizen just received an agenda, and the Board is scheduled to vote on an Incentive Package for Retirees on Thursday, Feb. 9, 2012, and if possible, citizen would like to view the files before Thursday's vote.

Brief Background Information

On April 21, 2011 a meeting was called by the Loudon County Board of Education to discuss an Early Retirement Incentive Package. The board voted to form a three board member Incentives Committee to examine and gather information and data within the school system, other school systems with incentive packages, and Tennessee School Board Association. Insurance benefits for teacher retirees would also be examined.

At the July 7, 2011, workshop, board members discussed the Retirees insurance and it was deferred back to the appointed Incentive Committee to consider a Retirement Incentive Package in lieu of insurance. That was tabled at the July board meeting. Subsequently, at the Aug. 11, 2011 meeting the school director requested and received authorization from the board to select a committee comprised of three to nine school teachers. The teacher sub-committee would meet with the school director, collect information concerning Retiree's Insurance with a recommendation to the three school board member Incentive Committee.

Follow-up Open Records & Open Meetings Questions:

1. Would the files of information/data collected by the Incentive Committee about the proposed Retirement Incentive Plan, and Retirees Insurance be Open Records for public inspection? Generally, these records should be available for public inspection. There might be some information maintained within the records that is confidential, but I am not aware of any exception that would make all of the records confidential.

(Note: The committee chair has collected numerous files of information. He distributed some information that was referenced at a subsequent Incentive Committee meeting but when I made a request to see the information distributed to the Committee, the chairman said the information was his notes, and he would show the final recommendation to the board, and public).

2. With regards to the teacher sub-committee; are meetings by this group subject to the Open Meetings law? I need more information before I can answer this question. Is the teacher sub-committee making the recommendation to the Incentive Committee or is the director of schools making the recommendation? Is the teacher-subcommittee serving in an advisory role to the director of schools only and then the director will make the decision on what he will be submitting as a recommendation to the Incentive Committee?

3. Regarding the teacher sub-committee, are meeting minutes, notes, communications including electronic, and all information and data collected, and recommendation to the Incentive Committee; is this information subject to the

Open Records law and public inspection?
Again, generally, these records should be available for public inspection. There might be some information maintained within the records that is confidential, but I am not aware of any exception that would make all of the records confidential.

<p>Citizen reported I have a county commission that voted to form an ad hoc study committee to analyze the county's current solid waste operations and then report the committee's findings and recommendations back to the county commission. The committee is comprised of two county commissioners and three county citizens. The question is this...is the committee required to post adequate public notice in accordance with state open meeting laws or is the committee exempt from these laws, as the committee is strictly an ad hoc study committee and will do nothing more than make recommendations back to the full county commission?</p> <p>Here are the defined duties of the ad hoc committee as was approved by the county commission. At my encouragement, the committee has done given public notice with its first two meetings, but one of the commissioners wants to know if they are required, by state law, to continue doing this.</p> <p>Here is the duties of the committee per the county commission resolution: Committee will meet to analyze current solid waste operations for the following issues:</p> <ol style="list-style-type: none"> 1. First and foremost, contain or reduce, if possible, the operating costs of the Cannon County Solid Waste operation 2. Look into ways to increase the amount of recycled materials in our solid waste disposal program 3. Review the Cannon County Solid Waste operation to see if we are in compliance with state law (environmental, purchasing, etc). 4. Prepare a report on the committee's findings and recommendations on these matters and report back to the full commission by the March 2012 meeting of the county commission. <p>Thanks in advance for your guidance on this matter.</p>	
<p>Is it a regularly scheduled meeting if the Road Committee meets one month on the 1st Tuesday and then the 3rd Tuesday next month? Does this office have or know of a resource that has template forms for filing an open meetings lawsuit?</p>	
	<p>Received an open meetings complaint about the Jefferson County Commission. Was provided several documents a recording of the meeting.</p>
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	<p>A special called meeting was scheduled for 10 days ago and notice was posted in the newspaper. A board member sent her an email this afternoon indicating that the meeting location needed to be changed to another room. Is that ok?</p>
	<p>The chairman of the Jefferson County commission called to discuss how he needs to handle holding another meeting to take care of any violation that may have occurred prior to the February 6th meeting?</p>
<p>Is the Upper Cumberland Electric Membership Corporation subject to the public records act?</p>	
<p>Drafted the following for staff of a county commission to disseminate to the</p>	

Questions

Issues

<p>commissioners: Attached you will find two documents containing responses to inquiries made concerning events from the February 6, 2012 Special Called Meeting of the Jefferson County Commission. One is a response from M. Elizabeth McCroskey, Lead Legal Consultant with CTAS. The second is a response from Elisha D. Hodge, Open Records Counsel. These are being included for your information.</p> <p>Also, in order to bring resolution to the proposed renovation and building project at Jefferson County High School, the issue will appear on our March agenda. This should allow everyone ample time to prepare items of discussion for our Work Session on March 12, 2012 and be prepared to take any desired action at our Regular Meeting on March 19, 2012. I would encourage all commissioners to refrain from discussing this and other agenda items prior to these meetings.</p>	
	<p>Called and spoke with the County Attorney about the letter that he provided me relative to the alleged violations of the Executive Committee of the Hawkins County School Board.</p>