



July 22, 2024

Meetings and Notice Requirements -CLB

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Meetings and Notice Requirements -CLB

Reference Number: CTAS-15

The county legislative body is required by law to meet at least four times annually at a time and place established by resolution of the county legislative body. T.C.A. § 5-5-104. Every member of the county legislative body shall be required to attend each and every session of the body. T.C.A. § 5-5-106.

The Open Meetings Law requires adequate public notice of regular meetings as well as special meetings. T.C.A. § 8-44-103. The meetings of the county commission are presided over by a chairperson or the chairperson pro tempore if the chair is not in attendance. T.C.A. § 5-5-103. If the chairperson fails or is unable to attend the meeting, the chairperson pro tempore will discharge the chairperson's duties.

In counties not operating under a consolidated government charter or county charter, special meetings of the county legislative body may be called by the county mayor. Also, the chair of the county legislative body may call a special meeting upon application in writing by a majority of the county commissioners. The call for a special meeting must be made by publication in some newspaper published in the county, or by personal notices to the members sent by the county clerk at least five days before the time of convening the special meeting. The call must specify the objects and purposes for which the special meeting is called, and no business not referenced in the call can be transacted at the special meeting. T.C.A. § 5-5-105. This notice is for the purpose of informing the county commissioners and is in addition to the notice to the public required by the Open Meetings Law. However, one notice in a newspaper of general circulation in the county appearing five or more days before the special meeting may serve to meet both requirements.

Counties are authorized under T.C.A. § 5-5-105(d) to provide alternative notice of special called meetings in cases where newspaper notice cannot occur in a manner timely enough to conduct the necessary business of the body. Such notice may be provided by posting the notice in a location where the public may become aware of the notice and on the county's website if such website exists. The notice must contain a reasonable description of the purpose of the meeting or action to be taken. Also, the notice must be posted at least five days before the meeting.

All meetings must be public and no secret votes may be taken. T.C.A. § 5-5-104. A limited exception to the open meeting rule is provided by case law due to the judicial doctrine of attorney-client privilege; the county legislative body may meet in closed session with the county attorney or other attorney representing the county to discuss with the attorney pending litigation involving the county, but no discussions among members of the body as to the action to be taken or votes or decisions may be made in secret, nor other matters discussed.

The Agenda

Reference Number: CTAS-663

The order of business, or the framework for a specific meeting of the county legislative body, is contained in an agenda. Some counties adopt a permanent order of business. If no order of business is established, the chair could decide what order to follow. An agenda, following the adopted order of business, relates to the specific meeting of the body. The agenda is a listing, in order, of the business to be considered at the meeting. The agenda is usually set by the chairman based on information from members and committee chairmen. In some counties, another method of setting the agenda may be established by local rule, e.g. the agenda may be set prior to the meeting by a workshop or small meeting. The county clerk, the county mayor, and citizens may also request that items be placed on the agenda.

Members of the county legislative body should have a copy of the proposed agenda, supporting information, and copies of the minutes of the previous meeting prior to the meeting of the body. Having these materials in advance allows members an opportunity prior to the meeting date to seek answers to questions on topics to be considered at the meeting. Receiving an advance copy of the agenda facilitates the smooth operation of meetings of the county legislative body and, since the members are better informed, fewer items may need to be deferred until the next meeting for further study, and meetings may also be shorter. The county commission can ensure that its members receive copies of the agenda prior to the meeting by making such a requirement a part of the local rules. Also, some county commissions, by local rule, require a two-thirds vote to amend the agenda to include a new item of business that has not been provided in advance to the county commissioners once the agenda has been adopted following the procedure established for adoption of the agenda.

County clerks may be asked to prepare the agenda. A typical Sample Agenda would be:

1. Call to order by chair.

2. Roll call by county clerk.
3. Approval of agenda (if needed).
4. Reading and approval of the minutes from previous meeting.
5. Resolutions for special recognition.
6. Elections, appointments, and confirmations.
7. Reports, county officials, standing, and special committees.
8. Unfinished business.
9. New business.
10. Announcements and statements.
11. Adjournment.

In some counties, by locally adopted rule, the county legislative body may have some time set aside on the agenda to take public comments. Often this is done before or after the other items on the agenda are dealt with.

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