



PRESS RELEASE
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The Tennessee Coalition for Open Government and the East Tennessee Professional Chapter of the Society of Professional Journalists have issued a joint statement of concern about efforts to interpret the Tennessee Open Meetings Act that could fundamentally reduce citizen access to public meetings.

The Industrial Development Board of Greeneville and Greene County and the private company US Nitrogen contend in a lawsuit that the Tennessee Open Meetings Act does not require that citizens be able to hear proceedings at a public meeting, only that a governing body give citizens an opportunity to be present.

The Tennessee Coalition for Open Government and the East Tennessee Professional Chapter of the Society of Professional Journalists believe such a narrow interpretation would make a mockery of the state's Sunshine Law and allow or even encourage absurd scenarios where a governing body could hold a public meeting, but prevent citizens from hearing what they say.

The law makes clear that efforts to circumvent the Tennessee Open Meetings Act by members deliberating privately amongst themselves will not be tolerated:

“The general assembly hereby declares it to be the policy of this state that the formation of public policy and decisions is public business and shall not be conducted in secret.”
(T.C.A. 8-44-101)

And in language that emphasizes the importance of audibility, the law instructs governing bodies that allow a member to participate electronically or by phone that: “Each part of a meeting required to be open shall be audible to the public at the location specified in the notice of the meeting...”

The issue of audibility arose after citizens attended a July 18 meeting of the Industrial Development Board and a citizen was ejected from the meeting and arrested after asking the governing board to speak up so members of the audience could hear.

Citizens filed 59 complaints with the Office of Open Records Counsel, some of which protested they could not hear and that the industrial development board held the meeting without using microphones, and sat around a table so that some members had their backs to the audience.

Elisha Hodge, who was then the state's Open Records Counsel, reviewed the complaints and video of the meeting and [wrote a letter](#) to the chairman of the Industrial Development Board, who is also the Greene County mayor, that it was her opinion that to be in compliance with the Open Meetings Act "that all public meetings of a governing body are required to be held in a manner that permits the public to hear the issues being deliberated and/or the decisions being made." She said she could not hear portions of the meeting on the video she watched, even though the recorder had a microphone.

TCOG and SPJ-East Tennessee chapter believe arguments to interpret the Open Meetings Act as not requiring deliberations of a governing body to be audible in a public meeting are inconsistent with the core purpose and intent of the Act, which is to prevent secrecy in how decisions are arrived at by governing bodies.

TCOG is a nonpartisan, nonprofit organization founded in 2003 whose mission is to promote and preserve transparency in government through education and awareness of the state's open records and open meetings laws. More information can be found at www.tcog.info.

ETSPJ is a professional chapter of the Society of Professional Journalists, the nation's most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior. It was founded in 1909.