

IN THE THIRD JUDICIAL DISTRICT FOR THE STATE OF TENNESSEE
GREENE COUNTY CHANCERY COURT

DONAHUE BIBLE, et al

Plaintiffs

vs.

No. 2014 0236

**INDUSTRIAL DEVELOPMENT BOARD
OF THE TOWN OF GREENEVILLE
AND GREENE COUNTY and US
NITROGEN, LLC**

Defendants

MOTION FOR LEAVE TO INTERVENE

Comes now the Tennessee Coalition for Open Government ("TCOG"), by and through counsel, pursuant to the provisions of Rule 24 of the Tennessee Rules of Civil Procedure, and moves the Court for leave to intervene and in support thereof respectfully states and avers as follows:

1. The defense raised by the Defendants to the portion of the underlying cause of action asserting the violation of the provisions of T.C.A. §8-44-101, et seq. (Tennessee Open Meetings Act), including but not limited to arguments on pages 7 and 9 of Memorandum in support of the Motion to Dismiss presently pending wherein they state, in addition to other allegations, that the Complaint of the Plaintiffs "inaccurately represents the requirement of the law" and also their allegation that the Plaintiffs are urging the Court to adopt a requirement imposed by the Act that does not exist, is in error and

contrary to the spirit and intent of the legislation as well as affirmative opinions and language contained in the Act itself.

2. TCOG is the only non-partisan non-profit organization in the state whose sole mission is to protect and promote citizen access to government information and public meetings through education, tracking and identification of developing issues aimed at preserving and improving government transparency.

3. TCOG works through a unique alliance of citizens, media organizations, and good government groups. TCOG's mission rests on the belief that access to government information, through public records and public meetings, is crucial in allowing informed citizen participation in a democratic society.

4. Since its inception in 2003, TCOG has conducted research into open government issues, providing information about access issues to citizens, journalists, lawmakers and government officials.

5. Four members of TCOG's Board hold seats on the State of Tennessee Advisory Committee on Open Government. TCOG also participates as a member of the National Freedom of Information Coalition, an alliance of similar open government groups in all 50 states who share information and programs with the goal of improving citizen access and education at all levels.

6. The TCOG Board of Directors consists of 21 members, including individual citizens, members of the Tennessee Press Association, the Tennessee Association of Broadcasters, the Associated Press and good

government groups such as the League of Women Voters and Common Cause, and attorneys and law firms emphasizing First Amendment practice. Members of the Board of TCOG serve without compensation as a public service to the citizens of Tennessee.

7. TCOG has received inquiries from citizens of Greene County regarding the conduct of members of the Industrial Development Board of the Town of Greeneville and Greene County at a meeting it held in July of 2014. The information it has received as a result of those inquiries has caused concern with respect to an immediate, clear and present threat to the integrity of the Act. The members of the Board of TCOG have authorized it to seek intervention in the above-captioned litigation on a limited basis for the purpose of urging the Court to properly interpret the Open Meetings Act.

8. TCOG seeks this limited intervention for the purpose of urging the Court to disregard and disallow the interpretation of the Act asserted by the Defendants. It is clearly wrong. If the Court should adopt the position of the defense with respect to the Act, the rights and opportunities of all citizens to have access to information concerning their government and its operation will be permanently and significantly destroyed.

9. In seeking this intervention, TCOG does not take any position with respect to the merits of the underlying litigation or whether the correctly interpreted Open Meetings Act has been violated by any party. It is simply the urgent and sincere request of the Intervenor that this Court correctly interpret the Act in order to preserve citizen access to the fullest

information about their government and its functions. Because of the significance of the Court's ruling regarding the Act, TCOG requests the right to be heard and to address the Court on this issue at any subsequent hearing where this matter is being discussed in this cause.

10. In support of its position, TCOG attaches, affirms, asserts and relies upon the following:

- a. the Affidavit of Deborah W. Fisher, Executive Director of TCOG, with its attached exhibit which is the video recording of a portion of the disputed meeting of the Defendant, IDB, held in July of 2014;
- b. an opinion letter written by Elisha D. Hodge, Open Records Counsel for the State of Tennessee, Comptroller of the Treasury, dated August 4, 2014; and
- c. a copy of opinion no. 12-109 of the Attorney General of the State of Tennessee dated December 14, 2012, as requested by State Representative David Hawk.

In consideration of the foregoing as well as the entire record in this cause, TCOG respectfully requests the Court to permit its limited intervention and presentation of oral argument with respect to the issues raised in its intervention in this cause.

Respectfully submitted, this 8th day of January, 2015.



Richard L. Hollow, BPR No. 000593
Attorney for Intervenor, Tennessee
Coalition for Open Government

HOLLOW & HOLLOW, L.L.C.
P. O. Box 11166
Knoxville, TN 37939-1166
Ph. 865-769-1715


CERTIFICATE OF SERVICE

I certify that a true and perfect copy of the foregoing Motion for Leave to Intervene has been served upon the following counsel of record by placing same in the United States Mail, postage prepaid, this 8th day of January, 2015:

D. Scott Hurley, BPR No. 011001
The Hurley Law Firm, P.C.
205 Mohican Street
Knoxville, TN 37919

Jerry W. Laughlin, BPR No. 002120
Laughlin, Nunnally, Hood & Crum, PC
100 South Main Street
Greeneville, TN 37743

Michael K. Stagg, BPR No. 017159
Waller Lansden Dortch & Davis, LLP
511 Union Street, Suite 2700
Nashville, TN 37219



Richard L. Hollow

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No. 2014 0236

**INDUSTRIAL DEVELOPMENT BOARD
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Defendants

AFFIDAVIT

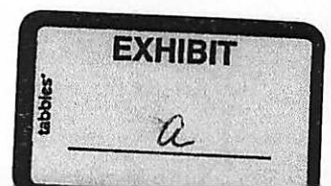
STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Comes now Deborah W. Fisher and, after being duly sworn according to law, makes oath as follows:

1. I am Deborah W. Fisher. I am over the age of 18 and competent to testify and make these statements of my own personal knowledge.

2. I joined the Tennessee Coalition for Open Government ("TCOG") as its Executive Director in November of 2013, a position which I continue to hold.

3. TCOG is the only non-partisan 501(c)(3) organization in the state whose sole mission is to protect and promote citizen access to government information and public meetings through education, tracking and identi-



fication of developing issues aimed at preserving and improving government transparency.

4. TCOG works through a unique alliance of citizens, media organizations, and good government groups. TCOG's mission rests on the belief that access to government information, through public records and public meetings, is crucial in allowing informed citizen participation in a democratic society.

5. Since its inception in 2003, TCOG has provided training and presentations to more than 2,400 citizens in Tennessee. TCOG has offered on-the-spot guidance through its hotline to more than 1,200 citizens and journalists. It has conducted research into open government issues, providing information about access issues to citizens, journalists, lawmakers and government officials.

6. Four members of TCOG's Board hold seats on the State of Tennessee Advisory Committee on Open Government. TCOG also participates as a member of the National Freedom of Information Coalition, an alliance of similar open government groups in all 50 states who share information and programs with the goal of improving citizen access and education at all levels.

7. The TCOG Board of Directors consists of 21 members, including individual citizens, members of the Tennessee Press Association, the Tennessee Association of Broadcasters, the Associated Press and good government groups such as the League of Women Voters and Common Cause, and attorneys and law firms emphasizing First Amendment practice. Members of the

Board of TCOG serve without compensation as a public service to the citizens of Tennessee. As Executive Director of TCOG, I have conducted more than a dozen training sessions and civic presentations throughout Tennessee in 2014. I have published six e-mail newsletters and published almost 20 columns and opinion pieces for newspapers in the State of Tennessee during 2014.

8. In 2014, I also provided testimony to Senate and House committees in the State of Tennessee commenting on proposed legislation. I am co-author of a publication entitled "Keys to Open Government in Tennessee".

9. I obtained a BA with Honors in Journalism at Baylor University. Prior to taking my appointment with TCOG, I worked as a professional journalist in daily newspapers for 25 years in roles that have included executive editor, senior editor for news, managing editor, business editor, day city editor and news reporter. I spent 11 years on the staff of the Corpus Christi (Texas) Caller-Times where I held the position of executive editor and vice president for a period of three years. I worked at The Tennessean in Nashville for 10 years, where I was senior editor for news until August 2013.

10. I have attended and completed seven media leadership and journalism training programs during my professional career. I am past president and current treasurer of the Middle Tennessee Chapter of the Society of Professional Journalists and a member and former board member of the Nashville Women's Breakfast Club, a professional career group.

11. Some recognition and journalism awards which I have earned personally or as part of a team as an editor are:

Finalist, Pulitzer Prize for breaking news, Nashville flood of 2010;

1st place, Associated Press Sports Editors, project on youth concussions in 2012;

1st place, APME, online storytelling, project on abortions in Tennessee in 2012;

1st place, Society of Professional Journalists Green Eyeshade Awards, non-deadline online reporting, project on abortions in 2012;

Best in Business, Society of American Business Editors and Writers, investigative report on abuses in assisted living centers in 2012;

1st place, Tennessee AP Media Editors, special section on youth concussions in 2012;

Malcolm Law Memorial Award for Investigative reporting, Tennessee AP Media Editors, project on deaths in drug rehabilitation center in 2011;

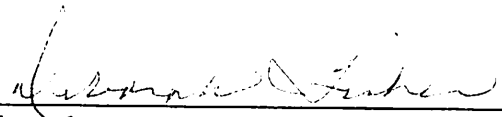
Chairman's Award from Gannett;

Y Women in Careers recipient from YWCA of Corpus Christi, 2001.


12. In my capacity as Executive Director of TCOG and operator of its citizen hotline, I have received inquiries from citizens of Greene County regarding the conduct of members of the Industrial Development Board of the Town of Greeneville and Greene County at a meeting it held in July of 2014. The information which I have received as a result of those inquiries has caused personal concern with respect to what may be considered an immediate, clear and present threat to the integrity of the Tennessee Open Meetings Act (T.C.A. §8-44-101, et seq.). I have reported to and shared my concerns with the members of the Board of TCOG and it has voted to authorize me, for and on its behalf, to seek intervention in the above-captioned litigation on a limited basis for the purpose of urging the Court to properly interpret the Open Meetings Act.

13. For completeness of the record, a disk prepared by me from an internet video source depicting a portion of the meeting in question is attached to this Affidavit as Exhibit A.

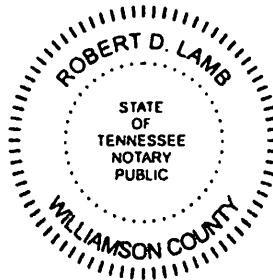
Further Affiant saith not.


Deborah W. Fisher

Sworn to and subscribed before me
this 5 day of January, 2015.


Notary Public

My Commission Expires: 6-10 2017





**STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF OPEN RECORDS COUNSEL**

James K. Polk State Office Building
505 Deaderick Street, Suite 1600
Nashville, Tennessee 37243-1402

Justin P. Wilson
Comptroller

August 4, 2014

The Honorable Alan Broyles
Chairman, Industrial Development Board for Greeneville and Greene County
204 North Cutler Street, Suite 206
Greeneville, Tennessee 37745

Dear Mayor Broyles:

The Office of Open Records Counsel received fifty-nine open meetings complaints regarding the July 18, 2014 meeting of the Industrial Development Board for Greeneville and Greene County (hereinafter referred to as "the Board"). While a number of the complaints focused entirely on the arrest of Mr. Eddie Overholt, many of them focused both on the arrest of Mr. Overholt and the fact that he spoke out at the meeting, because many of the citizens at the meeting were unable to hear the Board's deliberations during the meeting.¹ This letter will not address the arrest of Mr. Overholt because that is outside the purview of this office, but this letter will address the complaints related to the public's inability to hear the deliberations during the meeting. Whenever this office receives a complaint regarding a possible open meetings violation, my routine practice is to contact the chairman of the entity that is the subject of the complaint to make him/her aware that a complaint has been filed and to let him/her know what the law requires.

The Tennessee General Assembly has declared "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. Additionally, Tenn. Code Ann. Section 8-44-102(a) reads, "[a]ll meetings of a governing body are declared to be public meetings open to the public at all times except as provided by the Constitution of Tennessee." While the

¹ I watched a link that contained a video recording of the meeting several times. There are portions of the meeting that are inaudible to me even though there was a microphone on the camera that was being used to record the meeting. The video that I watched is found at

https://www.youtube.com/watch?v=FIO2vLWlp_A&list=UUUT5Cg4hr8c72auth9jksPg.

Phone (615) 401-7891 • Fax (615) 741-1551 • E-mail Elisha.Hodge@cot.tn.gov

EXHIBIT

b

August 4, 2014

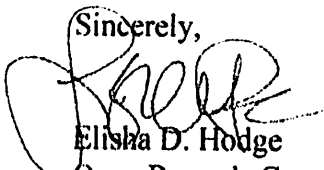
Page 2 of 2

only specific language in the open meetings act that addresses the public's ability to hear a meeting is found in the provisions that address meetings that are held electronically², it is the opinion of this office, based upon the declaration from the General Assembly that is referenced above, 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.

I encourage the Board to consult with its attorney regarding the complaints that have been made and the requirements of the open meetings act. I suggest that the Board specifically discuss ways in which it can ensure that members of the public are able to hear all of the deliberations taking place and decisions being made by the Board in the future. It is important that you speak with your attorney about these complaints because, pursuant to the Tennessee Open Meetings Act, a citizen has the right to bring a lawsuit against an entity when he/she feels that an open meetings violation has occurred. If a lawsuit were brought, a court would determine whether or not a violation of the Tennessee Open Meetings Act occurred based upon the facts presented to the court.

Please let me know if you have any questions.

Sincerely,



Elisha D. Hodge
Open Records Counsel

² See Tenn. Code Ann. Section 8-44-108(c)(3).

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Office of the Attorney General of the State of Tennessee

December 14, 2012

Reporter

2012 Tenn. AG LEXIS 113

Opinion No. 12-109

December 14, 2012

Core Terms

county commission, legislative body, open meeting, vacancy, majority vote, quorum, membership, member of the public, abstain, attend, county commissioner, accommodate, affirmative vote, number of votes, meeting room, audience, space, cast, fill

Syllabus

[1]

County Commission Meetings



Request By: The Honorable David Hawk

State Representative

201 War Memorial Building

Nashville, Tennessee 37243

Question

- 1.a. How does a vacancy on a county commission affect the number of members required for a quorum? **1 ↓**
- b. Does a vacancy affect the number of votes needed to get a "majority vote" on a particular issue?
- c. Does an abstention affect the number of votes needed to get a "majority vote" on a particular issue?
- 2.a. Does the Tennessee Open Meetings Act, codified at Tenn. Code Ann. §§ 8-44-101 to -111, require a county commission meeting to be held in any particular type of space or facility?
- b. Has the Open Meetings Act been violated where the space where a county commission meets cannot safely accommodate all members of the public who wish to attend?

OPINIONS

- 1.a. Where there are vacancies on a county commission, a quorum is the majority of county commissioners in office when the vote is taken. The vacancy, therefore, is not counted for the purpose of determining a quorum.
- b. Generally, where there are vacancies on a county commission, a majority vote is the vote of a majority of county commissioners **[2]** in office when the vote is taken. The vacancy, therefore, is not counted for the purpose of determining whether a majority vote has been cast. Where the commission votes to adopt a private act under Tenn. Const. Art. XI, § 9, however, a two-thirds affirmative vote of the entire authorized membership of the commission is required. Other statutes may also explicitly impose different voting requirements when the county commission addresses specific matters.

c. Generally, Tennessee law requires the affirmative vote of a majority of the county commissioners in office when a vote is taken to transact business. Neither members who are absent nor members who are present and abstain are excluded from determining whether a majority of affirmative votes have been cast. The general law provides at least two exceptions. First, under Tenn. Code Ann. § 12-4-101(c)(3), where a commissioner who is also a county employee abstains from voting on an issue in which he or she has an interest by reason of such employment, the member is excluded in determining a majority vote. Second, under Tenn. Code Ann. § 5-5-111(c), where a member accepts a nomination [3] for an office filled by the county commission and is prohibited from voting on filling the office, the member is excluded in determining a majority vote. Depending on the issue before the commission, some other statute or private act could also address the effect of an abstention on the number of votes required.

2.a. Tennessee courts have not addressed this specific issue. Under the Open Meetings Act, county commission meetings are public meetings and must be open to the public at all times. For this reason, county commission meetings should be held in a facility that can accommodate a public audience reasonably expected to attend. The audience should be able to hear the proceedings.

b. As discussed above, Tennessee courts have not addressed this specific issue. But courts in other jurisdictions have found that the state's open meetings act did not require the governing body to meet in a space that would accommodate all the members of the public who came to attend it, so long as no person was arbitrarily excluded and authorities provided some way for the overflow crowd to hear the proceedings. Thus, the county commission should take reasonable steps to enable any overflow crowd to [4] hear its meeting, especially where it expects an unusually large audience.

Opinion By: ROBERT E. COOPER, JR., Attorney General and Reporter; WILLIAM E. YOUNG, Solicitor General; ANN LOUISE VIX, Senior Counsel

Opinion

ANALYSIS

This opinion addresses several questions about meetings of a county commission. We assume the questions refer to county commissions operating under Tenn. Code Ann. §§ 5-5-101 to -127.

1.a. The first question is whether a vacancy on a county commission affects the number of members required for a quorum. Tenn. Code Ann. § 5-5-108 provides:

A majority of the members of the county legislative body of each county shall constitute a quorum for the transaction of all business by the bodies in regular or special sessions.

Tenn. Code Ann. § 5-5-109(a) provides:

(a) A majority of all the members constituting the county legislative body, and not merely a majority of the [5] quorum, shall be required to:

- (1) Elect county officials required by law to be elected by the body;
- (2) Fix salaries;
- (3) Appropriate money; and
- (4) *Transact all other business coming before the county legislative body in regular or special sessions.*

(Emphasis added). The majority referred to under this statute is a majority of the actual membership of the county legislative body at the time and not a majority of the total authorized membership. *Beckler v. State*, 198 Tenn. 372, 376, 280 S.W.2d 913, 915 (1955); *Bailey v. Greer*, 63 Tenn. App. 13, 35, 468 S.W.2d 327 (Tenn. Ct. App. 1971). Thus, where there are vacancies in a county commission, a quorum is the majority of county commissioners in office when the vote is taken. The vacancy is not counted for the purpose of determining a quorum.

1.b. Tenn. Code Ann. § 5-5-109(a) expressly provides that a majority of all the members constituting the county legislative body, and not merely a majority of the quorum present, is required to transact most business. As discussed above, the majority referred to under this statute is a majority of the actual [6] membership of the county legislative body at the time and not a majority of the total authorized membership. Thus, a majority vote is the vote of a majority of county

commissioners in office when the vote is taken. The vacancy is not counted for the purpose of determining whether a majority vote has been cast.

This general rule may not apply where there is a special statute or constitutional provision requiring a different methodology for calculating an affirmative vote for passage. For example, under Article XI, § 9 of the Tennessee Constitution, a local legislative act must be adopted by a two-thirds vote of the legislative body of the municipality, or in a referendum. This provision requires a two-thirds vote of the total authorized membership of the local legislative body, and not two-thirds of the effective membership or of those present or legally voting. *Kesterson v. McKee*, 527 S.W.2d 144, 146 (Tenn. Ct. App. 1975). Other statutes explicitly impose different voting requirements when the county commission addresses specific matters. *See, e.g.*, Tenn. Code Ann. § 5-1-118(c)(1) (county decision to exercise certain municipal powers); [7] Tenn. Code Ann. § 5-1-204(c)(2) (ratification of county charter); Tenn. Code Ann. § 5-7-117(a) (transfer of county water system to utility district); Tenn. Code Ann. § 5-8-102(c)(1) (imposition of motor vehicle privilege tax).

1.c. An abstention by a county commissioner generally does not affect the number of votes needed to get a majority vote on a particular issue. Under Tenn. Code Ann. § 5-5-109(a), a majority of all members constituting the county legislative body is generally required to transact business before the county commission. Members who are present and abstain still are part of the commission. Thus, ordinarily, a majority of all members constituting the commission must affirmatively vote in favor of a measure for it to pass. Neither members who are absent nor members who are present and abstain are excluded from determining whether a majority of affirmative votes have been cast. *Lawrence v. Ingersoll*, 88 Tenn. 52, 62-3, 12 S.W. 422, 425 (1889) (officer did not receive a majority of the votes cast where eight of nine members were present, four [8] voted in favor, three voted against, and one abstained).

At least two statutes provide exceptions to this general rule. First, under Tenn. Code Ann. § 12-4-101(c)(1), a member of a county commission who is also a county employee and whose employment predates the member's election to the commission may vote on matters in which he or she has a conflict of interest after informing the governing body of the interest immediately prior to the vote. Under Tenn. Code Ann. § 12-4-101(c)(3), the member can also abstain from voting. If the member abstains from voting on the issue, his or her vote is not counted for the purpose of determining a majority vote. Tenn. Code Ann. § 12-4-101(c)(3)(B).

Similarly, under Tenn. Code Ann. § 5-5-111(c), where a member of a county commission accepts a nomination for an office or vacancy filled by the commission, that member may not vote on the appointment or any motions or resolutions relative to making the appointment until the office or vacancy is filled. The statute provides that "[f]or the purposes of determining a majority, the membership [9] of the county legislative body shall be reduced to reflect any member or members prohibiting from voting on the appointment." Tenn. Code Ann. § 5-5-111(c). Depending on the issue before the commission, some other statute or private act could also address the effect of an abstention on the number of votes required for that particular issue.

2.a. No statute or Tennessee court has explicitly addressed whether county commission meetings must be held in any particular type of space or facility. Tenn. Code Ann. § 5-5-104(d) provides that "[n]o business [of the county legislative body] shall be transacted, or any appointment made, or nominations confirmed, except in *public session*." (Emphasis added). This statute should be read together with the Tennessee Open Meetings Act, codified at Tenn. Code Ann. §§ 8-44-101 to -111. Under Tenn. Code Ann. § 8-44-101(a), "[t]he 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." Under Tenn. Code Ann. § 8-44-102(a) [10] , "[a]ll meetings of any governing body are declared to be *public meetings open to the public at all times*, except as provided by the Constitution of Tennessee." (Emphasis added). A county commission is a governing body within the meaning of the statute. Tenn. Att'y Gen. Op. 10-126 at 1 (Dec. 30, 2010). Thus, county commission meetings must be "open to the public at all times." Tenn. Code Ann. § 8-44-102(a). See also *Watson v. Waters*, 375 S.W.3d 282, 292-93 (Tenn. Ct. App. 2012).

The Open Meetings Act is remedial in nature and "should be liberally construed in furtherance of its purpose." *Neese v. Paris Special School District*, 813 S.W.2d 432, 434 (Tenn. Ct. App. 1990). The Act "should be interpreted to promote openness and accountability in government." *Johnston v. Metropolitan Government of Nashville and Davidson County*, 320 S.W.3d 299, 310 (Tenn. Ct. App. 2009) (quoting *State ex rel Akin v. Town of Kingston Springs*, No. 01-A-01-9209-CH00360, 1993 WL 339305, at *2 (Tenn. Ct. App. Sept. 8, 1993)). Accordingly, to accomplish this purpose, county commission meetings should be held in [11] a facility that can

accommodate a public audience reasonably expected to attend with adequate audio equipment available to allow the public to hear the proceedings.

2.b. No statute or Tennessee court has addressed whether the Open Meetings Act is violated if the space where a county commission meets cannot safely accommodate all members of the public who wish to attend. In deciding whether an open meetings act requirement has been violated because the meeting room was too small, courts in other jurisdictions look to all the facts surrounding the meeting. For example, the North Carolina Court of Appeals found that a county board of education committee violated the state's open meetings act when it held a meeting in a small room with sufficient seating only for staff members, resulting in the complete exclusion of the public from a significant portion of the meeting on a matter of intense public interest. *Garlock v. Wake County Board of Education*, 712 S.E.2d 158, 176 (N.C. Ct. App. 2011).

A number of courts in other states, however, have found that the applicable public meetings statutes were not violated simply because all the members of the public who wished to attend [12] could not safely fit in the meeting room, so long as no one was arbitrarily excluded and authorities provided some way for the overflow crowd to hear the proceedings. See, e.g., *Gutierrez v. City of Albuquerque*, 631 P.2d 304, 307 (N.M. 1981) (open meetings law not violated where, although the meeting room was filled in excess of the maximum occupant limit of 156 persons, loudspeakers were set up outside the meeting room and were operative during at least a portion of the meeting, the meeting was broadcast on a radio station and received extensive media coverage, and members of the public were allowed to address the city council and present their views for over two hours); *Windsor Owners Corporation v. City Council of the City of New York* 878 N.Y.S.2d 545, 551 (N.Y. Sup. Ct. 2009) (a planning commission meeting held in its usual location and at its usual time did not violate the state's open meetings law; while the room provided only 65 seats for members of the public, members of the public were permitted to stand in the meeting room without being asked to leave, there was additional seating and standing areas in the lobby of the meeting location, which [13] contained a television monitor and sound system, and the commission agreed it would not adjourn until it had heard every speaker that had signed up to testify); *Badke v. Village Board of the Village of Greendale* 494 N.W.2d 408, 418-19 (Wis. 1993) (meeting in hall that held 55 people did not violate state open meetings act; the foyer held an additional 20 people, the press attended the meeting, and at

most no more than three people were ultimately denied admission). Thus, in order to ensure compliance with the Open Meetings Act, a county commission should meet in a room that will accommodate reasonably expected numbers of the public. Additionally, the commission should take reasonable steps to enable the overflow crowd to hear the meeting, especially where it expects an unusually large audience.

Footnotes

1

This opinion does not address meetings of a county legislative body operating under a county charter, or meetings of the legislative body in a county that has adopted metropolitan government.

Content Type:

Terms:

Narrow by: -None-

Date and Time: Dec 11, 2014 04:18:55 p.m. EST



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