

July 13, 2023

## **EXECUTIVE SUMMARY**

To: EDC Executive Committee

From: Buck Dellinger, President/CEO

Subject: EDC Public Input Policy

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This is to recommend adoption of a Public Input Policy to conform with recent updates to the Tennessee Open Meetings Act.

**BACKGROUND:** The Tennessee Open Meetings Act (TOMA) declares that the formation of public policy and public business must be transacted transparently and not in secret [Tenn.Code Ann.8-44-101(a)]. To accomplish this goal, the TOMA requires that all meetings of a governing body be open to the public, that a governing body provide adequate public notice of the meeting, and in certain circumstances, that the governing body provide a period for public comment regarding agenda items. Local government legislative bodies are required to provide an agenda in advance of a meeting.

Meeting Notices and Agendas must be posted 48 hours in advance of the meeting. Items that are not on the agenda may still be discussed, as long as the body follows all of its bylaws, rules and procedures. Currently, the EDC Bylaws do not have a rule or procedure to allow the discussion of an item that was not posted on the agenda 48 hours prior. This deficiency will be remedied at a future EDC Executive Committee meeting.

Effective July 1, 2023, a new section was added to Title 8, Chapter 44, Part 1. This requires that all governing bodies that are subject to open meetings requirements (not just the full county legislative body) to reserve time for public comment so that the public may speak on matters germane to items on the agenda. Governing bodies are authorized to impose reasonable restrictions on the public comment period. These include setting a specific length of time for the comment period, designating a set number of speakers allowed for each comment period as well as a set time limit for each speaker, and requiring prior notice of a person's desire to speak during the comment period. Should a governing body require prior notice from the speakers, the body must provide instructions as to how notice must be given in the body's meeting notice. In addition, governing bodies are required to take "all practicable steps" to ensure all opposing viewpoints are fairly represented. There are two exceptions to the new public comment requirement. Governing bodies are not required to provide a public comment period during meetings involving certain disciplinary hearings or meetings where no actionable items are on the agenda.

Attached is the proposed Public Input Policy for the EDC.

**Recommended Motion:** That the EDC Board adopt the attached policy titled "The Economic Development Council Board of the County of Montgomery Board of Directors Meeting Public Input Policy".

**The Economic Development Council Board of the County of Montgomery**  
**Board of Directors Meeting**  
**Public Input Policy**

The Board of Directors (the "Board") of The Economic Development Council Board of the County of Montgomery conducts all meetings in compliance with the Tennessee open meetings law. Tennessee law requires that meetings be open for public observation, and that the Board reserve a period of time at each meeting for public comment related to matters that are germane to the agenda items to be considered at such meeting.

It is the policy of the Board to allow members of the public to speak once on any agenda item for up to three (3) minutes. If a member of the public wishes to speak to this Board, he or she must sign up to speak before the meeting by registering on the sign-up sheet that will be available at the meeting, whether with regard to a specific agenda item or as part of the general public forum described below. An agenda will be made available for review by members of the public with the sign-up sheet. Only persons who have registered to speak prior to the convening of the meeting will be allowed to speak.

A person speaking on an agenda item will be granted time by the presiding officer of the Board to speak when his or her topic of interest is addressed on the agenda. When a number of persons desire to speak to an issue, each side shall be limited to three (3) speakers. The Board may extend the number of speakers or the time allowed for speakers by a vote of majority of the members present.

At the conclusion of the Board's regularly scheduled business, a general public forum will be opened to the public. This forum will allow for persons to speak to items that were not on the agenda. The public forum will be limited to thirty (30) minutes. The order of speakers will be determined according to the order of names on the sign-up sheet. The presiding officer of the Board will then call on those persons one at a time to stand and address the Board for no more than three (3) minutes per speaker.

All speakers, members of the audience, and the Board shall remember that the meeting is a Board meeting. All persons are to show proper respect to each other and shall maintain the proper decorum in the meeting at all times. Persons who fail to observe the rules as to proper decorum shall not be permitted to speak and may be removed from the meeting.

Time allocated for public forum provides an opportunity for community members to share their ideas, insights, and concerns with the Board; it is not, however, intended to be a time for discussion between the Directors and the speaker or a time for obtaining either answers to questions raised or responses to requests made for information or action. As appropriate, response to questions raised and/or requests made by the speaker may be made at a later time after Board members and/or staff have had sufficient opportunity to consider and deliberate on them.

All members of the public are always encouraged to submit written information prior to a Board or Committee meeting by either of the following methods:

\*Mail: 335 Franklin Street  
Clarksville, TN 37040  
Attention: Economic Development Council

Email: [PublicCommentEDC@clarksville.tn.us](mailto:PublicCommentEDC@clarksville.tn.us)

