

BACKGROUND

In 2020 Gov. Bill Lee, by executive order, authorized local governments across the state to hold their public meetings remotely due to the COVID-19 pandemic. Cities and towns conducted business in this manner for more than a year until the governor reopened the state and allowed this authorization to expire on April 28, 2021.

During the pandemic, Tennessee local government bodies gained extensive experience with conducting remote meetings and with individual members participating remotely in physical meetings. From this experience, cities and towns determined that remote meetings can be efficient and can be conducted without infringing on the right of the public to observe or participate. Therefore, many local governments see the need for members of governing boards, commissions, and committees to participate electronically, either as a whole or individually.

Problem

The TN Open Meetings Act requires that all public policy and business decisions must be made in meetings that are open to the public. However, a physical presence can impede the city's ability to conduct business, on occasion, if a quorum cannot be attained due to absences of multiple members or under emergency circumstances.

Additionally, under normal (non-emergency) situations, individual members of a government body may find it necessary to attend meetings in spite of illness or other circumstances that make it unwise for them to be out in public (for example, because they could expose others to a contagious illness).

In addition to voting bodies, advisory committees that are subject to the Open Meetings Act could also benefit from the ability to meet electronically

Anticipated Benefits

Authorization of remote participation embraces technological advances and allows for more efficient and effective government. It would strengthen the ability of local government to lead communities through emergency situations, reduce impediments to attaining a quorum, and provide for more diversity in citizen participation. During the pandemic,

Tennessee local government bodies gained extensive experience with conducting remote (virtual) meetings and with individual members participating remotely in physical meetings. From this experience, we now know that remote meetings can be efficient and can be conducted without infringing on the right of the public to observe or participate.

REMEDY

Revise and reintroduce SB971/HB1029 to amend the Emergency Powers Act to authorize local governing bodies to conduct remote meetings during an emergency consistent with the requirements and conditions included in the governor's executive orders and as negotiated with TCOG;

Support SB301/HB327, which authorizes individual members of local governing bodies to participate in scheduled meetings remotely under certain conditions; and

Introduce a separate measure authorizing advisory local government committees to meet remotely. Such committees would include festival committees, trees and trails committees and the like. These committees are typically comprised of local citizens and do not possess any binding authority

