



June 15, 2023

## **Clarification on Memorandum Dated June 12, 2023 from the Comptroller of the Treasury on Public Chapters 213 and 300 on Open Meetings**

On June 12, 2023, the Comptroller of the Treasury sent all local governments a Memorandum summarizing two new laws on open meetings passed by the General Assembly this year, Public Chapters 213 and 300. This Memorandum is attached. TAUD wants to clarify how these two new public chapters affect its utility members.

### PC 213

The Memorandum states, "PC 213 only applies to local government legislative bodies and requires such bodies to make their agendas available in a place accessible to the public at least 48-hours prior to a meeting." PC 213 defines local government to mean "any incorporated city or town, metropolitan government, or county." Therefore, the new requirements of PC 213 only apply to the governing bodies of cities, towns, metro governments, and counties. PC 213 does not apply to board meetings of utility districts, utility authorities, county boards of public utilities, or municipal utility boards which have the power to operate municipal utilities separate from the governing body of the municipality.

### PC 300

PC 300 addresses the rights of the public to comment on matters discussed at the board meetings of local governments. PC 300 applies to the governing boards of all government utilities including cities, counties, utility districts, utility authorities, county board of public utilities, and municipal utility boards.

The utility board *must*:

- Reserve a period of time for members of the public to comment on matters which are germane to items on the agenda of a utility's board meeting; and
- Take all practicable steps to ensure that opposing viewpoints are represented fairly, if any, during a public comment period.

Many utility boards already give members of the public in attendance the opportunity to make comments.

A utility board *may*:

- Require that any member of the public who wants to offer comments at a board meeting give advance notice to the utility of the member's desire to offer comments. If the utility requires advance notice, then the public notice of every board meeting must indicate the manner in which a person who wants to comment must give such advance notice.
- Place reasonable restrictions on the public comment period such as the length of the period, the number of speakers, and the length of time that each speaker will be allowed to provide comment.

If the utility board does not require advance notice of a person's desire to make comments at a board meeting, then the public notice of the utility's board meetings does not need to be changed to address advance notice.



JASON E. MUMPOWER  
*Comptroller*

June 12, 2023

MEMORANDUM TO: All Local Governments

FROM: Jason E. Mumpower, Comptroller of the Treasury

A handwritten signature in blue ink, appearing to read "J.E. Mumpower", is written over the "FROM" line.

SUBJECT: Public Chapters 300 and 213 on Open Meetings

In an effort to keep you informed about the latest legislation impacting transparency in government, please be advised that the 113<sup>th</sup> Tennessee General Assembly recently passed Public Chapter No. 300 (“PC 300”), which can be found [here](#). This new law becomes effective on July 1, 2023 and introduces an important change to the Tennessee Open Meetings Act.

PC 300 requires that for each public meeting, governing bodies reserve a period for public comment to provide the public with the opportunity to comment on matters that are germane to the items on the agenda for the meeting. It also requires that the meeting notice specify how individuals may indicate their desire to provide public comment at the meeting.

While the new law allows governing bodies to put certain reasonable restrictions on the public comment period, it requires governing bodies to take all practicable steps to ensure that opposing viewpoints are represented fairly, if any. It also excludes certain meetings from these requirements.

The Tennessee General Assembly also passed [Public Chapter 213](#) (“PC 213”) which became effective on April 25, 2023. Unlike PC 300, which has broad applicability, PC 213 only applies to local government legislative bodies and requires such bodies to make their agendas available in a place accessible to the public at least 48-hours prior to a meeting.

I encourage you to review PC 300, and PC 213 if applicable, in full to understand the details of these new requirements. If you have questions regarding implementation for your specific circumstances and community, please contact your local attorney, MTAS, or CTAS. Our Office of Open Records Counsel can also assist you in answering questions about these important changes.