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Opinion No. 01-061

"Public Hearing" under Tenn. Code Ann. § 5-12-108

QUESTION

Tenn. Code Ann. §§ 5-12-101, *et seq.*, set forth requirements for the adoption of a county budget in counties that have adopted the County Budgeting Law of 1957. Under Tenn. Code Ann. § 5-12-108, the county budget committee must hold a "public hearing . . . at which any citizen of the county shall have the right to appear and state such citizen's views on the budget" before the committee submits the budget document to the county governing body. Does this statute require the budget committee to answer questions posed by citizens who attend the hearing?

OPINION

No.

ANALYSIS

This opinion concerns the requirement of a public hearing under Tenn. Code Ann. § 5-12-108, which is part of the County Budgeting Law of 1957, Tenn. Code Ann. §§ 5-12-101, *et seq.* The statute outlines the procedure for adopting a county budget in any county that has adopted the act. Tenn. Code Ann. § 5-12-104 creates a county budget committee made up of the county executive and four members appointed by the county executive with the county governing body's approval. The budget committee is required to adopt a proposed county budget under Tenn. Code Ann. § 5-12-107. Under Tenn. Code Ann. § 5-12-108, the budget committee must provide notice and conduct a public hearing "at which any citizen of the county shall have the right to appear and state such citizen's views on the budget." Tenn. Code Ann. § 5-12-108(a)(2). Subsection (b) of the statute provides:

> Following such public hearing, the budget committee shall make the final revision of the budget document and prepare copies for presentation to the county governing body.

Tenn. Code Ann. § 5-12-108(b). The question is whether, under this statute, the county budget committee must also answer questions posed by all the citizens who attend the hearing. The statute expressly provides

that any citizen of the county must have the right to appear at the hearing and express his or her views on the budget. It contains no requirement that the budget committee answer questions the citizens may pose, or respond in any way to the views expressed by citizens in attendance.

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