

 POLICIES AND PROCEDURES State of Tennessee Department of Intellectual and Developmental Disabilities	Policy #: 60.8.1	Page 1 of 4
	Effective Date: November 17, 2023	
	Distribution: A	
Policy Type: Administrative	Supersedes: N/A	
Approved by:  Brad Turner, Commissioner	Last Review or Revision: N/A	
Subject: PUBLIC COMMENTS AT OPEN MEETINGS		

- I. **AUTHORITY:** Tennessee Code Annotated ("TCA") §§ 4-3-2708, 4-3-2711, 8-44-101, 8-44-112, 33-1-302(A), 33-1-303(3), 33-1-305, 33-2-202, 33-2-403, 33-5-208, and 33-5-601.

- II. **PURPOSE:** The purpose of this policy is to establish procedures for compliance with the requirements for public comment periods in the Tennessee Open Meetings Act for all councils, committees, panels, and boards which meet the definition of a "governing body" pursuant to TCA § 8-44-102(b)(1) and which are administratively attached to the Department of Intellectual and Developmental Disabilities ("Department") for all meetings, as "meeting" is defined in TCA § 8-44-102(b)(2).

- II. **APPLICATION:** This policy applies to all councils, committees, panels, and boards which meet the definition of a "governing body" pursuant to TCA § 8-44-102(b)(1) and which are administratively attached to the Department for all meetings, as "meeting" is defined in TCA § 8-44-102(b)(2).

- III. **DEFINITIONS:** For the purpose(s) of this policy, the following definitions apply:
 - A. **Continuity of Operations Plan ("COOP")** shall mean an emergency preparedness plan which provides planning and guidance to Department workforce members who must implement the plan to ensure continuity of the essential functions under all threats and conditions.

 - B. **Governing Body** shall encompass the definition as provided in TCA § 8-44-102(b)(1) in full and shall mean members of any public body which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public body on policy or administration, which is administratively attached to the Department.

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- C. **Meeting** shall encompass the definition as provided in TCA § 8-44-102(b)(2) in full and shall mean the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision but does not include any on-site inspection of any project or program.
- IV. **POLICY:** In accordance with the Tennessee Open Meetings Act [TCA Title 8, Chapter 44, Part 1], all meetings of any governing body administratively attached to the Department are declared to be public meetings open to the public at all times. Each such governing body shall reserve a period for each public meeting for public comment in order to provide the public with the opportunity to comment on matters germane to the items on the agenda for the meeting, with the option for the governing body to place reasonable restrictions on the period for public comment as provided below in section V.C.
- V. **PROCEDURES:**
- A. Agenda for Meetings of the Governing Bodies
1. For any meetings of the governing bodies administratively attached to the Department, an agenda must be created and made available to the public.
 2. The agenda must reasonably describe the matters to be deliberated or acted upon during the public meeting.
 3. The agenda must also note a period of time reserved for public comment.
- B. Public Comment Periods
1. All meetings of the governing bodies must include a period of time reserved for public comment to provide the public with the opportunity to comment on matters which are germane to the items on the agenda for the meeting of the governing body.
- C. Reasonable Restrictions on Public Comment Periods at Meetings of Governing Bodies

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1. Each governing body may elect, in its sole discretion, to put any of the following reasonable restrictions on the period for public comment, so long as the requirements as provided in section V.C.2. are met in full:
 - a. Each governing body may limit the length of time for the public comment period during the meeting;
 - b. Each governing body may limit the topic of the comments during the public comment period of the meeting to the actionable items listed in the agenda for the meeting;
 - c. Each governing body may limit the number of speakers during the public comment period for each meeting;
 - d. Each governing body may limit the length of time that each speaker will be allowed to provide comment during the public comment period for each meeting;
 - e. Each governing body may require a member of the public to provide advance notice prior to the meeting in order to be able to offer comments during the public comment period at the meeting.
 2. In order for any restriction listed in section V.C.1. on the public comment period to be valid, the restrictions must be noted in the public meeting notice, as required pursuant to TCA § 8-44-103. The public meeting notice shall also indicate the manner in which a member of the public may indicate that member's desire to provide public comment at the meeting. Additionally, no restriction listed in section V.C.1. may be applied solely for purposes of limiting opposing viewpoints at the meeting.
 3. If the governing body does elect to put any of the reasonable restrictions listed in section V.C.1. on the period for public comment at the meeting, then it is in the sole discretion of the Chair of the governing body to extend opportunities for public comment at the meeting as the circumstances may require.
- D. COOP: In the event of an emergency, such as pandemic, natural disaster, or as otherwise identified by the Governor's Executive Order(s) or as deemed

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necessary by the Department Commissioner or designee, COOP implementation may supersede this policy.

VI. **REVISION HISTORY:** N/A.

VII. **ATTACHMENTS:** N/A.