

Knoxnews.com, Knox County Commission to talk about public notice rules

The Knox County Commission will revisit the way it notifies the public when individual members want to meet with each other.

The discussion, which takes place during its Oct. 17 Rules Committee meeting, comes after officials said they were caught off guard in late September when Commissioner Amy Broyles held a small meeting to discuss county business at a Panera Bread restaurant on Kingston Pike.

Broyles sent notices to some officials and the media on a Friday evening — about 44 hours before the 3 p.m. gathering on Sunday, Sept. 25. But, many commissioners didn't find out about it until Saturday morning.

Commissioners Ed Shouse, Richard Briggs and Dave Wright also were in attendance.

Officials have not accused the commissioners of violating the Sunshine Act, but do want to reach a consensus on how they notify the public. Whatever decision they reach will be entered into the body's official rules.

"We're going to clarify what exactly is a proper notice when commissioners meet," commission Chairman Mike Hammond said.

Many commissioners, including Hammond, said they'd like a 48-hour notice. They don't expect to implement a penalty if a commissioner violates the rule. But, commission Vice Chairman Brad Anders said "if someone continually violates it, then the voters, their constituents are going to know."

County Law Director Joe Jarrett said Tennessee's courts have issued inconsistent rulings about what is considered adequate public notice, but said a minimum of 48 hours is "defensible," but "a longer period is preferred."

"If a court ruled that notice was inadequate, then any action taken by the members present, presuming they had a quorum, would be considered void and of no effect," Jarret said.

Ever since the "Black Wednesday" open meeting violation in January 2007 when commissioners collaborated in secret to appoint new members to the board and a number of other elected positions, commissioners have been careful to notify the public and conduct meetings in the open.

Often when they meet with each other — even for lunch or to attend a birthday party — they notify the commission office which then notifies the media and whoever else is on its master email list.

In addition to talking about how much time they should leave between notices, Anders said he wants to establish some type of mechanism that would allow a commissioner to log into the

county's computer system and send email messages to residents when officials need to notify the public. He said he also wants a system that would let anyone submit their email address, so they, too, are also notified.

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