

Ms. Oglesby,

I have reviewed the attached resolution and I specifically reviewed Section 1, Rule 6, Section 2, Rule 4, and Section 3, Rule 4. The courts in Tennessee have consistently held that citizens have the right to attend and observe public meetings, but they do not have the right to participate in them. *See Souder v. Health Partners, Inc.* 997 S.W. 2d 140, 150 (Tenn. Ct. App. 1998) and *Whittemore v. Brentwood Planning Commission, City of Brentwood*, 835 S.W 2d 11, 18 (Tenn. Ct. App. 1992). Given that citizens do not have the right to speak during public meetings, it seems appropriate to me that if a governing body gives citizens the opportunity the publically comment on an issue at a public meeting, there can be reasonable and consistently applied rules in place related to how and when the citizens can make the public comments.

I have looked at some cases that address this same issue in other states. Even in the states where citizens have the right to make public comment, the courts have consistently held that the governing bodies have the right to establish rules related to the public comment portion of the meetings.

Please let me know if you need any additional assistance.

Elisha D. Hodge
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