

Internet Forum

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-422

The General Assembly passed Public Chapter 175, Acts of 2009, which permits local government officials to participate in meetings via an Internet forum. This law expands a pilot project in Knox County by making the option available to city/town governing bodies and school boards. Codified at T.C.A. § 8-44-109, the law permits governing bodies and school boards to “allow electronic communication between members by means of a forum over the Internet”, if specific requirements are met. Before permitting such Internet discussions, the governing body must:

1. Ensure that the forum be “available to the public at all times other than that necessary for technical maintenance or unforeseen technical limitations;”
2. Provide “adequate public notice” of use of the forum;
3. Control who may communicate through the forum;
4. "Control the archiving of the electronic communications to ensure that the electronic communications are publicly available for at least one (1) year,” and access to the archived communications must be “user-friendly for the public;” and
5. "Provide reasonable access to members of the public to view the forum at the local public library, the building where the governing body meets or other public building.”

The law further requires that such Internet forums “shall not substitute for decision making by the governing body in a meeting.”

Before city/town officials may hold such Internet chats, the governing body must file a plan with the Office of Open Records Counsel (hereinafter “OORC”). The plan is then evaluated by Open Records Counsel, who will report whether or not the plan complies with the requirements above within thirty (30) days. If the plan fails to comply, Open Records Counsel will provide written comments to the governing body. No Internet forums are allowed under the law until the OORC issues a report of compliance.

The OORC has documents which make the process of developing an Internet forum plan simpler for cities/towns. These documents include: “Plan Considerations,” which contain extensive comments by Counsel on each requirement of the law; a template resolution or ordinance to be passed by the governing body submitting the plan; and, a template “Terms of Use Agreement.” These documents may be printed from the Open Records Counsel website [1].

Plans for Internet forums should be submitted to the OORC.

Links:

[1] https://www.comptroller.tn.gov/openrecords/internet_forums.asp

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 08/25/2019 - 10:36pm): <http://www.mtas.tennessee.edu/reference/internet-forum>

