



Legal Basics

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Understanding Sunshine Laws

Tennessee Open Meetings Act

(TCA § 8-44-101)

Public Meetings Requirements

- Public must receive adequate notice of regular and special meetings, including the time, place, and general subjects to be considered.
- **Secret votes prohibited**; all votes must be public.
- Minutes must be promptly prepared, document motions and votes, and be made available to the public.
- Deliberations must occur only in a public meeting; private or serial discussions about cases violate the Act.

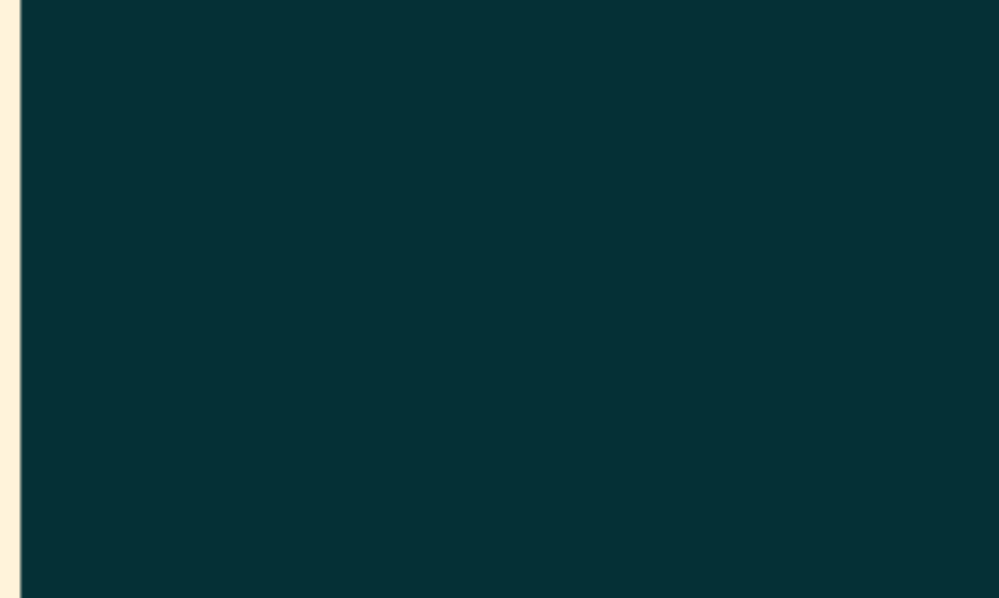
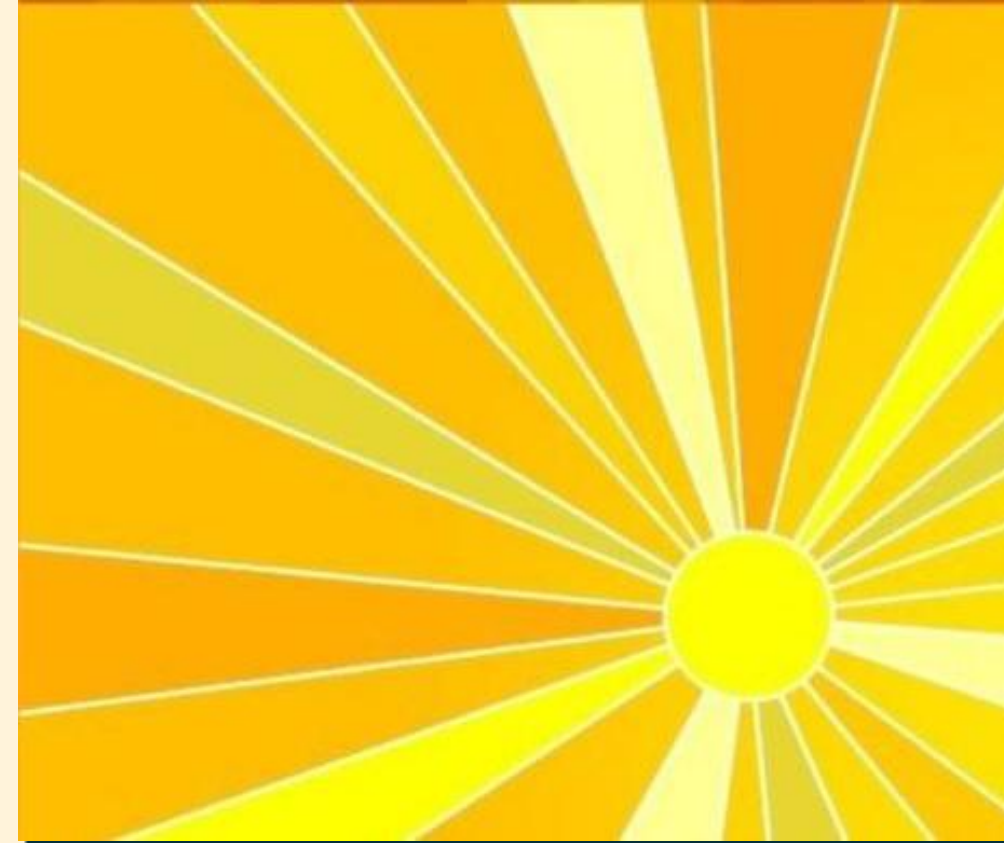


Tennessee Public Records Act (TCA § 10-7-5)

- **Access to Records**
 - All state, county, and municipal records are **open for inspection during business hours**.
 - Agendas
 - Plats
 - Packets (e.g., staff executive memo)
 - Custodians must **promptly make records available** or respond within **7 business days**:
 - Provide records
 - Deny request (with written reason)
 - Provide timeline for producing records
 - Government is **not required to create new records or compile information** from multiple files.
 - **Note:** Emails, texts, or notes related to PC/BZA business can be considered public records, even on personal devices.

General Takeaway

- Planning Commissions and BZAs must comply with the Tennessee Open Meetings Act (TCA § 8-44-101 et seq.) and Public Records Act (TCA § 10-7-503 et seq.)
- All meetings must be open to the public.
- Members may not deliberate on cases outside a public meeting, including serial or “walking quorum” discussions.
- Must provide adequate public notice for regularly scheduled and special called meetings.
 - Agendas must be made available to the public 48 hours prior to a meeting.
- Meeting minutes must be available to the public.
- All votes must be public.



DAYTON, TN

SETD Planning Home

Planning Commission & BZA Meetings: 3rd Monday Each Month at 5:00 p.m. Eastern



- Agendas
- Interactive Full-Screen Map
- Zoning Ordinance
- Subdivision Regulations
- Flood Ordinance
- FEMA Flood Map Search
- TDOT Hwy Entrance Permit
- TDEC Septic System Records
- MTAS Municipal Code Library
- TN Property Viewer



Map interface for Rhea County, TN. The map shows various zoning areas and boundaries. The layers panel on the right includes:

- SE County Boundaries
- SETDD Region Corporate Limits 11252024
- 911 Streets 3.7.2025
- Tennessee Property Boundaries Public Use
- Rhea Parcels 3.7.2025
- USA Flood Hazard Areas
- Dayton Zoning 8.12.2025
- Graysville Zoning 8.15.2024
- Spring City Zoning 2.16.2024

Posted 48 hours in advance of meeting

Understanding Roberts Rule of Order

Municipal & Regional Government Meetings

Parliamentary Procedure & Meeting Flow

Order of Business (Typical Flow)

1. Call to Order & Quorum
 - Chair calls the meeting to order.
 - Quorum varies, typically simple majority or 2/3. See bylaws.
2. Approval of Minutes
 - Chair addresses potential need for corrections/revisions.
 - Formal motion to approve optional but recommended.
3. Reports (officers/committees)
4. Unfinished/Old Business
 - Discussion items – no action taken.
 - Action items – requires motion, second, and vote – simple majority or 2/3.
5. New Business
6. Hearing of Persons Having Business Before the Commission
7. Adjournment
 - Requires a motion & a second.

Municipal & Regional Government Meetings: Duties

- **Recorder's Duties**

- Keep accurate minutes and maintain agendas, notices, and attendance records.
- Record motions, seconds, exact wording, and vote outcomes.
- Include meeting details: date, time, location, presiding officer, approval of previous minutes.
- Ensure PC/BZA decisions, recommendations, and orders are filed properly.

- **Minute-Taking Standards**

- Record each motion in a separate paragraph with mover/second and result.
- Final minutes should be typed, approved, and archived per local policy.
- End minutes with adjournment time.

- **Chair's Duties**

- Open the meeting, confirm quorum, and announce the agenda.
- Recognize speakers, state motions/questions, call and announce votes.
- Maintain order, enforce rules, and respond to procedural questions.
- Sign approved minutes and official PC/BZA actions as required; declare adjournment.

Roberts Rule of Order Cheat Sheet

University of North Carolina – Chapel Hill

https://diphi.web.unc.edu/wp-content/uploads/sites/2645/2012/02/MSG-ROBERTS_RULES_CHEAT_SHEET.pdf

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

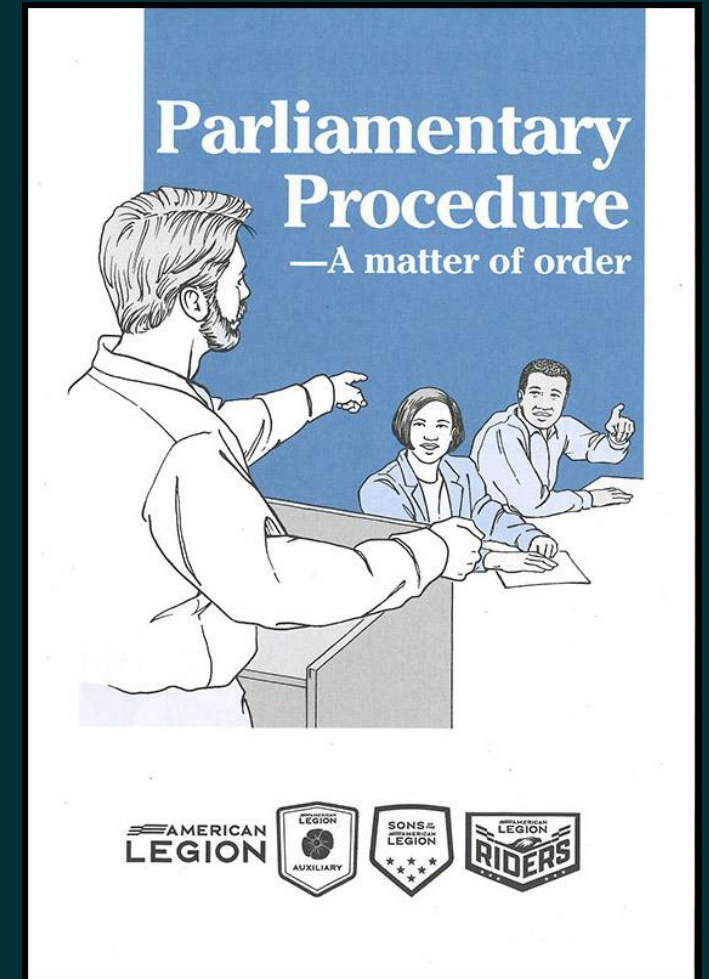
To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

General Takeaway

Core Principles (Robert's Rules + Local Rules)

- Local legislation and bylaws prevail over Robert's Rules.
- Robert's Rules applies only when adopted by ordinance or bylaws.
- Guidelines ensure **fair, orderly, and transparent** meetings.
- Secret votes are prohibited - all votes must be public and individually recorded.
- Chair enforces rules of debate and decorum.



Understanding
Conflicts of
Interest

Conflicts of Interest under Tenn. Code Ann. § 12-4-101, 13-4-101, 13-3-101, & 13-7-207

Members must NOT participate if they have:

- A **direct or indirect financial interest** in the applicant or property.
- A **personal interest** affecting impartiality (family, business relationships, close personal relationships).
- A **professional involvement** in preparing or benefiting from the request.
- **Ex parte communications** that create bias or provide information outside the public record.

Required Actions:

- **Publicly disclose** the conflict before the item begins.
- **Recuse by not participating from discussion and voting.**
- Member must not influence the board's deliberations in any way.
- In quasi-judicial cases, recusal is required if impartiality is compromised.

Recusal v. Abstention

Recusal (Required)	Abstention (Optional)
<p>Used when a member has:</p> <ul style="list-style-type: none">• Financial interest (direct or indirect);• Personal interest affecting impartiality;• Family/business ties to applicant;• Ex-parte communications that create bias. <p>Members must:</p> <ul style="list-style-type: none">• Announce the conflict• Not discuss• Note vote• Not influence the decision• (Some communities) step away from the dais.	<p>Allowed and recommended when the member does NOT have a conflict of interest, but:</p> <ul style="list-style-type: none">• Missed previous meeting (minutes approval especially);• Lacks information;• Uncomfortable voting;• Wishes to avoid appearance of bias (without actual conflict). <p>Abstaining allows for discussion, unless locally prohibited.</p>

Final Tips & Takeaways

Sunshine Law:

- All deliberation must occur in public, no private or serial (“walking quorum”) discussions
- Provide adequate public notice and ensure meetings and records are accessible.

Meeting Procedure:

- Local bylaws supersede Robert’s Rules of Order.
- Keep meetings fair, orderly, and transparent.

Conflicts of Interest:

- Members are strongly recommended to recuse when financial, personal, or professional interests, or ex parte contact, affect judgment.
- Recusal = no voting, no discussion.
- Abstention = no voting, discussion allowed.

Your Turn.





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At a community gathering, two PC members dive deep into a controversial subdivision. They discuss traffic, drainage, neighborhood impact. Later, one texts a third member: “We’re leaning toward denial.” What Sunshine Law violation could this be?



During a PC meeting, a member makes a motion to approve a plat while another member still has the floor discussing concerns. What should the chair do?



A BZA member's cousin is the surveyor for a variance request. The member feels neutral but knows the connection could look bad. What should they do?

Thank you!