

Nicole Shaffer

From: Ann Butterworth
Sent: Monday, March 23, 2015 9:51 AM
To: 'Jennifer Albrecht'
Cc: Open Records; Joseph Woodson
Subject: RE: Gov't hospital open/closed mtgs

Expires: Monday, October 19, 2015 12:00 AM

There are limited circumstances when governing bodies subject to the Open Meetings Act may meet without the public being allowed to be present. One example is for audit committees when discussing audits or litigation. Tenn. Code Ann. Section 4-35-108 and Section 9-3-405. Governing bodies may meet in executive session to be briefed by counsel regarding litigation, but a decision may not be made.
Advisory Committee on Open Government Tenn. Code Ann. Section 8-4-602

Ann V. Butterworth
Open Records Counsel & Assistant to the Comptroller for Public Finance Open Records Phone: (615) 401-7891 Open Records Toll free phone: (866) 831-3750 Fax (615) 741-1551

Tennessee Comptroller of the Treasury
Suite 1700, James K. Polk Bldg.
Nashville, TN 37243-1402
open.records@cot.tn.gov
<http://www.comptroller.tn.gov/openrecords/index.asp>

"The mission of the Comptroller's Office is to improve the quality of life for all Tennesseans by making government work better."

-----Original Message-----

From: Jennifer Albrecht [mailto:jcagr@comcast.net]
Sent: Monday, March 23, 2015 9:24 AM
To: Ann Butterworth
Subject: RE: Gov't hospital open/closed mtgs

Good morning Ann,
Over the weekend, I started thinking about other entities that are covered under the Open Meetings and Open Records Act. Do you know if gov't entities are allowed to go into private meetings? I can ask TML and County Commission Association if you don't know. Also, there was a Open Gov't Committee created several years ago, with several of the stakeholders statutorily authorized to be on the committee. Can you tell me where to find it in the TCA? That will give me at least some idea of who else is covered by the Open Mtgs/Records statutes. Any help you can give would be greatly appreciated.
Thank you,
Jennifer
Jennifer C. Albrecht
JCA Government Relations
jcagr@comcast.net
615-394-1151 (cell)

-----Original Message-----

From: Ann Butterworth [mailto:Ann.Butterworth@cot.tn.gov]
Sent: Friday, March 13, 2015 8:10 PM
To: 'jcagr@comcast.net'
Subject: Re: Gov't hospital open/closed mtgs

:-)

----- Original Message -----

From: Jennifer Albrecht [mailto:jcagr@comcast.net]
Sent: Friday, March 13, 2015 07:26 PM
To: Ann Butterworth
Subject: Re: Gov't hospital open/closed mtgs

Ann, thank you so much. I will look at this again tomorrow and let you know if I have questions. Have a great weekend!
Jennifer

Sent from my iPhone

> On Mar 13, 2015, at 5:29 PM, Ann Butterworth
> <Ann.Butterworth@cot.tn.gov>

wrote:

>

> 8-44-105. Action nullified - Exception. Any action taken at a meeting

> in

violation of this part shall be void and of no effect; provided, that this nullification of actions taken at such meetings shall not apply to any commitment, otherwise legal, affecting the public debt of the entity concerned. HISTORY: Acts 1974, ch. 442, § 5; T.C.A., § 8-4405.

>

> 8-44-106. Enforcement - Jurisdiction. (a) The circuit courts, chancery courts, and other courts which have equity jurisdiction, have jurisdiction to issue injunctions, impose penalties, and otherwise enforce the purposes of this part upon application of any citizen of this state. (b) In each suit brought under this part, the court shall file written findings of fact and conclusions of law and final judgments, which shall also be recorded in the minutes of the body involved. (c) The court shall permanently enjoin any person adjudged by it in violation of this part from further violation of this part. Each separate occurrence of such meetings not held in accordance with this part constitutes a separate violation. (d) The final judgment or decree in each suit shall state that the court retains jurisdiction over the parties and subject matter for a period of one (1) year from date of entry, and the court shall order the defendants to report in writing semiannually to the court of their compliance with this part.

HISTORY: Acts 1974, ch.

442, § 6; T.C.A., § 8-4406.

>

> Ann V. Butterworth

> Open Records Counsel & Assistant to the Comptroller for Public Finance

> Open Records Phone: (615) 401-7891 Open Records Toll free phone: (866)

> 831-3750 Fax (615) 741-1551

>

> Tennessee Comptroller of the Treasury

> Suite 1700, James K. Polk Bldg.

> Nashville, TN 37243-1402

> open.records@cot.tn.gov

> <http://www.comptroller.tn.gov/openrecords/index.asp>

>

> "The mission of the Comptroller's Office is to improve the quality

> of

life for all Tennesseans by making government work better."

>

>

> -----Original Message-----

> From: Jennifer Albrecht [mailto:jcagr@comcast.net]

> Sent: Friday, March 13, 2015 5:16 PM

> To: Ann Butterworth

> Subject: Gov't hospital open/closed mtgs

>

>

> Hi Ann,

> I've also left you s voice mail. I need your counsel on open/closed

> mtgs

for government entities/agencies. Could you please call me at your earliest convenience. I represent Gov't hospitals and there is a bill on notice in Senate Health next Wednesday (SB26) that I am working on. Bill Hubbard recommended that you were the right person to talk to.

> Thank you,

> Jennifer Albrecht

> 615-394-1151

> Sent from my iPhone