



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2021-1051, **Version:** 1

An Ordinance to adopt a Plan for a Metropolitan Council of Nashville and Davidson County Internet Forum.

WHEREAS, the Tennessee General Assembly has enacted legislation allowing local governments to establish a legislative forum to enable electronic communications (Public Chapter 175, Acts of 2009; Tennessee Code Annotated Section 8-44-109); and

WHEREAS, the Metropolitan Council wishes to establish an internet forum consistent with state law.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Metropolitan Council of Nashville and Davidson County hereby adopts the Internet Forum Plan, attached to this ordinance.

Section 2. That the Metropolitan Council Office is hereby directed to submit the attached Internet Forum Plan to the Office of Open Records Council upon passage of this ordinance.

Section 3. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance adopts a plan for a Metropolitan Council of Nashville and Davidson County Internet Forum.

Pursuant to TCA § 8-44-109, a governing body subject to the Tennessee Open Meetings Act (TOMA) may allow electronic communication between members through an internet forum, provided the governing body does the following:

- Ensures that the forum is available to the public at all times, other than necessary maintenance or unforeseen technical limitations;
- Provides adequate public notice of the governing body's intended use of the forum;
- Controls who may communicate through the forum;
- Controls the archive of electronic communications over the forum to ensure communications are available for at least one year from the date of the communications; and
- Provides reasonable access for the public to view the forum at the local public library, the building where the governing body meets, or another public building.

Communications made over an internet forum cannot be a substitute for decision making by a governing body. However, communications between members posted to a forum that complies with the state law are deemed to be in compliance with TOMA.

Before a governing body may use an electronic forum, the governing body must file a plan with the Office of

Open Records Counsel, describing how the governing body will ensure compliance with the state law requirements for an internet forum. The Office of Open Records Counsel has 30 days after receipt of the plan to review it and report whether or not the plan complies with state law.

This legislation approves the Metropolitan Council's plan for an internet forum and, upon passage, the plan would be submitted to the Office of Open Records Counsel. The Council first gave notice of its intent to explore the establishment of an internet forum through Resolution No. RS2020-173, adopted on January 21, 2020. This resolution requested that the Metro ITS Department assist the Council in the creation of a plan for an internet forum.

The Council's proposed internet forum would be hosted by Bang the Table. Only members of the Council would be allowed to post to the forum and no communications would be deleted from the forum. A username and password would be required to post to the forum and all members would be required to sign the Internet Forum Terms of Use Agreement, which is attached to the plan.