



JASON E. MUMPOWER
Comptroller

June 17, 2024

The Board of Alderman of the Town of Mason
12157 Main Street
Mason, Tennessee 38049

Dear Aldermen:

I have been made aware that the Board of Aldermen (the "Board") of the Town of Mason ("Mason") held a special-called meeting on June 11, 2024 ("the Meeting") in which the Board voted, among other things, to require Mayor Eddie Noeman ("the Mayor") to resign, and to renew a contract with Hughey's Debits and Credits. The Meeting likely violated the Tennessee Open Meetings Act ("TOMA"), as explained below.

TOMA sets forth specific requirements that must be followed at any public meeting. Adequate public notice must be provided for all public meetings. Notice of a special-called meeting must include the topics to be discussed at the meeting. *See* Tenn. Code Ann. § 8-44-103. TOMA also requires a governing body to make an agenda available to the public, and that agenda must reasonably describe what will be discussed or voted on at the meeting. *See* Tenn. Code Ann. § 8-44-110.

Any actions taken at a meeting that does not follow TOMA are null and void. *See* Tenn. Code Ann. § 8-44-105. A town can be sued for violations of TOMA, and courts have broad discretion to prevent future violations. Courts may also require the governing body to pay the opposing side's attorney's fees if the governing body knew that a meeting was subject to TOMA and willfully violated it. *See* 2024 Pub. Ch. 1030.

Notice of the Meeting was provided forty-eight hours in advance. Forty-eight hours is generally considered sufficient; however, it is nonetheless short notice for a meeting with six items on its agenda, at least one of which is significant. The agenda lists: Policy for Volunteer Fire Fighter's Stipend Pay; Separation of Duties; Employees Pay; Renewal of Contract; Conflict of Interest; and The Charter. "Renewal of Contract" was listed to provide notice of the vote to re-enter Mason into a contract for bookkeeping and accounting. "Conflict of Interest" and "The Charter" were the only notice provided that the Board would vote to require the Mayor to resign.

To reiterate, actions taken by a governing body at a meeting in violation of TOMA are void and have no effect. TOMA allows citizens to file a lawsuit when they believe an open meetings

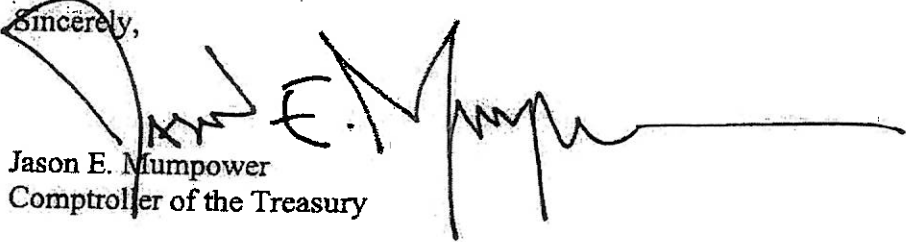
violation has occurred and may require a governing body to pay those citizens' attorneys' fees if they are successful.

Only a court can make a final determination as to whether notice of the Meeting was sufficient, but it is highly suspect that only vague notice was provided for an item as significant as discussing and having a vote to require the Mayor to resign and as specific as voting to renew a contract with Hughey's Debits and Credits.

Notwithstanding any possible TOMA violations, the Board should consult with the town attorney and the Municipal Advisory Technical Service (MTAS) to determine whether the Board had sufficient grounds under the town's charter and state law to remove a duly elected mayor from office.

The actions taken at the Meeting subjects Mason to unfortunate and potentially expensive legal action. I encourage you to be responsible stewards of the public's trust and reverse course, allowing Mason to continue moving forward.

Sincerely,



Jason E. Mumpower
Comptroller of the Treasury

Cc: Office of the Attorney General