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Dated: August 15, 2025

**Re: Public Records Request and Request for Written Response Regarding  
Town of Mason Meeting August 12, 2025**

Dear Mayor Noeman:

I write concerning actions taken by of the Town of Mason Mayor and Board of and Alderman (“the Board”) on August 12, 2025 regarding two proposed contracts between the Town of Mason, CoreCivic, and the United States Immigration and Customs Enforcement (ICE). I also write to request public records pursuant to Tenn. Code Ann. § 10-7-501, *et seq.*

At the August 12<sup>th</sup> meeting, the Board considered two contracts: (1) a contract between the Town of Mason and CoreCivic and (2) a contract between the Town of Mason and ICE. Both contracts aim to allow CoreCivic to house federal immigration detainees in ICE custody at CoreCivic’s West Tennessee Detention Facility. Seven members of the Board were present. They voted 4-1 in favor of the contract between the Town of Mason and CoreCivic, with 2 members abstaining. They then voted 3-2 in favor of the contract between the Town of Mason and ICE, with 2 members abstaining, meaning that the contract with ICE only received 3 votes (out of 7) in favor of its passage. Thus, the contract between the Town of Mason and ICE did not garner a majority of the Board’s votes.

It appears that the Town of Mason, however, considers the contract with ICE to have been legally approved by the Board.<sup>1</sup> **We believe this is in error and in violation of the Town of Mason’s Charter.** Tenn. Priv. Acts 2018, ch. 44.

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<sup>1</sup> Imani Williams and Lydian Coombs, “Town Attorney Says Plans Approved for ICE Detention Center in Tipton Co. after Chaotic Town Board Vote,” Action News 5 (Aug. 12, 2025), available



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Under the terms of Mason’s Charter, “[a]ny form of board action shall be passed by a majority of the members **present**, if there is a quorum.” Tenn. Priv. Acts 2018, ch.44 § 5 (emphasis added). Board members are counted as part of the voting body so long as they are present, even if they abstain from voting. *See id.* The Town of Mason has elected to conduct its proceedings pursuant to Robert’s Rules of Order. *See* Mason, Tenn. Code §1-103. Section 44 of Robert’s Rules describes how a body can determine a voting result, including how to “[modify] the concepts of a majority vote.” Robert’s Rules of Order, § 44:7. Under this rule, “when not stated,” the total number of members used to calculate a majority “is always the number of members present and voting, but **can be specified by rule as the number of members present**, the total membership, or some other grouping.” *Id.* (emphasis added). As stated earlier, the Town of Mason has elected to deviate from the standard in Robert’s Rules and specifies in its Charter that passage of board actions requires “a majority of the members **present**.” Tenn. Priv. Acts 2018, ch.44 § 5 (emphasis added). The Charter includes no exceptions to the stated rule; thus, Board members who are present but abstain from voting must still be counted for the purpose of determining a majority.

Accordingly, the contract between the Town of Mason and ICE did not receive a majority of the votes of members present. Indeed, only 3 out of 7 voted in favor—one short of a majority.

Because the Board did not approve the contract with ICE, any actions taken by the Town of Mason and/or the Mayor of Mason in furtherance of that contract are *ultra vires* and outside the scope of actions permitted by the Town Charter. *See* Tenn. Priv. Acts 2018, ch. 44 § 13; *City of Lebanon v. Baird*, 756 S.W.2d 236, 241 (Tenn. 1988)(“When a municipality fails to act within its charter or under applicable statutory authority, the action is *ultra vires* and void or voidable.”). Likewise, the contract with CoreCivic, by its own terms, requires the Town to also enter a contract with ICE ( ¶ 1 “The Town will enter into the ICE [agreement]”...). As stated above, the Board did not approve the contract with ICE. Thus, any actions by the Town of Mason and/or the Mayor of Mason in furtherance of the proposed contract with CoreCivic may also be considered *ultra vires*. *See id.*

Please provide the following records in accordance with the Tennessee Public Records Act:

1. Any communications between the offices of the Mayor and Board and any representative or employee of CoreCivic from November 1, 2024 to present;
2. Any communications between the offices of the Mayor and Board and any representative or employee of ICE from November 1, 2024 to present;

3. All contracts, proposed contracts, drafts of contracts and proposed terms of agreement existing between the offices of the Mayor and Board and CoreCivic from November 1, 2024 to present;
4. All contracts, proposed contracts, drafts of contracts and proposed terms of agreement existing between the offices of the Mayor and Board and ICE from November 1, 2024 to present;
5. Any records relating to any agreement between the Town of Mason and CoreCivic, including contracts, memoranda of understanding, promises of services, or other agreements from November 1, 2024 to present;
6. Any records relating to any agreement between the Town of Mason and ICE, including contracts, memoranda of understanding, promises of services, or other agreements from November 1, 2024 to present;
7. Copies of the contracts between the Town of Mason and CoreCivic and the Town of Mason and ICE voted on by the Board on August 12, 2025;
8. Any memos, reports, meeting minutes, or communications created by or sent between the offices of the Mayor, Board, or Town of Mason Public Works Department related to the impact of operating the facility on public infrastructure and/or utilities; and
9. Any memos, reports or communications between the offices of the Mayor, Board, or Town of Mason Public Works Department and any representative or employee of CoreCivic or ICE related to the impact of operating the facility on public infrastructure and/or utilities.

For purposes of this request, “records” shall mean “all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.” Tenn. Code Ann. § 10-7-503(a)(1)(A). Note that this would include communications via Instagram Business, text, or other non-email messaging platforms sent or received from official devices or accounts.

If you claim that any document or portion thereof is exempt from inspection under Tenn. Code Ann. § 10-7-504, or under any other statute or judicial decision, as to each document or portion you claim to be exempt, please state the basis for the exemption in accordance with Tenn. Code Ann. § 10-7-503(a)(2)(B), and identify the document or portion by date; by sender, recipient, or author; and by a description of the contents sufficiently detailed to enable an independent evaluation of the exemption.

If you choose to deny any portion of this request, please note that Tenn. Code Ann. § 10-7-503(a)(2)(B) requires that, within seven (7) business days, you “[d]eny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial.” In accordance with Tenn. Code Ann. § 10-7-504, please identify the specific statutory exception authorizing the withholding of the record and provide a brief explanation of how the exception applies to the record

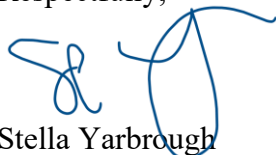
withheld. This request is made with the understanding that, pursuant to Tenn. Code Ann. § 10-7-503(a)(5), you will redact only those portions of records that are specifically exempt from disclosure, and provide an explanation that complies with the Office of the Attorney General's Public Records Policy in accordance with Tenn. Code Ann. §10-7-503(g)(B). For any redactions, please specify the statutory exemption you are claiming for each instance of redaction, and ensure that the redactions are clearly marked so that they can be distinguished from any blank or missing sections of the record.

Pursuant to state law, **please provide an electronic copy of your responses to this request to Stella Yarbrough at [syarbrough@aclu-tn.org](mailto:syarbrough@aclu-tn.org)**. Arrangements can also be made to supply you with a CD, flash drive, or email address capable of receiving larger quantities of data.

Please notify us if the fees associated with responding to this request will exceed \$100.00 before completing the request. We are available to answer any questions you have about this request and will readily work with you to establish a process for fulfilling this request in an efficient and economical manner. Thank you in advance for your cooperation and attention to this matter, and we look forward to receiving your response.

I additionally request that you: (1) clearly state your position as to whether the Town of Mason legally approved *both* contracts with CoreCivic and ICE on August 12, 2025; (2) immediately cease any actions in furtherance of compliance with both contracts from the date of the receipt of this letter; and (3) within 7 calendar days, provide the Town's written response to (1) and (2), as well as the requested records.

Respectfully,



Stella Yarbrough  
Legal Director, ACLU-TN

