

RESOLUTION 17-R-07

**RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MILLERSVILLE, TN
ADOPTING A PUBLIC RECORDS POLICY IN ACCORDANCE WITH THE
TENNESSEE PUBLIC RECORDS ACT ("TPRA") IN TENN. CODE ANN. § 10-7-501,
ET SEQ.**

WHEREAS, the City of Millersville Recognizes that from time to time the State Comptrollers' Office changes the rules that govern certain State Codes; and

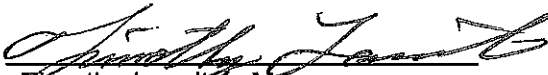
WHEREAS, A new model Policy has been implemented by the State Comptrollers' Office and must be adopted by the local governments no later than July 1, 2017; and

WHEREAS, the City of Millersville wants to abide by the rules set down by the State Comptrollers' Office.

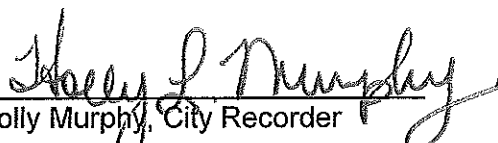
NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners adopts the Public Records Policy as outline in Exhibit A hereto attached.

RESOLVED, this 6th day of January, 2017

BOARD OF COMMISSIONERS

By: 
Timothy Lassiter, Mayor

Attest:

By: 
Holly Murphy, City Recorder

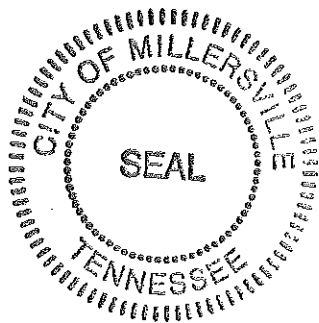


EXHIBIT A

PUBLIC RECORDS POLICY FOR THE CITY OF MILLERSVILLE

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for The City of Millersville is hereby adopted by the Millersville Board of Commissioners to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

The TPRA provides that all state, county and municipal records shall, at all times during business hours, which for public hospitals shall be during the business hours of their administrative offices, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the City of Millersville are presumed to be open for inspection unless otherwise provided by law.

Personnel of The City of Millersville shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of [Name of Governmental Entity], shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for The City of Millersville or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of the City Recorder. [This Policy is posted online at www.cityofmillersville.com. This Policy shall be reviewed every two years.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of The City of Millersville.

I. Definitions:

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. Public Records: 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. See Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. Public Records Request Coordinator: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.

- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee [or via online submission] in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing [or email] address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made orally or in writing using the attached Form at 1246 Louisville Highway, Millersville, TN 37072 or by phone at 615-859-0880.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing the attached Form at 1246 Louisville Highway, Millersville, TN 37072. [If a form is required for copies, ensure it is attached to the policy as this is now required by Tenn. Code Ann. § 10-7-503(g).]
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records.
- F. Public Notices and records of meetings and minutes are available online at www.cityofmillersville.com.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

1. The PRRC shall review public record requests and make an initial determination of the following:
 - a. If the requestor provided evidence of Tennessee citizenship (*required*);
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the Governmental Entity is the custodian of the records.
2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - a. Advise the requestor of this Policy and the elections made regarding:
 - i. Proof of Tennessee citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees (and labor threshold and waivers, if applicable); and
 - iv. Aggregation of multiple or frequent requests.

- b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
 - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen (*proof of citizenship is required*).
 - ii. The request lacks specificity. (Offer to assist in clarification)
 - iii. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial)
 - iv. The Governmental Entity is not the custodian of the requested records.
 - v. The records do not exist.
 - c. If appropriate, contact the requestor to see if the request can be narrowed.
 - d. Forward the records request to the appropriate records custodian in The City of Millersville.
 - e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.
3. The designated PRRC(s) is(are):
- a. Name or title: City Recorder or Designee
 - b. Contact information: 1246 Louisville Highway, Millersville, TN 37072. 615-859-0880 or cityrecorder@cityofmillersville.com.
4. The PRRC(s) shall report to the governing authority on an annual basis about the Governmental Entity's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvement or changes to this Policy.

B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form which is attached, based on the form developed by the OORC.
3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response Form.

4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response Form to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.
5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the Office of Attorney General and Reporter.
2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

IV. **Inspection of Records**

- A. There shall be no charge for inspection of open public records.
 - B. The location for inspection of records within the offices of The City of Millersville should be determined by either the PRRC or the records custodian.
- V. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

VI. **Copies of Records**

- A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

VII. A requestor will not be allowed to make copies of records with personal equipment.

VIII. **Fees and Charges and Procedures for Billing and Payment**

- A. Fees and charges for copies of public records should not be used to hinder access to public records.
- B. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

- C. When fees for copies and labor do not exceed \$0.15, the fees may be waived. Requests for waivers for fees above \$0.15 must be presented to the City Manager who is authorized to determine if such waiver is in the best interest of The City of Millersville and for the public good. Fees associated with aggregated records requests will not be waived.
- D. Fees and charges for copies are as follows:
1. \$0.15 per page for letter- and legal-size black and white copies.
 2. \$0.50 per page for letter- and legal-size color copies.
 3. Other: Maps, plans, data, audio, video disks, and all other material shall be duplicated at actual cost to the City.
 4. Labor when time exceeds 1 hour.
 5. If an outside vendor is used, the actual costs assessed by the vendor.
- E. No duplication costs will be charged for requests that can be emailed electronically
- F. Payment is to be made in cash, by personal check, or by credit card payable to the City of Millersville presented to cashier.
- G. Payment in advance will be required when costs are estimated to exceed \$5.00.
- I. Aggregation of Frequent and Multiple Requests
1. The City of Millersville will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).
 - a. The level at which records requests will be aggregated is four (4) annually.
 - b. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.
 - c. Routinely released and readily accessible records excluded from aggregation include, but are not limited to: Agendas and Minutes.

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE 13-623

AN ORDINANCE ESTABLISHING PROCEDURES FOR PUBLIC INSPECTION OF, ACCESS TO, AND DUPLICATION OF PUBLIC RECORDS PURSUANT TO THE TENNESSEE PUBLIC RECORDS ACT (T.C.A. § 10-7-504, *et seq.*)

BE IT ORDAINED by the Board of Commissioners of the City of Millersville, Tennessee, that:

Section 1. The following shall be added to the City of Millersville Code of Ordinances as a new Section of Chapter 2, Administration:

Procedures regarding access to an inspection of public records.

- (a) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of Millersville shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.
- (b) Employees of the City of Millersville shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the records custodian.
- (c) To prevent excessive disruptions of the work, essential functions, and duties of employees of the City of Millersville, persons requesting inspection and/or copying of public records are requested to complete a records request form to be furnished by the city. If the requesting party refuses to complete a request form, a city employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in subsection (b) above. All requests for public records shall be directed to the records custodian.
- (d) When records are requested for inspection or copying, the records custodian has up to seven (7) business days to determine whether the city can retrieve the records requested and whether the requested records contain any confidential information, and the estimated charge for copying based upon the number of copies and amount of time required. Within seven (7) business days of a request for records the records custodian shall:
 - (1) produce the records requested;
 - (2) deny the records in writing, giving explanation for denial; or,
 - (3) in the case of voluminous requests, provide, in writing, the requestor with an estimated time frame for production and an estimation of duplication costs.

- (e) There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:
- (1) Standard 8 ½ x11 or 8 ½ x14 black and white copy - \$0.15 per page for each produced.
 - (2) Standard 8 ½ x11 or 8 ½ x14 color copy - \$0.50 per page for each produced.
 - (3) Accident reports - \$0.15 per page for each standard 8 ½ x11 or 8 ½ x14 black and white copy produced.
 - (4) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.
- (f) Requests requiring less than one hour of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requester. Employee labor in excess of one hour may be charged to the requestor, in addition to the cost per copy, as provided in subsection (e). The city may require payment in advance of producing any request. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.
- (1) For a request requiring more than one employee to complete, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.
 - (2) When the total number of requests made by a requestor within a calendar month exceeds four (4), the requests will be aggregated, and the requestor shall charge a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests.
- (g) If the city is assessed a charge to retrieve the requested records from archives or any other entity having possession of requested records, the records custodian may assess the requestor the cost assessed to the city.
- (h) Upon completion of a records request the requestor may pick up the copies of records at the office of the records custodian. Alternatively, the requestor may choose to have the copies of records delivered via United States Postal Service; provided that the requestor pays all related expenses in advance.

- (i) The Police Chief shall maintain in his office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian. Requests for personnel records, other than for undercover investigators, shall be made to the records custodian, who shall promptly notify the Police Chief of such request. The Police Chief shall make the final determination as to the release the information requested. In the event that the Police Chief refuses to release the information, he shall provide a written explanation of his reasons for not releasing the information.
- (j) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection.

Section 2. This ordinance shall become effective upon its passage, the public welfare requiring it.

Passed First Reading: DEC 17 2013

Public Hearing: JAN 21 2014

Passed Second Reading: JAN 21 2014

BOARD OF COMMISSIONERS

By: Timothy F. Lassiter
Timothy F. Lassiter, Mayor

Attest:

By: Holly L. Murphy
Holly L. Murphy, City Recorder

Approved as to Form and Legality:

By: Robert G. Wheeler, Jr.
Robert G. Wheeler, Jr., City Attorney

