

**RESOLUTION NO. 834**

**A RESOLUTION ESTABLISHING A PUBLIC RECORDS POLICY FOR THE CITY OF  
PIGEON FORGE, TENNESSEE**

**WHEREAS**, Tennessee Code Annotated, provides that Municipal records shall be open to the public, and

**WHEREAS**, to fully comply with State law this Resolution shall supersede and replace the existing City Policy regarding public records.

**NOW, THEREFORE**, be it resolved by the Board of Mayor and Commissioners of the City of Pigeon Forge, Tennessee, that

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records policy for City of Pigeon Forge is hereby adopted by the City 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 be open for public 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. § 10-7-503(a)(2)(A). Accordingly, the public records of the City of Pigeon Forge are presumed to be open for inspection unless otherwise provided by law.

Personnel of the City of Pigeon Forge 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 the City of Pigeon Forge 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 Pigeon Forge, Tennessee. This Policy shall be reviewed annually.

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

## 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 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 in order to insure 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 address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made in writing using the form designed By the Public Records Service Coordinator at Pigeon Forge City Hall.
- D. Requests for copies, or requests for inspection and copies shall be made in writing using a form attached hereto at City Hall.
- 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.

### 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.
  - 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.
    - ii. The request lacks specificity.
    - iii. An exemption makes the record not subject to disclosure under the TPRA.
    - 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. If requested, records are in the custody of a different governmental entity, and 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 is:
  - a. Name or title: City Recorder
  - b. Contact information: City Hall, Rena Street, Pigeon Forge, Tennessee.

**B. Records Custodian**

1. Upon receiving a public records request, the PRRC shall Make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the custodian is uncertain that an applicable exemption applies, the custodian may consult with counsel or the Office of Open Records Council.
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.
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 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 the 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 OORC or with the Office of the 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 should be determined by the PRRC.
- C. 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.

#### V. **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.
- D. A requestor will not be allowed to make copies of records with personal equipment.

## **VI. Fees and Charge 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 charging and handling of the copy exceeds the cost of providing the copy, the fees may 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. Labor.
  - 4. If an outside vendor is used, the actual costs assessed by the vendor.
- E. No fees shall be assessed against officers or employers of the City who make request which are reasonably necessary to the performance of their official duties.
- F. Payment is to be made by cash or a cashier's check payable to the City presented to office of Records Custodian.
- G. Payment in advance may be required.
- I. Aggregation of Frequent and Multiple Requests
  - 1. The City will not aggregate record requests in accordance with

the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert.

**VII. Records disposition authorization.**

- A. The following positions are charged with authorizing and approving the disposition and destruction of records that no longer have administrative, fiscal, legal, or historical value: City Manager, Assistant City Manager, City Recorder, City Court Clerk, City Judge, Finance Director, Fire Chief, Human Resources Manager, Parks Director, Public Works Director, Police Chief, Public Transportation Director; Tourism and Special Events Director, Community Development Director, IT Director and Library Director.
- B. The positions described above are charged with maintaining and indexing records on approved record inventory worksheet forms.
- C. The positions described above are authorize to dispose of any permanent paper record when the record has been photocopied, photostated, filmed, microfilmed, preserved by microphotographic process, or reproduced onto computer or removable computer media, including CD-ROM disks, in accordance with *TCA 10-7-121*.
- D. The City Recorder shall conduct a yearly audit of each department to ensure compliance with this policy. The audit shall consist of examining random samples of existing documents and record inventory worksheets.
- E. The disposition of records shall be in accordance with the record retention schedule recommended by the University of Tennessee's Municipal Technical Advisory Service, pursuant to the authority granted in *TCA 10-7-702*. However, records may be retained for longer periods when it would be advisable or otherwise helpful to do so.

This resolution is intended to supersede and replace the existing City Policy regarding public records.

Adopted by the Mayor and Board of Commissioners of the City of Pigeon Forge  
Tennessee.

This the 26 day of June, 2017.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

Station1/CityMisc/Public Records Policy



# PUBLIC RECORDS REQUEST FORM

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodian to complete information or create or recreate records that do not exist.

TO: CITY OF PIGEON FORGE

\_\_\_\_\_  
Public Records Request Coordinator

FROM: \_\_\_\_\_

Name

\_\_\_\_\_  
Address

Is the requestor a Tennessee citizen.  Yes  No

Request:  Inspection (The TPRA does not permit fees or require a written request for inspection only.)

Copy/Duplicate.

If costs for copies are assessed, the requestor has a right to receive an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ \_\_\_\_\_. If so, initial here: \_\_\_\_\_

Delivery preference:

On -Site Pick-Up

USPS First-Class Mail

Electronic

Other: \_\_\_\_\_

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of

Record; (2) timeframe of dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, records requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

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\_\_\_\_\_  
Signature of Requestor

Date Submitted \_\_\_\_\_

\_\_\_\_\_  
Signature of Public Records Coordinator

Date Received \_\_\_\_\_

# PUBLIC RECORD RESPONSE FORM

Date: \_\_\_\_\_

Requestor: \_\_\_\_\_

Name

Address

In response to your records request received on \_\_\_\_\_, our office is taking the action(s) indicated below:

- The public record(s) responsive to your request will be made available for inspection:

Location: \_\_\_\_\_

Date and Time: \_\_\_\_\_

- Copies of public record(s) responsive to your request are:

Attached;

Available for pickup at the following location:

\_\_\_\_\_ or

- Being delivered via :  USPS First-Class Mail  Electronically  Other: \_\_\_\_\_.

Your request is denied on the following grounds:

- Your request was not sufficiently detailed to enable identification of the specific requested records(s).

You need to provide additional information to identify the requested record(s).

- No such record(s) exists or this office does not maintain record(s) responsive to your request.

No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.

- You are not a Tennessee citizen.

You have not paid the estimated copying/production fees.

- The following state, federal, or other applicable law prohibits disclosure of the requested records:

\_\_\_\_\_

It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

- It has not yet been determined that records responsive to your request exist; or

The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: \_\_\_\_\_.

If you have any additional questions regarding your record request, please contact (Records Custodian or Public Records Request Coordinator).

Sincerely,

\_\_\_\_\_  
Public Record Request Coordinator

Date Submitted \_\_\_\_\_