

RESOLUTION 29-2017

RESOLUTION APPROVING A PUBLIC RECORDS POLICY

WHEREAS, Public Chapter 722 of the 109th Tennessee General Assembly, which has been codified into Tennessee Code Annotated 10-7-503 (g), requires the adoption of a written Public Records Policy by the governing body of each municipality; and

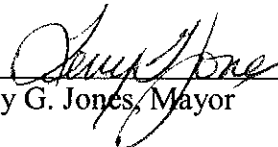
WHEREAS, Public Chapter 722 contained a provision for the University of Tennessee Municipal Technical Advisory Service (MTAS) and the Comptroller to develop a model best practices and public records policy for use by the municipalities; and

WHEREAS, City management developed the attached policy based on the MTAS model best practices and public records policy; and

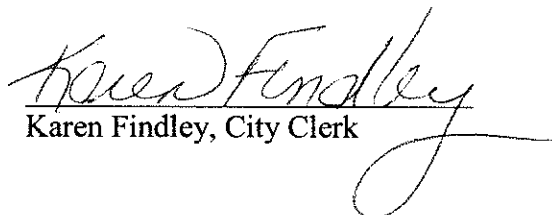
WHEREAS, This resolution will adopt the attached policy, which replaces all previously adopted public records policies and procedures.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the Public Records Policy, which is attached hereto as Exhibit A and incorporated herein by reference, is hereby approved and adopted in place of all previously adopted public records policies and procedures.

This Resolution is adopted this 13th day of June, 2017.



Terry G. Jones, Mayor



Karen Findley, City Clerk

City of Millington Public Records Policy

Pursuant to Tenn. Code Ann. § 10-7-503(g), the City of Millington Public Records Policy is hereby adopted by the City of Millington Board of Mayor and Aldermen 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 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 City of Millington are presumed to be open for inspection unless otherwise provided by law.

Personnel of the City of Millington 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 Millington, shall be protected as provided by current law. Concerns about this Policy should be addressed to the City Clerk for the City of Millington or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of the Millington City Clerk, 7930 Nelson Road, Millington, TN 38053. This Policy is posted online at www.millingontn.gov. 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 Millington, except for the Millington Municipal School Board, the Millington Municipal Airport Authority, and the Millington Industrial Development Board, each of which has their own public records policy. Additionally, the Millington Police Department may directly release incident and/or accident reports and the Millington Fire Department may directly release incident reports without going through the City of Millington Public Records Request Coordinator.

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"), who is the City Clerk, or his/her designee 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 (City Clerk) 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 City Hall, 7930 Nelson Road, Millington, TN 38053 or by phone at 901-873-5701.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing, including via email to k.findley@millingtontn.gov, (using the attached Form) at City Hall, 7930 Nelson Road, Millington, TN 38053.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license is required as a condition to inspect or receive copies of public records.
- F. The City of Millington maintains a web site at www.millingtontn.gov where public meetings are placed on a calendar, agendas and agenda items are posted for public meetings and where other public records, including financial reports and budgets, are posted.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

- 1. The PRRC (City Clerk) shall review public record requests and make an initial determination of the following:
 - a. If the requestor provided evidence of Tennessee citizenship (*if required*);
 - b. identify them; and
 - c. If the Governmental Entity is the custodian of the records.
- 2. The PRRC (City Clerk) 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 (*if 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.
 - e. If requested records are in the custody of a different governmental entity, and the PRRC (City Clerk) 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: Karen Findley, City Clerk
 - b. Contact information: City Hall, 7930 Nelson Road, Millington, TN 38053
Phone: 901-873-5701 Fax: 901-872-4113
Email: k.findley@millingtontn.gov

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 (a sample of 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 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 OORC.
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 Millington will be determined by the City Clerk.
- C. The PRRC, who is the City Clerk, should be contacted by phone at 901-873-5701 to verify her availability and the location of the records.

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 in the office of the City Clerk at City Hall, 7930 Nelson Road, Millington, TN 38053.
- 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 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 \$4.00, the fees may be waived. 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: _____.
 - 4. Labor when time exceeds two (2) hours.
- E. If an outside vendor is used, the actual costs assessed by the vendor.
- F. Payment is to be made payable to City of Millington and delivered to the City Clerk.
- G. Payment in advance will be required [when costs are estimated to exceed \$ 10.00.
- H. Aggregation of Frequent and Multiple Requests
 - 1. City of Millington will 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).
 - 2. The level at which records requests will be aggregated is city-wide.
 - 3. The PRRC (City Clerk) 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.

4. Routinely released and readily accessible records excluded from aggregation include, but are not limited to:

- Monthly Financial Reports
- Annual Financial Reports
- Proposed Budget
- Adopted Budget
- Draft or Adopted Resolutions and Ordinances

**CITY OF MILLINGTON
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 custodians to compile information or create or recreate records that do not exist.

To: Karen Findley, City Clerk

From: Name _____
Address _____
City, State _____
Phone _____

Is the requestor a Tennessee citizen? Yes No

Request: Inspection (The TPRA does not permit fees or require a written request for inspection only¹)
 Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to 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 or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record 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.

Signature of Requestor and Date Submitted

Signature of Public Records Request Coordinator and Date Received

¹ Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

Terry G. Jones, Mayor



Edward G. Haley, City Manager
Karen Findley, City Clerk

Board of Aldermen

- A. Bell
- M.E. Caruthers
- L. Dagen
- F. Dakin
- B. Huffman
- D. Lowry
- T. McGhee

CITY OF MILLINGTON

7930 Nelson Road

Millington, Tennessee 38053

PUBLIC RECORD REQUEST RESPONSE FORM

[Date]

[Requestor's Name and Contact Information]:

In response to your records request received on [Date Request Received], our office is taking the action(s)¹ indicated below:

- The public record(s) responsive to your request will be made available for inspection: Location: _____
Date & 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 record(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,

Karen Findley