

TITLE 20, CHAPTER 4

PUBLIC RECORDS

SECTION

- 20-401. Public records policy adopted.
- 20-402. Definitions.
- 20-403. Requesting access to public records.
- 20-404. Responding to public records requests.
- 20-405. Inspection of records.
- 20-406. Copies of records.
- 20-407. Fees and charges and procedures for billing and payment.
- 20-408. Disposition of records.

20-401. Public records policy adopted. (1) Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the City of La Vergne is hereby adopted by the 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.

(2) 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 the City of La Vergne are presumed to be open for inspection unless otherwise provided by law.

(3) Personnel of the City of La Vergne 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 La Vergne, 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 La Vergne or to the Tennessee Office of Open Records Counsel (“OORC”).

(4) This Policy is available for inspection and duplication in the office of the City Recorder. Additionally, this Policy is posted online at www.lavergnetn.gov. This Policy shall be reviewed every two years.

(5) This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the City of La Vergne.

20-402. Definitions. (1) *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.

(2) *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).

(3) *Public Records Request Coordinator*. The individual, or individuals, designated in Section 20-404(1)(c) 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.

(4) *Requestor*. A person seeking access to a public record, whether it is for inspection or duplication.

20-403. Requesting Access to Public Records. (1) 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.

(2) 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.

(3) Requests for inspection may be made orally or in writing using Form A at La Vergne City Hall, located at 5093 Murfreesboro Road, La Vergne, TN 37086 or by phone at 615-287-8611 or electronically at www.lavergnetn.gov.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing using Form A at La Vergne City Hall, located at 5093 Murfreesboro Road, La Vergne, TN 37086 or electronically at www.lavergnetn.gov.

(5) 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.

(6) Many records related to the Board of Mayor and Aldermen and various Boards and Committees are available for inspection and downloading free of charge on the City's website, www.lavergnetn.gov. Agendas, minutes, and copies of enacted resolutions and ordinances are available at this website. No proof of Tennessee citizenship is required to view or obtain copies of documents that are available to the public on the City's website.

20-404. Responding to Public Records Requests. (1) Public Record Request Coordinator (PRRC).

(a) The PRRC shall review public record requests and make an initial determination of the following:

- (i) If the requestor provided evidence of Tennessee citizenship;
- (ii) If the records requested are described with sufficient specificity to identify them; and
- (iii) If the City of La Vergne is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

- (i) Advise the requestor of this Policy and the elections made regarding:

- (A) Proof of Tennessee citizenship;
- (B) Form(s) required for copies;
- (C) Fees (and labor threshold and waivers, if applicable);

and

- (D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:

(A) The requestor is not, or has not presented evidence of being, a Tennessee citizen.

(B) The request lacks specificity.

(C) An exemption makes the record not subject to disclosure under the TPRA.

(D) The City of La Vergne is not the custodian of the requested records.

(E) The records do not exist.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

(iv) Forward the records request to the appropriate records custodian in the City of La Vergne.

(v) 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.

(c) The designated PRRC is: (i) Assistant City Recorder.

(ii) Contact information: Mailing Address: La Vergne City Hall, 5093 Murfreesboro Road, La Vergne, TN 37086; Telephone: 615-287-8611; Fax: 615-793-6025; Email: PRRC@lavergnen.gov.

(2) Records Custodian

(a) 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, city attorney, or the OORC.

(b) 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 (Form B), based on the form developed by the OORC.

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section 20-404(1)(b)(ii) using the Public Records Request Response Form.

(d) 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.

(e) 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.

(3) **Redaction**

(a) 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 the city attorney or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(b) 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.

20-405. Inspection of Records. (1) There shall be no charge for inspection of open public records.

(2) The location for inspection of records within the offices of the City of La Vergne should be determined by either the PRRC or the records custodian.

(3) 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.

20-406. Copies of Records. (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at a location specified by the records custodian.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment.

(5) Upon payment for labor costs exceeding one hour (if any), existing electronic records will be delivered to the requestor's email address.

20-407. Fees and Charges and Procedures for Billing and Payment. (1) Fees and charges for copies of public records should not be used to hinder access to public records.

(2) Records custodians shall provide requestors with an itemized estimate of the charges using Form C prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(3) When fees for copies and labor do not exceed \$3.00, the fees may be waived. Requests for waivers for fees above \$3.00 must be presented to the City Administrator, who is authorized to determine if such waiver is in the best interest of the

City of La Vergne and for the public good. Fees associated with aggregated records requests will not be waived.

- (4) Fees and charges for copies are as follows:
 - (i) \$0.15 per page for letter- and legal-size black and white copies.
 - (ii) \$0.50 per page for letter- and legal-size color copies.
 - (iii) \$1.00 per CD or DVD for electronic files.
 - (iv) \$2.00 per square foot for large scale maps, plats, aerial photos and drawings.
 - (v) All other materials shall be duplicated at the actual costs to the city.
 - (vi) Labor when time exceeds one hour.
 - (vii) If an outside vendor is used, the actual costs assessed by the vendor.
- (5) No duplication costs will be charged for requests for less than Three Dollars (\$3.00).
- (6) Payment is to be made in cash, by personal check or by money order, payable to the City of La Vergne presented to the PRRC.
- (7) Payment in advance will be required when costs are estimated to exceed \$50.00.
- (8) Aggregation of Frequent and Multiple Requests
 - (i) The City of La Vergne 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).
 - (ii) If aggregating:
 - (A) The level at which records requests will be aggregated is by department.
 - (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) Requests for current records that are routinely released and readily accessible that are excluded from aggregation include, but are not limited to: agendas, minutes, ordinances, and resolutions that can be found on the city's website at www.lavergnetn.gov.

20-408. Disposition of records. (1) 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 for their respective departments: city administrator, assistant city administrator, city engineer, city recorder, codes director, finance director, fire chief, human resources director, information technology director, library director, parks and recreation director, police chief, public works manager, tax collector, and utilities manager.

(2) The positions described above are charged with maintaining the records in their respective departments.

(3) The positions described above are authorized to dispose of any permanent paper record in their department when the record has been photocopied, photostated, filmed, microfilmed, preserved by microphotographic process, or reproduced onto computer or removable computer media, including CD-ROM or DVD-ROM disks, in accordance with Tennessee Code Annotated, § 10-7-121.

(4) 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 Tennessee Code Annotated, § 10-7-702. However, records may be retained for longer periods when it would be advisable or otherwise helpful to do so.

Approved by Ordinance #2017-12 - Final Reading - June 29, 2017.

City of La Vergne, Tennessee
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: Assistant City Recorder (PRRC) - City of La Vergne
5093 Murfreesboro Road, La Vergne, TN 37086

From: _____ **Phone:** _____

Address: _____ **Email:** _____

Is the requestor a Tennessee Citizen? Yes No

Request: Inspection (The TPRA does not permit fees or require a written request for inspection only.¹)

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 (fees apply)

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 PRRC and Date

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

City of La Vergne, Tennessee
PUBLIC RECORDS REQUEST RESPONSE FORM

[Date]

To: _____

Dear _____,

In response to your records request received on _____, our office is taking the action(s)¹ indicated below:

- The public record(s) responsive to your request will be made available for inspection at _____ on _____ at _____ a.m. / p.m.

- Copies of the 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 _____.

Sincerely,

Assistant City Recorder (PRRC) - City of La Vergne
5093 Murfreesboro Road, La Vergne, TN 37086
Phone: 615-287-8611

¹ If all requested records do not have the same response, so indicate.

City of La Vergne, Tennessee
PUBLIC RECORDS REQUEST
ESTIMATE OF FEES AND CHARGES

[Date]

To: _____

Dear _____,

In response to your request for copies of records received by this office on _____, we wish to notify you of the fees and charges that will be payable prior to the copies being provided.

The fees for obtaining these copies:

- are waived because they do not exceed \$3.00; or
- total \$_____, based on the following charges:
 - \$0.15 X _____ black & white copies = \$_____;
 - \$0.50 X _____ color copies = \$_____;
 - \$1.00 X _____ CD or DVD = \$_____;
 - \$2.00 X _____ square feet for large scale maps, plats, aerial photos, etc. = \$_____;
 - Labor at \$_____ per hour for _____ hour(s) (for time exceeding first hour) = \$_____;
 - Other actual costs to fulfill request: \$_____.

Explanation of these charges:

These fees must be paid to the City of La Vergne by cash, personal check or money order prior to delivery of your records. Payment may be submitted in person or by mail at my office at La Vergne City Hall, 5093 Murfreesboro Road, La Vergne, TN 37086. Please provide a copy of this Estimate of Fees and Charges with your payment.

If you have any additional questions regarding your request, please contact me.

Sincerely,

Assistant City Recorder (PRRC) - City of La Vergne
5093 Murfreesboro Road, La Vergne, TN 37086
Phone: 615-287-8611