

RESOLUTION NO. 495

A RESOLUTION ESTABLISHING PROCEDURES FOR PUBLIC INSPECTION OF, ACCESS TO AND DUPLICATION OF PUBLIC RECORDS UNDER THE TENNESSEE PUBLIC RECORDS ACT (*Tenn. Code Anno. § 10-7-504, et seq.*)

WHEREAS, the Board of Mayor and Aldermen intends to provide interested parties with full public access of nonexempt public records; and

WHEREAS, the Board of Mayor and Aldermen finds that a formal procedure for providing this information in an expedient manner while preventing excessive interference with other essential functions of the Town; and

WHEREAS, the Board of Mayor and Aldermen finds that in order to deal efficiently with the disclosure of public information it is necessary to amend the policy previously adopted; and

WHEREAS, to the extent that any other Resolution or Ordinance presently existing is conflicting in any way with the provisions of the Tennessee Public Records Act, this Resolution supersedes any previously adopted policy; and

WHEREAS, the public health and welfare require it;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MOUNT CARMEL, TENNESSEE, as follows:

SECTION I. Procedures regarding access to an inspection of public records.

A. Consistent with the Public Records Act of the State of Tennessee, personnel of the Town of Mount Carmel shall provide full access and assistance in a timely and efficient manner, during normal business hours, to Tennessee residents who request access to public documents. Normal business hours at the Town of Mount Carmel are 8:00 a.m. to 5:00 p.m.

B. Employees of the Town of Mount Carmel 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 Town, or, in the event that Town 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 Town of Mount Carmel, persons requesting copying of public records shall complete a records request, preferably by using the form provided by the Town, a copy is attached as ***Exhibit A***. Persons requesting inspection of public records are requested, but not required, to complete a records request form to be furnished by the Town. If the requesting party refuses to complete a request form, a Town

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 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 will as promptly as possible determine whether the Town 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. If the records can be provided promptly, employees of the Town will do so.

Within seven days of a request for records the records custodian shall:

- 1) produce the records requested;
- 2) deny the records in writing, giving an explanation for denial; or,
- 3) provide the requester, in writing, 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:

- a. \$0.15 per page for black and white copies.
- b. \$0.50 per page for colored copies.
- c. \$0.15 per page for accident reports.
- d. Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the Town.

Should the requested records be mailed, the actual cost of postage will be assessed in addition to the cost per page and any necessary labor in excess of one (1) hour.

F. When a request requires less than one hour of municipal employee labor, the requester will not be assessed labor charge. Duplication charges, as stated in E above, will apply. Labor in excess of one hour may be charged by the Town, in addition to the cost per page, as provided in E. The Town may require payment in advance of producing voluminous records. 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. 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 the 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.

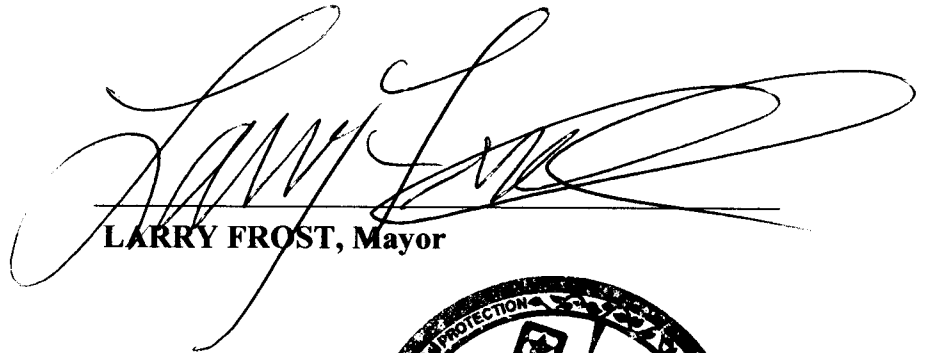
G. The police chief shall maintain in his or her office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian. Requests for personnel records, other than for undercover 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 of the information requested. In the event that the police chief refuses to release the information, he shall provide a written explanation of the reasons for not releasing the information.

H. 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 II. This Resolution shall become effective upon its passage, the public welfare requiring it.

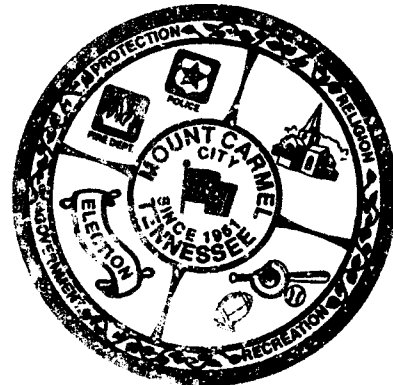
NOW, THEREFORE, BE IT RESOLVED that this Resolution is adopted by the Board of Mayor and Aldermen of the Town of Mount Carmel;

ADOPTED this the 26th day of March, 2013.


LARRY FROST, Mayor

ATTEST:


MARIAN SANDIDGE, Recorder



Motion: Alderman Christian

Second: Alderman DeBord

FIRST READING	AYES	NAYS	OTHER
Alderman Eugene Christian	X		
Alderman Wanda Davidson	X		
Alderman Leann DeBord	X		
Alderman Frances Frost	X		
Vice-Mayor Paul Hale	X		
Alderman Carl Wolfe	X		
Mayor Larry Frost	X		
T O T A L S	7	0	0

PASSED FIRST READING: March 26, 2013



INSPECTION/DUPLICATION OF RECORDS REQUEST

Requestor Instructions: To make a request for copies of public records fill in sections 1-5. Do not sign and date the signature line until the records are received.

Custodian Instructions: For requests to inspect, the records custodian is to fill in sections 1-6 and 9. For requests for copies or duplicates, the records custodian is to fill in sections 6-9. Do not sign and date the signature line until the records are delivered to the requestor.

Note: Tenn. Code Ann. § 10-7-503(a)(7)(A) provides that unless another provision in law specifically requires a written request, a request to inspect public records may not be required to be in writing nor can a fee be assessed for inspection of records.

(FRONT)

1. Name of requestor: _____
(Print or Type; Initials of requestor are required for copy requests)

2. (If required) Form of identification provided:

☐ Photo ID issued by governmental entity including requestor's address 0

Other: _____

3. Requestor's address and contact information: _____

4. Request for: ☐ inspection/access ☐ copy/duplicate [previously inspected on _____ (date) or ☐ inspection waived]

5. Record(s) requested:

a. Type of record: ☐ Minutes ☐ Annual Report ☐ Annual Financial Statements
☐ Budget ☐ Employee file ☐ Other

b. Detailed Description of the record(s) including relevant date(s) and subject matter:

6. Request submitted to: _____

(Name of Governmental Entity, Office or Agency)

a. Employee receiving request: _____
(Print or Type and Initial)

b. Date and time request received: _____

c. Response: ☐ Same day ☐ Other _____

7. Costs (if assessed):

a. Number of pages to be copied: _____ ☐ Estimated _____

b. Cost

(1) per page letter or legal sized: ☐ \$ _____ (justification required if more than \$0.15) per black and white
☐ \$ _____ (justification required if more than \$0.50) per color;

(2) per page other sized or other medium _____: ☐ \$ _____ (justification required)

(3) postage ☐ \$ _____

7. Costs continued:

- c. Estimate of labor costs to produce the copy (for time exceeding 1 hour): _____
Labor at \$ _____ /hour for _____ hour(s).
Labor at \$ _____ /hour for _____ hour(s).
Labor at \$ _____ /hour for _____ hour(s).
- d. Programming cost to extract information requested: _____
- e. Method of delivery and cost: _____ ☐ Estimated
☐ On-site pick-up ☐ U.S. Postal Service ☐ Other: _____
- f. Estimate of total cost to produce request: _____
- g. Estimate provided to requestor: 0 in person ☐ by U.S.P.S. ☐ by phone ☐ Other: _____

8. Payment:

- a. Form of payment: ☐ Cash ☐ Check ☐ Other _____
- b. Amount of payment: _____
- c. Date of payment: _____
- d. Actual cost (and adjustment if prepaid): _____

9. Date of: ☐ access to records _____ and/or ☐ delivery of copies: _____

Signature of Records Custodian

Date

Signature of Requestor

Date