

ORDINANCE NO. 1533

CITY OF CROSSVILLE, TENNESSEE

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.*)

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Crossville, Tennessee that;

SECTION I. Title 1, Chapter 8 of the Crossville Municipal Code shall be amended to read:

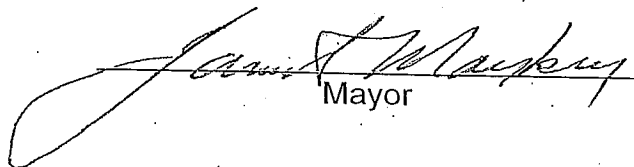
1 - 801: Procedures regarding access to an inspection of public records.

- (a) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of Crossville 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 Crossville 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 Crossville, 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) A public records policy shall be adopted by the City Council and reviewed at a minimum of every two years, outlining the rules to give the fullest possible access to public records.
- (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 requester, 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 II. Be it further ordained by the City Council that the provisions of this Ordinance shall be effective from and after its passage, the public welfare requiring it.


Mayor

Erin Frank
Councilmember

Samela Harris
Councilmember

[Signature]
Councilmember

[Signature]
Councilmember

ATTEST:

APPROVED AS TO FORM:

[Signature]
City Clerk

[Signature]
City Attorney

Passed 1 st Reading:	<u>February 14, 2017</u>
Passed 2 nd Reading:	<u>March 14, 2017</u>
Passed 3 rd Reading:	<u>March 21, 2017</u>