

RESOLUTION NO. 1

ADOPTING A PUBLIC RECORDS POLICY  
FOR CLAY COUNTY GOVERNMENT

WHEREAS, Tenn. Code Ann. § 10-7-503(g), 2016 Public Chapter 722, requires county entities to adopt a public records policy by July 1, 2017; and

WHEREAS, Tenn. Code Ann. § 8-4-604(a)(4), 2016 Public Chapter 722, requires the office of open records counsel (OORC) to establish a model public records policy; and

WHEREAS, the OORC's model public records policy requires county entities to make certain selections under the policy; and

WHEREAS, Clay County desires to adopt the OORC's model public records policy with the necessary selections; and

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Clay County, Tennessee meeting in regular session on this 5th day of June 2017, that:

SECTION 1. The model public records policy developed by the OORC with the selections and revisions chosen by Clay County is hereby attached and shall be adopted as the Public Records Policy for Clay County Government.

SECTION 2. County entities may adopt separate policies or, by default, accept this policy as the public records policy for the entity. Unless a separate policy is adopted by a county entity, this policy shall apply to each county entity.

SECTION 3. This resolution shall take effect July 1, 2017, the public welfare requiring it.

Sponsored By: Dale Reagan, County Mayor

Motion Made By: Denzil Cherry

Motion Seconded By: Blanchette - Forney

Those Voting Aye: LIZ BOLES, BILLY MAXWELL, BRYAN COONS, PARRISH WRIGHT, DENZIL CHERRY, DOROTHY FORNEY, TIMMY BOLES, WINTON YOUNG AND JERRY RHOTON

Those Voting Nay: \_\_\_\_\_

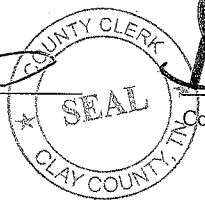
Those Not Voting: \_\_\_\_\_

Those Absent: TIMMIE SCOTT

APPROVED:

ATTEST:

Dale Reagan  
County Mayor



Sonnie R. Watson  
County Clerk

PUBLIC RECORDS POLICY  
FOR  
CLAY COUNTY GOVERNMENT

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Clay County Government is hereby adopted by Clay County Commission 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, which for public hospitals shall be during the business hours of their administrative offices, 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 Clay County Government are presumed to be open for inspection unless otherwise provided by law.

Personnel of Clay County Government 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 Clay County Government, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for Clay County Government or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of Clay County Clerk. This Policy shall be reviewed as deemed necessary by the County Legislative Body.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of Clay County Government except the following offices, departments, or divisions of Clay County Government, which have separate public records policies:

- a. Board of Education
- b. If other entities adopt separate policies, such policies will be added as an exhibit to this policy by the County Clerk. See attached exhibit(s) for any additional entities.

**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") 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 should request a mailing address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made orally or in writing to the County Clerk 145 Cordell Hull Dr. P.O. Box 218 Celina, Tn.38551. By phone ph# 931-243-2249 or by fax 931-243-3231.
- D. Requests for copies, or requests for inspection and copies, must be made in writing using the attached Form .
- 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, and contact the custodian to which the the resquest is made.
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. (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 in Clay County.
  - e. 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.
3. The designated PRRC(s) is(are):
- a. Name or title: County Clerk
  - b. Contact information: 145 Cordell Hull Dr. P.O. Box 218 Celina ,Tenn. 38551  
ph# 931-243-2249 Fax # 931-243-3231

#### 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 which is attached as Form A, based on the form developed by the OORC.
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 or with the Office of 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 Clay County Government should be determined by either the PRRC or the records custodian.
- 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. All inspections will be done within normal or regular business hours.

#### 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 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 \$10.00 the fees may be waived by the PRRC at the request of the record custodian.
- 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: Statutory charges (e.g.TCA 8-21-401,8-21-701,8-21-1001,etc.)
  - 4. Labor when time exceeds 2 hours.
  - 5. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Duplication cost will be treated as any request of copies.
- F. Payment is to be made in cash by personal check or by credit card payable to Clay County Trustee .
- G. Payment in advance will be required when costs are estimated to exceed \$50.00
- I. Aggregation of Frequent and Multiple Requests
  - 1. Clay County Government 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).

## 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: Clay County Government Clay County Clerk 145 Cordell Hull Dr. P.O. Box 218 Celina TN 38551  
931-243-2249

*[Insert Governmental Entity Name and Name and Contact Information for the Public Records Request Coordinator]*

From:

*[Insert Requestor's Name and Contact Information (include an address for any TPRA required written response)]*

Is the requestor a Tennessee citizen?  Yes  No

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

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

\_\_\_\_\_  
Signature of Public Records Request Coordinator and Date Received

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

Print Form

Reset Form