

Resolution No. 2015-8-1

A RESOLUTION OF THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF HENDERSONVILLE, TENNESSEE ESTABLISHING ITS POLICY FOR COMPLIANCE WITH THE TENNESSEE PUBLIC RECORDS ACT, AND FOR RELATED PURPOSES.

WHEREAS, The Industrial Development Board of the City of Hendersonville, Tennessee (the “Board”) is a governmental entity subject to the Tennessee Public Records Act, Tennessee Code Annotated section 10-7-503, as amended (the “Act), and desires to establish its Policy with respect to the receipt of requests from the public to view or copy public records maintained by the Board.

NOW, THEREFORE, BE IT RESOLVED that:

1. a. The Secretary of the Board is designated as the Records Custodian. The Records Custodian shall have the power and authority to delegate its duties and responsibilities pursuant to this Policy and the Act to the Board’s Administrative Assistant or its Legal Counsel.
b. Public Record means any public record as defined by the Act.
2. Requests to view or inspect Public Records may be made orally or in writing. All requests for copies of Public Records shall be made in writing. No requests to view Public Records or for copies of Public Records shall be accepted by e-mail or facsimile.
3. All persons making a request to view or obtain a copy of a Public Record (each a “Requestor”) shall provide a government-issued photo identification containing the person’s address at the time of the request. In the event that a person does not possess a government-issued photo identification, then the Records Custodian may require the Requestor to produce other forms of proof of citizenship acceptable to the Records Custodian.
4. The Records Custodian or its designee shall promptly make available for inspection any Public Record not specifically exempt from disclosure pursuant to applicable law. No charges shall be assessed for inspection or viewing of Public Records unless otherwise permitted by applicable law.
5. In the event it is not practicable for the Public Record to be promptly available for inspection, the Records Custodian shall, within seven (7) business days of receipt of the request:
 - a. Make the information available to the Requestor;
 - b. Deny the request in writing stating the basis for the denial;
 - c. Advise the Requestor in writing that the Request for inspection or copying of the Public Record is not sufficiently detailed to identify the specific records to be produced or copied; or

- d. Provide the Requestor with a written notice on the records request response form promulgated by the Office of Open Records Counsel stating the time reasonably necessary to produce the requested record.

6. The Records Custodian shall not create a document that does not exist. In addition, the Records Custodian shall not compile documentation contained in the Public Records, provided that the Requestor is permitted to review the Public Records in which the information may be obtained. The Records Custodian may redact information for which disclosure is prohibited by applicable law, including information that is confidential pursuant to Tennessee Code Annotated section 10-7-504.

7. The following schedule of charges is adopted for requests for copies of Public Records:

- a. 15 cents per page for each standard 8½ x 11 or 8½ x 14 black and white copy produced.
- b. 50 cents per page for each 8½ x 11 or 8½ x 14 color copy produced if the original public record contains color.
- c. Duplex copies (copies of the front and back of a document) shall be charged as two (2) copies.
- d. With respect to color copies, the Requestor shall be notified and advised of the number and cost of color copies of the Public Record before the copy is made. The Requestor shall have the option of choosing to have the Public Record copied as a black and white copy.
- e. Generally, the copy of the Public Record shall be produced in the format maintained by the Board. If a requested Public Record is stored electronically by the Board, and the Requestor requests an electronic copy of the Public Record, the cost of the storage media for the copy (e.g., flash drive, cd-rom, dvd) shall be assessed to the Requestor. All copies of electronic records shall be produced in the format in which the Board maintains the copy. If the Request designates a format (e.g., .pdf, .tif or .wpd), and it is necessary to produce a paper version in order to produce the document in the designated format, then a per page fee shall be assessed on each page. In addition, the Requestor shall pay the cost of labor necessary to produce the copy in the requested format (less the first hour).
- f. The copies of any Public Record shall be made available for pickup by the Requestor at Hendersonville City Hall. If the Requestor requests delivery of the copies, then the Requestor shall pay all costs incurred by the Board for that delivery. Copies shall be delivered to the Requestor by U.S. Mail.
- g. If the Board is assessed a charge by a third party for retrieval of any requested Public Record from archives or any other entity having possession of requested record, the Requestor shall pay the cost assessed to the Board for retrieval of the records.

- h. The Requestor shall be charged an hourly rate equal to \$25.00 per hour for all labor incurred by the Board's Administrative Assistant in producing copies of the Public Record. For copies maintained and produced by the Board's Legal Counsel, the Requestor shall be charged an hourly rate equal to the Legal Counsel's ordinary and customary paralegal charge. No charge shall be made for the first hour unless the Records Custodian determines that the request should be aggregated.
- i. When the total number of requests for copies of Public Records made by a Requestor within a calendar month exceeds four (4), the Requestor shall be assessed a charge for all labor that is reasonably necessary to produce the copies of the requested Records. The Records Custodian shall advise the Requestor as promptly as possible following receipt of the Request that the aggregation limit has been met. Requests 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, are exempt from this aggregation policy.

8. The Records Custodian or its designee shall provide a written notice of the charges for copying and delivery of the requested copies to the Requestor prior to commencement of copying of the requested Records. If the exact amount of charges cannot be ascertained, then the Records Custodian or its designee shall provide an estimated cost to the Requestor.

9. Persons shall not be permitted to utilize their own copying equipment (including cameras, smartphones, laptop computers, scanners) to make copies of Public Records.

10. When a person inspects a large number of documents and requests copies of a portion of the documents, the following formula shall be used to determine the labor cost to be assessed to the Requestor:

Total time spent producing (locating, retrieving, reviewing, redacting and/or copying) records (minutes) ÷ total number of pages inspected = total time it takes to produce each copy.

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Total time it takes to produce each copy * number of copies requested = total number of minutes required to produce the requested records.

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Total number of minutes required to produce the requested records less 1 hour labor Threshold = total time for which labor can be assessed.

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Total time for which labor can be assessed * the hourly rate of the individual(s) producing the records = total labor fee.

11. Generally, Public Records should be produced for viewing at Hendersonville City Hall. An employee of the Board or an employee of the City shall at all times be present when a Public Record is being viewed by any person. No person shall be given custody of a Public Record. For requests for viewing, the Records Custodian shall coordinate with the City of

Hendersonville with respect to the production of documents, and the Records Custodian is authorized to reimburse the City of Hendersonville, upon request, for copying costs and for labor charges incurred by City employees in that process.

Adopted this _____ day of August, 2015.

John C. Zobl, Chairman

ATTEST:

Bruce A. Carter, Secretary