

**RESOLUTION 17-R-18** adopting a Public Records Policy for the City of Murfreesboro.

**WHEREAS**, pursuant to Tenn. Code Ann. § 10-7-503(g), every governmental entity subject to the Tennessee Public Records Act ("TPRA") (Tenn. Code Ann. § 10-7-501 et seq.), must establish a written public records policy properly adopted by the appropriate governing authority by July 1, 2017; and,

**WHEREAS**, the policy adopted shall not impose requirements on those requesting records that are more burdensome than state law and shall include:

- The process for requesting access to public records and any required form(s);
- The process for responding to requests, including redaction practices;
- A statement of any fees charged for copies of public records and the procedures for billing and payment; and
- The name or title and contact information of the individual or individuals designated as the Public Records Request Coordinator(s); and,

**WHEREAS**, pursuant to Tenn. Code Ann. § 8-4-604(a)(1)(4), the Office of Open Records Counsel ("OORC") established a model best practices and public records policy for use by Records Custodians to serve as guidance in developing a public records policy and fulfilling their duties under the TPRA; and,

**WHEREAS**, the City of Murfreesboro desires to adopt this model public records policy and tailor it to meet the specific needs of the City of Murfreesboro.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

SECTION 1. The following City of Murfreesboro Public Records Policy is hereby adopted:

**PUBLIC RECORDS POLICY  
FOR THE  
CITY OF MURFREESBORO**

Pursuant to Tennessee statute, the following Public Records Policy for the City of Murfreesboro is hereby adopted by the Murfreesboro City Council to provide economical and efficient access to public records as provided under the Tennessee Public Records Act, codified as T.C.A. § 10-7-501, *et seq.* (the "Act").

The Act 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. Accordingly, the public records of the City are open for inspection unless otherwise provided by law.

Personnel of the City 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 and the efficient and safe operation of the City shall be protected as provided by current law. Questions about this Policy should be addressed to the Public Records Request Coordinator for the City.

This Policy is posted on the City Website, [www.murfreesborotn.gov](http://www.murfreesborotn.gov). This Policy shall be subject to review by Council every two years.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the City of Murfreesboro except the Murfreesboro City Schools, which has separate public records policies consistent with its legal obligations.

### **Policy Statement**

1. **Public Records.** For purposes of this Policy, public records are deemed to be 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 the City.
2. **Definitions.**
  - a. "Records Custodian" means the office, official or employee lawfully responsible for the direct custody and care of a public record. The Records Custodian is not necessarily the original preparer or receiver of the record.
  - b. "Public Records Request Coordinator" means the individual designated by the Policy Statement who has the responsibility for routing the records request to the appropriate Records Custodian. The Public Records Request Coordinator may also be a Records Custodian.
  - c. "Requestor" means a person seeking access to a public record, whether it is for inspection or duplication.
3. **Public Record Request Coordinator.**
  - a. The City's designated Public Record Request Coordinator is:  
Melissa Wright, City Recorder, or her designee
  - b. The Public Records Request Coordinator's contact information is:  
Public Records Request Coordinator  
City of Murfreesboro  
111 West Vine Street  
Murfreesboro, TN 37130
  - c. The Public Records Request Coordinator is responsible for:
    - (1) Determining whether the requestor has provided proof of Tennessee citizenship;
    - (2) Determining if the request has been made on the proper form;
    - (3) Determining if the request describes records with sufficient specificity to identify the requested records.
    - (4) Acknowledging receipt of a public records request within seven (7) days of the proper receipt of the request;
    - (5) Advising the requestor of the fees and labor threshold and waivers, if applicable, that are associated with fulfilling the request;
    - (6) Aggregating multiple or frequent requests;
    - (7) If deemed appropriate, contact the requestor to see if the request can be narrowed;
    - (8) Appropriately denying a request in writing and providing the grounds for such denial, which may include, but is not limited to, lack of proof of Tennessee citizen, lack of specificity; an exemption makes the record not subject to disclosure under the Act; lack of custodianship of the requested records; lack of existence of the requested records; and
    - (9) Forwarding the records request to the appropriate Records Custodian within the City.
  - d. The Public Records Request Coordinator will provide an annual report to Council that reflects the City's compliance with the Act pursuant to this Policy and make recommendations, if any, for improvement or changes to this Policy.
4. **Requesting Access to Public Records**
  - a. All record requests will be made to the Public Records Request Coordinator, or designee, to ensure public record requests are routed to the appropriate Records Custodian and fulfilled in a timely manner.

- b. Any record request received by a City employee other than the Public Records Request Coordinator will be sent to the Public Records Request Coordinator.
- c. The requestor's mailing or email address may be requested by the City at the time of the records request for the purposes of providing any written communication required under the Act.
- d. Requests for inspection may be made in writing using the designated form and mailing or delivering to the Public Records Request Coordinator address provided herein. Requests not presented in writing may be reduced to writing by the Public Records Request Coordinator and acknowledged by the requestor to assure clarity of the request.
- e. Requests for inspection may be made by telephone or by email using the contact information provided on the City's public records webpage.
- f. Requests for copies, or requests for inspection and copies, must be made in writing using the designated City form, which is attached hereto and may be modified as necessary to assure efficient responses to requests consistent with the Act.
- g. Proof of Tennessee citizenship is required to inspect or received copies of public records. A valid Tennessee driver's license or acceptable alternative form of ID is required.

**5. *Records Custodian***

- a. Upon receiving a records request, a Records Custodian will promptly make available requested public records not protected from disclosure by law.
- b. Records custodians may consult with the Public Records Request Coordinator or the City's Legal Department regarding fulfilling the request.
- c. If not practicable to promptly provide requested records because time is required to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are available for public disclosure; to redact records; or for other similar reasons, then the Records Custodian will notify the Public Records Request Coordinator who will communicate with the requestor as required by the Act. Such communication should take place within 7 days of receipt of the request.
- d. If a Records Custodian is unable to fulfill the request, the Records Custodian will notify the Public Records Request Coordinator who will communicate the denial to the requestor.
- e. If a Records Custodian determines production of records must reasonably be segmented because of the volume of requested records or the time required to fulfill the request, the Records Custodian will notify the Public Records Request Coordinator who will communicate with the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. The Public Records Request Coordinator may contact the requestor to see if the request can be narrowed.
- f. If a Records Custodian discovers records responsive to a records request were omitted, the Records Custodian will inform the Public Records Request Coordinator who will communicate with the requestor concerning the omission and produce the records as quickly as practicable.

**6. *Redaction***

- a. If a record contains confidential information or information that is not subject to disclosure, the Public Records Request Coordinator will work with the Records Custodian to prepare a redacted copy prior to providing access to the record. If questions arise concerning redaction, the Records Custodian should coordinate with the Legal Department regarding review and redaction of records.
- b. Whenever a redacted record is provided, the Public Records Request Coordinator will provide the requestor with the basis for redaction that is general in nature and does not reveal or disclose confidential information.

**7. *Inspection of Records***

- a. There is no charge for inspection of open public records unless such a charge is allowed by law.
- b. Records may be inspected at the location designated by the Public Records Request Coordinator.
- c. The nature of the records or the location of inspection may require that the inspection be conducted at a time and during periods set by the Public Records Request Coordinator such that a reasonable inspection can be efficiently accomplished.

**8. Copies of Records**

- a. A Records Custodian will promptly inform the Public Records Request Coordinator of the most economic and efficient manner practicable to respond to the request.
- b. Copies will be available for pickup at a location specified by the Public Records Request Coordinator.
- c. Upon payment for all fees, including postage or shipping costs, copies will be delivered to an address designated by the requestor using the US Postal Service unless the requestor desires another delivery method.
- d. For efficiency, documents may be provided in electronic format.


**9. Fees and Charges and Procedures for Billing and Payment**

- a. Fees and charges for copies of public records are not used to hinder access to public records.
- b. The Public Records Request Coordinator will provide the requestor with estimate of charges and an itemization of the final charges prior to producing copies of records and may require prepayment of all charges before producing requested records.
- c. Fees and charges for copies will be assessed in accordance with Schedule of Reasonable Fees & Charges adopted by the City. Payment must be made in accordance with the City policy and practice on receipt of fees and costs.
- d. Payment in advance is required unless other arrangements are made with Public Records Request Coordinator.
- e. When fees for copies and labor do not exceed \$100, the fees may be waived by the Public Records Request Coordinator upon finding good cause to do so.

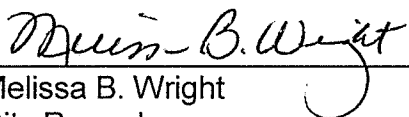
- 10. Aggregation of Frequent and Multiple Requests.** The City may aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than four requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert. The Public Records Request Coordinator is responsible for making the determination that a group of individuals are working in concert. The Public Records Request Coordinator will 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.

SECTION 2. This Resolution is effective immediately, the public welfare and the welfare of the City requiring it.

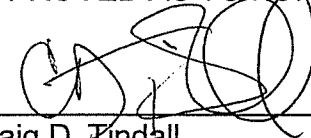
Passed: June 22, 2017

  
Shane McFarland, Mayor

ATTEST:

  
Melissa B. Wright  
City Recorder

APPROVED AS TO FORM:

  
Craig D. Tindall  
City Attorney

**CITY OF MURFREESBORO  
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.*

From: \_\_\_\_\_  
[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  
 Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. If you wish to waive your right to an estimate and agree to pay copying and duplication costs initial here: \_\_\_\_\_ and indicate an amount for which your waiver will exceed \$ \_\_\_\_\_.

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.

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\_\_\_\_\_  
Signature of Requestor and Date Submitted

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

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

**Please submit form to:** Public Records Request Coordinator, City of Murfreesboro, 111 West Vine Street, Murfreesboro, TN 37130 OR [mwright@murfreesborotn.gov](mailto:mwright@murfreesborotn.gov) (or other designated email address)