

**CITY OF FAYETTEVILLE**

**ORDINANCE NO. 2021- 14**

**AN ORDINANCE TO ESTABLISH A POLICY AND PROCEDURES FOR  
THE INSPECTION AND DUPLICATION OF PUBLIC RECORDS**

**WHEREAS**, the citizens of the City of Fayetteville entrust the safekeeping and maintenance of the City's public records to the various department of its city government; and

**WHEREAS**, the City maintains a policy of transparency and openness with respect to its records; and

**WHEREAS**, personnel of the City's government strive to maintain open public records in an effective manner and provide access to those requesting to view and copy those records in a fair and timely manner; and

**WHEREAS**, the City established a procedure for the inspection and duplication of Public Records on March 11, 2014, by Ordinance No. 2014-04; and

**WHEREAS**, a revision of the City's policy is appropriate at this time.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FAYETTEVILLE, TENNESSEE**, that Ordinance No. 2014-04 be replaced with the following to regulate the access to public records for viewing and copying which shall be accomplished according to the following:

**PUBLIC RECORDS POLICY  
FOR  
THE CITY OF FAYETTEVILLE, TENNESSEE**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the City of Fayetteville, Tennessee, is hereby adopted by Board of Mayor and Aldermen of the City of Fayetteville 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 the City of Fayetteville are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available for inspection and duplication in the office of City Administrator for the City of Fayetteville.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the City of Fayetteville.

## **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 using the form available at the administrative office of the City of Fayetteville. Requests for inspection may be made in person or by mail at 110 South Elk Avenue, Fayetteville, Tennessee. Requests for inspection may be made by phone at (931) 433-6154 or by fax at (931) 433-2557.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the form available at the administrative office of the City of Fayetteville. Requests for copies may be made in person or by mail at 110 South Elk Avenue, Fayetteville, Tennessee.
- 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.
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.
    - iii. An exemption makes the record not subject to disclosure under the TPRA.
    - 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 the City of Fayetteville.
  - 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: Administrative Director
  - b. Contact information:  
  
110 South Elk Avenue, Fayetteville, Tennessee 37334  
  
Telephone (931) 433-6154  
  
Facsimile (931) 433-2557

**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, 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.
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 the City of Fayetteville 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.

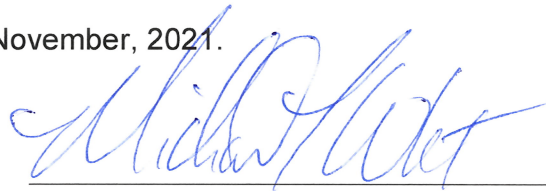
## **V. Copies of Records**

- 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. 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. \$20.00 per item for compact discs or flash drive.
  - 4. Labor when time exceeds one (1) hour.
  - 5. If an outside vendor is used, the actual costs assessed by the vendor.
- D. Payment is to be made in cash, by personal check or by credit card payable to the City of Fayetteville presented to the records custodian.

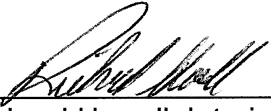
Approved and adopted this 9<sup>th</sup> day of November, 2021.



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Michael Whisenant, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Richard Howell", is written over a horizontal line.

Richard Howell, Interim City Clerk