

RESOLUTION NUMBER R201304

A RESOLUTION ESTABLISHING PROCEDURES FOR PUBLIC INSPECTION OF,  
ACCESS TO AND DUPLICATION OF PUBLIC RECORDS UNDER THE  
TENNESSEE PUBLIC RECORDS ACT (T.C.A. § 10-7-504, *et seq.*)

WHEREAS, the Board of Mayor and Aldermen are responsible for efficient and orderly operations of the City of Lexington; and,

WHEREAS, it is in the best interest of the public to provide procedures for these operations; and,

WHEREAS, it is the decision of the Board of Mayor and Aldermen that a policy relative to the procedures for public inspection of the City's public records be established,

NOW, THEREFORE BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Lexington, Tennessee that the following policy be adopted:

Access/Inspection of Public Records Procedures

Consistent with the Public Records Act of the State of Tennessee, personnel of the City of Lexington, Lexington Gas System and Lexington Water Systems shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents as set forth in the following procedures:

- I. General Procedures. Employees 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 City Recorder or their 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 City Recorder.
- II. Records Request. To prevent excessive disruptions of the work, essential functions, and duties of employees, persons requesting inspection and/or copying of public records shall 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 the *General Procedures* above. All requests for public records shall be directed to the City Recorder.
- III. Request Resolution. When records are requested for inspection or copying, the City Recorder has seven days to determine whether the city can retrieve the records requested, 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 days of a request for records the City Recorder shall:

1. produce the records requested;
  2. deny the records, giving a written explanation for denial; or,
  3. in the case of voluminous requests, provide the requestor, in writing, with an estimated time frame for production and an estimation of duplication costs.
- IV. Schedule of Fees. There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:
1. \$0.15 per copy for black and white copies.
  2. \$0.50 per copy for colored copies.
  3. \$5.00 per each police report.
  4. Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.
  5. Charges may be waived for requests of less than 5 copies and if the document is routinely released and readily accessible.
  6. Charges shall be waived for elected and appointed officials of the City up to \$10.00.
- V. Charges for Labor. There will be no charge for labor on requests requiring less than one hour of an employee's time for research, retrieval and duplication. Labor in excess of one hour may be charged by the city, in addition to the cost per copy, as provided in above *Schedule of Fees*. The city may require payment in advance of producing voluminous records. 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. 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 the 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.
- VI. Police Department Requests. All requests for records held at the Lexington Police Department including personnel files shall be directed to the Police Chief. All procedures included in this policy shall be adhered to by the department and imposed by the Police Chief.
- VII. Other Considerations. 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.

This resolution shall become effective upon its passage, the public welfare requiring it.

Adopted: March 5, 2013