

## **OCTOBER 19, 2015 COMMISSION MINUTES**

- Resolution 1-10-15 – Appointments
- Resolutions 2-10-15 thru 4-10-15 – Budget Transfers
- Resolution 5-10-15 – Establishing public records policies and procedures

STATE OF TENNESSEE  
COUNTY OF HENRY...

Be it remembered that the County Commission met in a regular session at the Courthouse in Henry County, Tennessee on October 19, 2015 at 5:00 p.m. Present and presiding the Honorable Brent Greer, Chairman, Donna Craig, County Clerk and the County Commissioners:

ITEM NO. 1 The meeting was called to order by Chief Deputy/Commissioner Randy Gean.

ITEM NO. 2 The invocation was led by Commissioner Humphreys.

ITEM NO. 3 The pledge to the flag was led by Commissioner Kyle.

ITEM NO. 4 Roll Call

The following Commissioners were present: Wesley Bradley, Dell Carter, Greg Carter, Bobby Freeman, Randy Gean, Kenneth Humphreys, Don Jones, Kreg Kyle, Paul Mathenia, Connie McSwain, Paul Neal, Monte Starks, James Travis, Marty Visser, and David Webb.

ITEM NO. 5 Citizen's Forum

- Steve Kuykendall, a candidate for the Henry County Road Supervisor invited everyone to the Henry County Fairgrounds next Saturday at 6 p.m. He asked for everyone's support.
- Shannon McFarlin, author of "*As If They Were Ours: The Story of Camp Tyson, America's Only Barrage Balloon Training Facility*" informed the Commission that the book will be published by Christmas. The Chamber is taking pre-orders for anyone who is interested in purchasing one of the books.

THE CHAIR CLOSED THE FORUM

ITEM NO. 6 Commissioner's Forum

- Commissioner McSwain spoke about the presentation regarding Parliamentary Procedure for County Commissioners, attended by several Commissioners last week during their conference. She stated that it was very informative. She had brochures for anyone who was interested.

THE CHAIR CLOSED THE FORUM

00 353

ROLL CALL  
 COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK  
 PARIS, TENNESSEE

Commissioner Webb presented and made a motion to approve Resolution 1-10-15, to appoint certain citizens and commissioners to various boards, committees, and positions. The motion was seconded by Commissioner Travis.

ITEM NO. 7

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BRADLEY, WESLEY								
CARTER, DELL								
CARTER, GREG								
FREEMAN, BOBBY								
GEAN, RANDY								
HUMPHREYS, KENNETH								
JONES, DON								
KYLE, KREG								
MATHENIA, PAUL								
MCSWAIN, CONNIE								
NEAL, PAUL								
STARKS, MONTE								
TRAVIS, JAMES				X				
VISSER, MARTY								
WEBB, DAVID			X					
TOTAL								

VOICE VOTE CARRIED

DATE : 10-19-15

**RESOLUTION NO. 1-10-15**

**A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO APPOINT CERTAIN CITIZENS AND COMMISSIONERS TO VARIOUS BOARDS, COMMITTEES, AND POSITIONS**

**WHEREAS**, certain vacancies now exist on various boards, committees, and commissions, and in various positions of Henry County, Tennessee; and

**WHEREAS**, it is the duty and responsibility of the Board of Commissioners of Henry County, Tennessee to appoint certain qualified citizens and Henry County Commissioners to fill the said vacancies; and

**WHEREAS**, the Board of Commissioners has examined and evaluated the qualifications of certain citizens and County Commissioners for appointment to the said boards, committees, commissions, and positions.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of Henry County, Tennessee, assembled in regular session on this 19<sup>th</sup> day of October, 2015, a majority or more of said Commissioners concurring, that

Kreg Kyle be and hereby is appointed to the Hospital Board, with five year term to end November, 2020;

Peggy Beasley, be and hereby is appointed to the Hospital Board, with a three year term to expire October, 2018;

Sabra Fuller, be and hereby is appointed to the Hospital Board, with a two year term to expire October, 2017.

**BE IT FURTHER RESOLVED** that any and all acts previously passed by this Board of County Commissioners which are in conflict with

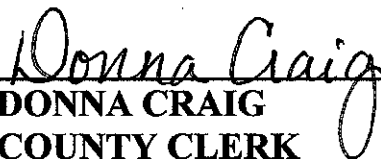
this Resolution be and hereby are rescinded, repealed, and are of no effect whatsoever.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect upon its passage by this Board of County Commissioners and approval by the County Mayor, the public welfare requiring it.

**BE IT FINALLY RESOLVED** that a true copy of this Resolution be spread upon the Commission record of this date.

**PASSED** 10-19-15

  
\_\_\_\_\_  
**BRENT GREER, CHAIRMAN  
HENRY COUNTY COMMISSION**

  
\_\_\_\_\_  
**DONNA CRAIG  
COUNTY CLERK**

**APPROVED** 10-19-15

  
\_\_\_\_\_  
**BRENT GREER  
HENRY COUNTY MAYOR**

ROLL CALL

COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK  
PARIS, TENNESSEE

A motion was made by Commissioner Kyle and seconded by Commissioner Starks to approve the Consent Agenda, which consists of the following: Minutes of the meeting of September 21, 2015, approval of monthly/quarterly reports, report on debt obligation, information return for tax-exempt governmental obligations, Henry County Medical Center statement of cash flows, report of property tax collections to date, report of total revenue collections to date, and the following Notary Public designations: Patricia A. Webb, Carla M. Kyle, Laurie B. Russell, Tammy Ray, Sharon Hale, Adena M. Plowman, Sherry L. Norwood, Makenzie Moody, Randi A. French; and the following bond: Carla M. Kyle, Principal, and Steve Greer and Lee M. Greer III, sureties.

ITEM NO. 8

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BRADLEY, WESLEY								
CARTER, DELL								
CARTER, GREG								
FREEMAN, BOBBY								
GEAN, RANDY								
HUMPHREYS, KENNETH								
JONES, DON								
KYLE, KREG			X					
MATHENIA, PAUL								
MCSWAIN, CONNIE								
NEAL, PAUL								
STARKS, MONTE				X				
TRAVIS, JAMES								
VISSER, MARTY								
WEBB, DAVID								
TOTAL								

VOICE VOTE CARRIED

DATE : 10-19-15

00 357

ROLL CALL  
 COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK  
 PARIS, TENNESSEE

Commissioner Humphreys presented and made a motion to approve Resolutions 2-10-15, 3-10-15, and 4-10-15, to authorize certain changes in the budget for Fiscal 2015-2016. The motion was seconded by Commissioner Greg Carter.

ITEM NO. 9

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BRADLEY, WESLEY					X			
CARTER, DELL					X			
CARTER, GREG				X	X			
FREEMAN, BOBBY					X			
GEAN, RANDY					X			
HUMPHREYS, KENNETH			X		X			
JONES, DON					X			
KYLE, KREG					X			
MATHENIA, PAUL					X			
MCSWAIN, CONNIE					X			
NEAL, PAUL					X			
STARKS, MONTE					X			
TRAVIS, JAMES					X			
VISSER, MARTY					X			
WEBB, DAVID					X			
TOTAL					15			

MOTION CARRIED

DATE : 10-19-15

**RESOLUTION #2-10-15**

**A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO AUTHORIZE CERTAIN CHANGES IN THE BUDGET FOR THE HENRY COUNTY GENERAL FUND FOR FISCAL 2015-2016**

**WHEREAS**, the Board of County Commissioners of Henry County, Tennessee at its July Recessed Session, 2015, adopted the budget for the Henry County General Fund for fiscal 2015-2016; and,

**WHEREAS**, the said Board of County Commissioners of Henry County, Tennessee must authorize and approve any and all changes and amendments of the said budget of the Henry County General Fund; and,

**WHEREAS**, the expenditures authorized in the said budget of the Henry County General Fund will be insufficient in certain line items with funds being available for transfer; and,

**WHEREAS**, it is necessary and appropriate that the said budget of the Henry County General Fund be amended to provide additional funds for certain line items.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Henry County, Tennessee assembled in regular session on this the 19<sup>th</sup> day of October 2015, a majority or more of said membership concurring, that the budget for the Henry County General Fund be and hereby is amended as follows, to-wit:

**SHERIFF'S DEPARTMENT**

INCREASE ACCOUNT 46980, entitled "Other State Grants," in the amount of \$5,000.00

INCREASE ACCOUNT 54110-716, entitled "Law Enforcement Equipment," in the amount of \$5,000.00

INCREASE ACCOUNT 54110-170-009, entitled "School Resource Officer Salary," in the amount of \$40,908.00

DECREASE ACCOUNT 54110-160-007, entitled "Deputy Salary," in the amount of \$7,963.00

DECREASE ACCOUNT 54210-160-003, entitled "Correctional Guard Salary," in the amount of \$1,992.00

DECREASE ACCOUNT 39000, entitled "Unappropriated Fund Balance," in the amount of \$30,953.00

Please see letters from Monte Belew regarding this request.

**OTHER ECONOMIC & COMMUNITY DEVELOPMENT**

INCREASE ACCOUNT 46980, entitled "Other State Grants," in the amount of \$385,000.00



INCREASE ACCOUNT 58190-599, entitled "Other Charges," in the amount of \$385,000.00

This request is to put into the budget the state grant for the water line installation for McCartney Products/Knott's Foods project.

**BE IT FURTHER RESOLVED** that a true copy of this Resolution be spread upon the Commission record of this date.

PASSED 10-19-15

*Brent Greer, Chairman*  
BRENT GREER, CHAIRMAN  
HENRY COUNTY COMMISSION

*Donna Craig*  
DONNA CRAIG  
COUNTY CLERK

APPROVED 10-19-15

*Brent Greer*  
BRENT GREER  
COUNTY MAYOR

**ATTACHMENT A**

**GRANT BUDGET**

**GRANT CONTRACT #**

**GRANTEE:** Henry County - McCartney Produce, LLC / Knott's Foods, Inc.

**GRANTEE CONTACT:** Tim Belton 731-587-4213 ext. 229

**PROGRAM AREA:** FIDP

**THE FOLLOWING IS APPLICABLE TO EXPENSE INCURRED IN THE PERIOD: 12/11/14 through 6/10/19**

EXPENSE OBJECT LINE-ITEM CATEGORY	GRANT CONTRACT	GRANTEE [PARTICIPATION / MATCH]	TOTAL PROJECT
Construction	\$195,734.00	\$66,905.00	\$262,639.00
Construction Inspection	\$18,000.00		\$18,000.00
Engineering Design	\$25,000.00		\$25,000.00
Engineering (other than design)	\$27,100.00		\$27,100.00
Legal Services	\$5,000.00		\$5,000.00
Appraisals			
Acquisition of Property - Land & ROW	\$5,000.00		\$5,000.00
Professional Fee (Detail attached)	\$9,000.00		\$9,000.00
Other Non-Personnel Expenses (Detail attached)	\$2,000.00		\$2,000.00
Project Contingency (for potential project costs exceeding the total budget amount in line items above)	\$98,166.00		\$98,166.00
<b>GRAND TOTAL</b>	<b>\$385,000.00</b>	<b>\$66,905.00</b>	<b>\$451,905.00</b>

Grant Rate: 81%

Benchmark: 4%

**GRANT BUDGET DETAIL**

<b>LINE-ITEM DETAIL FOR: PROFESSIONAL FEE</b>	<b>AMOUNT</b>
Administration between Henry County and NWTDD	\$9,000.00
<b>TOTAL</b>	<b>\$9,000.00</b>

<b>LINE-ITEM DETAIL FOR: OTHER NON-PERSONNEL EXPENSES</b>	<b>AMOUNT</b>
Environmental Review	\$2,000.00
<b>TOTAL</b>	<b>\$2,000.00</b>

**RESOLUTION #3-10-15**

**A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO AUTHORIZE CERTAIN CHANGES IN THE BUDGET FOR THE HENRY COUNTY DRUG FUND FOR FISCAL 2015-2016**

**WHEREAS**, the Board of County Commissioners of Henry County, Tennessee at its July Recessed Session, 2015, adopted the budget for the Henry County Drug Fund for fiscal 2015-2016; and,

**WHEREAS**, the said Board of County Commissioners of Henry County, Tennessee must authorize and approve any and all changes and amendments of the said budget of the Henry County Drug Fund; and,

**WHEREAS**, the expenditures authorized in the said budget of the Henry County Drug Fund will be insufficient in certain line items with funds being available for transfer; and,

**WHEREAS**, it is necessary and appropriate that the said budget of the Henry County Drug Fund be amended to provide additional funds for certain line items.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Henry County, Tennessee assembled in regular session on this the 19<sup>th</sup> day of October 2015, a majority or more of said membership concurring, that the budget for the Henry County Drug Fund be and hereby is amended as follows, to-wit:

INCREASE ACCOUNT 54150-599, entitled "Other Charges," in the amount of \$4,000.00

INCREASE ACCOUNT 54150-338, entitled "Maintenance & Repair - Vehicles," in the amount of \$500.00

DECREASE ACCOUNT 39000, entitled "Unappropriated Fund Balance," in the amount of \$4,500.00


**BE IT FURTHER RESOLVED** that a true copy of this Resolution be spread upon the Commission record of this date.

PASSED 10-19-15

  
BRENT GREER, CHAIRMAN  
HENRY COUNTY COMMISSION

  
DONNA CRAIG  
COUNTY CLERK

APPROVED 10-19-15

  
BRENT GREER  
COUNTY MAYOR

**RESOLUTION #4-10-15**

**A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS TO AUTHORIZE CERTAIN CHANGES IN THE BUDGET FOR THE HENRY COUNTY GENERAL PURPOSE SCHOOL FUND FOR FISCAL 2015-2016**

**WHEREAS**, the Board of County Commissioners of Henry County, Tennessee at its July Recessed Session, 2015, adopted the budget for the Henry County General Purpose School Fund for fiscal 2015-2016; and,

**WHEREAS**, the said Board of County Commissioners of Henry County, Tennessee must authorize and approve any and all changes and amendments of the said budget of the Henry County General Purpose School Fund; and,

**WHEREAS**, the expenditures authorized in the said budget of the Henry County General Purpose School Fund will be insufficient in certain line items with funds being available for transfer; and,

**WHEREAS**, it is necessary and appropriate that the said budget of the Henry County General Purpose School Fund be amended to provide additional funds for certain line items.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Henry County, Tennessee assembled in regular session on this the 19<sup>th</sup> day of October 2015, a majority or more of said membership concurring, that the budget for the Henry County General Purpose School Fund be and hereby is amended as follows, to-wit:

**141-07**

			DECREASE RESERVE	INCREASE EXPENSE
726510	399	FISCAL - Other Contracted Services	84,540.00	
39000		Unassigned Fund Balance		84,540.00

**141-08**

			INCREASE REVENUE	INCREASE EXPENSE
49700		Insurance Recovery - Bus	1,085.53	
72710	338 39	Transportation - Repair Vehicle		1,085.53
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49700		Insurance Recovery - Pump	20,340.00	
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**BE IT FURTHER RESOLVED** that a true copy of this Resolution be spread upon the Commission record of this date.

PASSED 10-19-15

*Brent Greer*  
BRENT GREER, CHAIRMAN  
HENRY COUNTY COMMISSION

APPROVED 10-19-15

*Donna Craig*  
DONNA CRAIG  
COUNTY CLERK

*Brent Greer*  
BRENT GREER  
COUNTY MAYOR

ROLL CALL  
 COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK  
 PARIS, TENNESSEE

A motion was made by Commissioner Mathenia and seconded by Commissioner Kyle to approve Resolution 5-10-15, establishing public records policies and procedures.

ITEM NO. 10

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BRADLEY, WESLEY					X			
CARTER, DELL					X			
CARTER, GREG					X			
FREEMAN, BOBBY					X			
GEAN, RANDY					X			
HUMPHREYS, KENNETH					X			
JONES, DON					X			
KYLE, KREG				X	X			
MATHENIA, PAUL			X		X			
MCSWAIN, CONNIE					X			
NEAL, PAUL					X			
STARKS, MONTE					X			
TRAVIS, JAMES					X			
VISSER, MARTY					X			
WEBB, DAVID					X			
TOTAL					15			

MOTION CARRIED

DATE : 10-19-15

**RESOLUTION NO. 05-10-15**

**A RESOLUTION OF THE HENRY COUNTY, TENNESSEE BOARD OF COMMISSIONERS ESTABLISHING PUBLIC RECORDS POLICIES & PROCEDURES**

**WHEREAS**, the Tennessee Public Records Act provides that certain nonexempt public records maintained by governmental entities are subject to inspection by Tennessee citizens; and

**WHEREAS**, Tennessee law empowers governmental entities to adopt policies and procedures consistent with Tennessee law regarding the inspection and production of public records and associated charges;

**WHEREAS**, Tennessee law empowers governmental entities to adopt policies and procedures consistent with Tennessee law regarding the retention of public records; and

**WHEREAS**, it is in the public welfare that all offices of the County (every department, division, agency, bureau, board, commission or other separate unit of the County) employ a uniform policy regarding the processing of public records requests and public records retention.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Henry County, Tennessee, assembled in regular session of this 19<sup>th</sup> day of October, 2015, a majority or more of said Commissioners concurring, that the following Policies and Procedures are adopted:

1. *Custodians of Records.* County officials (or the head, by whatever title, of every department, division, agency, bureau, board, commission or other separate unit of the County) are the custodians of all records that their respective offices are required by law, regulation, and County policy to maintain; however, they may designate this responsibility to their deputy or other employee. Custodians of records are encouraged to comply with the Best Practice Guidelines for Records Custodians Responding to Requests for Public Records promulgated by the Office of Open Records Counsel (as from time to time amended).
2. *Inspection of Public Records.* Any citizen of Tennessee or other person entitled by law shall be permitted, free of charge and at reasonable times, to personally inspect all records maintained by the County unless otherwise prohibited or exempted from disclosure by law, regulation, or County policy. Custodians of records may, to the extent permitted by law, require presentation of government-issued identification or other proof of citizenship prior to making public records available for inspection.
3. *Production of Public Records.* A person who has the legal right to inspect public records may also request and receive (if it is reasonably possible for such copies to be produced) copies of public records, subject to payment of reasonable associated fees as provided below.



Requests for copies of records must be made in writing (delivered in person or via U.S. Mail to the custodian responsible for maintaining such records) on the Inspection/ Duplication of Records Request form published by the Office of Open Records Counsel (as from time to time amended). Custodians of records may, to the extent permitted by law, require presentation of government-issued identification or other proof of citizenship prior to producing copies of public records.

4. *Reasonable Fees for Production of Public Records.* A person requesting production of public records may be required to pay the cost of copies and/or the cost of labor required to fulfill their request and other reasonable charges incurred. Prepayment of the estimated cost of production may be required at the discretion of the custodian of records to the extent permitted by law. These reasonable charges shall be calculated at the rate prescribed by the Schedule of Reasonable Charges as produced by the Tennessee Office of Open Records Counsel as from time to time amended. The County hereby adopts and incorporates herein the schedule of reasonable charges published by the Tennessee Office of Open Records Counsel (as from time to time amended) as the schedule of charges for which a requestor may be required to pay if incurred in the course of responding to a public records request.

5. *Aggregation of Requests for Purposes of Fee Calculation.* When the total number of public records requests made by a requestor to the County (including every department, division, agency, bureau, board, commission or other separate unit thereof) within a calendar month exceeds four (4) and the time required to produce all records collectively totals greater than the threshold (currently one hour) necessary to charge a reasonable hourly fee for labor associated with fulfilling the request, the County may begin to charge the requestor a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Further, the names of persons requesting production of records and the date of production may be recorded by the custodians of records. The County hereby adopts and incorporates herein the Policy Related to Reasonable Charges a Records Custodian May Charge for Frequent and Multiple Requests for Public Records produced by the Tennessee Office of Open Records Counsel (as from time to time amended).

6. *Retention of Public Records.* Custodians of public records shall retain and dispose of such records in accordance with Tennessee law and the following guidelines:

a) County officials (or the head, by whatever title, of every department, division, agency, bureau, board, commission or other separate unit of the County) and/or their designee will determine if a particular record which they are the custodian of is of permanent or temporary value in accordance with regulations promulgated by County Public Records Commission and the Tennessee Institute for Public Services records manual;

b) Temporary value records which have been kept beyond the required time may be recommended to the Public Records Commission for destruction;

c) The records that the State Librarian and Archivist desire to preserve in their facilities will be transferred to the State Library and Archives. The temporary value records rejected by the State Library and Archives may be transferred to another institution or destroyed;

d) Permanent records will be kept in some usable form. If custodians of public records desire to destroy original permanent records, such records must be reproduced by microfilming or some other permanent, un-amendable, reproduction method. Permission to destroy any original permanent records after reproduction shall be the same procedure prescribed above for temporary records.


**BE IT FURTHER RESOLVED** that any and all acts previously passed by this Board of County Commissioners which are in conflict with this Resolution are hereby rescinded, repealed, and are of no effect whatsoever.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect upon its passage by this Board of County Commissioners and approval by the County Mayor, the public welfare requiring it.


**BE IT FINALLY RESOLVED** that a true copy of this Resolution be spread upon the Commission record of this date.

PASSED 10-19-15

  
\_\_\_\_\_  
**BRENT GREER, CHAIRMAN**  
**HENRY COUNTY COMMISSION**

  
\_\_\_\_\_  
**DONNA CRAIG**  
**COUNTY CLERK**

APPROVED 10-19-15

  
\_\_\_\_\_  
**BRENT GREER, CHAIRMAN**  
**HENRY COUNTY COMMISSION**

Note: Open Records Counsel documents referenced above are currently available for viewing and/or download at: <https://www.comptroller.tn.gov/openrecords/forms.asp>



## INSPECTION/DUPLICATION OF RECORDS REQUEST

**Requestor Instructions:** To make a request for copies of public records fill in sections 1-5, and sign and date section 9 at the time the request is made. Requestors who are retrieving the requested records from the office of the records custodian in person should not sign and date section 11 until the records are received. Requestors who are having the records emailed or mailed to him/her are not required to sign and date section 11 of the form.

**Custodian Instructions:** For requests to inspect, the **records custodian** is to fill in sections 1-6,8, and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the requestor inspects the records. For requests for copies or duplicates, the records custodian is to fill in sections 6-8 and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the records are retrieved by or delivered to the requestor.

**Note:** Tenn. Code Ann. § 10-7-503(a)(7)(A) provides that unless another provision in law specifically requires a written request, a request to inspect public records may not be required to be in writing nor can a fee be assessed for inspection of records.

(FRONT)

1. Name of requestor: \_\_\_\_\_  
(Print or Type; Initials of requestor are required for copy requests)

2. (If required) Form of identification provided:

Photo ID issued by governmental entity including requestor's address

Other: \_\_\_\_\_

3. Requestor's address and contact information: \_\_\_\_\_

4. Request for:  inspection/access  copy/duplicate [previously inspected on \_\_\_\_\_ (date) or  inspection waived]

5. Record(s) requested:

a. Type of record:  Minutes  Annual Report  Annual Financial Statements  
 Budget  Employee file  Other

b. Detailed Description of the record(s) including relevant date(s) and subject matter:

6. Request submitted to: \_\_\_\_\_  
(Name of Governmental Entity, Office or Agency)

a. Employee receiving request: \_\_\_\_\_  
(Print or Type and Initial)

b. Date and time request received: \_\_\_\_\_

c. Response:  Same day  Other \_\_\_\_\_

7. Costs (if assessed):

a. Number of pages to be copied: \_\_\_\_\_  Estimated

b. Cost

(1) per page letter or legal sized:  \$\_\_\_\_ (justification required if more than \$0.15) per black and white  \$\_\_\_\_ (justification required if more than \$0.50) per color;

(2) per page other sized or other medium \_\_\_\_\_:  \$\_\_\_\_ (justification required)

Inspection/Duplication of Records Request  
Tenn. Code Ann. § 10-7-503(a)(7)(A)

Costs continued:

- c. Estimate of labor costs to produce the copy (for time exceeding 1 hour): \_\_\_\_\_  
 Labor at \$ \_\_\_\_\_ /hour for \_\_\_\_\_ hour(s).  
 Labor at \$ \_\_\_\_\_ /hour for \_\_\_\_\_ hour(s).  
 Labor at \$ \_\_\_\_\_ /hour for \_\_\_\_\_ hour(s).
- d. Programming cost to extract information requested: \_\_\_\_\_
- e. Method of delivery and cost: \_\_\_\_\_  Estimated  
 On-site pick-up  U.S. Postal Service  Other: \_\_\_\_\_
- f. Estimate of total cost to produce request: \_\_\_\_\_
- g. Estimate provided to requestor:  in person  by U.S.P.S.  by phone  Other: \_\_\_\_\_

8. Payment:

- a. Form of payment:  Cash  Check  Other \_\_\_\_\_
- b. Amount of payment: \_\_\_\_\_
- c. Date of payment: \_\_\_\_\_
- d. Actual cost (and adjustment if prepaid): \_\_\_\_\_

9. \_\_\_\_\_  
 Signature of Requestor Date Records Requested

10. \_\_\_\_\_  
 Signature of Records Custodian Date of Receipt of Request

Delivery/Retrieval of Records

11. \_\_\_\_\_  
 Signature of Requestor Date Records Retrieved

12. \_\_\_\_\_  
 Signature of Records Custodian Date Records Retrieved/Delivered  
Or

\_\_\_\_\_ Date Records Inspected by the Requestor

## **SCHEDULE OF REASONABLE CHARGES FOR COPIES OF PUBLIC RECORDS**

Section 6 of Public Chapter 1179, Acts of 2008 ("Public Chapter 1179") adds T.C.A. Section 8-4-604(a)(1) which requires the Office of Open Records Counsel ("OORC") to establish a schedule of reasonable charges ("Schedule of Reasonable Charges") which may be used as a guideline in establishing charges or fees, if any, to charge a citizen requesting copies of public records under the Tennessee Public Records Act (T.C.A. Sections 10-7-503, et seq.) ("TPRA"). The Schedule of Reasonable Charges has a development date of October 1, 2008. Notification of the development was given to the Tennessee Code Commission on October 31, 2008. This Schedule of Reasonable Charges will be reviewed at least annually by the OORC.

The TPRA grants Tennessee citizens the right to request a copy of a public record to which access is granted under state law. Public Chapter 1179 adds T.C.A. Section 10-7-503(a)(7)(A) which expressly prohibits a records custodian from charging a fee for inspection under the TPRA unless otherwise required by law. However, the TPRA in T.C.A. Section 10-7-506 does permit records custodians to charge for copies or duplication pursuant to properly adopted reasonable rules.

This Schedule of Reasonable Charges should not be interpreted as requiring a records custodian to impose charges for copies or duplication of public records. If a records custodian determines to charge for copies or duplication of public records, such determination and schedule of charges must be pursuant to a properly adopted rule and evidenced by a written policy authorized by the governmental entity's governing authority. Application of an adopted schedule of charges shall not be arbitrary. Additionally, excessive fees and other rules shall not be used to hinder access to non-exempt, public records. A records custodian may reduce or waive, in whole or in part, any charge only in accordance with the governmental entity's properly adopted written policy. Pursuant to Tennessee case law, a records custodian may also require payment for the requested copies or duplication prior to the production of the copies or duplication.

### **Copy Charges**

- A records custodian may assess a charge of 15 cents per page for each standard 8 ½ x11 or 8 ½ x14 black and white copy produced. A records custodian may assess a requestor a charge for a duplex copy that is the equivalent of the charge for two (2) separate copies.
- If a public record is maintained in color, the records custodian shall advise the requestor that the record can be produced in color if the requestor is willing to pay a charge higher than that of a black and white copy. If the requestor then requests a color copy, a records custodian may assess a charge of 50 cents per page for each 8 ½ x11 or 8 ½ x14 color copy produced.
- If a records custodian's actual costs are higher than those reflected above or if the requested records are being produced on a medium other than 8 ½ x11 or 8 ½ x14

paper, the records custodian may develop its own charges. The records custodian must establish a schedule of charges documenting "actual cost" and state the calculation and reasoning for its charges in a properly adopted policy. A records custodian may charge less than those charges reflected above. Charges greater than 15 cents for black and white, and 50 cents for color, can be assessed or collected only with documented analysis of the fact that the higher charges actually represent such governmental entity's cost of producing such material; unless there exists another basis in law for such charges.

- The TPRA does not distinguish requests for inspection of records based on intended use, be it for research, personal, or commercial purposes. Likewise, this Schedule of Reasonable Charges does not make a distinction in the charges assessed an individual requesting records under the TPRA for various purposes. Other statutory provisions, such as T.C.A. Section 10-7-506(c), enumerate fees that may be assessed when specific documents are requested for a specific use. Any distinctions made, or waiver of charges permitted, must be expressly permitted in the adopted policy.

#### Additional Production Charges

- When assessing a fee for items covered under the "Additional Production Charges" section, a records custodian shall utilize the most economical and efficient method of producing the requested records.
- Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor returns to the custodian's office to retrieve the requested records. If the requestor chooses not to return to the records custodian's office to retrieve the copies, the records custodian may deliver the copies through means of the United States Postal Service and the cost incurred in delivering the copies may be assessed in addition to any other permitted charge. It is within the discretion of a records custodian to deliver copies of records through other means, including electronically, and to assess the costs related to such delivery.
- If a records custodian utilizes an outside vendor to produce copies of requested records because the custodian is legitimately unable to produce the copies in his/her office, the cost assessed by the vendor to the governmental entity may be recovered from the requestor.
- If the records custodian is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the records custodian may assess the requestor the cost assessed to the governmental entity for retrieval of the records.

#### Labor Charges

- "Labor" is defined as the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.

- “Labor threshold” is defined as the labor of the employee(s) reasonably necessary to produce requested material for the **first hour** incurred by the records custodian in producing the material. A records custodian is not required to charge for labor or may adopt a labor threshold higher than the one reflected above.
- A records custodian is permitted to charge the hourly wage of the employee(s) reasonably necessary to produce the requested records above the “labor threshold.” The hourly wage is based upon the base salary of the employee(s) and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee’s annual salary by the required hours to be worked per year. For example, an employee who is expected to work a 37.5 hour work week and receives \$39,000 in salary on an annual basis will be deemed to be paid \$20 per hour. Again, a records custodian shall utilize the most cost efficient method of producing the requested records.
- In calculating the charge for labor, a records custodian shall determine the number of hours each employee spent producing a request. The records custodian shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The records custodian 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 records custodian 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.
- Example:  
The hourly wage of Employee #1 is \$15.00. The hourly wage of Employee #2 is \$20.00. Employee #1 spends 2 hours on a request. Employee #2 spends 2 hours on the same request. Because employee # 2 is the highest paid employee, subtract the one hour threshold from the hours employee #2 spent producing the request. Multiply the number of hours each employee is able to charge for producing the request by that employee’s hourly wage and then add the amounts together for the total amount of labor that can be charged ( i.e.  $(2 \times 15) + (1 \times 20) = \$50.00$ ). For this request, \$50.00 could be assessed for labor.

Questions regarding this Schedule of Reasonable Charges should be addressed to the OORC.

Office of Open Records Counsel  
505 Deaderick Street, Suite 1700  
James K. Polk Building  
Nashville, Tennessee 37243  
(615) 401-7891, Fax (615) 741-1551 Toll free number: 1-866-831-3750  
Email address: [open.records@cot.tn.gov](mailto:open.records@cot.tn.gov)

**POLICY RELATED TO REASONABLE CHARGES A RECORDS CUSTODIAN MAY CHARGE FOR FREQUENT AND MULTIPLE REQUESTS FOR PUBLIC RECORDS**

Section 6 of Public Chapter 1179, Acts of 2008 (“Public Chapter 1179”) adds T.C.A. Section 8-4-604(a)(2) which requires the Office of Open Records Counsel (“OORC”) to establish a separate policy related to reasonable charges which a records custodian may charge for frequent and multiple requests for copies of public records under the Tennessee Public Records Act (T.C.A. Sections 10-7-503 et seq.) (“TPRA”). This Policy will be reviewed at least annually by the OORC.

This Policy is to be used in connection with the Schedule of Reasonable Charges dated October 1, 2008. This Policy should not be interpreted as requiring a records custodian to impose charges for copies or duplication of public records. However, if the records custodian does determine to impose charges for copies or duplication, this Policy permits the records custodian to calculate labor charges differently for frequent and multiple requests.

If a records custodian determines to charge for frequent and multiple requests for copies or duplication of public records in accordance with this Policy, such determination and charges must be pursuant to a properly adopted rule and evidenced by a written policy authorized by the governmental entity’s governing authority. The authority shall specify the level of aggregation (whether by agency, entity, department, office or otherwise); however, such level of aggregation, as well as excessive fees and other rules shall not be used to hinder access to non-exempt public records. A records custodian may reduce or waive, in whole or in part, any charge only in accordance with the governmental entity’s properly adopted written policy.

The Schedule of Reasonable Charges provides that a records custodian may assess a requestor a fee for any labor reasonably necessary to produce copies of requested records after the records custodian spends one (1) hour (or if the records custodian establishes a threshold higher than one (1) hours, any increment of time over that higher threshold) producing the requested records. For purposes of this policy, during each calendar month records custodians in any department, division, agency, bureau, board, commission or other separate unit of state, county, or municipal government as authorized by the appropriate governing authority may aggregate the number of requests for copies made per requestor. When the total number of requests made by a requestor within a calendar month exceeds 4, a records custodian may begin to charge the requestor a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Request 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 policy. A records custodian may adopt a labor threshold higher than one (1) hour or a threshold higher than four (4) requests per calendar month for purposes of aggregation. Disputes as to aggregation shall be brought to the Office of Open Records Counsel.



Additionally, a records custodian may aggregate the total number of public records requests made by a requestor and by any other individual, if the records custodian reasonably believes the requestor to be acting in concert with or as the agent of another person, entity or organization. A records custodian choosing to aggregate requests by multiple requestors must inform the requestors of the determination to aggregate and that they have the right to appeal the decision to aggregate to the Office of Open Records Counsel. When aggregating the labor of multiple requestors, the records custodian must file a Notice of Aggregation of Multiple Requestors with the Office of Open Records Counsel. This form is available on the Office's website.

*Revised December 7, 2010*

## BEST PRACTICE GUIDELINES FOR RECORDS CUSTODIANS RESPONDING TO REQUESTS FOR PUBLIC RECORDS

In Tenn. Code Ann. Section 10-7-505(d), the Tennessee General Assembly declares that the Tennessee Public Records Act (hereinafter "TPRA") "shall be broadly construed so as to give the fullest possible access to public records." Courts in Tennessee have opined that unless there is a clear exception provided in law, all records of a governmental entity are to be open to citizens for inspection and/or copying. However, these Courts have also acknowledged the ability of records custodians to adopt reasonable rules governing the manner in which records request are to be made and fulfilled.

In an effort to provide records custodians with a resource that can be utilized when responding to public records request made pursuant to the TPRA, the Office of Open Records Counsel (hereinafter "OORC") in conjunction with the Advisory Committee on Open Government (hereinafter "ACOG") has developed "Best Practices Guidelines for Records Custodians Responding to Requests for Public Records." Records custodians must follow the provisions of the TPRA. The guidelines serve as a resource for records custodians, but records custodians are not required to adhere to the guidelines. However, a Court may consider these guidelines in determining whether action by a records custodian is willful [Tenn. Code Ann. Section 10-7-505(g)]. These guidelines will be reviewed at least annually by the OORC.

### Definitions:

Records custodian: the office, official or employee lawfully responsible for the direct custody and care of a public record and is not necessarily the original preparer or producer of the record. A governmental entity may have more than one records custodian.

Public records: defined in Tenn. Code Ann. Section 10-7-503(a)(1): As used in this part and Title 8, Chapter 4, Part 6, "public record or records" or "state record or records" means 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.

Redacted record: a public record otherwise open for public inspection from which protected information has been removed or made obscured prior to release or inspection.

Requestor: a Tennessee citizen requesting access to or a copy of a public record.

Governmental entity or agency: this includes but is not limited to the state, any political subdivision, agency, institution, county, municipality, city or sub-entity. Note, certain associations, non-profits, and private entities are also subject to the TPRA.

Guidelines:

1. To the extent possible, a governmental entity should have a written public records policy properly adopted by the appropriate governing authority. The policy should be applied consistently throughout the various offices, departments, or divisions within a governmental entity; however, when a particular office, department or division has a need for a policy that is distinct from that of the entire governmental entity, a separate policy should be adopted. The policy should include:
  - a. the process for making requests to inspect public records and/or to receive copies of public records (including whether government issued photo ID's are required and whether written requests for copies are required);
  - b. the process for responding to requests (including the use of required forms); and
  - c. whether and when fees will be charged for copies of public records (including establishment of charges pursuant to the Schedule of Reasonable Charges).

The policy should balance the governmental entity's need to function efficiently and to maintain the integrity of records with the public's right to access records pursuant to the TPRA.

2. Whenever possible, one person within each governmental office, department, or division should be designated as the public records request coordinator. This person will ensure that requests made pursuant to the TPRA are routed to the appropriate records custodian and that requests are fulfilled in a timely manner. It is suggested that this individual be knowledgeable about the TPRA, as well as the records management system being utilized and any written public records policy that has been adopted.
3. A records custodian should make requested records available as promptly as possible in accordance with Tenn. Code Ann. Section 10-7-503.
4. A records custodian should strive to respond to all records requests in the most economical and efficient manner possible. For example, when labor charges are going to be assessed, qualified staff persons with the lowest hourly wage should be utilized to produce the requested records.
5. To the extent possible, when records are maintained electronically, records custodians should produce records request electronically. Records should be produced electronically whenever feasible as a means of utilizing the most "economical and efficient method of producing" records.
6. If a governmental entity maintains a website, records custodians should post as many records, and particularly records such as agendas and minutes from meetings, on the website whenever it is possible to do so. A records custodian

may direct a requestor to the website for requested records. However, a requestor may still exercise the right to inspect the public record during regular business hours in the office of the records custodian and/or to receive a copy or duplicate made by the records custodian.

7. Whenever possible and especially in situations where redaction is necessary, once a records request has been completed and there is a reasonable expectation that the same records will be requested in the future, a records custodian should maintain a copy of the redacted records so that any future request can be easily located and copied.
8. When a records custodian receives a records request for a large volume of records and reasonably determines that production of the records should be segmented, the requestor should be notified that the production of the records will be in segments and that a records production schedule will be provided as expeditiously as possible.
9. If a records request is made to a records custodian who is not the appropriate custodian of the requested records, the records custodian when denying the request should make the requestor aware of the appropriate records custodian (if known) whenever possible. However, it should be noted that the statutory time frame for responding to the request is not triggered until the request is made by the requestor to the appropriate records custodian.
10. If a records custodian has provided what is thought to be all records responsive to a public records request and then discovers that records were omitted, the requestor should be made aware of the omission and the records produced as quickly as practicable.
11. Whenever a record is redacted, a records custodian should provide the requestor with the basis for redaction when the redacted records are provided to the requestor. A records custodian is not required however to produce a privilege log.
12. Whenever possible, a records custodian should have a designated supervised space available during normal business hours where requestors can inspect public records.
13. To the extent a records custodian does not have the ability to make copies or duplicates of a requested record, a records custodian should notify the requestor of such and identify the vendor that will be used to produce the requested records, as well as the estimated cost. The inability of a records custodian to internally produce a duplicate or copy of a record does not eliminate the obligation to provide a duplicate or copy if requested.
14. When a records custodian is unclear as to the records that are being requested, it is suggested that the custodian contact the requestor in an effort to clarify and/or

- narrow the request. If, after attempting to clarify the request, the records custodian is still unable to determine what is being requested, the request should be denied based upon the requestor's failure to sufficiently identify the requested records in accordance with the requirements of the TPRA.
15. For purposes of developing a policy that authorizes the assessment of fees, including charging for labor, it is suggested that a governmental entity consider the following:
    - a. whether waivers or reduction of charges will be permitted, based on:
      - (1) number of copies or minimum charge amount; or
      - (2) type of record: whether the requested document is a document that is produced on a regular basis, requested on a regular basis and is easily accessible (i.e. records 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); and
    - b. whether the administrative cost of documenting fees and processing the payment (including internal controls) exceeds the cost of copying and labor.
  16. Whenever possible, a records custodian should require and receive either full or partial payment of the estimated charges prior to production of copies of the requested records.
  17. If a records custodian is going to segment the production of requested records, the requirement for payment prior to the production of the records also should be segmented.
  18. When a governmental entity has the ability to accept multiple forms of payments, that could include cash, checks, credit or debit cards, and money orders, it is suggested that the governmental entity permit such forms of payment for copies of public records.
  19. A records custodian must provide requestors with an estimate of the charges to be assessed for copies and labor. Whenever possible, a records custodian should provide the estimate prior to producing the requested copies of records and should itemize the estimate.
  20. State records custodians who have questions about how to respond to a records request should contact the Office of Attorney General and Reporter. All other records custodians who have questions about how to respond to a records request should contact the Office of Open Records Counsel.

ROLL CALL  
 COUNTY COMMISSION, HENRY COUNTY, DONNA CRAIG, COUNTY CLERK  
 PARIS, TENNESSEE

Commissioner Jones made a motion to adjourn. The motion was seconded by  
 Commissioner Dell Carter.

ITEM NO. 11

	ABSENT	PRESENT	MOTION	SECOND	AYE	NO	ABSTAIN	PASS
BRADLEY, WESLEY								
CARTER, DELL				X				
CARTER, GREG								
FREEMAN, BOBBY								
GEAN, RANDY								
HUMPHREYS, KENNETH								
JONES, DON			X					
KYLE, KREG								
MATHENIA, PAUL								
MCSWAIN, CONNIE								
NEAL, PAUL								
STARKS, MONTE								
TRAVIS, JAMES								
VISSER, MARTY								
WEBB, DAVID								
TOTAL								

VOICE VOTE CARRIED

DATE : 10-19-15