

TITLE 20

MISCELLANEOUS

CHAPTER

1. AIR POLLUTION CONTROL.
2. PUBLIC RECORDS POLICY.

CHAPTER 1

AIR POLLUTION CONTROL

SECTION

20-101. Air pollution control.

20-101. Air pollution control. Air pollution control within the City of Ridgeside shall be governed by the "Air Pollution Control Ordinance" and any amendments thereto.¹

¹The Air Pollution Control Ordinance, and any amendments thereto, may be found in the recorder's office.

CHAPTER 2

PUBLIC RECORDS POLICY

SECTION

- 20-201. Definitions.
- 20-202. Requesting access to public records.
- 20-203. Responding to public records requests.
- 20-204. Inspection of records.
- 20-205. Copies of records.
- 20-206. Fees and charges and procedures for billing and payment.

20-201. Definitions. (1) "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 *Tennessee Code Annotated*, § 10-7-503(a)(1)(A).

(2) "Public records request coordinator." The individual, or individuals, designated in § 20-203(1)(c) 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 *Tennessee Code Annotated*, § 10-7-503(a)(1)(B). The public records request coordinator may also be a records custodian.

(3) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. See *Tennessee Code Annotated*, § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (Ord. #2017-02, Jan. 2018)

20-202. Requesting access to public records. (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee (or via online submission) in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing (or email) address from the requestor for providing any written communication required under the TPRA.

(3) Requests for inspection may be made in writing using the attached form at P.O. Box 3265, Chatt. TN 37404 or to ridgesidemayor@gmail.com.

(4) Requests for copies, or requests for inspection and copies, shall (may) be made in writing using the attached form¹ mailed to P.O. Box 3265, Chatt. TN 37404. The records request form should be used. Requests may also be made to: ridgesidemayor@gmail.com.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license is required as a condition to inspect or receive copies of public records.

(6) Most public records including meeting minutes, city budget, ordinances, etc., are posted and readily available online at the city website: Ridgeside.net. (Ord. #2017-02, Jan. 2018)

20-203. Responding to public records requests. (1) Public record request coordinator/Ridgeside City Commissioner.

(a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship (if required);

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the governmental entity is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fees (and labor threshold and waivers, if applicable); and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:

(A) The requestor is not, or has not presented evidence of being, a Tennessee citizen (if proof of citizenship is required).

(B) The request lacks specificity (offer to assist in clarification).

(C) An exemption makes the record not subject to disclosure under the TPRA (provide the exemption in written denial).

¹The records request form is available in the recorder's office.

(D) The governmental entity is not the custodian of the requested records.

(E) The records do not exist.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

(iv) Forward the records request to the appropriate records custodian in Ridgeside, Tennessee.

(v) 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.

(c) The designated PRRC(s) is (are):

(i) Name or title: any of the three (3) elected city commissioners for Ridgeside, Tennessee.

(ii) Contact information: P.O. Box 3265, Chatt. TN 37404 or current commissioners as listed in the city directory.

(d) The PRRC(s) shall report to the governing authority on an annual basis about the governmental entity's compliance with the TPRA pursuant to this policy and shall make recommendations, if any, for improvement or changes to this policy.

(2) Records custodian.

(a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with *Tennessee Code Annotated*, § 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.

(b) 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 form¹ which is attached based on the form developed by the OORC.

(c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in § 20-203(1)(b)(ii) using the public records request response form.

(d) 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

¹The record request response form is available in the recorder's office.

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.

(e) 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.

(3) Redaction.

(a) 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 (if the governmental entity is a state agency) or with the office of attorney general and reporter.

(b) 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. (Ord. #2017-02, Jan. 2018)

20-204. Inspection of records. (1) There shall be no charge for inspection of open public records.

(2) The location for inspection of records within Ridgeside, Tennessee should be determined by either the PRRC or the records custodian.

(3) 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. Appointments will be available and coordinated with volunteer city commissioners. (Ord. #2017-02, Jan. 2018)

20-205. Copies of records. (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at a location specified by the records custodian.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment. (Ord. #2017-02, Jan. 2018)

20-206. Fees and charges and procedures for billing and payment.

(1) Fees and charges for copies of public records should not be used to hinder access to public records. No charges will be assessed for copies and duplicates unless the number of pages exceeds ten (10).

(2) 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.

(3) When fees for copies and labor do not exceed five dollars (\$5.00) the fees may be waived. Requests for waivers for fees above five dollars (\$5.00) must be presented to a city commissioner who is authorized to determine if such waiver is in the best interest of Ridgeside, Tennessee and for the public good. Fees associated with aggregated records requests will not be waived.

(4) Fees and charges for copies are as follows:

(a) Fifteen cents (\$0.15) per page for letter- and legal-size black and white copies.

(b) Fifty cents (\$0.50) per page for letter- and legal-size color copies.

(c) Other: as charged by outside source for other document copies.

(d) Labor when time exceeds one (1) hour.

(e) If an outside vendor is used, the actual costs assessed by the vendor.

(5) No duplication costs will be charged for requests for less than ten (10) pages.

(6) Payment is to be made by personal check payable to City of Ridgeside, Tennessee, presented to a city commissioner.

(7) Payment in advance will be required when costs are estimated to exceed ten dollars (\$10.00).

(8) Aggregation of frequent and multiple requests. (a) The City of Ridgeside, Tennessee, will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(b) If aggregating:

(i) The level at which records requests will be aggregated is by city.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must 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.

(iii) Routinely released and readily accessible records excluded from aggregation include, but are not limited to: city

commission meeting minutes, city commission meeting announcement, and city approved budget. (Ord. #2017-02, Jan. 2018)