

RESOLUTION #1087- 04/2025/08
PUBLIC RECORDS POLICY WITH FEE SCHEDULE FOR
THE CITY OF BROWNSVILLE, TENNESSEE

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

Personnel of the City of Brownsville, Tennessee shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records that are not protected as confidential. 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 taxpayer confidentiality and the efficient and safe operation of the City of Brownsville, Tennessee, 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 Brownsville, Tennessee or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the City Clerk’s office. This Policy is posted online at www.brownsvilletn.gov. The City of Brownsville, Tennessee shall review this Policy every two years.

This Policy shall be applied consistently throughout the various offices, and divisions of the City of Brownsville, Tennessee.

I. Definitions:

- A. ***Personal information***: Information obtained by the City of Brownsville, Tennessee in connection with a motor vehicle record that identifies a person, including an individual’s photograph, or computerized image, social security number, driver identification number, name, address excluding the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, and driver license or registration status
- 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. 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. 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.
- E. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.
- F. Return: Any tax or information return, declaration of estimated tax, claim for refund, or petition for waiver of penalty required by, or provided for, or permitted under, any law, that is filed with or submitted to the commissioner by, on behalf of, or with respect to, any person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists which are supplemental to, or part of, any return so filed or submitted.
- G. Tax administration information: Criteria or standards used or to be used for the selection of returns or persons for audit or examination, or data used or to be used for determining such criteria or standards; audit procedures; and any other information relating to tax administration.
- H. Tax information: Records containing a taxpayer's identity, the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, tax collected, deficiencies, overassessments, or tax payments, whether the taxpayer's return was, is being, or will be, examined or subject to other investigation or processing, or any other data, received by, recorded by, prepared by, furnished to, or collected by, the commissioner with respect to a return or with respect to the determination of the existence, or possible existence, of liability, or the amount of the liability, of any person for any tax, penalty, interest, fine, forfeiture, or other penalty, imposition or offense, administered by or collected by the commissioner, either directly or indirectly. "Tax information" does not include data in a form that cannot, either directly or indirectly, be associated with, or otherwise be used to identify, directly or indirectly, a particular taxpayer.
- I. Taxpayer identity: The name of a person subject to a tax collected or administered by the commissioner, the person's mailing address, the person's taxpayer identifying number or account number, or a combination thereof.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or the PRRC's 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.
- B. Requests for inspection are not 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.

- C. Requests for copies shall be made in writing, and may be made using the attached *Public Records Request Form*. Requests may be submitted by email at: sbatchelor@brownsvilletn.gov or by mail to:

Attn: Public Records Request Coordinator for The City of Brownsville, Tennessee
15 East Main Street
Brownsville, Tennessee 38012

- D. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) may be 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 requested returns, tax information, or motor vehicle records, and if so, if the requestor is or represents the taxpayer, or is otherwise authorized to access such returns, tax information, or motor vehicle records;
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the City of Brownsville, Tennessee 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. Proof that the requestor is authorized to access any returns, tax information, or motor vehicle records requested (if applicable);
 - iii. Form(s) required for copies;
 - iv. Fees (and labor threshold and waivers, if applicable); and
 - v. 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. With respect to requests for returns, tax information, or motor vehicle records, the requestor has not presented evidence that the requestor is or represents the taxpayer, or is otherwise authorized to access such tax information.
 - iii. The request lacks specificity.
 - iv. An exemption makes the record not subject to disclosure under the TPRA.
 - v. The City of Brownsville, Tennessee is not the custodian of the requested records.
 - vi. 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 Brownsville, Tennessee.
 - 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 is:
- a. Name: Sherry Batchelor
 - b. Title: City Clerk
 - c. Address: The City of Brownsville, Tennessee
15 East Main St.; Brownsville, TN 38012
 - d. Phone: (731) 772-1212
4. With the assistance of General Counsel, the PRRC shall report to the City of Brownsville, Tennessee, on an annual basis, about the City of Brownsville, Tennessee's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvement or changes to this Policy.

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, legal 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, which is attached to this Policy, based on the form developed by the OORC.
3. If a records custodian denies a public record request, the records custodian 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. However, if a record is a return, tax information, or tax administration information, the records custodian shall prepare a redacted copy only if legal counsel for the City of Brownsville, Tennessee determines that providing a redacted record would not be in violation of Tenn. Code Ann. § 67-1- 1702. If questions arise concerning redaction, the records custodian should coordinate with legal counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC or with the Office of Attorney General and Reporter.
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 Brownsville, Tennessee 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. The 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 primary address by the United States Postal Service.
- D. Scanned copies (e.g., PDFs) of the requested records are available upon request and will be delivered to the requestor's email address, as specified in the written request.
- E. 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 shall not be used to hinder access to public records.
- B. Records custodians shall provide requestors with an itemized estimate of any charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$25.00, the fees may be waived. Requests for waivers for fees above \$25.00 must be presented to the Commissioner of Revenue or his delegate, who is authorized to determine if such waiver is in the best interest of the City of Brownsville, Tennessee and for the public good.
- D. Fees and charges for copies are as follows:
 - 1. \$0.25 per page for letter and legal-size black and white copies.
 - 2. \$0.50 per page for letter- and legal-size color copies.
 - 3. Labor when time exceeds 1 hour.
 - 4. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Payment may be made in cash, by personal check, cashier's check or by credit card. Checks must be payable to the City of Brownsville, Tennessee.
- F. Payment in advance may be required in all situations.
- G. Aggregation of Frequent and Multiple Requests

1. The City of Brownsville, Tennessee 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).
2. If aggregating:
 - a. The level at which records requests will be aggregated is by agency.
 - b. 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.

SCHEDULE OF REASONABLE CHARGES FOR COPIES OF PUBLIC RECORDS

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 entities 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 25 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 25 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

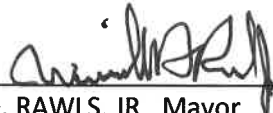
- "Labor" is defined as the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.

- “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 City of Brownsville Clerk.

Attn: City Clerk
15 East Main Street
Brownsville, TN 38012
731-772-1212

City of Brownsville


WILLIAM D. RAWLS, JR., Mayor

Attest:


SHERRY BATCHELOR, Clerk