

Public Records Commission Meeting
June 2, 2016
Metropolitan Courthouse

Members present: Carole Bucy, Sue Cooper, Judge Steve Dozier (Chair), Keith Durbin (Vice Chair), Ken Fieth, Steve Moore (designee of Register of Deeds Bill Garrett), Councilman Colby Sledge, and Brenda Wynn

Absent: None

Guests: None

Staff: Emily Lamb, Shannon Hall, and Reed Williams

Without objection, the Chair declared a quorum present for the conduct of business.

The Chair welcomed new member, Councilman Colby Sledge.

The minutes of the October 14, 2015 meeting were approved.

Records Disposition Authorizations

Public Works

Reed Williams presented 3 new dispositions for approval.

RDA 795 - Event Permits: this records series documents the process for obtaining an approval from Public Works to conduct a function or activity within the city. Information may pertain to banner displays, film production, local business events, private parties (weddings, etc.), parking allowances such as bagged meters; or special events hosted by Metro as marathons, and street or bridge closures. It will include, but not limited to- applications, correspondence, requirements, company information, synopsis, artwork, proof of insurance, copies of checks, approval forms, dates, locations, and permit numbers. The retention is maintain and hold for 3 years from conclusion of activity, then securely destroy.

RDA 797 - Reviewed Construction Plans: This series consists of plats of projects where a permit application has been applied for at the Division of Codes. Public Works - Engineering reviews the plans to ensure standards are met and makes recommendations for changes if necessary. The retention is 7 years after completion of the project, then destroy.

RDA 804 - Right of Way Permit Books: This series consists of Notice of Temporary Street Closure and includes name of requestor, reason for the closure, and time limits. The retention is 5 years after permit is issued, then destroy.

Colby Sledge moved to adopt RDAs 795, 797, and 804 as presented, which was seconded by Carole Bucy and unanimously adopted.

Juvenile Court

Reed Williams presented 1 new disposition for approval.

RDA 796 - Minutes and Dockets: This records series documents the court proceedings of the Juvenile Court. It consists of the orders issued by a judge or magistrate in a particular case, and a daily docket showing the names of the parties on record. Filed together these records serve as the traditional minutes of the court and will be in concordance with RDA 249. The information may also be found in individual case files, and more recently a video of the court proceedings, and in a digital storage format. In compliance with CTAS 007-02, 007-03, 007-04, 007-06, the retention on this records series will be considered permanent and confidential.

Brenda Wynn moved to adopt RDA 796 as presented, which was seconded by Colby Sledge and unanimously adopted.

Criminal Court

Reed Williams presented 2 new dispositions for approval.

RDA 798 - Criminal Case Files: A variety of records will be filed together in a Criminal Case File. Many will be original process. Typical documents will include, but not be limited to: State's request and response to discovery, defendant's request for discovery, petition to enter a plea of guilty, arrest warrants, Grand Jury indictment, all motions, appeals, and orders, all judgments and amended judgments, probation/community correction violation warrants (if any), bill of costs, and an overview of court proceedings may be written on the file folder jacket itself. Citing CTAS 04-013, the retention is permanent.

RDA 799 - Criminal Court Minute Books: A Minute Book is compiled for each Division of Criminal Court by date and case number. It will include a summary of all judicial proceedings in an individual case from origin to completion, and case information may be continuous into succeeding books. Minute entries will consist of the date of trial, defendant, offense charged, verdict of jury, and sentence of the court. It may also contain copies of the judgment(s), orders, warrant dismissals, and/or other court related documents. Citing CTAS 04-039, the retention is permanent.

Carole Bucy moved to adopt RDAs 798 and 799 as presented, which was seconded by Keith Durbin and unanimously adopted.

Transportation Licensing Commission

Reed Williams presented 4 new dispositions for approval.

RDA 800 - Low Speed Vehicle Companies: Companies apply for the right to transport people a short distance on a low speed route throughout Nashville. The license consists of a certificate of

public convenience and necessity. It will list the company name, address and telephone number. The license is good from April 1 one year to April 30 of the next, and then it must be renewed. Company must have proof of comprehensive general (public) liability and property damage insurance for no less than \$1,000,000 and automobile liability in an amount of no less than \$1,000,000 combined single limit. The retention is 5 years after expiration of last certificate, then destroy.

RDA 801 - Low Speed Vehicle Drivers: Drivers must receive a permit through the Transportation Licensing Commission and have a valid TN driver license. Permits are valid from April 1 one year to April 30 of the next, and then must be renewed. Background checks are run for the initial application, then every 5 years thereafter. The retention is 5 years after expiration of last permit, then destroy.

RDA 802 - Pedal Carriage & Pedicab Companies: Companies apply for the right to operate a manual pedal driven vehicle known as a cab or carriage. The carriage may operate a low output engine to assist with inclines. Licenses are valid from April 1 one year to April 30 of the next, and then must be renewed. The license consists of a certificate of public convenience and necessity. It will list the company name, address and telephone number. Both types of vehicles must carry public liability insurance of no less than \$1,000,000 known as combined single limit coverage. In addition, the Pedal Carriage Companies must also maintain a policy of liquor liability insurance with the minimum amount to be \$1,000,000. Such certificate will certify that the policy provides for a minimum of \$1,000,000 per Pedicab or Pedal Carriage for liability imposed by law for damages on account of bodily injuries, death or personal damages other than injuries, death or property damages of the company or driver in any one accident resulting from the ownership, maintenance or use of such Pedicab or Pedal Carriage. The retention is 5 years after expiration of last certificate, then destroy.

RDA 803 - Pedal Carriage & Pedicab Drivers: Drivers must receive a permit through the Transportation Licensing Commission and have a valid U.S. driver license. Permits are valid from April 1 one year to April 30 of the next, and then must be renewed. Background checks are run for the initial application, then every 5 years thereafter. The retention is 5 years after expiration of last permit, then destroy.

Keith Durbin moved to adopt RDAs 800, 801, 802, and 803 as presented, which was seconded by Colby Sledge and unanimously adopted.

Metro Clerk/Record Management

Reed Williams presented 1 amendment for approval.

RDA 328, General Records Schedule 122 Original Records, Electronically Imaged: AMENDMENT to GRS 122: After meeting with Legal and reevaluating General Records Schedule 122 regarding digitally imaged documents, an amendment was approved to clarify the disposition of the original paper documents. In compliance with TCA 10-7-121, if the original paper documents

are of a non-permanent retention, they may be destroyed once they are verified to be in a non-modifiable format within the Metro digital data base. Permanent documents shall be handled as established in TCA 10-7-404 AND TCA 10-7-413. This amendment was approved by the Commission as submitted.

Other Business and Discussion

Ken Fieth submitted the attached letter on behalf of Metro Archives and Public Library to the Commission regarding TCA 10-7-307 and 308 and the transfer of title for archived records. He requested the Commission's consideration and review of this item in the future.

Reed Williams also shared and requested consideration and clarification on TCA 18-1-201 through 205 regarding the possibility of disposition of documents according to order of court. He reported there are many court documents that are idle mostly due to age. There are also older records inside and outside the court which remain in storage which an archivist could act upon if title were transferred. The Commission requested Legal review and advise on TCA 18-1-201 and whether or not judges can order records from courts to be disposed of through a court order.

The Metro Clerk's Office and Records Center gave an update regarding the Elm Hill Archive space which is under the jurisdiction of Public Library and discussed their ongoing discussions with Public Library to continue to partner efforts. They also reported that the request for additional space for the Records Center is currently included in the capital improvements budget under Council consideration beginning fiscal year 2019.

With no further business, the meeting was adjourned.

May 24, 2016

To: Members of the Davidson County Public Records Commission

From: The Nashville Public Library and Metropolitan Government Archives of Nashville and Davidson County

Re: Title Transfer of Metropolitan Government Records

The Metro Government Archives currently maintains records of enduring historical value for departments, divisions, authorities, boards, commissions, Constitutional and elected offices in or of the Metropolitan Government of Nashville. The Metro Archives also maintains selected records of the judicial system of Metro Nashville and Davidson County.

In order to achieve the greatest efficiencies in delivering this mission the Nashville Public Library and Metro Archives seek a change in title transfer procedure/legislation that will align itself with the Tennessee Code addressing this process. That code is:

- **TCA 10-7-307: Title to and destruction of records transferred to state archives.**

Title to any record transferred to the state archives is vested in the state library and archives. The state librarian and archivist may destroy originals of such records if such records have been microfilmed or converted to microform media of such quality which shall meet the minimum standards of the United States government. History: [Acts 1978, ch. 544, § 4; T.C.A., § 15-407; Acts 1991, ch. 362, § 1.]

The following wording is submitted for consideration:

- ***Title to any record transferred to the Metropolitan Archives of Nashville & Davidson County is vested in the Nashville Public Library and Metropolitan Archives. The Library Director and Archivist may destroy originals of such records if such records have been converted to media of such quality which shall meet the minimum standards of the United States government or are judged to lack historical or legal value as a permanent record.***

By adopting this model the Metro Archives will be able to manage the Archival Records more effectively. Currently, Metro Archives has no authority to consult or influence the originating office or department's ability to remove records from the Archives. Records may be removed by departments from the Archives without notice which negatively impacts the long term storage and preservation of historically significant items. Opportunities to review, recommend, or provide information on best practices for long term preservation of valuable records is not mandated.

Under the current RDA system, records are either appraised by the Metro Archives for retention of those with enduring historical value or are transferred to the Archives at the end of their active departmental use. The appraisal process includes not only assessment for historical value, but administrative, legal, fiscal or intrinsic value. Records not meeting these criteria may be destroyed. Other government records, with statutory or regulatory mandates as permanent are automatically transferred to the Archives after a set retention period.