

Public Records Commission Meeting
June 13, 2017
Metropolitan Courthouse

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

Absent: None

Guests: Randall Williams, and Josh Holloway, ITS; Jamie Michele Donegan, ECC

Staff: Theresa Costonis, Shannon Hall, and Reed Williams

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

The minutes of the November 1, 2016 meeting were approved.

Records Disposition Authorizations

Mayor's Office/Information Technology Services
Metropolitan Clerk RDA 328 - General Records Schedule
Reed Williams presented 1 new disposition for approval.

GRS 123 - Social Media: This records series represents the production of social media content published onto various digital media platforms by the agencies and departments of the Metropolitan Government of Nashville & Davidson County. These postings mainly take the form of public announcements regarding events or news, or shared links of interest, and may incorporate a voluntary response by our citizens or the public at large. Metro reserves the right to moderate, edit, or delete all such comments to ensure appropriate standards of public discourse are observed as outlined in Metro's Social Media Policy. All postings and public exchanges become the property of Metro Government and will be captured and retained for 30 days from the initial posting, including meta-data for every published element of content. After 30 days of the original post, all meta-data owned by Metro, including the public exchanges, will be subject to deletion at Metro's discretion pending there are no notifications of litigation or public records requests filed within this timeframe. Any postings considered to be historical may be offered to the Metro Archives to be retained in their original data format.

Brenda Wynn moved to adopt GRS 123 as presented, which was seconded by Carole Bucy and unanimously adopted.

Metro Water Services
Reed Williams presented 1 new disposition for approval.

RDA 813 - MWS Public Storm Water Plans: This records series documents projects that are undertaken by the Development Services Review division of Metro Water Services. They are used in the review of plans for a grading permit issuance, to determine erosion prevention and sediment control installation, initial EPSC Inspection, routine EPSC and MS4 inspections, as-built submittals and final inspections and approvals. Documents are filed by year and project number, detailing location and description. They will include map and parcels, interoffice memorandums, permits and declarations of restrictions, schedules of inspection and maintenance agreements, schematics, reports, reviews, contractors and invoicing, and other related project records. For retention, files may be destroyed 15 years after completion of project.

Carole Bucy moved to adopt RDA 813 as presented, which was seconded by Kim Legate and unanimously adopted.

Planning Department

Reed Williams presented 3 new dispositions for approval.

RDA 811 - Mandatory Referrals: This records series documents the Planning Department's review process required by the Metro Charter concerning easements and abandonments, right-of-way closures, property acquisitions, surplusing of properties, street renaming, encroachments into a right-of-way, and anything that physically impacts a Metro owned property. Records are filed by individual case number and date. They consist of correspondence between relevant Metro agencies regarding reviews and concurrences; map and district locations; application of property owner; and the Planning Commission's recommendation to the Metro Council. The retention is permanent. Hold 10 years, then transfer to Archives when no longer needed for administrative use. (MTAS L-4; CTAS 19-007)

Carole Bucy moved to adopt RDA 811 as presented, which was seconded by Colby Sledge and unanimously adopted.

RDA 812 - Zone Change: This records series documents the Planning Department's process outlined in the Metro Zoning Code for changing the zoning of an individual piece of property or multiple properties. The zoning classification of a property allows for different uses and different development standards. Records are filed by individual case number and date. They consist of the applicant certificate; map and parcel; correspondence, reviews, and recommendations by the Planning Department, Planning Commission, Codes, Public Works, etc., and the legislation enacted by the Metro Council. The retention is permanent. Hold 25 years, then transfer to Archives when no longer needed for administrative use. (MTAS L-4; CTAS 19-007)

Keith Durbin moved to adopt RDA 812 as presented, which was seconded by Brenda Wynn and unanimously adopted.

RDA 814 - Studies and Reports: This records series documents various studies and reports developed by the Planning Department concerning growth management, infrastructure coordination, economic and housing development, urban and rural boundaries, subarea community plans, long range proposals and land usage, with various statistical research used in the support for the planning and development of our communities. The retention is permanent. Keep for historical purposes. Transfer to Archives when no longer needed for reference. (MTAS L-6; CTAS 19-009)

Kim Legate moved to adopt RDA 814 as presented, which was seconded by Colby Sledge and unanimously adopted.

Public Records Requests Program and Coordinator

As a result of changes to state law, Shannon Hall gave an overview of Metro's changes in its process for public records requests. As of July 1, 2017, state law requires several changes for government entities, the most significant of which are:

- Local governmental entities are required to have their governing authorities adopt comprehensive Public Records Policies, that address specified components; and,
- Each governmental entity's Public Records Policy must include the designation of an individual or individuals to serve as that governmental entity's Public Records Request Coordinator (PRRC).

Because Metro already has well documented public records request policies in place via Mayor Barry's executive order and other related departmental policies, the program goal was to utilize as many of Metro's current provisions for public records requests and make changes to comply with the new requirements of the state law. Metro determined that the Metro Clerk's Office was best suited to serve as Metro's main PRRC for most Metro departments.

While this program is meant to centralize and facilitate most public records requests, it is not meant to inhibit any department from providing constituents or the public with records they provide in the normal course and scope of business directly on the department level. The public records request program is meant to facilitate public record requests that fall outside the scope of public records provided in the normal course and scope of business and information readily available on Nashville.gov or Metro's open data portal.

From a high level, the most notable change is that public records requests for most Metro departments will be directed first to the Metro Clerk's Office as the PRRC. The PRRC will then check for proof of Tennessee residency with the requester and if satisfied, forward to the appropriate Metro departments to fulfill, deny, or request additional time directly with the requester. In accordance with state law, Metro's policy requires that each department must respond to each request, whether fulfilled, denied, or need for additional time, within 7 business days. Once a department has made a determination on each public records request,

the department will complete the Metro public records response form and send one copy to the requester and one copy to the PRRC.

For the most part, most Metro departments are covered under the main Metro public records requests program and policies administered by the Metro Clerk's Office as the PRRC. The exceptions to those Metro entities that are not covered are those Metro entities which are considered separate governmental entities and those Metro departments which have chosen to opt out of the main Metro PRR program. With the assistance of Metro Legal, there are currently 14 Metro departments which have opted out of Metro's main Public Records Request program. Those departments have been advised to finalize and adopt their own policy and appoint their own PRRC by July 1. The Metro Clerk's Office has also requested those departments to also supply contact information and a link to where requesters can make public records requests from that department. For those departments which are covered under the main Metro Public Records Request program, the Metro Clerk's Office will send the Commission's adopted policy and procedures once approved and have those departments identify the records custodian(s) for each department who will serve as the POC for receiving these requests and facilitating department's responses to public records requests.

Keith Durbin moved to adopt the proposed Public Records Request Policy and Procedures as presented, which was seconded by Colby Sledge and unanimously adopted.

Emergency Communications Center

In accordance with the approved Public Records Request Policy and Procedures, Director Michele Donegan of the Emergency Communications Center formally requested to opt out of Metro's main Public Records Request Policy. She stated that the Emergency Communications Center has well documented public record request policies and procedures in place and they will be prepared to appoint their Public Records Request Coordinator by the July 1, 2017 deadline.

Brenda Wynn moved to approve the request of the Emergency Communications Center to opt out of Metro's Public Records Request Policy and Procedures, which was seconded by Colby Sledge and unanimously adopted.

Open Discussion

Reed Williams and Shannon Hall reported to the Commission that Metro Council recently adopted BL2017-612 which amends Title 2 of the Metro Code pertaining to the submission and formatting of agendas and minutes by Metro boards and commissions on Nashville.gov. The goal of these revisions is to ensure all Metro board and commission agendas and minutes are posted promptly to Nashville.gov, with web consistency and in a searchable, electronic format. In order to fully comply, Reed Williams presented a proposed policy for the Commission's review and approval.

Carole Bucy moved to adopt the proposed Public Records Commission policy pertaining to the submission and formatting of the agendas and minutes as presented, which was seconded by Sue Cooper and unanimously adopted.

Reed Williams also reported on the Metro Council's approval of BL2017-657 which allows title transfer of Metro Government records to Metro Archives at the time of transfer to Archives as recommended by the Commission.