

## SULLIVAN COUNTY MODEL PUBLIC RECORDS POLICY

[Effective July 1, 2017]

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Sullivan County, Tennessee [hereinafter "Sullivan County"] is hereby adopted by the County Commission for Sullivan County 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, which for public hospitals shall be during the business hours of their administrative offices, 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 Sullivan County are presumed to be open for inspection unless otherwise provided by law.

*The TPRA does not require Records Custodians to compile information or create or recreate records that do not exist.*

Personnel of Sullivan County shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. 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 the efficient and safe operation of Sullivan County, shall be protected as provided by current law. Concerns about this Policy should be addressed to the appropriate Public Records Request Coordinator ("PRRC") for Sullivan County or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of the Sullivan County Mayor and is posted online at "sullivancountyttn.gov". This Policy shall be reviewed by Sullivan County as needed.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of Sullivan County except for the following offices, departments, or divisions of Sullivan County which have separate public records policies:

- a. Sullivan County Department of Education
- b. Sullivan County District Attorney
- c. Sullivan County Election Commission
- d. Sullivan County Public Defenders Office (2<sup>nd</sup> Judicial District Public Defenders Office)
- e. Sullivan County Register of Deeds Office
- f. Sullivan County Department of Archives and Tourism

Other offices, departments, or divisions of Sullivan County may adopt separate public records policies as allowed by law.

## **I. Definitions:**

- A. 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.
- 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. See Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. Public Records Request Coordinator ["PRRC"]: 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. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

## **II. Requesting Access to Public Records**

- A. Public Records requests shall be made to the Public Records Request Coordinator ("PRRC") identified in Section III, A.3 or his/her designee in order to ensure Public Records requests are routed to the appropriate Records Custodian and fulfilled in a timely manner. Different Public Records Request Coordinators are identified in Section III, A.3 for the several Sullivan County departments. Public Records requests must be presented to the appropriate PRRC as identified in Section III, A.3.
- B. 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.
- C. Requests for inspection only may be made orally to the appropriate PRRC or in writing using the attached Public Records Request Form and presented to the appropriate PRRC. The appropriate PRRC is identified in Section III, A.3.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Public Records Request Form and presented to the appropriate PRRC. The appropriate PRRC is identified in Section III, A.3. A PRRC may accept an oral request and waive the required written request at his/her discretion.

- E. 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.
- F. Marriage licenses from 1863 to present, and minutes of the meetings of the Sullivan County Commission (legislative body) from 1990 to present (1970 through 1990 coming soon) are available online at [www.sullivancountyclerktn.com](http://www.sullivancountyclerktn.com). Also, many of the records in the office of the Sullivan County Trustee can be found online at [tennesseetrustee.com](http://tennesseetrustee.com).

### III. Responding to Public Records Requests

#### A. Public Record Request Coordinator ("PRRC")

- 1. The PRRC shall review Public Records requests and make an initial determination of the following:
  - a. If the Requestor provided evidence of Tennessee citizenship;
  - b. If the records requested are described with sufficient specificity to identify them; and
  - c. If Sullivan County 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. Form(s) required for copies;
    - iii. Fees (and labor threshold and waivers, if applicable); and
    - iv. 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. The request lacks specificity.
    - iii. An exemption makes the record not subject to disclosure under the TPRA.
    - iv. Sullivan County is not the custodian of the requested records.

- v. 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.
- 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 the PRRC for that entity if known.

3. The designated PRRC for each Sullivan County department or office is:

- a. Sullivan County Office/Department: SULLIVAN COUNTY PURCHASING DEPARTMENT
  - i Name or title: KRIS DAVIS, Purchasing Agent.
  - ii Contact information:  
Kris Davis, Purchasing Agent, Sullivan County  
3411 Highway 126, Suite 201  
Blountville, TN 37617  
Phone: (423) 323-6400
- b. Sullivan County Office/Department: SULLIVAN COUNTY PLANNING AND CODES DEPARTMENT
  - i Name or title: AMBRE TORBETT, Director, Planning & Codes Department
  - ii Contact information:  
Ambre Torbett, Director, Planning & Codes Department  
Sullivan County Government  
3411 Highway 126, Suite 30  
Blountville, TN 37617  
(423) 323-6440
- c. Sullivan County Office/Department: SULLIVAN COUNTY PUBLIC LIBRARY
  - i Name or title: HEATHER DUBY, Director
  - ii Contact information:  
Heather Duby, Director  
Sullivan County Public Library  
1655 Blountville Blvd.  
P.O. Box 510  
Blountville, TN 37617  
(423) 279-2716
- d. Sullivan County Office/Department: SULLIVAN COUNTY JUVENILE COURT, DIVISION I (BRISTOL)
  - i Name or title: MICHELE STEADMAN, Director of Court Services
  - ii Contact information:  
Michele Steadman, Director of Court Services  
Sullivan County Juvenile Court, Division I (Bristol)  
801 Anderson St., Room 227

Bristol, TN 37620  
(423) 989-4355

- e. Sullivan County Office/Department: SULLIVAN COUNTY JUVENILE COURT, DIVISION II (KINGSPORT)
  - i Name or title: JOHN EANES, Director of Court Services
  - ii Contact information:  
John Eanes, Director of Court Services  
Sullivan County Juvenile Court Div. II  
200 Shelby Street  
Kingsport, TN 37660  
(423) 224-1730
- f. Sullivan County Office/Department: COUNTY CLERK, SULLIVAN COUNTY
  - i Name or title: TERESA JACOBS
  - ii Contact information:  
Teresa Jacobs  
County Clerk's Office, Sullivan County  
3258 Highway 126, Suite 101  
Blountville, TN 37617  
(423) 323-6428
- g. Sullivan County Office/Department: SULLIVAN COUNTY SHERIFF'S OFFICE
  - i Name or title: CAPTAIN MARK MURPH
  - ii Contact information:  
Captain Mark Murph  
140 Blountville Bypass  
Blountville, TN 37617  
(423) 279-7500 extension 349
- h. Sullivan County Office/Department: SULLIVAN COUNTY CIRCUIT COURT CLERK
  - i Name or title: TOMMY R. KERNS, Circuit Court Clerk
  - ii Contact information:  
Tommy R. Kerns, Circuit Court Clerk  
Blountville Justice Center  
140 Blountville Bypass  
Blountville, TN 37617  
(423) 279-2752
- i. Sullivan County Office/Department: SULLIVAN COUNTY CIRCUIT COURT CLERK
  - i Name or title: MELINDA LASHLEY, Director of Operations, General Sessions Court, Kingsport Justice Center
  - ii Contact information:  
Melinda Lashley, Director of Operations  
Sullivan County General Sessions Court  
Kingsport Justice Center  
200 Shelby Street  
Kingsport, TN 37660  
(423) 224-1714

- j. Sullivan County Office/Department: SULLIVAN COUNTY CIRCUIT COURT CLERK
  - i Name or title: JEFFERY GEORGE, Director of Operations, Law and Juvenile Court, Bristol Justice Center
  - ii Contact information:  
 Jeffery George, Director of Operations  
 Sullivan County Law and Juvenile Court  
 Bristol Justice Center  
 801 Anderson Street  
 Bristol, TN 37620  
 (423) 652-1030
- k. Sullivan County Office/Department: SULLIVAN COUNTY CIRCUIT COURT CLERK
  - i Name or title: LISA DAVIS, Assistant Manager, Kingsport Law Court
  - ii Contact information:  
 Lisa Davis, Assistant Manager  
 Kingsport Law Court  
 City Hall Building  
 225 West Center Street  
 Kingsport, TN 37660  
 (423) 224-2724
- l. Sullivan County Office/Department: SULLIVAN COUNTY TRUSTEE
  - i Name or title: DIANNA BUCHANAN
  - ii Contact information:  
 Dianna Buchanan  
 Office of the Sullivan County Trustee  
 P.O. Box 550  
 3411 Highway 126, Suite 104  
 Blountville, TN 37617  
 (423) 323-6464
- m. Sullivan County Office/Department: SULLIVAN COUNTY EMERGENCY MANAGEMENT AGENCY (EMA)
  - i Name or title: JIM BEAN, DIRECTOR
  - ii Contact information:  
 Jim Bean, Director  
 Sullivan County EMA  
 3193 Hwy 126, Suite 101  
 Blountville, TN 37617  
 (423) 323-6912
- n. Sullivan County Office/Department: SULLIVAN COUNTY CHANCERY COURT CLERK
  - i Name or title: SHARON COLLIER
  - ii Contact information:  
 Sharon Collier  
 Sullivan County Chancery Court Clerk  
 225 W. Center Street  
 Kingsport, TN 37660

- (423) 224-1726
- o. Sullivan County Office/Department: SULLIVAN COUNTY  
HIGHWAY DEPARTMENT
    - i Name or title: CHRIS SALLEY
    - ii Contact information:  
Chris Salley  
Sullivan County Highway Department  
147 County Hill Road  
Blountville, TN 37617  
(423) 279-2820
  - p. Sullivan County Office/Department: SULLIVAN COUNTY  
EMERGENCY MEDICAL SERVICES (EMS)
    - i Name or title: JIM PERRY
    - ii Contact information:  
Jim Perry  
Sullivan County EMS  
3411 Hwy 126, Suite 204  
Blountville, TN 37617  
(423) 323-6474
  - q. Sullivan County Office/Department: SULLIVAN COUNTY  
REGIONAL HEALTH DEPARTMENT
    - i Name or title: ROSEMARY HOLLOWAY
    - ii Contact information:  
Rosemary Holloway  
Sullivan County Regional Health Department  
PO Box 360  
Blountville, TN 37617  
(423) 279-2777
  - r. Sullivan County Office/Department: SULLIVAN COUNTY  
PROPERTY ASSESSOR
    - i Name or title: RANDY MORRELL
    - ii Contact information:  
Randy Morrell  
Sullivan County Property Assessor Office  
3411 Hwy 126  
Suite 103  
Blountville, TN 37617  
(423) 323-6490
  - s. Sullivan County Office/Department: SULLIVAN COUNTY MAYOR
    - i Name or title: RICHARD VENABLE
    - ii Contact information:  
Richard Venable, County Mayor  
3411 Hwy 126, Suite 206  
Blountville, TN 37617  
(423) 323-6417
  - t. Sullivan County Office/Department: SULLIVAN COUNTY OFFICE  
OF ACCOUNTS AND BUDGET
    - i Name or title: ANGELA BENNETT
    - ii Contact information:

Angela Bennett  
3411 Hwy 126, Suite 206  
Blountville, TN 37617  
(423) 323-6417

4. When appropriate or necessary, the PRRC(s) shall make recommendations to the Sullivan County Commission 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 whether an applicable exemption applies, the custodian may consult with the PRRC, 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 included hereinafter.
3. If a Records Custodian denies a Public Records request, he or she shall deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response Form which is included hereinafter.
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 (included hereinafter) 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. 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.



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 Public Records required by law to be open for inspection.
- B. The location for inspection of records within the offices and departments of Sullivan County shall be determined by either the PRRC or the Records Custodian.
- C. An appointment is required for inspection of open Public Records. The Requestor shall contact the appropriate PRRC to schedule such inspection. The appropriate PRRC is identified in Section III, A.3. Inspections shall occur between the hours of 9:00 am and 4:30 pm Monday through Friday except for official Sullivan County holidays or days during which offices containing relevant Public Records are closed. Under reasonable circumstances, the PRRC or a Records Custodian may require inspection of records at an alternate location.

#### **V. Copies of Records**

- A. A Records Custodian shall promptly respond to a Public Records 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 home address by the United States Postal Service. Upon request, copies that are stored by Sullivan County in electronic format may be delivered to the Requestor by email or copied to a Sullivan County supplied thumb drive (subject to payment of costs) which thumb drive may be picked up by the Requestor or mailed (upon payment of postage) to the Requestor by United States Postal Service.
- D. 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 should not be used to hinder access to Public Records.
- B. 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.
- C. When fees for copies and labor do not exceed Five Dollars (\$5.00), the fees may be waived. Fees associated with aggregated records requests will not be waived.
- D. Fees and charges for copies are as follows:

1. \$0.15 per page for letter and legal-size black and white copies.
  2. \$0.50 per page for letter and legal-size color copies.
  3. Other: County offices with specific statutory copy or document charges may charge according to those statutes, e.g., Court Clerks per *T.C.A.* §8-21-401, County Clerks per *T.C.A.* §8-21-701, Register of Deeds per *T.C.A.* §8-21-1001.
  4. Labor when time exceeds one (1) hour.
    - i A Records Custodian shall utilize the most cost-efficient method of producing requested records. Accordingly, a Records Custodian should strive to utilize current employees at the lowest practicable hourly wage to fulfill Public Records requests for copies; however, if appropriate, at the sole discretion of the Records Custodian, employees at a higher hourly wage may be used in order to reduce the amount of time and effort necessary to produce the records.
    - ii In calculating labor charges, a Records Custodian should determine the total amount of labor for each employee and subtract one hour from the labor of the highest paid employee(s). The Records Custodian should then multiply the amount of labor for each employee by each employee's hourly wage to calculate the total amount of labor charges associated with the request.
    - iii Labor is the time (rounded to the nearest quarter hour) actually spent and reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing records.
    - iv The hourly wage of an employee is based upon the hourly wage of the employee 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 week multiplied by 52 weeks. For example, an employee who is expected to work a 37.5 hour workweek and receives \$39,000 in salary on an annual basis will be deemed to be paid Twenty Dollars (\$20) per hour.
  5. If an outside vendor is used, the actual costs assessed by the vendor.
  6. A Records Custodian may charge its actual out-of-pocket costs for flash drives or similar storage devices on which electronic copies are provided. When providing electronic records, a Records Custodian may charge per-page costs only when paper copies that did not already exist are required to be produced in responding to the request, such as when a record must be printed in order that information may be redacted.
- E. No duplication costs will be charged for requests for less than One Dollar (\$1.00) or for requests of five (5) pages or less.
- F. Subject to the discretion of the Public Records Request Coordinator, payment may be made in cash, by personal check, or by credit card payable to Sullivan County; however, form of payment is to be determined at the sole discretion of the Public Records Request

Coordinator for each Sullivan County department. Payment may be presented to the Records Custodian.

G. Payment in advance will be required when costs are estimated to exceed Twenty-Five Dollars (\$25.00).

H. Aggregation of Frequent and Multiple Requests.

1. Sullivan County will aggregate record requests 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.
2. Records requests will be aggregated at the county level, i.e., requests will be aggregated for all departments and offices of Sullivan County government.
3. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the Records Custodian shall inform the individuals that they have been deemed to be working in concert.
4. Disputes regarding aggregation shall be brought to the OORC (Office of Open Records Counsel).