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# Office Efficiency Review

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Town of Bell Buckle  
Tennessee

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March 2015

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Town of Bell Buckle Tennessee

## Office Efficiency Review

At the request of the Bell Buckle Board of Mayor and Aldermen, MTAS was engaged to conduct an office efficiency review for the purpose of identifying enhancements to office processes and procedures.

To assist MTAS in the review, a list of areas deemed ripe for special focus was provided by the town and is included as Attachment 1.

The review was completed with the assistance of Town Recorder Janet Robinson and Customer Service Representative Debby Snell. MTAS Management Consultants Dana Deem and Jeff Broughton were tasked with the assignment.

The following observations and recommendations are offered for consideration of the town.

### General Record Keeping

The filing system for ordinances, resolutions, board and commission minutes, contracts, and general correspondence were reviewed.

- **Ordinances** – The town incorporates a logical numbering scheme for ordinances with the first two digits representing the calendar year and the last three digits representing the order of adoption. (Ordinance No. 15-001 represents the first ordinance adopted in calendar year 2015). Furthermore, ordinances are not numbered until passed on final reading, which assures a higher level of numbering control for record management retrieval in the future. Ordinances are maintained in chronological order in a 3-ring notebook.

#### Recommendations:

- (1) A multiple page ordinance should include the ordinance number on every page, the total number of pages on every page, and the number of each specific page. The implementation of such a system will enhance the integrity of record retrieval in the future as it will be clear if the ordinance in its entirety is intact. The recommended numbering scheme recommended for page 2 of a 4 page ordinance would be as follows:

Ordinance No. 15-01

Page 2 of 4

- (2) To facilitate record retrieval, an index should be incorporated into the front of the ordinance book and be updated with the passage of each subsequent ordinance. The index should contain the number, title, and date of passage of each ordinance.
- (3) Separation dividers (calendar year) should be incorporated as the ordinance book contains multiple years of activity.

(4) The numbering sequence could be changed to 4 digits to simplify the scheme and better reflect activity levels (15-01).

- **Resolutions** – The numbering scheme for resolutions is similar to that used for ordinances, which likewise are kept in chronological order, in their own 3-ring notebook.

Recommendations: A multiple page numbering scheme, index, and separation dividers as discussed in (1), (2), and (3) above should be instituted.

- **Minutes** – Meeting minutes for all boards and commissions are maintained in separate books or folders, including the board of mayor and aldermen, planning commission, board of zoning appeals, beer board, and historic commission. Action minutes are employed that minimizes administrative effort in preparation and is a best practice. BOMA meetings are taped to facilitate the drafting of action minutes and the recorder utilizes a short-hand tracking system to record motions and votes. Approved minutes are retained in paper form.

Recommendations:

- (1) Multiple page minutes should include the board name on every page, the meeting date on every page, the total number of pages on every page, and the number of each specific page, as follows:

Bell Buckle Planning Commission  
March 5, 2015  
Page 3 of 3

- (2) Minute books should be separated by year to ease retrieval.
- (3) Audio tape recordings of meetings should be destroyed or erased upon formal adoption of the minutes in paper form. Should the board desire to maintain an audio tape for some longer period, a local policy should be formally adopted by the board to establish such practice. It is recommended that a tape retention policy, if enacted, not be for a period longer than one year.

- **Contracts** – Contracts (as distinguished from individual utility customer agreements) are filed by subject area, such as water or sewer.

Recommendations:

- (1) A master contract file should be maintained where every contract is placed by subject area.
- (2) Each contract should be reviewed and indexed to incorporate the following information, which should be placed in the front of every file folder:

Contractor Name  
Date Contract Approved  
Expiration Date  
Option Date (if applicable)

(3) A suspense (tickler) file should be established and placed in the front of the master contract file to provide a reminder in advance of an expiration or option date so that the city can take necessary action in a timely fashion.

- **Correspondence Files** – Letters and other correspondence are filed by subject area. Filing by subject area is a good practice and facilitates the ease of record retrieval in the future.
- **Site Permits** – Site permits and related site plans are maintained in folders in alphabetical order, and are filed in the appropriate folder in chronological order by the last name of the applicant. Thus a site plan approved for Adam Smith is filed under “S”. In addition, sign permits - a newly adopted permit process - are also placed in these alphabetical files in the same way. The town is in the process of establishing its own building permit and inspection process, having recently adopted the 2009 International Building Codes, and is in the process of hiring a building code official.

Recommendations:

- (1) Development files (newly named), should be maintained by common street address.
- (2) Every permit issued for a project should be maintained in each common file, such as building permits, site plans, sign permits, and the like.

- **Grants** – Grant applications and awards are filed in the subject area of the grant, such as water or sewer.

Recommendation: It is recommended that all grant applications and award contracts are maintained in a separate file area labeled as “grants”. The files should be maintained by granting agency with each discrete application and grant award maintained in its own separate folder.

- **Open-air Filing** – Many records are stored in folders on open shelves, some in a closed storage room and others in an open office work area, subjecting those records to a greater potential for physical loss, or misplacement due to mishap. All sensitive data – including personnel records, 1099’s, and utility customer information - is properly being maintained in a locked drawer or in the closed storage room which is kept locked when the staff is not present.

Recommendation:

- (1) It is recommended that filing cabinets be used to store all records kept in file folders, including contracts, correspondence, and personnel files. Any file material that contains sensitive personal information should continue to be stored in a locked drawer, with access only by authorized personnel.
- (2) The use of colored file folders can be employed to differentiate between record categories.

## Utility System Records and Billing

The Town of Bell Buckle operates a water distribution system and sewer collection and disposal system, with a total of approximately 800 water system customers and 225 sewer system customers.

- **Water and Sewer Customer Files** – Records are maintained for each service address which are filed utilizing a numbering scheme of route number, street address, and customer. A file will include some or all of the following: service application, water service agreement (for service outside of the town limits), a credit check, emergency contact information, and ACH form. Each file contains all customers that have taken utility service at the service location, and thus includes active customer accounts, final-read out customer accounts awaiting final payment; and inactive customer accounts.

### Recommendations:

- (1) Utility customer files should be filed by street address.
- (2) A separate folder should be established for each discrete customer taking service.
- (3) Active files and inactive files should be stored in different locations.
- (4) Inactive files should be destroyed in accordance with the MTAS record retention schedule which is found under Part 4 of the MTAS document titled *Records Management for Municipal Government: A Reference Guide for City Officials and Municipal Public Records Custodians* (Attachment 2). The most current schedules (as some may have changed) can be found online at <http://resource.ips.tennessee.edu/reference/retention-schedules> (Reference Number: MTAS-525).

This MTAS document contains a basic summary of laws, regulations and practices regarding records management by city governmental offices. Please note that this is an archival document intended for informational purposes only and should not be considered authoritative. The content may be outdated and the laws referenced therein may have changed or may not be applicable.

- **Utility Billing** – Utility bills are sent monthly to customers on a consistent schedule. With only an occasional exception, postcard bills are placed in the U.S. Mail on the 26<sup>th</sup> day, unless the 26<sup>th</sup> day falls on a Saturday, Sunday, or a city-celebrated holiday, when it is placed in the mail on the previous business day. The bills are due on the 10<sup>th</sup> day of the following month; thus providing a customer approximately 2 weeks to make payment before the due date.

Meters are normally read in 2 business days using three meter readers, with the reads completed by the 16<sup>th</sup> or 17<sup>th</sup> day of each month. This provides approximately 10 days for the data to be entered into the United Systems billing software, as well as time for meters to be re-read when unusual volumes are recorded. Staff indicates that the data entry time is typically 2-3 days, depending on the press of other town business. Data entry staff is responsible for identifying unusual account activity. All meters are read each month. It is our assessment that the meter reading and billing schedule is working effectively with the proper protocols in place.

### Recommendations:

- (1) The United Systems billing software has an “irregular usage report” that should be activated to alert staff to unusual customer volumes.

(2) The town should evaluate the institution of automated meter reading technology, which can streamline the meter reading process, improve operational efficiency and reduce costs.

- **Utility Service Termination** – A customer receiving their final read-out bill is maintained in the United Systems billing software as an active account until final payment is received, at which time the customer account is moved to inactive. This can result in two customers being shown as active customers in the billing system at the same service location. The staff indicates that this practice has been found to be the best way to monitor payment status for read-out customers until the final bill is paid.

Recommendation – The billing system software should be explored to determine if the software is designed to provide a way to reflect a final read-out customer as other than an active customer without closing the account out completely and increasing the difficulty in tracking delinquent accounts.

- **Utility Cut-off** – Section 18-115 of the Code of Ordinances provides as follows:

**18-115. Billing due date.** The customer shall be required to pay his bill by the due date as noted on his bill. The customer's failure to pay by the due date shall constitute a penalty which will be added to the bill. Should the due date for payment of a bill fall on a week-end or a holiday observed by the town, the bill may be paid on the following business day at the net amount. If the bill remains unpaid-the service will be cut off on the 20th of the month without further notice. (Ord. #08-008, Sept. 2008)

The city employs a practice of sending a courtesy reminder on the 12<sup>th</sup> or 13<sup>th</sup> day of the month before the cut-off date of the 20<sup>th</sup>. Accordingly, the courtesy reminder is sent a day or two following the due date and approximately one week before the cut-off date is reached. As informally approved by the board, an exception cut-off date policy is in effect that gives staff discretion to allow a payment to be made after the 20<sup>th</sup> and not subject the customer to cut-off on that date. If the “agreed-upon” date to make payment is not met by the customer, the cut-off takes place.

Recommendations:

- (1) The informal cut-off exception policy should be reviewed by the board of mayor and aldermen and formally confirmed or modified so that board and staff are clear on the cut-off policy and any discretion given to the staff when administering said policy.
- (2) An agreement should be used and placed in the customer’s account file to delineate the terms of any cut-off exception, or for any other delinquent payment plan agreement, that may be established by the board of mayor and aldermen.

- **Utility Cut-off Cost** – Section 18-121(3) of the code of ordinances provides the following to guide the restoration of utility service following a cut-off for non-payment:

Service will be reinstated only during regular working hours. Monday 8:00 A.M. - 4:00 P.M.; Tuesday 8:00 A.M. – 12:00 Noon; Wednesday 8:00 A.M. – 12:00 Noon; Thursday 8:00 A.M. – 4:00 P.M.; Friday 8:00 A.M. – 12:00 Noon.

A graduated fee schedule is in effect for service restoration during regular working hours that starts at \$35 and increases up to \$100 during each calendar year based on the number of cut-offs that occur. In addition, a \$60 after-hours fee is in effect. The fee schedule adopted is designed to encourage service restoration during normal business hours which will mitigate overtime payment.

- **Utility System Mapping** – Water distribution and sewer collection maps are available to staff in both paper and electronic format, using ArcGIS software. This includes lines, valves, and appurtenant structures. The mapping is maintained and updated by Littlejohn, an engineering firm engaged by the town for this purpose. It is the assessment of staff that the mapping data has a high degree of accuracy and completeness.

## Public Records

Requests for public records are guided by Tennessee Code Annotated Title 10, Chapter 7, Part 5. The statute requires that all municipal records be at all times, during business hours, open for personal inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. Records custodians must, within seven days of a records request, produce the record; deny the record in writing, giving the basis for denial; or provide an estimated time frame for production. The town has set a fee of 15 cents per page copied. As is a common practice in many cities, a copy of a city document is often provided to a citizen without cost if the record is easily reproduced. The town recorder has been designated as the record custodian.

- **Forms and Fees** - The Tennessee Comptroller of the Treasury has developed model forms that can be used to comply with public records requests. In addition, a schedule of reasonable charges has been promulgated that if adopted and used by the town, provides as safe-harbor to the town that the fees are reasonable and appropriate.

### Recommendations:

- (1) An ordinance establishing a process for the inspection of public records be adopted, including a fee schedule consistent with those promulgated by the Comptroller of the Treasury. The MTAS model ordinance is found under Attachment 3.
  - (2) The town should institute the use of the model forms for public record requests and denials drafted for potential use by cities by the Comptroller's Office. The model forms with instructions are found under Attachment 4.
- **Copying and Fax Services** – The town has established the practice of providing copying and fax services as a service to the community. A fee of 50 cents per page to copy a personal document, and \$1.00 a page to fax a personal document, has been established by the board.

Recommendation: It is recommended that the fees be charged and collected prior to any personal document being copied or faxed for the public at-large.

- **Tapes and Records Involved in a Lawsuit** - The disposition of an audio tape, paper record, or electronic record associated with any ongoing litigation or pending lawsuit should be discussed with your attorney before proceeding with any disposal action.

## Other Issues

The following other observations and recommendations are offered for consideration.

- **Personnel Policy** – A personnel policy has not been adopted by the town to guide personnel practices, benefits, and procedures.

Recommendation: The adoption of a personnel policy should be considered as one of the highest priorities for the board in the coming year. A copy of the MTAS model personnel policy for small cities, as well as examples of other policies adopted in area cities, will be provided under separate cover as a starting point to draft one for use in Bell Buckle.

- **Customer Service** –
  - (a) On occasion, it is reported that there are customer backups at town hall for those choosing to conduct town business in person. It is our understanding that when available, both staff members will serve customers waiting in line. Without an increase in office staff, this approach is the most customer-friendly approach available.
  - (b) Limited parking around town hall can be enhanced for area businesses and customers by the parking practices of town staff. It is our understanding that a policy has been placed into effect requiring town employees to park across the driving aisle on the far side of the public parking lot, thus freeing up more desirable spaces closer to town hall and businesses to customers.
  - (c) Employees can be found working after the office is officially closed for the day, but there is an expectation by some residents that that staff should open the doors to them irrespective of the closing hour, as if the office is open. Business hours are prominently placed on the front doors of city hall, and readily be found on the website. In addition, a night deposit is available when the office is closed. Town hall is open for business from 8:00 a.m. – 4:00 p.m. on Monday and Thursday; and from 8:00 a.m. – 12:00 Noon on Tuesday, Wednesday, and Friday. It is our understanding that this schedule was established when the office was staffed by one person and was set to accommodate the time needed by the recorder to conduct banking and other town business out of the office. A part-time employee is now employed to assist with town hall business.

Recommendation: – The board should revisit the business hours of town hall and adjust the schedule, as necessary, to meet the service level desired by the board. The cost of any increase in business hours should be recognized when determining a change in business hours as it may require additional staff hours to properly staff the office with a change.

- (d) A telephone call to town hall may receive a busy signal as only one line is in use. After hours, the calls go directly to voice mail.



Recommendation: - Consideration should be given to adding a second telephone line if it is determined that telephone traffic warrants the additional cost.

- **Accounting Software** – QuickBooks is the accounting software used by the town. The software does not interface with the United Systems utility billing software, necessitating double entry of utility financial information into QuickBooks. Furthermore, the Comptroller of the Treasury is in the process of establishing a rule that will, if implemented, mandate that all cities utilize a standardized chart of accounts promulgated by that office.

Recommendation: It is recommended that no change in accounting software be taken until a decision is made by the Comptroller's Office regarding the implementation of a statewide, standard chart of accounts.

- **Payroll** – QuickBooks software is used for payroll purposes. Paychecks are prepared for 7 staff members on a bi-weekly basis. Reportedly the payroll preparation process is completed in 2-3 hours each pay period. The payroll process is not a significant burden on staff time and appears to be satisfactorily meeting the needs of the town.
- **Code of Ordinances** - The Bell Buckle code of ordinances is maintained by MTAS on a fee basis. The code was last updated in September 2010. The web-hosting option has not been selected by the town.

Recommendations:

- (1) The municipal code should be updated since five years has passed since its last update.
- (2) Upon passage of every ordinance, a paper copy of the ordinance should be placed in a master file copy of the code kept at town hall under the appropriate title, to facilitate knowledge that the code was modified between formal printed updates.
- (3) An evaluation should be made to contract with MTAS to provide an annual update service, which results in the municipal code being updated each year to incorporate recently adopted ordinances. The annual fee for this service is \$200, which includes the web hosting of the full code, charter, as well as 10 copies of the updated pages. In addition, a charge of \$21.00 per page changed is assessed based on the number of pages that are modified by the ordinances adopted during the year.

- **Office Standard Operating Procedures Manual** – The office activities of the Town of Bell Buckle are handled by two dedicated staff members. But with only two members, the town is at an institutional risk if either or both members leave the workforce.

Recommendation: It is recommended that the town recorder develop an office policy and procedure manual setting forth the monthly, quarterly, semi-annual, and annual activities that are attended to by office staff, as well as a summary of the activities required to complete each event. This events calendar and activity processing manual will provide useful guidance to others that will follow in the future. The manual should be developed piece-by-piece over time, and updated when practices or policies require adjustment. The policy will

provide future staff with a good starting place to understand the responsibilities of the office, and activities that must be undertaken.

- **Meeting Agenda** – The town has an operating practice of providing agenda packets for board of mayor and aldermen meetings on the Friday before the monthly Tuesday night meeting. This is a good practice as it provides ample time for the board to become conversant with the action items in advance of the meeting.

The meeting packet includes the agenda, minutes, financials, and all action items.

Recommendation: It is recommended that the board of mayor and aldermen meeting agenda be modified to match the nomenclature of municipal government business, and to provide a place for activities that will take place at a meeting. A suggested format follows. Please be advised that the items can be placed in any order to suit the business needs and desires of the town.

Town of Bell Buckle Tennessee  
Board of Mayor and Aldermen Meeting  
March 1, 2015

Agenda

1. Call to Order
2. Roll Call
3. Agenda Additions
4. Approval of Minutes
5. Proclamations and Recognitions
6. Reports
7. Presentations
8. Public Hearings
9. Appearance of Citizens
10. Appointments
11. Ordinances and Resolutions
  - a. First Reading of New Ordinances
  - b. Adoption of Ordinances (Second Reading)
  - c. Resolutions
12. Miscellaneous
13. Board comments
14. Adjournment

- **Town Administrator** – With the complexity of operating a municipal government and the ever-demanding needs to meet the service expectations of residents, the board should consider the employment of a town administrator to oversee the day-to-day operation of the town. Section 6-4-101 of the city charter authorizes the creation of this position:

## PART 1 -- CITY ADMINISTRATOR

**6-4-101. Duties.** (a) The board may appoint a city administrator who shall be under the control and direction of the board. The city administrator shall report and be responsible to the board.

(b) The board may, by ordinance, require the city administrator to perform any or all the following duties:

- (1) Administer the business of the municipality;
- (2) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;
- (3) Keep the board fully advised as to the conditions and needs of the municipality;
- (4) Report to the board the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;
- (5) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;
- (6) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and propose personnel policies and procedures for approval of the board; and
- (7) Perform such other duties as may from time to time be designated or required by the board. [Acts 1991, ch. 154, § 1.]

Many smaller cities in Tennessee (and across the nation) utilize a professional manager / administrator to enhance the success of the governing body, and thereby the community and its residents. A few of those cities in middle Tennessee include Chapel Hill (1,445), Cornersville (1,194), Eagleville (604), and Berry Hill (537).

The International City Management Association (ICMA) publication titled *Professional Local Government Management: The Benefits to Your Municipality* is found under Attachment 5.

A model ordinance creating a town administrator position is found under Attachment 6.

# Attachment 1

Town of Bell Buckle Comments on  
Office Efficiency Review Focus

## Attachment 1

### Office Efficiency Review

#### 1. Filing system

- a. Document handling is in crisis. On water side, there may need to be a complete rework. On the Town side, "system" could possibly be more easily understood by labeling, dividers, or color coding. Goal should be that if anyone is out of the office, personnel or officials both with permission and/or authority could look through our files and find what they are looking for.
- b. Department separation (ie permits for water/sewer vs. permits for signs)
- c. Diary for follow up
- d. Availability of documents for public review and/or requests for information from public.
- e. Contact info
- f. Project files
- g. Mapping
- h. Tapes – destroy or file with attorney in regards to lawsuit materials
- i.

#### 2. Billing system

- a. Bills are not sent out on consistent schedule – need to go out no less than 10 days before they are due; preferably 14
- b. Transactions between inactive, active, and final accounts need to be improved especially before meter reading
- c. Cut-offs are not being enforced per water rules and regs. Have an informal method that was board approved that if someone is going to be late paying a bill (ie bills are due on 10<sup>th</sup> but they get paid on 15<sup>th</sup> and always pay at that time) then we have them fill out a form and if that is adhered to then all is good; if not, water is cut off. Office seems to randomly enforce according to who it is.
- d. In regards to "c" above, this has resulted in back pay with running balances. How to effectively eliminate?
- e. In regards to "c" above, this practice seems to be enforced discriminately. For example, some are allowed to be late and some are not depending on who they are and past history. Repercussions for allowing any of the above to happen?

Attachment 1  
(Continued)

3. Communication

- a. Not good between staff members and there's only 5
- b. There is no Personnel Policy. Employees are confused with allowed vacation and sick time.

4. Administration

- a. Meter readings need to be put in ASAP. A reread list should be ready around 3 days after the sheets are turned in to the office. Because there are often some that have to be reread due to the meters being submerged
- b. Though not frequently, there are times when there are customer back ups in Town Hall. When this happens, we need to have procedures in place where town personnel communicate this with one another and use both office staff members to alleviate wait times.
- c. Would another phone line be beneficial or too costly? Hard to get cell phones to pick up inside town hall.
- d. Payroll is still done by hand.
- e. Accounting software seems to cause more time delays than efficiency in handling town finances.
- f. Minutes are still taken by hand. The transcribing of minutes from BOMA and committees has begun a time warp for town recorder.
- g. Use of fax and copy machine should be charged for everyone who uses it. Seems there is discrimination as to who does and who does not pay for it. (Enforcement issues seem to be theme here)

5. Miscellaneous

- a. Customer goodwill. Some customers are aggravated when Town Hall is closed but they know employees are there and won't answer door or phone. Parking is limited so employees park directly in front of town hall. Customers know they're there because they know they're cars. Taking prime parking spots have also caused some rumblings.

## Attachment 2

Records Management for Municipal Government:  
A Reference Guide for City Officials and Municipal  
Public Records Custodians (2007)



5-31-2008

# Records Management for Municipal Government: A Reference Guide for City Officials and Municipal Public Records Custodians (2007)

Dennis Huffer

*Municipal Technical Advisory Service*

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# RECORDS MANAGEMENT FOR MUNICIPAL GOVERNMENT

*... a reference guide for city officials  
and municipal public records custodians*

By Dennis Huffer, Legal Consultant

THE UNIVERSITY of TENNESSEE   
MUNICIPAL TECHNICAL ADVISORY SERVICE

*In cooperation with the Tennessee Municipal League*



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# RECORDS MANAGEMENT FOR MUNICIPAL GOVERNMENTS

*... a reference guide for city officials  
and municipal public records custodians*

May 2008

**Dennis Huffer, Legal Consultant**

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The Municipal Technical Advisory Service (MTAS) was created in 1949 by the state legislature to enhance the quality of government in Tennessee municipalities. An agency of the University of Tennessee Institute for Public Service, MTAS works in cooperation with the Tennessee Municipal League and affiliated organizations to assist municipal officials.

By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works,

law, ordinance codification, and water and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

MTAS provides one copy of our publications free of charge to each Tennessee municipality, county and department of state and federal government. There is a \$10 charge for additional copies of "Records Management for Municipal Governments."

Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, contact the MTAS Knoxville office at (865) 974-0411.

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Dear City Official:

This manual is presented as a basic summary of laws, regulations and practices regarding records management by city governmental offices. It is intended to replace the previous publication of this office written in 1987 by Harold Yungmeyer entitled *Records: What to Save, What to Toss...and When*. This more comprehensive manual contains additional information on records management, including new provisions addressing the many changes in technology in recent years.

We have tried to make this publication as timely and accurate as possible. Please be aware, however, that laws and regulations affecting local governments are in a constant state of change. When relying on information in this publication about a specific law or regulation, one should always consult the specific statute or regulation itself to ensure that the law has not been amended or repealed. Consult with your city attorney or other legal counsel when necessary.

The MTAS staff hopes this manual will be useful to you and will help increase the efficiency and effectiveness of your offices. Please contact us if you have questions or comments regarding this publication. As you will note in the Acknowledgments, a number of people have assisted us in preparing this document. We are indebted particularly to the County Technical Assistance Service, whose *Records Management Manual for County Governments* we have adapted here for use by cities.

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# TABLE OF CONTENTS

## PART ONE: INTRODUCTION

Reasons for Records Management .....	1
Space .....	1
Records Serve as a Legal Foundation .....	1
Open Records Requirements .....	1
Historical Preservation of Documents .....	2
Purposes of this Manual .....	2

## PART TWO: LEGAL ISSUES

Introduction .....	3
Laws That Require Records to Be Kept .....	3
Federal Laws and Regulations .....	3
State Laws and Regulations .....	3
Basic Record Keeping Statutes .....	4
The State Public Records Commission .....	4
Public Access .....	4
Tennessee Public Records Statutes .....	5
Who Has Access? .....	5
How Should Access Be Provided? .....	5
Denial of Access — Liability .....	6
Which Records May Be Subject to Public Access? .....	7
Confidential Records .....	7
Maintenance of Confidentiality .....	9
Other Issues .....	9
Student Records .....	10

## PART THREE: RECORDS MANAGEMENT

The Basics .....	11
Step One: Evaluate .....	11
Step Two: Develop RDAs .....	12
Step Three: Develop Written Policies and Procedures ...	14
Step Four: Continuing Maintenance .....	14
Conclusion .....	14
Establishing a Records Management Program .....	14
Becoming Active and Progressive .....	15
Lamination .....	16
Copying Charges .....	16
Disposal of Records .....	16
Checks and Balances .....	16
What Kind of Record Is It? .....	17
Working Papers .....	17
Temporary Records .....	17
Alternative Formats for Temporary Records .....	17

Permanent Records .....	18
Photographic or Electronic Preservation of Permanent Records .....	18
Special Considerations .....	18
Audits .....	18
Exhibits and Evidence in Court Cases .....	18
City Hospital and Other Health Records .....	19
Proper Storage Conditions .....	20
Records Centers .....	20
Establishing Archives .....	21
Specifications .....	22
Archives Storage and Management Space .....	22
Technical Assistance .....	23
Disaster Preparedness .....	23
Contingency Plans .....	23
Vital Records Protection .....	24
Recovery of Stolen or Misappropriated Records .....	25
Alternative Storage Formats .....	25
Microfilm .....	25
State Microfilming Program .....	26
Technical Guidelines .....	26
Technical Assistance .....	27
Electronic Records .....	27
Caveats and Concerns .....	27
Conclusion .....	28

## PART FOUR: RETENTION SCHEDULE

### MUNICIPAL RECORDS RETENTION SCHEDULE INDEX

#### APPENDICES

A: Statutory Provisions Governing Municipal Public Records .....	107
B: Tennessee Archives Management Advisory (TAMA) 99-007 .....	108
C: Sources of Additional Information .....	119
D: Records Inventory Worksheet .....	122
E: Records Disposition Request and Authorization Form .....	123
F: City of Knoxville Certificate of Records Disposal .....	124
End Notes .....	125



## PART ONE: INTRODUCTION

Records management is often an overlooked issue in both public and private sector offices; however, this task is becoming more vital every day. In this information age, everyone, from the average citizen to the largest corporation or government, must find a way to preserve, manage, store and organize their records. Whether your city has a population of 1,500 or 650,000, it is necessary to keep accurate wage and hour records on employees and have a comprehensive system for tracking documents. Good managers will expend significant time and effort in planning and making decisions about their labor force and their facilities, but few take the time to think about their records. The records of an office are often as essential to its operation as its employees, facilities and equipment. New employees can be hired and trained to replace those who leave; new office space and equipment can be leased or purchased to replace anything that is lost, even in cases of the worst disasters. If your records are lost or destroyed, however, there is nowhere to go to purchase a replacement, and they often cannot be recreated.

For certain city officials, such as the city recorder, record keeping is one of the most important duties and purposes of the office. For others, such as employees of a police department, record keeping is incidental to the fundamental purpose of the job, which is law enforcement. Nevertheless, these offices still must comply with federal and state statutes that require accurate records regarding personnel, finances, and other aspects of the office. Good records management practices will benefit both types of offices.

### REASONS FOR RECORDS MANAGEMENT

Proper records management not only conveys organizational and management benefits to

an office, but also, for local government offices, it is a vital task, necessary for fulfilling important legal requirements and duties. The following are just a few of the reasons your city should take records management seriously.

#### Space

In many cities, finding sufficient space for records is a real problem. It is rare for a city department to have all the space it needs. Most local officials would complain that the necessary records of the office are rapidly filling up all available space. City halls are overfilled with old and archived records, often found stuffed into basements, storage closets and attics. For this reason alone, it is important and cost effective for a city to implement a records management program.

#### Records Serve as a Legal Foundation

In a society of laws, both local governments and the citizens they serve are dependent upon good documentation to define their legal status. Court orders, tax records, and minutes of city council meetings are just a few examples of important documents that create relationships, establish rights or liabilities, and authorize certain actions. When disputes arise over legal issues, it is important to have good documentation on which to rely. Local governments have an important responsibility to preserve these records. Proper records management will ensure that these records are preserved and can be found when needed.

#### Open Records Requirements

Since government records generally are open to public inspection, the task of managing records becomes even more important and more complicated. The principle of allowing public access to government records, combined with the so-called



Sunshine Law, which requires open meetings, is considered an important check on government and an important defense against corruption in public office and mismanagement of public resources. Unless there is a specific statutory exemption that makes a record confidential, the public has the right to inspect and copy the records of government agencies. So not only must you, as a municipal official, preserve and keep records, you must allow public access to these records for inspection. Unless your records are well organized and well protected, you may not be able to comply with public requests for information. This can undermine public confidence in government and hinder your city's relationship with the citizens it serves.

### **Historical Preservation of Documents**

Cities play a vital role in preserving our nation's history. The documents and records of local governments give us insights into the lives of our ancestors and the circumstances of their times. Cities with too many records and too little space for them routinely end up placing them wherever they can. In many cases, these storage areas don't adequately protect records from the elements. Heat, moisture, mildew, insects and vermin can quickly render records useless. Your municipality and its citizens may be losing important information as well as a part of the community's heritage. With proper records management, the important records are preserved; the less essential records are destroyed when no longer useful so they do not take up valuable space; the records are catalogued and organized so that officials and the public can access them; and records are stored under proper conditions to enable long-term preservation.

### **PURPOSES OF THIS MANUAL**

This manual is intended to be a resource to help city officials and other individuals implement a proper records management program in their cities. In this manual you will find a discussion of guidelines for storing records in alternative formats such as

microfilm, microfiche, and the various electronic and computer storage media; suggestions about contingency planning for disaster recovery and records storage; and general information on records management, as well as a list of other sources of information on these topics. Although many of these issues are too complex to cover fully in this publication, it is hoped this manual will highlight the issues that should concern city officials and records custodians.

Most of this manual consists of appendices of records retention schedules for the major types of records kept by a city. These schedules describe the records, indicate whether they are permanent or temporary records, and establish the amount of time a temporary record must be kept before it can be destroyed. The Municipal Technical Advisory Service, a unit of the University of Tennessee Institute for Public Service, is authorized by law to produce such schedules as a guide to city officials in determining the proper disposition of their records.<sup>1</sup>



## PART TWO: LEGAL ISSUES

### INTRODUCTION

City governments and all the secondary offices, boards, committees and commissions of a city are creations of the law. They find their origin in either the Tennessee Constitution or statutory law. It is a long-established principle in Tennessee law that municipalities can do only those things that the law authorizes them to do.<sup>2</sup> Therefore, it is vitally important to any operation of city government to know what the laws are that authorize the city to perform a function and to know what the laws are that place limitations around that authority. There are laws that require cities and all local governments to keep records and laws that govern how a city manages its records. Both of these topics are examined in this section.

### LAWS THAT REQUIRE RECORDS TO BE KEPT

Not every record in a government office has a corresponding statute or regulation requiring that it be kept. Many records are generated simply in the ordinary course of business without any formal legal authority mandating their creation. But the creation and preservation of certain other records are required by specific laws. Since these laws affecting individual records are referenced in the retention schedules at the end of this manual, this chapter discusses the sources of those laws more generally.

### Federal Laws and Regulations

Municipal officials should be aware that federal laws and regulations require them to keep certain records. This is particularly true of payroll information and other employment-related records. Most of the laws regarding how we hire, fire, compensate and treat employees are generated at the federal level. The Family and Medical Leave Act, the Fair Labor Standards Act, and the Occupational

Safety and Health Act are just a few of the acts that place certain burdens on employers to keep records regarding their employees.<sup>3</sup> These statutes also generate another layer of federal regulations that govern the implementation and enforcement of the acts. In addition to personnel issues, federal laws and regulations also touch topics as diverse as student records<sup>4</sup> and wastewater management. Laws passed by the U.S. Congress are codified in the *United States Code* (U.S.C. or U.S.C.A. for *United States Code Annotated*). The massive amounts of rules and regulations generated by the different federal agencies are found primarily in the *Code of Federal Regulations* (C.F.R.).

### State Laws and Regulations

Since municipal governments are instrumentalities of the state, some of the laws addressing what records need to be kept by city offices and how those records should be managed are found in the *Tennessee Code Annotated* (T.C.A.). As with the federal government, the state of Tennessee also has a set of rules and regulations promulgated by state agencies, boards and commissions, which are published by the secretary of state and known as the Official Compilation — Rules and Regulations of the State of Tennessee.

The duties of many city officials are set forth in Title 8 and in the general law charters in Title 6 of the T.C.A. Other duties and responsibilities are found in private act charters. For many offices, there are requirements included in the duties of the office to keep and preserve specific types of records. Certain city officers and employees, such as the city recorder, human resources manager and court clerk have a major record-keeping function. The





proper and efficient performance of these duties is necessary not only for the continued operation of the city government, but also for the preservation of order in our society. Even offices without a primary record-keeping function are required to keep records.

Even though city officials may change with every election, the offices themselves must maintain a level of continuity. To ensure this, the responsibility for keeping and turning over the records of city offices was specifically addressed in the statutes requiring officials to be bonded. Part of what is insured by the bond of an official is the fulfillment of a duty to "... faithfully and safely keep all records required in such principal's official capacity, and at the expiration of the term, or in the case of resignation or removal from office, ... turn over to the successor all records and property which have come into such principal's hands ...."<sup>5</sup> Failure to do so can result in recovery against the insurance company or sureties on the bond who may, in turn, proceed against the official in his or her individual capacity for subrogation of the claim.

### Basic Record-Keeping Statutes

Both older state laws and their more modern counterparts are found primarily in Title 10, Chapter 7 of the T.C.A. Parts 1 and 2 of that chapter contain a number of statutes governing preserving, transcribing and indexing records. Most of these laws are specifically for counties and county offices; however, some also apply to municipalities. For instance, one statute allows government officials to keep required government records on computer or on removable computer storage media instead of on paper.<sup>6</sup> However, this statute conditions the use of electronic media on a number of safeguards and restrictions. More information on this statute and other laws regarding electronic records can be found in detail in Part 3 of this manual in the chapter on Alternative Storage Formats.

### The State Public Records Commission

Part 3 of Chapter 7 of the T.C.A., Title 10, establishes the State Public Records Commission and designates the Records Management Division of the Department of General Services as the primary records manager for all state government records.<sup>7</sup> Currently, these entities do not take jurisdiction over local government records, but they can be looked to for examples of proper records management and preservation.

### Public Access

The Freedom of Information Act (FOIA)<sup>8</sup> was passed by Congress in 1966 and amended in 1974. FOIA creates procedures that allow members of the public to obtain the records of federal government agencies.<sup>9</sup>

The Freedom of Information Act does NOT apply to city governments, nor does it apply to state or other local governments. It applies only to certain federal departments and agencies of the United States government. But you should be aware of the FOIA in the event that citizens try to assert their rights to municipal government records under that act. Different policies and procedures apply to offices under the Freedom of Information Act that are not included in the Tennessee public records statutes that apply to your office(s). Under the FOIA, citizens may request a federal agency covered by the act to perform searches of its records to locate certain information and then disclose the information, providing copies to the person making the request (subject to certain fees). As will be seen, Tennessee statutes allow broad access to public records, but they generally do not require local officials to perform searches or create new reports or responses to requests if those reports are not already a part of the office records. For an exception to this rule, see *The Tennessean v. Electric Power Board of Nashville*, 979 S.W. 2d 297 (Tenn. 1998).



## TENNESSEE PUBLIC RECORDS STATUTES

The public records statutes that do apply to city offices are found in Title 10, Chapter 7, Part 5 of the T.C.A. The starting point for a discussion of the law in this area is the declaration found in T.C.A. § 10-7-503 that government records are open to public inspection. It reads as follows:

...all state, county and municipal records and all records maintained by the Tennessee Performing Arts Center management corporation, except any public documents authorized to be destroyed by the county public records commission in accordance with [T.C.A.] 10-7-404, shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.<sup>10</sup>

This statute has been construed broadly by both the state attorney general and the Tennessee judiciary.<sup>11</sup> The legislature made it clear that its intent in passing this law was to “... give the fullest possible public access to public records,” and it instructed the courts to exercise whatever remedies are necessary to ensure that purpose is fulfilled.<sup>12</sup> The courts have ruled that a “presumption of openness” exists with government documents.<sup>13</sup> That is not to say, however, that public access is totally without limitation.

### Who Has Access?

The statute states that records must be open for inspection by any “citizen” of Tennessee. In keeping with the legislative intent to provide for liberal public access to government records, the Tennessee Supreme Court has determined that the word “citizen” includes convicted felons incarcerated as inmates within the Tennessee prison system.<sup>14</sup> Although certain rights are stripped from individuals when they are convicted of a felony (e.g., voting, ability to hold public office), the court

concluded that neither the Tennessee Public Records Act nor any other statute prevented a convicted felon from seeking access to public records. Neither should access be denied to anyone else who appears to be a citizen of this state.

The law is not as generous with nonresidents, however. Since the statute states that it grants public access to “any citizen of Tennessee,” the Tennessee Attorney General has opined that public officials may deny requests for copies of public records based on the lack of state citizenship.<sup>15</sup> Since there is no fundamental federal right to access of government records and since Tennessee’s laws provide access only to state citizens, the attorney general reached the conclusion that it is not a violation of the privileges and immunities clause of the United States Constitution to deny access to people from other states who make requests for Tennessee records. Keep in mind that although the act does not affirmatively require disclosure of public records to noncitizens, neither does it prohibit the release of public records to noncitizens.<sup>16</sup> It is within the discretion of the official who has custody of the records to determine whether or not access will be provided to noncitizens. Offices should develop a written policy on that subject and enforce it consistently.

### How Should Access Be Provided?

The law states that records shall be open to inspection “during business hours.” Additionally, in all cases where a person has the right to inspect public records, he or she also has the right to take extracts or make copies of the record, or to make photographs or photostats of the record while it remains in the possession, custody and control of the official who has lawful custody of it.<sup>17</sup> Every effort should be made to provide reasonable accommodation to parties requesting access to records; however, providing this service need not prevent the performance of other duties of the



office. A request to see every record of an office and make a photocopy of each of them could obviously bring the entire operation of an office to a halt. For this reason, the official who has custody of the records is also authorized by law to adopt and enforce reasonable policies governing the making of extracts, copies, photographs or photostats of the records.<sup>18</sup> These regulations should be reasonable and not interfere with the intent of the legislature to provide broad public access to records. The official with custody of the record should strive to balance the right of access to records with his or her responsibility to preserve and protect the records. Regulations should be tailored to accommodate requests in a timely manner while allowing for the continued efficient functioning of the office and for the preservation and security of the records. Regulations that are intended to frustrate the ability of a citizen to access records will likely be found unreasonable and struck down by the courts. Examples of reasonable regulations might include:

- Providing that requests for inspection of a large number of records will be accommodated only by appointment pursuant to a written request;
- Establishing a policy that copies of records will be provided within a reasonable time period (for example, the next business day for small requests and within five business days for larger requests);
- Prohibiting the inspection and copying of records by citizens without supervision of the official or an employee of the office; and
- Prohibiting the handling of older bound volumes or other fragile records by anyone other than an employee of the office so long as the information in the records is still provided in a usable format.

Be aware that there is a danger of theft, vandalism or damage by negligence inherent in allowing a member of the public access to government records. There is a profitable market for certain

historical manuscripts. Across the country, government records are disappearing from government offices and reappearing for sale in antique stores, flea markets and specialty shops. To prevent theft or vandalism, someone from your office should supervise the person accessing the records, or, at a minimum, the person accessing the records should be required to examine them in an open area.

### Denial of Access — Liability

Any citizen of Tennessee who is denied the right to personal inspection of a public record in whole or in part is entitled to petition the court to review the actions that were taken to deny access to the record.<sup>19</sup> Petitions may be filed in the chancery court for the county where the records are located or in any other court exercising equity jurisdiction in the county.<sup>20</sup> Upon the filing of the petition, the court shall, at the request of the petitioning party, issue an order requiring the defendant to appear and show cause why the petitioner should not be granted access to the record. No formal written response to the petition is required. The burden of proof rests on the person having custody of the records to show why public access should not be allowed.<sup>21</sup>

If the court determines that the petitioner has a right to inspect the records, they shall be made available unless the defendant timely files for appeal or the court certifies a question with respect to disclosure of the records to an appellate court.<sup>22</sup> If a public official is required to disclose records pursuant to these procedures, he or she cannot be held civilly or criminally liable under state law for any damages caused by the release of the information.<sup>23</sup> If the court determines that the government entity knowingly and willfully refused to disclose a public record, it may, at the discretion of the judge, assess all reasonable costs involved in obtaining the record, including attorney's fees, against the governmental entity.<sup>24</sup>



## WHICH RECORDS MAY BE SUBJECT TO PUBLIC ACCESS?

It has already been noted that the legislature intended the fullest possible public access to public records. But what are public records? Generally speaking, the courts have ruled that “[i]n those instances where documents have been made or received in connection with the transaction of official business by any governmental agency, then a presumption of openness exists, and the documents are public records within the meaning of [T.C.A. §] 10-7-503.”<sup>25</sup> However, this presumption of openness is overcome wherever state law provides that a record shall be kept confidential.

T.C.A. § 10-7-503 itself includes some restrictions on the public’s access to certain records. This section makes contingency plans of law enforcement agencies to deal with bomb threats, terrorist acts, and other acts of violence confidential and not open to public inspection. It also requires that certain information relative to law enforcement officers that is made confidential be redacted before the record is inspected. It also requires notice to a police officer within three days after the officer’s personnel information has been inspected.

### Confidential Records

Another statute in the Tennessee Public Records Act provides a long list of government records that must be kept confidential.<sup>26</sup> This statute is amended and added to regularly by the Tennessee General Assembly. The following list reflects the records designated as confidential by T.C.A. § 10-7-504 at the time of publication (current through the 2007 legislative session).

- Medical records of patients in state, county, and municipal hospitals and medical facilities;
- Any records concerning the source of body parts for transplantation or any information concerning persons donating body parts;
- All investigative records of the Tennessee Bureau of Investigation (TBI), all criminal investigative files of the Motor Vehicle Enforcement Division of the Department of Safety relating to stolen vehicles or parts, all files of the Driver’s License Issuance Division and the Handgun Carry Permit Division of the Department of Safety relating to bogus driver’s licenses and handgun carry permits issued to undercover law enforcement agents;
- Records, documents and papers in the possession of the Military Department that involve national or state security;
- Records of students in public educational institutions;
- Certain books, records, and other materials in the possession of the office of the attorney general relating to any pending or contemplated legal or administrative proceeding;
- State agency records containing opinions of value of real and personal property intended to be acquired for a public purpose;
- Proposals received by the state pursuant to personal service, professional service and consultant service contract regulations, and related records before the state has finished its complete evaluation;
- Investigative records and reports of the Internal Affairs Division of the Department of Correction or the Department of Children’s Services;
- Official health certificates, collected and maintained by the state veterinarian;
- Capital plans, marketing information, proprietary information and trade secrets submitted to the Tennessee Venture Capital Network;
- Records of historical research value that are given or sold to public archival institutions, public libraries, or libraries of a unit of the board of regents or the University of Tennessee, when the owner or donor requires that the records are kept confidential;
- Personal information contained in motor vehicle records;



- All memoranda, work notes or products, case files, and communications related to mental health intervention techniques conducted by professionals in a group setting to provide job-related critical incident counseling and therapy to law enforcement officers, correction officers, dispatchers, EMTs, paramedics and firefighters;
- All riot, escape, and emergency transport plans incorporated in a policy and procedures manual of county jails and workhouses or prisons operated by the Department of Correction or under private contract;
- Records of any employee's identity, diagnosis, treatment, or referral for treatment by a state or local government employee assistance program;
- Unpublished telephone numbers in the possession of emergency communications districts;
- Employment records of state, county, municipal, or other public employees that contain unpublished telephone numbers, bank account information, Social Security numbers, or driver's license information (except where driving or operating a vehicle is part of the employee's job duties) of the employee or an immediate family or household member. [NOTE: Under the law, this information in employment records should be redacted whenever possible and not be used to limit or deny access to otherwise public information.];
- Certain personnel information of undercover police officers and their immediate family or household members;
- Identifying information, such as unlisted telephone numbers, in the possession of a private or public utility service provider that could be used to locate an individual, when the utility has been provided with a copy of a valid protection document and confidentiality has been requested;
- Those parts of a record identifying an individual as a person who has been or may in the future be directly involved in the process of executing a sentence of death;
- Credit card numbers, Social Security numbers, account numbers, security codes and other identifying information in the hands of a utility;
- Records of a utility that would identify areas of vulnerability or allow disruption of utility service;<sup>27</sup> and
- Certain personal information relative to law enforcement officers, in addition to that made confidential otherwise, when the information is requested for a professional, business or official purpose, and the chief determines there is a reason not to disclose the information.

This list of confidential records found in T.C.A. § 10-7-504 is not exclusive, however, and many other statutes, rules, and the common law dealing with specific subjects can also make a specific record confidential.<sup>28</sup> The following is a non-exhaustive list of statutes that designate certain records as confidential:

- All memoranda, work products or notes, and case files of victim-offender mediation centers (T.C.A. § 16-20-103);
- Adoption records and related records (T.C.A. §§ 36-1-102 *et seq.*);
- Certain information divulged in paternity proceedings that might be used to locate a victim or an alleged victim of domestic violence (T.C.A. § 36-2-311(e));
- Many records regarding juveniles (T.C.A. §§ 37-1-153, 37-1-154, 37-1-155, 37-1-409, 37-1-612, 37-1-615, 37-2-408);
- Certain records regarding the granting of consent to abortion for a minor and other records regarding abortion (T.C.A. §§ 37-10-304, 39-15-201);
- Certain student information (see next chapter);
- Whistle-blowing reports of violations of the Education Trust in Reporting Act (T.C.A. § 49-50-1408);
- Certain records of an employer's drug testing program (T.C.A. § 50-9-109. See Op. Tenn. Atty Gen. 99-126);





- Tax returns, audits, letter rulings and other taxpayer identifying information (T.C.A. § 67-1-1702);
- Business tax statements, reports, audits and returns (T.C.A. § 67-4-722);
- Information or records held by a local health department regarding sexually transmitted diseases (T.C.A. § 68-10-113);
- Patient medical records of hospitals and local or regional health departments (T.C.A. § 68-11-305); and
- Nursing home patient records (T.C.A. § 68-11-804).

Note that this list highlights only some of the other provisions of the T.C.A. that make records confidential. Additionally, the Tennessee Court of Appeals recently held that municipal attorney work product is confidential.<sup>29</sup> Also, the Tennessee Supreme Court has ruled that sources of legal authority other than statutes may make a record confidential. For example, the Tennessee Supreme Court has ruled that the Tennessee Rules of Criminal Procedure and Civil Procedure may also designate certain records as confidential.<sup>30</sup> The state Supreme Court recently ruled, however, that the common-law law enforcement privilege, which would make certain investigative information gathered by police departments confidential, does not apply in Tennessee.<sup>31</sup> If you have a question regarding the confidentiality of a specific record not listed above, contact your city attorney or MTAS management consultant.

### **Maintenance of Confidentiality**

Any record that is designated as confidential must be treated as confidential by the agency with custody of the record throughout the maintenance, storage and disposition of the record. This includes destroying the record (if it is eligible for destruction) in such a manner that the record cannot be read, interpreted or reconstructed.<sup>32</sup> Once a confidential record has been in existence for more

than 70 years, it shall be open for public inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law or unless the record is a record of services for mental illness or retardation. This “70 year rule” does not apply to adoption records, records maintained by the office of vital records, and records of the TBI that are confidential.<sup>33</sup>

### **Breach of Confidential Personal Information**

T.C.A. § 47-18-2107 requires any holder of computerized personal information that is confidential to disclose any breach of the security of the system to any resident of Tennessee whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. If the information holder does not own the personal data, the holder must also notify the owner or licensee of the breach immediately following the discovery. Disclosures must be made without unreasonable delay. The code section establishes procedures for giving the notices.

### **Other Issues**

In addition to this large group of records made strictly confidential by state laws, there is another class of records that *may* be made confidential by a 1999 law. Chapter 344 of the Public Acts of 1999 amends T.C.A. § 10-7-504 to allow persons who have obtained a “valid protection document” to request certain information that could be used to locate them be kept confidential. Protection documents are defined by the act and include orders of protection and affidavits of directors of rape crisis centers or domestic violence shelters. If the individual desiring confidentiality presents one of these documents to the records custodian for the governmental entity and requests confidentiality, the custodian of the records may choose to comply with the request or reject it. If the request is rejected, the custodian must state the reason for denying the request. If the request is granted, the records custodian



must place a copy of the protection document in a separate confidential file with any other similar requests, indexed alphabetically by the names of the persons requesting confidentiality. From that point on, until the custodian is notified otherwise, any time someone requests to see records of the office, the records custodian must consult the file and ensure that any identifying information about anyone covered by a protection document filed with the office is kept confidential before allowing any record to be open for public inspection. “Identifying information” includes any record of home and work addresses, telephone numbers, Social Security number, and “any other information” regarding the person that could reasonably be used to locate an individual. That information must be redacted from the records of the office before anyone can be allowed to inspect the records of the office. Unless you are certain your office can redact all identifying information regarding an individual from all files of your office you should probably reject such requests for confidentiality, citing the administrative difficulty in redacting the records. It is not mandatory for your office to comply with these requests. However, if you do comply and then fail to protect all identifying information, you may create liability for your office.

### **Student Records**

Access to student records is governed by state and federal laws.<sup>34</sup> The main purpose of these laws is to protect the confidentiality of these records. If your city has a municipal school system and you would like detailed information about the legal requirements affecting student records, contact your MTAS management consultant.

### **E-mail and Other Documents — Discovery**

The Federal Rules of Civil Procedure<sup>35</sup> specifically require employees to retain electronic communications, including e-mail, that is discoverable in litigation. These rules require employees to meet and confer with plaintiffs in

employment litigation within 90 days after the appearance of the defendant or 120 days after a complaint has been issued. At that point, each party must disclose a copy or description of all documents, electronically stored information, and tangible things in its possession that it may use to support its claims or defenses. Therefore, these records not only must be retained, but must be categorized and may only be deleted or removed based upon routine operation of a computer system or under an adopted records retention policy.

Records custodians should check with their information technology departments to make sure the municipality has the technical ability to comply with the 90- and 120-day rules mentioned above.



## PART THREE: RECORDS MANAGEMENT

### THE BASICS

Whether or not you realize it, you already have a records management program. The problem is, it may be doing more harm than good. If your records are filed in a haphazard manner, if you don't know exactly what you have and where you have it, if it takes you too long to find what you need, if your office space is packed to the ceiling with file cabinets and boxes, if records are stored in unsuitable locations, if you throw away records too soon, or if you don't destroy records often enough, you could benefit from spending a little time, effort and resources on implementing a beneficial records management program for your office.

#### Step One: Evaluate

Your first task is to evaluate your current system of records management. In other words, conduct an inventory of the records in your office.

#### Appoint a Records Manager/Custodian

Depending on the size of your city, you will need to appoint one or more persons within the office to serve as a records management coordinator. Having a single person responsible for your office's records management efforts who coordinates communication about your records with entities outside your office (the county public records commission, a records center or an archive) can be a key to achieving success. This person should have good organizational skills but, obviously, should not already be overwhelmed with too many other duties to be able to devote the time necessary to records management. Many city recorders are charged with the responsibility for the city's records management.

#### Inventory

Once you have selected someone to do the inventory, make sure they understand the

information you need and the goals of the inventory.<sup>36</sup> The general goals of the inventory should include:

- Identifying the various "records series" in each office;
- Describing all record locations and storage conditions;
- Providing dates and other useful information;
- Measuring space and equipment occupied by records; and
- Providing a basis for writing records retention schedules.<sup>37</sup>

The inventory will be beneficial in a number of ways. Most obviously, it will tell you exactly what records you have and where to find them. Even if you go no further, this alone will increase the efficiency of your office. Another desirable result of an inventory is that it will help you locate records that you can throw out or otherwise destroy.

Using the inventory and the records retention schedules for your office that are located in Part Four of this manual, you will probably discover a number of records that are unnecessarily taking up space in your office or storage area. A third benefit is identifying records that are in danger. Paper records can easily be damaged by water or even excessive humidity or other environmental problems. If your inventory finds evidence of water damage to records, mold and mildew, or signs of damage from vermin, insects or other pests, take steps to remedy these problems before your office loses vital information. See the chapters in this section on Proper Storage Conditions and Disaster Preparedness for advice about dealing with these problems and establishing a safe environment for storing records long term.





## Filing Systems

After you have evaluated the inventory of the records your office keeps, spend some time evaluating your filing system as well. If improvements can be made to the way you file records, you will improve administrative efficiency and reduce costs. “If every employee of an agency of local governments spends even five percent of the time searching for hard-to-find information, that time translates into very substantial sums of money, and quality of services is sure to suffer.”<sup>38</sup>

A good filing system will provide two major benefits to the people using it: “precise retrieval and timely retrieval.”<sup>39</sup> Another way of thinking about these issues is to ask, “Can I find *what* I want *when* I want it?” If your filing system results in records retrieval that takes too long, that gives you only part of what you want, or gives you back much more than you need, it is inefficient. Poor filing system performance generally is attributed to one or more of seven major factors:

1. Inadequate management attention;
2. Poor organization and structure of files;
3. Poor labeling and indexing procedures;
4. Uncontrolled growth of records;
5. A high incidence of missing, misfiled or lost records;<sup>40</sup>
6. Inadequate and/or poorly trained files personnel; or
7. Inadequate or no formal record-keeping procedures.<sup>41</sup>

## Filing Equipment

You may think all filing cabinets are alike, but that is just not true. Don’t simply assume that the storage system you have cannot be improved upon. You have options to consider. Movable shelving, color-coded, open shelving systems, and even bar coding have become common in many offices that handle a large volume of records. The old standard vertical-drawer filing cabinet first came into use in the late 19th century, but many records managers

consider these cabinets to be functionally obsolete for most modern office applications.

“[The vertical-drawer file cabinet] is the most costly of all filing equipment, since it requires more floor space and more physical time and effort to access the folders. It also does not provide the full benefit of visual retrieval aids, such as special labeling and color coding.”<sup>42</sup> If you know your filing system is inefficient, consider checking into more modern equipment. Although it will cost money initially, it may save money in the long run by saving floor space in your office, thereby postponing the need for expansion or relocation, and by reducing staff time that is wasted on an inefficient filing system with cumbersome storage units.

### Step Two: Develop RDAs

Your first question is probably “what is an RDA?” In the arena of local governments, we’re used to an alphabet soup of acronyms such as MTAS, CTAS, RFP, TDOT, BEP and even WFTEADA,<sup>43</sup> but RDA may be new to you. The acronym RDA stands for records disposition authorization.

At a minimum level, an RDA provides a formal statement of when a record can be destroyed and what authority serves as the basis for its destruction. (An example of a RDA form is found in Appendix E.) But these documents can be much more. A comprehensive RDA becomes a plan for the entire life of a record series from creation to final disposition.

Among other things, a comprehensive RDA should include a basic description of a record series and may tell how the record is created, how it is used, where it should be stored, in what format it should be kept, who should have access to it, how long it is in active use by an office, when to move it into inactive storage, whether it is vital or confidential, and whether or not it can be destroyed.



You may wonder what the relationship is between RDAs and the retention schedules found in Part Four of this manual. Fully developed RDAs differ from records retention schedules in a number of ways. Retention schedules uniformly describe the various records of an office, state whether a record is permanent, identify the minimum amount of time a temporary record must be kept, and state a legal authority or rationale for that retention period. They generally do not tell you where to keep a record, how long the record may be in active use, and when a record can be moved to inactive storage or an archive. Those determinations are office specific based on the resources available to you and the operating procedures of your office.

The retention schedules give you the foundation for writing your RDAs, but you are encouraged only to consider them a starting point. If your office handles a large number of records and a lot of people deal with them, consider putting more than the minimum into your RDAs. While they take a significant amount of work to develop, RDAs are fundamental to an efficiently operating records management program in any office with a large volume of records. Once created, they will need only periodic review to ensure that the plan you laid out for a group of records still makes sense and complies with your needs and any applicable legal requirements.

The following general principles and considerations may be helpful in making decisions about how to manage your records. They are quoted verbatim from the Tennessee State Library and Archives, Tennessee Archives Management Advisory (TAMA) 99-08 entitled "Appraisal and Disposition of Records."<sup>4</sup>

- If a legislative mandate requires permanent or temporary retention of any record, set of records, or class of records, then the record(s) specified in the mandate must be kept at public expense for at least as long as the mandate requires.
- A record or set of records should be retained by an agency as long as it is useful to performance of its routine functions.
- A decision to retain records beyond their active usefulness or legislative mandate is a decision to maintain them so they can be examined readily by the public. Such a decision requires a commensurate commitment of resources to continuous care and custody for the entire term of retention.
- A decision for permanent retention is a decision for perpetual care.
- Records should not be kept beyond their useful life in the public interest.
- No record that is necessary to the public interest should be destroyed.
- Records that are retained beyond their active usefulness to the routine functions of an agency must be of sufficient public interest to justify the expense of keeping and administering them, and the justification should be clearly stated, understood, and agreed to before accepting responsibility for and paying the cost to retain the record(s).
- The following kinds of records may all be appraised as having archival value for permanent retention:
  1. Essential records that are needed to resume or continue operations or to re-create legal and financial status after a disaster, or that are needed to protect or fulfill obligations;
  2. Records that have lasting value as legal and fiscal evidence to account for responsible government;
  3. Records that are of such high evidential and historical value that they should be retained at public expense for the sake of a sound, reliable, and comprehensive understanding of the political, social, economic and historical context of government and culture.



### Step Three: Develop Written Policies and Procedures

Both large and small offices can benefit from having written records management policies on certain issues. The policies should adopt the records retention schedules in this manual; incorporate any RDAs developed by your office; and include policies for dealing with inactive records, for allowing public access to records and guidelines for making copies, for responding to emergencies that threaten records, for maintaining confidential records, for keeping records in alternative storage media, and for interacting with the county public records commission, the State Library and Archives, and a records center or archive if one exists in your city. MTAS recommends that personnel records, other than personnel records of undercover police officers, be kept in the central office repository by the records custodian, rather than by the different departments. Having personnel records scattered in different departments can lead to problems, including lost files and parts of files.

If you think your office has had or may have a problem with files being lost, stolen or misplaced, develop a policy and procedures for tracking files as well. Require anyone removing a file from its storage space to fill out a sign-out sheet indicating who they are, what record they are taking, and the dates of its removal and return. This procedure should help your office track misplaced records and cut down on losses. If you have an active records manager in your city, he or she may already have developed policies on some of these issues. In that case, you could simply incorporate those policies into your office procedures.

Municipalities have a great deal of flexibility in adopting the retention schedule recommended in this publication. It can be adopted by ordinance, resolution, motion, citywide policy or a records commission if the city has one; or applicable portions can be adopted as departmental policy.

### Step Four: Continuing Maintenance

The best records management program will quickly fall into obsolescence if the office does not make efforts to stay current. Records, particularly government records, grow at an astronomical rate. If you do not take steps regularly to move inactive records to other storage and destroy temporary records when they become eligible for destruction, they will soon fill up your filing equipment, then your office, and bring clutter and disorganization to all operations. Consider implementing an annual “records clean-up day” to reassess the records of the office and identify what can be moved or destroyed. Select a time that is not in the middle of your busy season (perhaps around the holidays), and designate a day for everyone to identify records that can be destroyed, and collect them. Remember, also, that having an appointed records management officer who can designate part of his or her time year round to keeping the office files current will go a long way toward ensuring that your records management program succeeds.

### Conclusion

The information in this first chapter on records management should have given you some ideas for addressing problems in your office and improving your system of record keeping. Other chapters in this part discuss related records management issues in more detail, such as the steps you follow to dispose of a record, proper environmental storage conditions for records, developing records centers and archives, the use of alternative storage media such as microfilm and electronic formats, preparing for disasters and protecting your vital records.

### ESTABLISHING A RECORDS MANAGEMENT PROGRAM

All cities need to have some system of checks and balances to be sure that records are disposed of on schedule but not destroyed when they may still be needed for administrative, legal or historical purposes.



Cities may want to create a municipal public records commission (PRC) to act as steward of their records. Unlike counties, cities are not required to have a public records commission oversee their records management and disposition. This commission could comprise the following city officials: mayor, city manager, city recorder, city archivist, city judge and a genealogist. This commission should be established by resolution. Of course, the composition of the commission is not mandatory, but cities should strive to choose members who know about the administrative, legal and historical value of the records.

Even a small city that may not be able to marshal a commission should adopt rules and regulations governing the management of the municipal public records. These regulations should establish standards and procedures covering:

- Reproduction of records;
- Security of records;
- Disposal of originals;
- Adoption and dissemination of schedules for the retention and disposition of records; and
- Physical destruction or other disposition of public records.

### **BECOMING ACTIVE AND PROGRESSIVE**

For cities that create a municipal public records commission and desire to become even more progressive, the State Library and Archives recommends the following list of activities and guidelines in one of its Tennessee Archives Management Advisories.<sup>45</sup> These activities and guidelines were drafted for both municipal and county records commissions and have been edited where necessary for these reasons.

The commission should:

1. Hold meetings at least twice a year or more often as circumstances require.
2. Elect its own officers (at least a chairman and a secretary).

3. Keep records of decisions and transactions.
4. Report at least once a year to the local executive and legislative body on commission activities and the state of records and archives management in the locality.
5. Frame regulations for efficient management of local government records and archives to be adopted as resolutions of the legislative body.
6. Authorize or disapprove requests from municipal offices to destroy original records, using records schedules prepared by MTAS for guidance.
  - Public records commissions may authorize retention of records that are not designated as *permanent* by MTAS schedules but *only* if the means to preserve and manage the records for public inspection are assured.
  - Public records commission may NOT authorize destruction of any records that are designated permanent by MTAS schedules unless the records have first been copied onto a durable, archival medium that assures permanent preservation and a readily available means for prompt public inspection.
7. Assure that authorizations for destruction of public records are forwarded to the Tennessee State Library and Archives (TSLA) for review within 90 days of the PRC authorization.
8. Follow-up to assure that
  - TSLA approval of the destruction has been received before records destruction takes place; or
  - If TSLA has deemed the records to be historically valuable, they are properly transferred to TSLA or to another repository designated by mutual agreement of the public records commission and TSLA.
9. Assure the executive and legislative body that actions taken by the commission and local government offices are in accordance with the T.C.A. and with pertinent local resolutions, including the complete destruction of public records that have been authorized for destruction.



10. Review and approve plans by local government offices for electronic imaging or data processing systems to assure that
  - The system employed will protect and preserve records designated as permanent by MTAS schedules.
  - A permanent, archival-standard microfilm of permanent records is produced, and the original camera-image film of any microfilm produced is sent to TSLA for quality control testing and storage in the vault of the state archives.
11. Advise and propose to the local government executive and legislative body the planning, development, site selection, establishment, funding, budget, regulation, and operation of a local central records office and archives
  - For the management and reference servicing of inactive records awaiting final disposition, and
  - For the management of permanent records for long-term preservation and public inspection.
12. Advise and recommend to the local government executive the appointment and removal of personnel, including an archivist as director, for the central records office and archives.
13. Review operations of the local government records office and archives to assure the local legislative body that it meets records management and archives management standards, and satisfies the need of the local government and its citizens.
14. Propose to the local government cooperative arrangements with other local governments or cultural institutions, such as libraries and universities, for storage, management, and public inspection of historically valuable records, including permanent public records of the local government.
15. Work with local government offices and with MTAS, TSLA, and the Records Management Division of the state Department of General

Services to draft, review, revise and issue realistic records management schedules for local government records.

16. Review records-keeping practices in local government offices and recommend to the offices and to the local government executive and legislative body remedies to correct faults and improvements to deal with emerging information and records needs.

### Lamination

Because lamination too often destroys the documents it is intended to preserve, the Tennessee State Library and Archives recommends that permanent records not be laminated but rather encapsulated in Mylar® sleeves.<sup>46</sup>

### Copying Charges

The Tennessee Attorney General has opined that while a government only has to make public records available to citizens for copying, if a government chooses to make copies of its records upon request it can charge a reasonable fee covering the cost of copying.<sup>47</sup> See also T.C.A. § 10-7-702(b). While it is up to the city's governing body to decide how such revenue will be used, cities may want to consider "re-investing" them in equipment, supplies, or personnel expenses related to records management and records preservation.

### Disposal of Records

Even the best planned and operated records management program will fail miserably if it never gets rid of records. To find what you need and to preserve what you need to keep, you have to get everything else out of the way. That is where disposal comes in.

### CHECKS AND BALANCES

Disposing of municipal records is not as simple as hauling them out to the trash. Because these records can be of great importance to many people, there are a number of procedural checks





and balances to go through to lawfully dispose of records, whether the disposition is by destruction or transfer of the records to another institution. For many records, the official who has custody of the record, the municipal public records commission (if there is one), the State Library and Archives, and, for court records, a judge, all need to be involved in determining the final disposition of the record.

### WHAT KIND OF RECORD IS IT?

When trying to decide what to do with records, the first step is to identify and classify them. The retention schedules found in Part Four of this manual provide guidance on how long a record should be kept. Find the description in the schedule that matches the record you are considering and see what the table indicates. For disposition purposes, records will fall into one of three classes: working papers, temporary records and permanent records. The procedures for disposing of each of these classes are different.

#### Working Papers

Working papers are defined as “those records created to serve as input for final reporting documents, including electronic data processed records, and/or computer output microfilm, and those records which become obsolete immediately after agency use or publication.”<sup>48</sup> This class of records comprises all those little records that come and go in the course of a day that we usually don’t even consider “records.” Whether it’s notes for a meeting or a rough draft of a report, if the record becomes obsolete after you use it, consider it a working paper. The good news about working papers is that they are easy to destroy. Any public record defined as a working paper may be destroyed without retaining the originals of the record and without further review by other agencies. City policies regarding working papers should be liberal and allow city officials to eliminate these records as easily as possible before they become burdensome.

Many working papers generated by city offices are extremely informal types of records. Due to the informal nature of these documents, officials may not find anything in the retention schedules that describes them. Consider whether the record matches the definition above when trying to determine if it is a working paper.

#### Temporary Records

If a record needs to be kept for some reason after its initial use, then it is at least a temporary record. Temporary records are officially defined as “... material which can be disposed of in a short period of time as being without value in documenting the functions of an agency.”<sup>49</sup> Financial and payroll records are good examples. Payroll records have fulfilled their immediate purpose once your employees receive their checks. But those records must be kept in order to comply with federal statutes and regulations and are important documents in the case of an audit.<sup>50</sup>

Once a temporary record has been retained for the period described in the schedule, then, like a working paper, it may be destroyed in accordance with the rules and regulations adopted by the city’s governing body or municipal public records commission. These rules should require approval of the city archivist (if there is one), city attorney, city recorder, city manager (if there is one), head of the department and mayor before the records are destroyed.

#### Alternative Formats for Temporary Records

Generally speaking, if you are keeping a record for only five years or less, it is not cost efficient to microfilm the original paper records or convert them to other media. But certain records that are “temporary” actually have a rather lengthy retention period. Many court records need to be kept 10 years, and employee earning records that may be used for computing retirement benefits are kept for the approximate life of the employee.



Even though these records do not have to be kept permanently, you may find it useful to convert them to other, more compact formats for storage and destroy the paper originals shortly after the alternative format is created.

Microfilming or electronic storage of these long-term temporary records can be ideal solutions to storage space problems. The governing body or municipal public records commission should adopt a policy requiring approval prior to the destruction of original paper documents. It is not necessary to notify Library and Archives of the destruction of original copies of records of temporary value.

### **Permanent Records**

Permanent records are records of such value that they must always be retained in some kind of permanent format. Examples of permanent records are the original process in a civil or criminal proceeding and the minutes of the city's governing body. Some records, such as deeds, are kept permanently because the record continues to have legal significance in perpetuity. Other records are permanent because they preserve certain information about the way we live and conduct government and are, therefore, historically valuable. Still others are useful for statistical or planning purposes. Then there are those that are permanent simply because there are laws that have declared them to be so. All of these need to be kept in such a manner as to preserve them indefinitely.

### **Photographic or Electronic Preservation of Permanent Records**

The state legislature has given county public records commissions authority to permit the destruction of original records required to be kept in a "well bound book" once they have been reproduced through microphotography or stored on computer or removable computer storage media including CD-ROM.<sup>51</sup> Similar authority has been granted to cities in T.C.A. § 10-7-702. The Tennessee State

Library and Archives does not accept records in electronic format.

### **SPECIAL CONSIDERATIONS**

The law provides for some special considerations for certain records before they are eligible for destruction.

#### **Audits**

One important group of such records is financial records that are needed for an audit. Most city financial records are temporary records that must be kept at least as long as is required for various audit purposes and periods. Regardless of whether or not an official thinks a record has served its useful purpose, it cannot be destroyed if the Office of the Comptroller deems it necessary for audit purposes.

You will notice that most financial records listed in the retention schedules in Part Four of the manual have a five-year retention period. Records that are important for audits need to be maintained through the time of the audit plus about three years afterward in case any problems arise. Formerly, the retention period for these records was three years after the audit was complete. Since it was often difficult for a local official to know when an audit became final, the retention period was changed to five years from the date of creation of the record. This gives the official a definite time period to work from and also allows continuous destruction of financial records rather than lumping all records from a fiscal year together with a single retention date.

#### **Exhibits and Evidence in Court Cases**

The law includes a number of special considerations for materials that have become evidence and exhibits in judicial proceedings. Although some of these materials technically are not "records," this information is related to records management for court clerks and is included in this manual for those reasons.



Exhibits are treated differently depending on whether they are documents, some other kind of physical evidence or firearms.

### **Documents**

Unless local rules of court provide otherwise, the clerk can destroy certain records under the direction and order of the judge once a case has been finally disposed of for a period of 10 years. “Finally disposed of” means a final order adjudicating a case has been entered, and the time for filing appeals, if any, has lapsed for all parties. The court clerk has to retain the pleadings, original process and original opinion, original rules, appearance and execution dockets, minute books, and plat or plan books as permanent records. But all other records, dockets, books, ledgers, and documents can be destroyed pursuant to a court order.<sup>52</sup> In civil cases, a judge may order the clerk to destroy discovery materials, briefs, cost bonds, subpoenas, and other temporary records three years after the final disposition of the case.<sup>53</sup>

In addition to these procedures, clerks need to comply with T.C.A. § 18-1-204. This statute requires them to notify Library and Archives of the records they intend to destroy and gives them 90 days to examine and remove any significant historical records if they so choose.

### **For physical evidence other than documents and firearms**

There is a more complicated set of procedures for physical evidence, but the good news is that it can be destroyed sooner. If evidence is used in a case, once the case comes to judgment or conclusion and once all appeals have been settled, the clerk is to give 30 days notice to the attorneys of record in the case that they can pick up anything that belongs to them or their clients. After 30 days, the clerk can dispose of the evidence by following the procedures in T.C.A. §§ 18-1-206(a)(2)–(7). This statute requires the clerk to make an inventory of

the evidence to be destroyed with references to the case involved and the term of court in which the evidence was used. The clerk then publishes the inventory for three consecutive weeks in a newspaper of general circulation. Parties who want to object to the disposition of the property or make a claim for it have 30 days to file a petition with the court. Once that time passes, the clerk gives the inventory (and any petitions that have been filed) to the court for the judge to approve or reject each item on the list and decide if it should be:

1. Returned to the owner or the owner’s attorney;
2. Be preserved by an organization for historical purposes;
3. Sold; or
4. Destroyed.

The clerk then gives the court order and the items to be disposed of to the sheriff. Depending on the disposition ordered for the item, the sheriff then delivers the items to their owners or to historical organizations, or advertises and sells the items, or destroys them and files an affidavit with the court concerning destruction of the items.

### **For firearms**

If a court clerk has exhibits in his or her possession that are firearms, they should be disposed of in accordance with the procedures spelled out in T.C.A. §§ 39-17-1317–1318.

### **Original Process**

Records and documents of proceedings in a court of record can be destroyed only after a judge has issued an order authorizing their destruction.<sup>54</sup> Regardless of who approves it, however, the law explicitly prohibits the destruction of any original process in a civil action or criminal proceeding.

### **City Hospital and Other Health Records**

Special rules apply to medical records. They generally are governed by T.C.A. §§ 68-11-301





*et seq.* The definition of “hospital” used in these provisions is broad enough to include city hospitals and health departments.<sup>55</sup> Certain hospital records are not public records.<sup>56</sup> Generally, the law requires that a hospital or health department is required to retain and preserve records that relate directly to the care and treatment of a patient for 10 years following the discharge of the patient or the patient’s death during the period of treatment within the hospital.<sup>57</sup>

Mental health records are treated differently. Hospitals and health departments are given the option of retaining records for a longer period if they wish.<sup>58</sup>

### Proper Storage Conditions

Like everything else on this planet, records must be in the proper environment to survive. Most of the time, the records that your office uses on a regular basis are kept in the same area in which people work. This is good because, generally, the conditions that are comfortable for humans are also acceptable for storage of records of most formats.

Unless conditions are very severe, temperature and humidity are not factors affecting records scheduled for destruction in a few years. ... Wide fluctuation in temperature and high humidity can result in severe damage to these records. Ideally, the temperature range should be 65 to 75 degrees, and the humidity should be kept at 45 to 55 percent.<sup>59</sup>

These conditions, at least the temperature ranges, are similar to those in the typical office environment. Unfortunately, the records we use most regularly and keep close around us in our offices are often those that we need only temporarily. Concerns about storage conditions become more important the longer you plan to keep a record. The problem is, those long-term or permanent retention records that need better care

are often the ones we use less often, so they get moved out of the way into conditions that are less hospitable.

City halls and county courthouses, with their attics and basements, were never designed to accommodate this ever-increasing volume of semi-active and inactive records. This records growth, plus inadequate records programs, has resulted in the misuse of existing office and storage areas and the use of unimproved warehouses, jail cells, fire stations, abandoned school buildings, and hospital rooms as inactive records storage sites, including storage of records of archival value. The undesirable features of these kinds of storage facilities and inadequate programs become apparent once it is necessary to obtain information from records in storage. It takes only a few unsuccessful attempts to locate records in poorly maintained areas to discourage further use. Time, neglect and lack of maintenance will take their toll on records stored there.<sup>60</sup>

For these reasons, cities should consider setting up facilities designed specifically for storing records on a long-term basis. Rather than using basements, attics, or whatever space is available, the city may want to establish a records center for its inactive temporary records and an archive for its permanent value records.

### RECORDS CENTERS

A records center is essentially a central area for storing records. It is a place where all city officials can send their inactive records as an alternative to keeping them in their own offices where they take up valuable space and interfere with operations. By default, the basement or bell tower of the city hall may have become an ersatz records center, but the city should consider investing in a true one. A well-run records center can result in significant savings of both time and money while it protects



and preserves records. “The effectiveness of a records center is based upon (a) its use of low-cost equipment which makes maximum use of space, (b) its ability to provide an orderly arrangement and control of records, and (c) its ability to employ procedures which assure prompt and efficient handling of records.”<sup>61</sup>

Setting up a records center may sound like a project that only large cities might try to tackle. But small- and medium-sized governments also can benefit from saving money. One federal government study on cost avoidance estimated that “... for every cubic foot of records stored in a records center there is a savings of \$16.08.”<sup>62</sup> When you consider the reams and reams of records in local government offices, including the school system and the court system, the savings can add up quickly.

A records center does not have to be a separate building. “A small government can usually convert an existing room quite easily since less space is required. There are many cities, towns, or counties that need no more than 1,000 cubic feet of records storage space. A records center of that capacity can be placed in a room about the size of a two-car garage.”<sup>63</sup> If your city likes the idea but still thinks it doesn’t have a great enough need to justify the expense of a records center, consider doing something radical: cooperate with other local governments. If the county, the school system, and all the municipalities within a county worked together through an interlocal agreement to establish a records center, costs would be spread among them, and enough inactive records should be found to justify establishing the center.

The Rome/Floyd County Records Program is an excellent example of a cooperative venture supported by four Georgia local governments (population 81,250). This innovative records management program serves Floyd County, the city of Rome and two school districts (Rome

City Schools and Floyd County Schools). Each government partially funds the program. Service features included a records center with a capacity for 18,000 cubic feet (providing for records transfer, reference, selected microfilming and records disposal) and technical assistance (a records management officer) on the proper management of records. These four local governments, by combining resources to create a professional program which none could individually afford, achieve most of their essential records management goals. All records placed in the records center still remain the property of the respective originating governments, however. The program has received the National Association of Counties achievement award, and it saved over \$68,000 for the four local governments in 1990.<sup>64</sup>

## ESTABLISHING ARCHIVES

In addition to or in conjunction with setting up a records center, your city should consider establishing a city archive if one is not already in existence. An archive differs from a records center in that the records center generally keeps inactive records temporarily before their final disposition. An archive usually is dedicated to preserving records of such historical value that they should be maintained permanently. The two may be located in the same facility and be virtually indistinguishable to the public, or they may be separately located and operated facilities. An archive provides many of the same benefits as a records center, namely, removing records that are not regularly used by an office from expensive and cluttered office space and providing proper storage conditions for the records.

An archive also serves an important role in preserving the history of our country and our communities and provides a valuable resource for members of the community researching our past. By providing another location for this research, the archive indirectly helps city officials by allowing



them to refer genealogists, students, and other researchers to another office rather than diverting time and effort from their daily tasks to assist those people in accessing the older, historical records of the city.

## SPECIFICATIONS

Since the primary purpose of the archive is to preserve records permanently, environmental conditions for the archive are even more important than those for a record center. The following considerations for archival space are recommended by the Tennessee State Library and Archives.<sup>65</sup>

### Archives Storage and Management Space

The following archival standards should be met to preserve local archives for future use. The closer local archives come to meeting these standards, the more likely the records will survive.<sup>66</sup>

- **Distinctly exclusive space.**  
An entirely separate building is desirable, but not essential, and some cities may not be able to afford it. In an existing building, a separate, exclusive space that can be secured from unauthorized entry and that meets the general specifications that follow is the minimal requirement to assure proper maintenance. The space should not be combined or confused with any other use.<sup>67</sup>
- **A strong, durable building that is earthquake and storm resistant.**  
Heavy (i.e., masonry and steel) construction is desirable, not only to resist storm and earthquake damage, but also to help meet the standards below with greater economy of operating costs.
- **Secure against theft and other hostile intrusion.**  
A safe and secure locking system is highly desirable. Entry to and exit from the space should be controlled by official staff so that patrons are not free to come and go without surveillance, so as to assure that documents are

not stolen or removed without proper authorization.

- **As damp proof as possible with a consistently moderate relative humidity.**

The best relative humidity for archival materials is a constant RH of 45 percent to 55 percent; excessive ranges and changes in humidity tend to speed deterioration of archived materials. Leaky roofs, walls, and foundations that invite seepage and mold are natural enemies of archives. The site of the archive space should be chosen to protect it from flooding, either from nearby rivers or from excessive ground water during heavy rains. Care should be taken to see that water pipe systems that serve the space are sound and leak free.

- **Consistently moderate temperature.**  
The best temperature for archival materials is a constant temperature between 65 degrees and 70 degrees Fahrenheit. Excessive ranges and temperature swings tend to speed deterioration.<sup>68</sup>
- **Free of pollutants.**  
As much as possible, air circulation systems should be filtered to remove contaminating acids, dust and other airborne dangers to archive materials.
- **Free of biological pests.**  
As much as possible, the archive should be protected against and free from insects, rodents, mold and other biological dangers to records.
- **Free from ultraviolet light.**  
As much as possible, sunlight and other sources of ultraviolet light, such as fluorescent tubes, that tend to damage film and paper documents must be excluded from the archive by shielding and filtration.<sup>69</sup>
- **Fireproof.**  
To the greatest extent possible, construction materials should be of masonry, steel, and other fire-retardant or fire-resistant materials. Care should be taken to see that heating and



electrical systems that serve the space are not likely to cause accidental fires.

- **Protected by a reliably tested fire suppression system.**

The most commonly recommended system is a reliable water sprinkler system with proper drainage for the water to be eliminated readily. Desirable fire protection includes rapid response by local fire fighting teams and briefing and orientation of local fire departments by local government officials on the nature of the archive and the need to preserve the content materials.<sup>70</sup>

- **Shelves and other containers should meet archival specifications.**

Shelving should be of strong, baked enamel steel construction.<sup>71</sup> Enough space should be left between shelves for convenient access and to inhibit the spread of fire. Shelves should be deep enough so that there is no overhang of boxes. Oversized materials (such as engineering drawings) should be in oversized shelving or metal cabinets.

- **Filing and boxing of records.**

To the extent possible, records should be kept in acid-neutral paperboard boxes and folders (available from archival suppliers). This often requires removing records from original folders and boxes to new ones and labeling the new containers.

- **Disaster plan.**

A well-devised disaster plan for actions to take in case of fire, flood, water leakage, earthquake, theft, bomb threats or other dangers to archives should be written. There are good models of disaster plans already in existence. Local archives can acquire one of these and adapt it to local conditions.<sup>72</sup> Archive staff should be trained in its provisions and should know what to do in any emergency.

## TECHNICAL ASSISTANCE

The Tennessee State Library and Archives is making an active effort to encourage the development of local and regional archives across the state. It is an excellent source of technical assistance and advice in developing an archive. The State Library and Archives has produced a series of Tennessee Archives Management Advisories that provide a wealth of information on a number of topics. Much of the material in this chapter has been adapted from those publications, but it only scratches the surface of the information available from the State Library and Archives on archives and preserving records. A listing of the archives management advisories is in the appendix to this manual under Sources of Additional Information. For further information, contact Dr. Wayne Moore, assistant state archivist, Tennessee State Library and Archives, (615)253-3458 or [wayne.moore@state.tn.us](mailto:wayne.moore@state.tn.us).

## DISASTER PREPAREDNESS

By their very nature, disasters are unexpected events. Severe weather, earthquakes, floods or fire can strike anywhere at any time with little or no warning. Disasters can irreparably change individual lives and halt the normal commerce of business, industry and government. Disasters cannot be prevented, but you can prepare for them and mitigate their impact.

To lessen the impact of a disaster, every city should do two things:

1. Develop a disaster contingency plan; and
2. Institute a vital records protection program.

### Contingency Plans

Contingency plans should be detailed and instructive, and address the specific needs of every office of city government. They should anticipate the various types of disasters your city might face. Response to a flood will be different from response to a fire, earthquake or tornado. In addition to officials and staff having copies of the



plan, duplicates should be stored off site in case of disasters of truly catastrophic proportions. The best recovery plan is no good if the only copy is locked inside a file cabinet in an office that is on fire.

A good disaster contingency plan will:

- Designate who is in charge of recovery operations and who will be working on recovery teams. It should include all necessary information for contacting these people at any hour of the day or night;
- Anticipate the types of disaster the city may face and provide basic instructions for the first responders to an emergency to ensure that everything possible is done to minimize damage and preserve the safety of individuals responding to the disaster (e.g., evacuation plans, directions for shutting off electrical current in case of a flood, locations of shut-off valves in case of a broken water line);
- Include an inventory of supplies and equipment that are available for use in salvage efforts. The inventory should identify locations of important supplies and equipment — everything from heavy machinery to fire extinguishers to mops and buckets;
- Identify alternative office space and other facilities that might be used if the city needs temporary space for relocation or salvage operations;
- Include current contact information for experts in emergency management such as those at the Tennessee Emergency Management Agency (TEMA), the Federal Emergency Management Agency (FEMA), and other governmental entities, plus commercial entities that can provide expertise in recovery and salvage if the disaster is too large for the city to handle by itself; and
- Plan for acquiring replacement office equipment and supplies quickly and efficiently. This will be essential if computer equipment is damaged.

### Vital Records Protection

A companion to the disaster contingency plan is the vital records protection program. The records of a local government are one of its most vital and vulnerable resources. If steps have not been taken to protect important records prior to a disaster, the resumption of regular operations after a disaster will be far more difficult and costly.

Whereas a contingency plan will provide instructions on how to respond immediately after a disaster, a vital records protection plan will inform government offices of ongoing practices to preserve the important information of the office. Records protection plans will vary depending on the volume and format of the records to be protected, the resources available to the city, and the technology present in offices. Any plan should, at a minimum, provide procedures for identifying, duplicating and safeguarding vital records.

No office can afford to expend the amount of resources it would take to ensure the protection of every record in the office. For that reason, it is important to determine which records are truly vital and which are not.

Records management experts divide records into four classes:

1. Nonessential records — those that if lost would not really be missed. Most convenience files, internal memos and many routine papers of completed transactions fall into this category.
2. Useful records — records containing information that if lost would cause some difficulty but that could easily be replaced.
3. Important records — records that cannot be dispensed with and that can be replaced only through the expenditure of substantial time, money or manpower.
4. Vital records — those records that are essential and cannot be replaced. Vital records contain information essential to the continuity of





operations or to the protection of the rights of the government or of individual citizens.<sup>73</sup>

Begin by protecting records that are indispensable. Since you cannot anticipate and prevent every possible disaster, the best course of action is to make sure there are off-site archival quality copies of the city's most important records.<sup>74</sup>

If some records are stored in electronic format, state laws require that certain back-up procedures are followed to prevent loss of data.<sup>75</sup> For obvious reasons tape or disk backups of electronic data should not be stored in the same location as the computer system itself. While less fragile than electronic records, paper records and microfilm also must be properly stored and cared for in order to prevent destruction of the records in the event of a disaster or by the ravages of time. Wherever possible, a city should archive its permanent records in a location or facility that is designed for records preservation.<sup>76</sup>

If you need assistance in developing these plans for your city, both MTAS and the Tennessee State Library and Archives can help. Copies of contingency plans and other publications on records protection are available upon request. In addition, there are a number of commercial, nonprofit, government, and educational sites on the Internet that provide a wealth of contacts and links to valuable information. The following Internet sites are places you might want to start:<sup>77</sup>

- <http://www.nagara.org>
- <http://palimpsest.stanford.edu/bytopic/disasters/index.html>

### Recovery of Stolen or Misappropriated Records

While they usually don't reach disastrous proportions, there are also certain human behaviors for which a prepared response is necessary. If records are inappropriately removed from the office where they belong, the official who has custody of the records is not without remedy. Of course,

criminal theft charges can be brought against someone who steals city documents. Tennessee law makes it unlawful for any person to intentionally and unlawfully destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a governmental record. A violation of that law is a Class A misdemeanor.<sup>78</sup>

What may prove to be a more practical remedy is to pursue an action to recover personal property.<sup>79</sup> This action, also known as replevin, is a judicial proceeding whereby property that is in the wrong hands can be returned to the rightful owner or custodian. It is initiated by filing a complaint in the circuit or chancery court or by causing a warrant to issue in the general sessions court.<sup>80</sup> Ultimately, the proceeding may result in the issuance of a writ of possession that directs the proper officer to take the property from the defendant and return it to the plaintiff.<sup>81</sup> If you need to pursue such an action to recover misappropriated city records, contact your city attorney.

### Alternative Storage Formats

Paper is not the only medium in which records can be stored. As has been mentioned in earlier chapters, many offices are choosing to store records in either photographic (microfilm, microfiche, etc.) or electronic media. Each medium offers different advantages and disadvantages. Cities should thoroughly research either system before investing revenue and entrusting its vital records to different storage media.

### MICROFILM<sup>82</sup>

Microfilming can offer as much as a 98 percent reduction in storage space over storing records in their original paper format.<sup>83</sup> And by having a back-up copy of microfilm stored off site, a government can almost immediately recover from any disaster or occurrence that damages its vital records. Produced correctly, microfilm is considered to be archival quality, meaning it is a suitable format for storing permanent retention documents.



But microfilm has disadvantages. No alternative format is going to be a perfect solution for all your records management problems. Microfilming is not cheap. It is a labor-intensive process that requires expertise of the person doing the work. Additionally, if microfilm is not properly produced, developed and stored, it will not stand the test of time.

### State Microfilming Program

The law provides that the State Library and Archives is charged with providing trained staff and appropriate equipment necessary to produce and store microfilm reproductions of official, permanent value bound volume records created by county and municipal governments.

To implement this security microfilming program, the state librarian and archivist are authorized to develop a priority listing of essential records based on retention schedules developed by the UT County Technical Assistance Service and the UT Municipal Technical Advisory Service. This priority listing of essential records may be revised from time to time to accommodate critical needs in individual counties or municipalities or to reflect changes in retention schedules. The camera negative of the microfilmed records shall be stored in the security vault at the State Library and Archives, and duplicate rolls of these microfilmed records shall be made available to county and municipal governments on a cost basis.<sup>84</sup>

### Technical Guidelines

The following guidelines for producing and storing microfilm are considered crucial by the Tennessee State Library and Archives:<sup>85</sup>

- **Microfilm must conform to national archival processing and storage standards if it is to survive.**

Tennessee law requires that “photographic film shall comply with the minimum standards of

quality approved for permanent photographic records by the National Bureau of Standards (now the National Institute of Standards and Technology), and the device used to reproduce such records on film shall be one which accurately reproduces the original thereof in all details.<sup>86</sup>

- **Good preparation of records to be filmed is crucial.**

If needed, records should be cleaned and flattened before filming. You must film the records in their correct order and arrangement. At the beginning of each group, series and sub-series, identify the records by filming descriptive “targets” that also include notes on physical condition and arrangement of the records.

- **All records in a group or series, regardless of condition, must be filmed in proper orientation, order and focus.**

If a page is omitted or improperly filmed and the original destroyed after filming, there is no way to recover the permanent record that should have been preserved.

- **Archival quality silver-gelatin film must be used for the camera-image negative film, and it must be processed according to archival standards.**

Diazo film and other inexpensive process films will not endure. Residual chemicals on film from poor processing will destroy film. However, reference copies may be on any sort of commercial film that is convenient and affordable. It will have to be replaced from time to time, since heavy use in readers will wear out the film.

- **The original negative (camera-image) film must be reserved in archival storage conditions and should be kept at a site removed from the main archives.**

Only positive copies of the original negative should be used for reference, otherwise the original may deteriorate. High humidity and



changes in temperature that are wide or frequent tend to hasten the destruction of film. The original negative (camera image) film must be used only to produce reference copies as needed. Indeed, it is still better to have a second negative copy from which to produce reference-use positives, so that the camera-image negative original is itself preserved. Off-site storage under archival conditions offers the best chance for survival of the original negative film. The Tennessee State Library and Archives is a good storage option for counties and municipalities that wish to preserve their original camera-image, negative film.

### Technical Assistance

For more information on microfilming, contact the National Association of Government Archives and Records Administrators, and request a copy of its publication entitled *Using Microfilm* by Julian L. Mims, CRM, issued in February 1992. Contact information for that organization is in the appendix.

You also may wish to contact the Restoration and Reproduction Section of the Tennessee State Library and Archives if you have questions regarding the microfilm services it provides to local governments. For further information, contact Carol Roberts, director of restoration and reproduction, TSLA, (615)741-2997 or carol.roberts@state.tn.us.

### ELECTRONIC RECORDS

City governments can now use computers as a tool for both creating and maintaining original records and for reproducing existing paper records onto other storage media. Any records required to be kept by a government official in Tennessee may be maintained on a computer or removable computer storage media, including CD-ROMs, instead of in bound books or as paper records.<sup>87</sup> But in order to do so, the following standards must be met:

1. The information must be available for public inspection, unless it is required by law to be a confidential record;

2. Due care must be taken to maintain any information that is a public record for the entire time it is required by law to be retained;
3. All data generated daily and stored within the computer system must be copied to computer storage media daily, and computer storage media more than one week old must be stored off site (at a location other than where the original is maintained); and
4. The official with custody of the information must be able to provide a paper copy of the information to a member of the public requesting a copy.<sup>88</sup>

These standards, however, do not require the government official to sell or provide the computer media upon which the information is stored or maintained.

### Caveats and Concerns

All of these new technologies bring our offices new capabilities but also new problems and dangers. As the provisions regarding each of these new developments indicate, extra safeguards are necessary with electronic records. If you consider for a moment the true nature of electronic records, you can see why precautions are necessary.

### Fragility

Computer records are nothing more than magnetic impulses embedded in a chemical medium.<sup>89</sup> Doesn't sound like something that's going to last through the ages, does it? The truth is, electronic records are much more convenient to use, but they are also more fragile than paper records. Like paper records, fire and water can destroy them, but so can magnetic impulses, power surges, heat and moisture. Unlike paper records, a little bit of damage goes a long way. A spilled cup of coffee may ruin a few papers on your desk, but spill the same cup onto your computer and the equivalent of volumes and volumes of information can be destroyed in a moment.





Another manner in which computer records are unlike paper records is the possibility of damaging the records through use. Continuous use over a long period of time may cause the deterioration of a bound volume, but that in no way compares to the amount of damage that can be done to a disk of computer records by a negligent or malicious user.

### **Computer Records Are Not “Human Readable”**

When you use computer records, you need a third party involved, namely, a computer. If something happens to your computer system, you can't access the records until it is replaced. If the problem is a lightning strike that knocks out a few PCs in your office, it's no big deal. They may be expensive to replace, but they are definitely replaceable. If the problem is a bug in a proprietary record-keeping software package and the company that wrote your software is out of business, you may have an insurmountable problem. No matter how well you preserve the computer media containing the data, you can't read it without a program.

### **Data Migration**

If you still think computer records are safe and reliable for long-term use, consider this: Even if you have your magnetic tapes and computer disks and CD-ROMs in 10 or 20 years time and they have been perfectly preserved in pristine condition, will you still be running the same computer? This is a problem that may prove to be the most serious technological issue of the next century. Imagine the difficulty of finding a way to access computer records that are 30, 40 or — in the not too distant future — 100 years old.

To avoid falling victim to rapid changes in technology, you must have a system of data migration. Whether you use a computer for keeping the current financial records of your office or you are using an imaging system to capture information on old records, you must anticipate and plan on being able to transfer that information from one

computer system to the next as you upgrade your equipment and software. Failing to recognize this need will lead to disaster.

For long-term retention, permanent-value municipal records must be in a durable format such as paper or microfilm. Scanned or digitized records do not meet national archival standards for viability after 15 to 20 years, much less for permanent storage. T.C.A. § 10-7-121 does, in fact, authorize the keeping of permanent-value records on “computer or removable computer storage media, including CD-ROMs, instead of bound books or paper records” if the records are available for public inspection, can be reproduced in paper form, and are backed up in off-site storage. See also T.C.A. § 47-10-112. These laws, in our view, leave officials vulnerable to losses of vitally important records for whose long-term safekeeping these same officials are legally responsible. Despite what these laws allow, records cannot be safely maintained *solely* in digital form for long periods of time.

Consider these issues seriously, seek technical assistance for working with technology, and question vendors thoroughly about these problems when considering any technology purchase.

### **CONCLUSION**

The preceding materials should provide city officials and city public records coordinators with enough ammunition to begin the battle of records management. It is our hope that, whatever the level of records management currently present in your city, you found something of use in these chapters. The rest of this manual comprises the retention schedules applicable to city governments, as well as appendices of statutes, guidelines, forms, sample resolutions and a list of sources of additional information.



## PART FOUR: RETENTION SCHEDULES

### USING THIS RETENTION SCHEDULE

Records in this schedule are grouped by topic. The records under each topic constitute a records series. Each record in the series is given a number consisting of the series designation plus a number designating the order in which the record is listed within the series. For example, Activity Reports under Animal Control are in Record Series A and have the record number A-1. The series designation and the record number should be useful in referring to records during both storage and disposition.

You may notice that there are topics that appear not to be covered. We have attempted to use general topics to the extent possible to keep the schedule from being too voluminous. If you have a record that appears not to be covered, you should look for the record in a related topic that is included in the schedule. For example, a contract involving the airport authority would have the same retention period as other contracts noted under the General Administration topic. We also have attempted to use the index at the end of the schedule to help you find retention periods for records for which there is no separate topic or series.

Under T.C.A. § 10-7-702, records manuals compiled by MTAS must “be used as guides by municipal officials in establishing retention schedules for all records created by municipal governments ...” Since this manual is a guide rather than the final word, a municipality may add more records or records series to the retention schedule if needed.

The following schedules have been reviewed by MTAS staff, the State Library and Archives, and several city officials. We recommend their adoption. The retention periods marked with asterisks are

required by state or federal law. All other retention periods are based on the record’s administrative, legal and historical value.

As noted, municipalities have a great deal of flexibility in adopting the retention schedule. It can be adopted, with any needed modification, by ordinance, resolution, motion, citywide policy, or by a records commission if the municipality has one; or applicable portions can be adopted as a departmental policy.

If you have questions about a record and cannot find it in the schedule, contact your MTAS management consultant. If there is any way this manual or retention schedule can be improved, let us know.



# RETENTION SCHEDULES TABLE OF CONTENTS

*Airports . . . . .	(Index) 100
A. Animal Control . . . . .	.31
B. Cemeteries, City-Operated . . . . .	.33
C. Courts . . . . .	34
D. Elections . . . . .	.41
E. Engineering . . . . .	.42
F. Finance . . . . .	44
G. Fire. . . . .	.49
H. Fleet Services. . . . .	.52
I. General Administration . . . . .	.53
*Hospitals and Nursing Homes . . . . .	(Index) 102
J. Permits . . . . .	.59
K. Personnel. . . . .	.60
L. Planning and Zoning . . . . .	.72
M. Police . . . . .	.74
N. Property Tax. . . . .	.77
O. Purchasing . . . . .	80
P. Recreation and Parks. . . . .	.81
Q. Schools . . . . .	.82
R. Solid Waste . . . . .	.92
S. Utilities (Billing and Collection) . . . . .	.95
T. Utilities (Operation and Maintenance) . . . . .	.97
U. Utilities (Wastewater and Water Records) . . . . .	.98

*\*These topics do not have a separate records series.*



## A. Animal Control

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>A-1. Activity Reports.</b> Monthly reports showing the activity of the animal control operations.	Retain 2 years, unless there is no annual report. If no annual report, retain as permanent record.	Keep to aid in planning.
<b>A-2. Adoption Contracts.</b> May include agreement to have animal spayed/neutered when it is 6 months old.	Retain 4 years.	Keep to show proof of ownership/patterns of behavior of animal or owners.
<b>A-3. Annual Reports.</b> Annual reports showing the activity of the animal control operations.	Permanent record.	Keep to aid in planning.
<b>A-4. Bite Reports.</b> Documents investigations of dog bites.	Retain 4 years.	Retention period based on likely time of complaint or legal action.
<b>A-5. Complaints, Record of.</b> May contain date; time of complaint; complainant's name, address, and telephone number; owner's name and address; animal's license number; and details of problem.	Retain 4 years or until resolution of any litigation, whichever is later.	Record may be used in litigation. Retention period based on statute of limitations for actions for injuries to personal property plus 1 year. T.C.A. § 28-3-105.
<b>A-6. Controlled Substances, Log of.</b>	Retain 3 years.	Tenn. Admin. Rule 1730-4-.09.
<b>A-7. Dispatching Logs.</b>	Retain 4 years, unless legal action is pending.	Retention period based on likely time of complaint or legal action.
<b>A-8. Euthanasia Report.</b> Must be kept for each animal euthanized; includes date, estimated age, breed, weight, sex, amount of euthanasia solution administered, and description of verification of death.	*Retain 3 years. May want to retain 4 years if 4-year retention period adopted for other animal control records.	Tenn. Admin. Rule 1730-4-.09.
<b>A-9. Field Reports (Daily).</b> Report of officer's daily activities.	Retain 1 year.	Used to compile activity reports.
<b>A-10. Impound Log.</b> Log of all animals brought into the animal shelter and whether animal was adopted or euthanized.	Retain 4 years.	Keep as part of history of animals and owners and to track activity at shelter. Can be useful in returning lost animals to owners.

\* Indicates a mandatory retention period based on state or federal law.



## A. Animal Control *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>A-11. Rabies Certificate.</b> Rabies vaccination is required by T.C.A. § 68-8-104. Certificates are forwarded to animal control by veterinarians.	Retain 4 years.	Keep to provide proof of vaccination and to facilitate return of lost animals to owners. Rabies vaccine lasts 3 years.
<b>A-12. Return to Owner, Record of.</b>	Retain 4 years.	Keep to prove ownership of animal and assign liability to owner if the animal is ever in violation of ordinances or statutes.
<b>A-13. Spay/Neuter Deposit, Record of.</b> Deposit is required by T.C.A. § 44-17-503 for every animal not already spayed or neutered that is adopted from an animal shelter.	Retain 4 years.	Keep as part of history of animals and owners.
<b>A-14. Surrender of Animal, Record of.</b>	Retain 4 years.	Keep to defend against liability for taking animal. Based on statute of limitations for offenses against property plus 1 year.



## B. Cemeteries, City-Operated

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>B-1. Deed Books.</b> May contain deed number, purchaser's name, deed date, lot number, etc.	Permanent record.	Establishes property rights.
<b>B-2. Interment Records.</b> May contain name of the deceased, burial permit number, dates of death and interment, sex and age of deceased, place of death, location of grave, date and place of birth, owner of lot, deed number, and removal information.	Permanent record.	Keep for historical purposes.
<b>B-3. Perpetual Care Records.</b> Records regarding funds for the continued upkeep of the cemetery.	Permanent record.	Keep for historical purposes.



## C. Courts

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>C-1. Affidavit of Complaint.</b> A written statement alleging that a person has committed an offense and alleging the essential facts instituting the offense charged made upon oath before a magistrate or court clerk.	*Permanent record.	T.C.A. § 18-1-202(a).
<b>C-2. Appeal Dockets.</b> Record of cases going to appellate courts showing style of case, date, and ruling of the court; may show court costs.	*Retain 10 years after last entry.	T.C.A. § 18-1-202(a).
<b>C-3. Appearance and Rule Dockets.</b> Record of first appearance of all causes in court, showing date filed, names of attorneys, style of case, security, and action taken.	*Permanent record.	T.C.A. § 18-1-202(a).
<b>C-4. Appearance and Bail Bond Records.</b> Bonds and recordings of bonds executed by defendants and sureties showing defendant's name, name of person serving as surety, amount of bond, and signatures of the accused and sureties.	*Retain 10 years after final judgment.	T.C.A. § 18-1-202(a).
<b>C-5. Attachment and Injunction Bonds.</b> Bonds executed in attachment and injunction cases insuring defendant against damages likely to occur as a result of wrongful suing, showing date of bond, names of principal and sureties, amount of bond, condition of the obligation, and signatures of principal and sureties.	*Retain 10 years after final judgment.	T.C.A. § 18-1-202(a).
<b>C-6. Attachments on Personal Property.</b> Writs issued during court action to seize the personal property of the defendant to be held as security for the satisfaction of such judgment as the plaintiff may recover.	*Retain 10 years after final settlement of case.	T.C.A. § 18-1-202(a).

\* Indicates a mandatory retention period based on state or federal law.



## C. Courts (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>C-7. Attachments on Real Property.</b> Writs issued during court action to seize the real property of the defendant to be held as security for the satisfaction of such judgment as the plaintiff may recover.	*Retain 10 years after final settlement of case.	T.C.A. § 18-1-202(a).
<b>C-8. Bills of Costs—Courts with Concurrent Jurisdiction.</b> Certified bills of costs in criminal cases in courts having concurrent general sessions court jurisdiction and submitted for payment by the city court clerk, showing names of plaintiff and defendant, offense charged, date of initial action, items of cost, amount of each, date process issued, signature of officer issuing warrant, date filed with circuit court clerk for trial (if applicable), clerk's certification, date judgment paid, and number of warrant issued in payment.	Retain 5 years after close of case.	Keep for audit and review purposes.
<b>C-9. Bills of Costs—Ordinance Violation Cases.</b> Bills of costs submitted for payment showing names of plaintiff and defendant, date of initial action, items of cost, amount of each, date process issued, signature of official issuing warrant, date filed with court for trial, clerk's certification, date judgment paid, and number of warrant issued in payment.	Retain 5 years after close of case.	Keep for audit and review purposes.
<b>C-10. Bond Books, Miscellaneous.</b> Receivers', appearance, cost, etc., bonds, showing names of principal and sureties, style of case, amount and date of bond, condition of the obligation, and signatures of principal and sureties.	*Retain 10 years after release, replacement, or expiration of all bonds in book.	T.C.A. § 18-1-202(a).
<b>C-11. Briefs, Civil Cases.</b> Statements of the case, legal theory and arguments for a party in a case.	*Maintain for 3 years after final disposition of the case, then destroy after notice is given to parties.	Notice permits parties to retrieve records. T.C.A. § 18-1-202(b).

\* Indicates a mandatory retention period based on state or federal law.





## C. Courts (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>C-12. Capias.</b> The general name for several types of writs that require an officer to take the body of the defendant into custody; they are writs of attachment or arrest.	*Permanent record.	Original process must be kept permanently. T.C.A. § 18-1-202(a).
<b>C-13. Case Ledgers.</b> Record of case funds received and distributed.	Permanent record.	Recommended by the comptroller in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> .
<b>C-14. Citation.</b> A demand that the defendant cited appear in court at a stated time to answer to a misdemeanor or civil offense charge. The citation states the name and address of the person cited, the name of the issuing officer, and the offense charged.	*Permanent record.	Original process must be kept permanently. T.C.A. § 18-1-202(a).
<b>C-15. Cost Bonds, Civil Cases.</b> Bonds executed to insure payment of court costs, showing names of plaintiff and defendant, amount and date of bond, condition of the obligation, and signatures of principal and sureties.	*Maintain for 3 years after final disposition of the case, then destroy after notice is given to parties.	Notice permits parties to retrieve records. T.C.A. § 18-1-202(b).
<b>C-16. Criminal Actions, Record of.</b> All original process, case papers, and documents in criminal cases, including judge's orders, in both felony and misdemeanor cases.	*Permanent record.	T.C.A. § 18-1-202(a).
<b>C-17. Delinquent Tax Collections Reports.</b> Copies of reports made by the clerk to the cities, county, and state of tax collections in litigation, showing docket number, case number, names of complainant and respondent, amount collected, total, and date of report.	*Retain 10 years.	T.C.A. § 18-1-202(a).

\* Indicates a mandatory retention period based on state or federal law.



## C. Courts (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>C-18. Detainer Warrants.</b> Instrument authorizing the keeper of a prison to keep a person in custody. Shows name of person in custody, length of time to be detained, and signature of issuing official.	*Retain 10 years.	T.C.A. § 18-1-202(a).
<b>C-19. Discovery Records, Civil Cases.</b> Interrogatories, depositions, and other legal devices to obtain information concerning a case prior to trial.	*Maintain for 3 years after final disposition of the case, then destroy after notice is given to parties.	Notice permits parties to retrieve records. T.C.A. § 18-1-202(b).
<b>C-20. Distress Warrants and Warrant Stubs.</b> Original warrants and warrant stubs issued against persons, showing name and address of person for whom warrant is issued, date of issue, amount of tax due, fees, and penalties.	If court action results, retain until final settlement of case; if no court action, retain 5 years.	Keep for audit purposes.
<b>C-21. Executions.</b> Writs or orders providing that an act or course of conduct be carried out.	*Retain 10 years after issuance.	T.C.A. § 18-1-202(a).
<b>C-22. General Account Ledgers (execution docket).</b> Ledger accounts of funds received from payments of judgments and court costs; money distributed by the clerk showing style and number of case, date of collection, name of person from whom received, and amount; date of payment, name of payee, number of check issued, and amount; may show cash book and page number from which entry was posted.	*Permanent record.	T.C.A. § 18-1-202(a).
<b>C-23. General Index.</b> Index to all original case papers, showing file number and names of complainant and respondent.	Permanent record.	Necessary for use of other permanent records.
<b>C-24. Habeas Corpus, Writs of.</b> Writs issued to change the place of trial, to move from custody of one court to another, directing that a detained person be produced, etc.	*Permanent record.	Original process must be kept permanently. T.C.A. § 18-1-202(a).

\* Indicates a mandatory retention period based on state or federal law.



## C. Courts (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>C-25. Judge's Opinions.</b> Statements by the judge of the decision reached in regard to a cause heard before him relating the law as applied to the case and giving reasons on which the judgment is based.	*Permanent record.	T.C.A. § 18-1-202(a).
<b>C-26. Litigation Tax Reports.</b> A record of all state and city litigation taxes collected by the clerk showing number of cases and amount received.	Retain 10 years after last entry.	Keep for audit purposes.
<b>C-27. Minute Books and Indexes.</b> Minutes show the course and proceedings in all cases from their origin to termination, giving name of defendant, offense charged, date of trial, verdict, and sentence of the court.	Permanent record.	Necessary for use of other permanent records.
<b>C-28. Mittimuses.</b> Commitments to jail, showing name of person committed, offense charged, name of prosecutor, amount of bail, date, and signature of clerk of the court.	*Retain 10 years.	T.C.A. § 18-1-202(a).
<b>C-29. Municipal Court with Concurrent Jurisdiction Docket Book, Criminal (State).</b> Dockets showing date of trial, case number, name of defendant, action of the court, name of returning officer, and list of witnesses claiming fees.	Permanent record.	Keep permanently as a basic record of the actions of the court.
<b>C-30. Processes Served, Record of.</b> Record of warrants, capiases, summonses, and other papers served.	Retain 3 years after last entry. Note: Do not confuse this record with original process that must be kept as a permanent record to comply with T.C.A. § 18-1-202(a).	Keep for audit purposes.
<b>C-31. Receipts for Papers.</b> Record of all files and papers removed from the office, showing date and by whom taken, and date returned.	Retain until all files and papers are returned.	Working papers as defined in T.C.A. § 10-7-301(14).

\* Indicates a mandatory retention period based on state or federal law.



## C. Courts (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>C-32. Reports, Municipal Court with Concurrent Jurisdiction.</b> Duplicates of monthly reports to the county and the state of all revenue collected by the clerk, showing dates of quarter, from whom received or source of collection, costs, fees and mileage of witnesses, and fees, commissions and emoluments of the sheriff, his deputies, constables, game wardens, state highway patrolmen, and other officers for services to the court, the fines and forfeitures adjudged by the court, and all other funds coming into the hands of the clerk and judge.	Retain 10 years after clerk's tenure is broken.	Keep for audit purposes.
<b>C-33. Rule Dockets and Indexes.</b> A record of original processes issued and filed incident to cases tried in court, showing number of case, date and hour filed, names of complainant, respondent, and solicitors; also date and nature of process, names of bondsmen, date process served, note of officer's return, and rules and orders of the court.	*Permanent record.	T.C.A. § 18-1-202(a).
<b>C-34. Search Warrants.</b> A written order issued in the name of the state and directed to a law enforcement officer commanding him to search a specific house, business establishment, or other premises.	*Retain 10 years.	T.C.A. § 18-1-202(a).
<b>C-35. Subpoenas.</b> Copies of summonses to appear in court as witnesses in lawsuits, showing name of person summoned, day and hour to appear, in whose behalf, and signature of the clerk.	*In criminal cases, retain 10 years.  *In civil cases, retain 3 years.	T.C.A. § 18-1-202.
<b>C-36. Summonses.</b> A writ notifying a person that a court action has been commenced against him and that he is required to appear on a day named and answer the complaint in such action.	*Permanent record.	T.C.A. § 18-1-202(a).

\* Indicates a mandatory retention period based on state or federal law.



## C. Courts (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>C-37. Trial Exhibits and Evidence.</b> Any evidence and exhibits presented at trial that become part of the record of the case.	*Retain 10 years after final judgment, unless local rule of court provides for a different retention period.	T.C.A. § 18-1-202(a).
<b>C-38. Unclaimed Funds, Record of.</b> Record of funds in hands of clerk unclaimed for 7 years and turned over to state, showing style of case, case number, respondent, and amount.	Retain 10 years.	Keep record for audit purposes and a reasonable period to allow interested parties to make inquiries.
<b>C-39. Warrants.</b> Writs issued in both civil and criminal cases requiring an officer of the law to arrest the person named therein and bring him before the court to answer charges of some offense that he is alleged to have committed.	*Permanent record.	T.C.A. § 18-1-202(a).
<b>C-40. Witness Books.</b> Record of witnesses appearing in court cases, showing date of court term, style of case, names of witnesses for complainant, names of witnesses for respondent, number of days attended, miles traveled, amount due, and date of payment.	*Retain 10 years after last entry.	T.C.A. § 18-1-202(a).

\* Indicates a mandatory retention period based on state or federal law.



## D. Elections

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>D-1. Candidate Lists.</b> Lists of candidates participating in elections.	Retain 4 years after election or for duration of term.	Based on standard election cycle.
<b>D-2. Certificate of Election.</b> Copies of original certificate provided to elected officials.	Retain 4 years after election or for duration of term.	Based on standard election cycle.
<b>D-3. Election Results.</b>	Permanent record.	Has historical significance.
<b>D-4. Precinct Maps.</b> Geographical descriptions of polling units.	Permanent record.	Possible historical significance.
<b>D-5. Public Notices.</b> Copies of all public notices published by the election commission.	Retain 4 years after election or for duration of term.	Based on standard election cycle. May be useful in future elections.
<b>D-6. Reapportionment Records (if city has districts or wards).</b>	Retain until next reapportionment.	May have legal significance until completion of next reapportionment. May assist in next reapportionment.



## E. Engineering

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>E-1. Aerial Photographs.</b> Aerial photographs of flyovers. Negatives may be available at the state Department of Transportation's photographic lab.	Permanent record.	Keep for operational purposes through reappraisal appeals process and greenbelt recertification appeal period. This record series has a high historical and archival value and should be preserved for those reasons.
<b>E-2. Bridge and Street Project Files, Federal, State and Local.</b> Project files, including contracts and invoices.	Retain 7 years after completion of project.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>E-3. Building Plans.</b> Blueprints and specifications for all municipal buildings including school buildings.	Retain for the life of the building (plus additional time if litigation could arise from a building's early demise). Consider donating to archive.	Necessary for maintenance and operation of physical plant.
<b>E-4. City Street List.</b> Record of all streets under the control of the city.	Permanent record.	Necessary for street regulation and maintenance and to protect street department from allegations of working on private property.
<b>E-5. Complaints.</b> Citizen service request for maintenance and repair issues.	Retain 5 years.	Could constitute notice of unsafe condition.
<b>E-6. Deeds, Easements, Highway Rights-of-way, etc.</b> Instruments of conveyance of interests in real property. Shows signature of property owner, date, width of easement, and name of road.	Permanent record in city recorder's office.	Recorded copy is necessary to preserve city property rights. City should retain its own copy as a record of its property rights.
<b>E-7. Maps and Map Books.</b> City and civil district maps as well as single parcel maps (not part of subdivision).	Permanent record.	Keep for historical purposes.



## E. Engineering (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>E-8. Ownership Maps and Index, Rural and Urban.</b> These maps reflect the status of real property as of January 1 of each year.	Retain only current and one previous generation of ownership maps and indexes. Older generations of photographs may be removed from the office but if removed, should be transferred to an archive or library.	Useful in office for tracking property changes and as evidence in challenges to tax sales. This record series has a high historical and archival value and should be preserved for those reasons.
<b>E-9. Plats, Plat Books, Surveyors' Books and Indexes.</b> Drawings of subdivisions, cemeteries, utilities, city lots and street improvements showing name of subject, date drawn, boundaries, scale used, location, name of engineer making survey, name of draftsman, and register's certificate of registration.	Permanent record.	Necessary for maintenance and operation of city infrastructure.  Eligible for recordation. T.C.A. § 13-3-402.
<b>E-10. Sign Inventory.</b> List of all traffic signs and traffic signals in the city.	Retain a current copy at all times.	Necessary to track inventory and maintenance of signs.
<b>E-11. Underground Utilities, Location of.</b> Record of location of all underground utilities maintained by the city.	Permanent record.	Necessary for maintenance and operation of city infrastructure  NOTE: Under T.C.A. § 65-31-105, the city must record location of utilities with county, listing where the facilities are located and the name, title, address, and telephone number of the operator's representative. The county keeps this record permanently.
<b>E-12. Work Orders.</b> For repair and maintenance of streets, traffic signs, traffic signals, and utilities.	Retain 5 years.	Evidence in lawsuit.





## F. Finance

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>F-1. Accounts Paid Files and Ledgers.</b> Paid invoices filed by vendor showing company, date, amount, date paid, and invoice number. Ledgers show name of vendor, amount of each invoice, amount paid on each account, and amount outstanding.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>F-2. Accounts Payable.</b>	Retain 10 years.	Recommendation of the comptroller set forth in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> .
<b>F-3. Accounts Receivable.</b>	Retain 10 years.	Recommendation of the comptroller set forth in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> .
<b>F-4. Annual Reports to City Officials.</b> Submitted by city departments, boards, or agencies.	Permanent record.	Keep for historical purposes.
<b>F-5. Appropriation Ordinance or Resolution.</b> Record of appropriations made by the municipal legislative body for maintenance of city offices and departments, and for payment of claims against the city, showing date of meeting, date claim filed, to whom payable, nature of claim or purpose of appropriation, and amount.	Permanent record.	Keep for audit and historical purposes.
<b>F-6. Audit Reports.</b> All audit reports relative to city finances. Audit reports show name of office, name of fund or account, account of all receipts and disbursements, date of audit, and signature of auditor.	Permanent record.	Recommendation of the comptroller set forth in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> . Record has high historical value.  NOTE: T.C.A. § 6-56-104 requires the city to place a copy of the audit in the main branch of the public library.
<b>F-7. Bank Deposit Books.</b> Bank books showing name and location of bank, and amounts and dates of deposits.	Retain 6 years plus 1 year after last entry.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.



## F. Finance (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>F-8. Bank Deposit Slips.</b> Slips showing name and location of bank, and amounts and dates of deposits.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>F-9. Bank Statements.</b> Statements showing name and location of bank, and amounts and dates of deposits, amounts and dates of check withdrawals, and running balance.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>F-10. Bids, On Equipment and Supplies.</b> Records showing bidder's name, complete description of item(s), delivery date, amount of bid, and any correspondence with the bidder. Include record of unsuccessful bids in this file.	Retain 7 years after contract expires.	Based on statute of limitations for legal action based on breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>F-11. Bonded Indebtedness, Record of.</b> Register book shows bond issue, date, and amount set up by year; as bonds and coupons are returned, these are shown in the book. Other records include the trust indenture, loan agreements, bond counsel opinion, documentation on expenditure of bond proceeds, copies of management contracts and research agreements, documentation of all sources of payment or security for the bonds, and documentation of investment of bond proceeds. Other records may also include documentation specific to any single and multifamily housing bonds and small issue industrial development bonds.	Bonds and coupons may be destroyed after the audit is complete for the fiscal year during which the bonds were duly paid and canceled.	Based on procedures established in T.C.A. § 9-21-123.  T.C.A. § 28-3-113.
<b>F-12. Budget Records and Reports.</b> These pertain to the general fund and street fund, debt service fund, and general purpose school fund and all other city funds. They show anticipated revenues, anticipated expenditures for the year, and fund balance at the end of the year.	The annual budget is preserved permanently in city legislative body minutes. Retain other budget records and reports 5 years.	Keep for audit purposes.



## F. Finance (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>F-13. Canceled Checks.</b> Canceled checks showing date check issued, name of bank on which drawn, check number, to whom payable, purpose of payment, amount of check, and date canceled.	Retain 7 years.	Based on statute of limitations for legal action for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>F-14. Cash Journals.</b> Record of all receipts and disbursements as distributed to various city accounts, showing date of entry, amount, source of receipt or purpose of payment, amount of debit or credit, and name of account credited or charged.	Permanent record.	Recommendation of the comptroller set forth in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> . Comptroller's office considers this record important for demonstrating patterns in investigations of misappropriation of funds. Prior to the advent of general budgetary practices, the <i>Recorder's Cash Journal</i> was the best record for tracking the total revenue stream of the city and has historical value. For this reason, older records should be kept permanently.
<b>F-15. Cash Reconciliation Report.</b> Shows balances at beginning of month, outstanding checks, cash balances, checks issued during month, checks paid, cash and outstanding checks at end of the month.	Retain 1 year after audit.	Keep for audit and review purposes.
<b>F-16. Check Books.</b> Books containing stubs of checks issued by the recorder showing check number, date issued, name of payee, amount, and purpose of payment.	Retain 7 years after date of last check.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>F-17. Check Stubs.</b> From all city accounts and accounts of all its departments.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>F-18. Development and Proposal Files.</b> Reports, planning memos, correspondence, studies, and similar records created for and used in the development of grant proposals submitted to state or federal agencies and contracts relating to the grant.	Retain all unsuccessful applications for 5 years. Retain all records regarding grants that are received for life of grant plus 7 years.	Keep unsuccessful proposals in case of appeal or for administrative use in re-application. Keep records of grants received based on statute of limitations for contract actions. T.C.A. § 28-3-109.



## F. Finance (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>F-19. Financial Reports to City Legislative Body.</b> (1) General; (2) Final—Report gives information on different accounts, balances on last report, receipts, disbursements, commissions, transfers, balances on this report, totals, bank balances of city accounts in different banks, and classification of receipts (sources received from, e.g., state, local, etc.). Reports of street department chief administrative officer and other officials when required by law.	Permanent record.	These reports should be recorded in the minutes of the city legislative body. Permanent retention is recommended by the comptroller in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> .
<b>F-20. General Ledger Accounts.</b> Record of all receipts and disbursements for the various city accounts, showing date of entry, amount, source of receipt or purpose of payment, amount of debit or credit, and name of account credited or charged.	Permanent record.	Recommendation of the comptroller set forth in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> .
<b>F-21. General (Miscellaneous) Receipt Ledgers.</b> Record of funds received on general accounts, including such payments as state and city taxes, interest, fees, and penalties on delinquent taxes, showing date of payment, name of payor, amount, fund credited, and balance. This information is included in the journal package of most software in computerized cities. If stored electronically in compliance with electronic data processing standards, paper copy is not necessary.	Retain 7 years after last entry. If stored electronically, retain 7 years after date of creation of record.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>F-22. Grant Documentation and Files.</b> Records and materials regarding grants applied for and/or money received through state and federal grants.	Retain for life of grant plus 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>F-23. Investment Ledgers.</b> Surplus cash investments, rate of interest, date, and amount collected.	Retain 10 years.	Keep for audit purposes and to address arbitrage concerns.
<b>F-24. Invoices.</b> Original invoices, purchase orders, and requisitions used in purchasing goods.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.



## F. Finance (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>F-25. Miscellaneous Receipts from Other Offices Receiving Money, Records of.</b> Records of receipts collected by other city offices and departments. Examples: fees collected by the ambulance service, building permits, etc.	Retain 7 years.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>F-26. Receipt Books.</b> Receipts for revenue collected, showing from whom received, date receipt given, receipt number, amount and purpose of payment, and account credited. Receipts may be or may have been issued for funds received from other city offices for payment of transfer tax, delinquent taxes, state funds, utilities tax, etc. Receipts may be loose rather than in books.	Retain 7 years after last entry. If stored electronically, destroy file 7 years after date of creation. Additional copies of the receipts that are not needed for any purpose are working papers that may be destroyed as soon as it is determined they are superfluous.	Based on statute of limitations for legal actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>F-27. Sales Tax Reports.</b> Report from the state showing total tax collection less cost of state collection. Report shows amounts distributed to incorporated municipalities.	Retain 10 years.	This record series is kept longer than the usual audit standard in case of a dispute regarding city/county distribution of revenues.
<b>F-28. Travel Authorizations.</b>	Retain 5 years.	Keep for audit purposes.
<b>F-29. Unclaimed Funds, Record of.</b> Record of funds in hands of official unclaimed for 7 years and turned over to state, showing information about source of funds and amount.	Retain 10 years.	Keep record for audit purposes and a reasonable period to allow interested parties to make inquiries.



## G. Fire

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>G-1. Arson Investigation Reports.</b>	Retain 30 years or until the convicted perpetrator is released from prison, whichever is longer.	Keep for use if there is a new trial.
<b>G-2. Bloodborne Pathogens/ Infectious Material Standard.</b> Protects employees who may be occupationally exposed to blood or other infectious materials.		
<ul style="list-style-type: none"><li>Written exposure plan</li></ul>	No retention period specified. Must be available to workers and kept current.	Occupational Safety and Health Act (29 C.F.R. 1910.1030).
<ul style="list-style-type: none"><li>Medical records</li></ul>	*Retain for duration of employment plus 30 years.	Occupational Safety and Health Act (29 C.F.R. 1910.1020).
<ul style="list-style-type: none"><li>Training records</li></ul>	*Retain 3 years.	Occupational Safety and Health Act (29 C.F.R. 1910.1030).
<ul style="list-style-type: none"><li>Employee exposure records</li></ul>	*Retain 30 years.	Occupational Safety and Health Act (29 C.F.R. 1910.1020).
<b>G-3. Burn Permits.</b> Record of permission granted for open burning within the city limits.	Retain 2 years unless issued in conjunction with a building permit, in which case retain until certificate of occupancy granted.	General recommendation is based on statute of limitations for malicious burning plus 1 year. Recommendation for burn permits issued with building permits based on the increased likelihood of a lawsuit against the city before certificate of occupancy is granted.
<b>G-4. Fire Incident Reports.</b>	Retain 5 years. Consider donating to archive.	Keep to track history of property, loss claims, repeats. Retention term based on statutes of limitations for foreseeable causes of action.
<b>G-5. Fire Safety Inspection and Similar Reports.</b> Reports made by the Tennessee Department of Insurance, Division of Fire Prevention, or local fire department showing date, name of inspector, location inspected, etc.	Retain current inspection report until a new inspection report is received, as a minimum. Retaining 3 years is recommended.	Keep for enforcement purposes. Keeping one generation back allows the department to show a history of inspection.

\* Indicates a mandatory retention period based on state or federal law.



## G. Fire *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>G-6. Firefighter Annual Certification of Fitness to Perform Job Functions.</b>	*Retain until next certification completed to comply with OSHA.  Retaining 3 years is recommended.	Required by OSHA. (29 C.F.R. 1910.156(b)(2)) and (29 C.F.R. 1910.135(m)). Department of Labor can request information going back 3 years. Retention allows the fire department to show a history of testing and compliance.
<b>G-7. Firefighter Annual Facemask Fit Test Records.</b>	*Retain until next certification completed to comply with OSHA.  Retaining 3 years is recommended.	Required by OSHA. (29 C.F.R. 1910.156(f)) and (29 C.F.R. 1910.135(m)). Department of Labor can request information going back 3 years. Retention allows the fire department to show a history of testing and compliance.
<b>G-8. Material Safety Data Sheets (MSDSs).</b> Employers must have an MSDS on file for each hazardous chemical they use and ensure that copies are readily accessible to employees in their work area.	No specific time - must be maintained in a current fashion.	Occupational Safety and Health Act (29 C.F.R. 1910.1020(d)(1)(ii) (B)).
<ul style="list-style-type: none"> <li>Employer must keep records of chemicals used, where they were used, when they were used and for how long.</li> </ul>	*Retain for 30 years.	Occupational Safety and Health Act (29 C.F.R. 1910.1020(d)(1)(ii) (B)).
<b>G-9. Physical/Medical Records.</b> Complete and accurate records of all medical examinations required by OSHA law.	*Retain for duration of employment plus 30 years unless specific OSHA standard provides a different time period.	Occupational Safety and Health Act (29 C.F.R. 1910.1020).
<b>G-10. Medical Records of Patients in EMS Run Records.</b> Patient's medical histories, reports, summaries, diagnosis, prognosis, records of treatment, medication, X-ray and radiology interpretation, physical therapy charts and lab reports.	Retain 10 years following discharge of patient or patient's death during treatment.  For patients under mental disability or minority, records should be retained for period of minority or disability plus 1 year or 10 years following discharge, whichever is longer.  X-ray film may be disposed of after 4 years when radiologist's interpretation is made.	T.C.A. §§ 68-11-305 and 68-140-519.

\* Indicates a mandatory retention period based on state or federal law.





## G. Fire *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>G-11. Radio and Telephone Logs.</b> Dispatching and telephone communications with outside agencies.	Retain 5 years.	Keep for use in defense of lawsuits. Retention term based on statutes of limitations for foreseeable causes of action.
<b>G-12. Training Records.</b>	Retain for duration of employment plus 3 years.	Proof of training for ISO and OSHA.
<b>G-13. Vehicle and Equipment Maintenance Records.</b>	Retain for life of vehicle or equipment plus 1 year.	Determination of replacement, proof of maintenance; possible tort action.



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## H. Fleet Services

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>H-1. Vehicle and Equipment Purchase and Maintenance Records.</b>	Retain for life of vehicle or equipment plus 1 year.	Determination for replacement, proof of maintenance; possible tort action.



# I. General Administration

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>I-1. Affidavits of Exemption from Business Licenses under T.C.A. § 67-4-712.</b> Affidavits of blind persons or disabled former members of the armed services made for the purpose of obtaining free ad valorem or privilege license, showing duration of service, nature of disability, if any, amounts of affidavit, signature of affiant, and clerk's acknowledgment.	If license is granted, retain until expiration of license plus 10 years; if license not granted, retain 1 year.	Keep for audit purposes. T.C.A. § 67-4-712(a)
<b>I-2. Alcoholic Beverage Commission Applications.</b>	If application granted, retain for life of permit. If application denied, retain for 1 year past final action.	Retain successful applications for audit purposes. Retain denied applications to have available in case of appeal(s) under T.C.A. §§ 27-9-101 <i>et seq.</i>
<b>I-3. Beer Applications and Permits.</b> The application and permits issued to persons selling legalized beverages (beer), showing name of licensee, business address, date issued, permit number, and signature of beer board approving the issuance of the license.	Retain 5 years after permit is terminated.	Keep for audit purposes.
<b>I-4. Beer Tax Reports and Receipts.</b> Reports from wholesale beer distributors showing brands of beer, number of units sold, unit prices, and tax remitted. Receipts from money submitted should also be in file.	Retain 3 years.	Source documents must be kept by wholesalers and retailers for 2 years. T.C.A. § 57-5-206(b).
<b>I-5. Business and Privilege Licenses.</b> Original applications and licenses to engage in business or for exercising taxable privileges, showing name of applicant, kind of license, duration of license, date filed, and signature of applicant; fee/tax paid; and license number.	Retain 5 years after license has expired.	Keep for audit purposes.
<b>I-5A. Business Tax Returns.</b> Returns filed under the Business Tax Act under T.C.A. § 67-4-715.	Retain 7 years after January of the year in which the taxes accrue.	T.C.A. § 67-1-1501(a); <i>Westinghouse Electric Corp. v. King</i> 678 S.W. 2d 19 (Tenn. 1984).



# I. General Administration *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>I-6. Contracts.</b> Contracts between the city and other contractors.	Retain 7 years after termination of contract.	Based on statute of limitations for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>I-7. Contracts, Construction.</b> Contracts between the departments and contractors for construction work, showing name of contractor, date, building specifications, and amount of consideration.	Retain 7 years or until expiration of guarantees. If no guarantees are involved, retain 7 years after completion of contract.	Based on statute of limitations for actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>I-8. Correspondence Files.</b> Correspondence with citizens and government officials regarding policy and procedures or program administration.	Generally retain based upon subject matter or 5 years, whichever is longer, but appraise for continuing administrative usefulness or historical value. (See "E-mail" below.)	Maintain for reasonable period of time in case of continued action related to the correspondence.
<b>I-8A. E-mail.</b>		
<ul style="list-style-type: none"> <li>Spam and other e-mails that will not be relevant to any litigation.</li> </ul>	<ul style="list-style-type: none"> <li>May be discarded immediately.</li> </ul>	<ul style="list-style-type: none"> <li>No requirement for retention.</li> </ul>
<ul style="list-style-type: none"> <li>E-mails relative to contracts.</li> </ul>	<ul style="list-style-type: none"> <li>Retain 7 years or until expiration of guarantees.</li> </ul>	<ul style="list-style-type: none"> <li>Based on statute of limitations for breach of contract plus 1 year. T.C.A. § 28-3-109.</li> </ul>
<ul style="list-style-type: none"> <li>E-mails that might be relevant to tort litigation.</li> </ul>	<ul style="list-style-type: none"> <li>Retain 2 years.</li> </ul>	<ul style="list-style-type: none"> <li>Based on statute of limitation for tort action plus 1 year.</li> </ul>
<ul style="list-style-type: none"> <li>E-mails relative to personnel status of employees.</li> </ul>	<ul style="list-style-type: none"> <li>Retain 5 years.</li> </ul>	<ul style="list-style-type: none"> <li>Various statutes of limitations and requirements in differing statutes.</li> </ul>
<ul style="list-style-type: none"> <li>Other e-mails.</li> </ul>	<ul style="list-style-type: none"> <li>Retain based upon subject matter (see other provisions in the retention schedule) or 5 years, whichever is longer, but appraise for continuing usefulness or historical value.</li> </ul>	<ul style="list-style-type: none"> <li>Maintain for reasonable time in case of continued action.</li> </ul>
<b>I-9. Deeds for City Properties, Copies of.</b> Copies of warranty deeds.	Destroy when obsolete or when purpose of retention has been served.	Working papers as defined in T.C.A. § 10-7-301(14). Filed permanently with the county register of deeds.



## I. General Administration *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>I-10. Facility Inspection and Maintenance Records.</b> Records documenting inspection of and repairs or improvements made to municipal buildings and structures.	Retain 5 years.	Possible significance in tort cases.
<b>I-11. Fixed Assets.</b> Comprehensive inventory of all fixed assets.	Retain 5 years after disposal of property.	Audit standard authorized by Tenn. Admin. Rule 0520-1-2-.13.
<b>I-12. General (Nonfinancial) Monthly and Quarterly Reports to City Officials.</b> Reports from all departments, boards, or agencies of the city. These reports should be recorded in the minutes of the legislative body.	These are working papers to keep until the information is incorporated into the minutes or an annual report. If not included in the minutes or no annual report is prepared, retain monthly and quarterly reports for 2 years.	Useful for preparing budgets in following years.
<b>I-13. Insurance Policies.</b> Insurance policies of all types insuring the city and all its departments for various risks of loss, showing name of company, name of agent issuing policy, date of policy, date of expiration, amount of premium, amount of coverage, and description of any property covered.	Retain 10 years after expiration or replacement of policy.	Based on statute of limitations for breach of contract actions plus 1 year. T.C.A. § 28-3-109.
<b>I-14. Leases (Real Property).</b> Copies of leases or rental contracts on real estate, showing names of lessor and lessee, description of property, terms of the contract, date of execution, and signatures of parties involved.	Permanent record.	Keep to track property rights.  Note: If lease is for more than 3 years, eligible for recordation under T.C.A. § 66-24-101(a)(15).
<b>I-15. Leases and Agreements for Use of Equipment.</b>	Retain 7 years after completion or expiration of lease or agreement.	Based on statute of limitations for breach of contract actions plus 1 year. T.C.A. § 28-3-109.
<b>I-16. Legal Opinions and Court Decisions.</b> Records, including correspondence, stating or referencing court decision or legal opinions dealing with or affecting the department.	Retain 20 years or until record no longer relevant, whichever is later.	Court opinions can have continuing impact on operations.



## I. General Administration *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>I-17. Liens, Tax.</b> Record of tax lien notices filed against property owners, including violators of the internal revenue law, showing name and address of property owner, date of filing, amount of assessment and penalty, and discharge notice date.	Permanent record.	Impractical to ascertain expiration of lien to know when record could be destroyed.
<b>I-18. Minutes of City Legislative Body.</b> Recorded minutes of the meetings of the municipal legislative body, including special call meetings. All recorded actions of the legislative body, including records of members present and their votes on matters of business presented, nature and results of votes; various items such as fixing the tax levy, adopting a budget, receiving financial reports from city officials and departments, appropriating funds for the maintenance and operations of city offices and institutions, and other items of a similar nature.	Permanent record.	City charter requirement, T.C.A. §§ 8-44-101, <i>et. seq.</i> (Open Meetings Law). Keep also for historical purposes.
<b>I-19. (Rough) Minutes and Roll Calls of City Legislative Body.</b> Notes taken at meeting of city legislative body and used to compile minutes. Includes audio tapes.	Retain until minutes are approved by city legislative body.	Working papers as defined in T.C.A. § 10-7-301(14).
<b>I-20. Minutes of Other Boards.</b> Minutes of the meetings of other boards, such as a planning commission, utility board, beer board, etc., including members present, votes, and actions taken.	Permanent record.  NOTE: Rough minutes are working papers and may be destroyed after final version of minutes is approved.	Actions recorded in minutes are effective until superseded/amended or rescinded/repealed. Also keep for historical purposes.
<b>I-21. Motor Vehicle City Stickers.</b> Copies of applications for city stickers for motor vehicles; evidence of compliance.	Retain 5 years.	Keep for audit purposes.
<b>I-21A. Mutual Aid Documents.</b> Declarations of a state of emergency, written requests for assistance, invoices for reimbursement.	Retain 2 years.	Keep for possible litigation purposes.



## I. General Administration *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>I-22. Official Bonds and Oaths of City Officials.</b> Loose and bound original and recorded copies of the bonds and oaths of all officials required to file official bonds and/or oaths with the city recorder. Originals of many of the official bonds of city officials and constables have been deposited with the state comptroller of the treasury since 1957. Bonds generally show name of principal and sureties, amount of bond, date executed, condition of the obligation, date acknowledged and approved, signatures of principal, sureties and attorney-in-fact for bonding company, if any.	Retain 10 years after term covered by bond or oath.	Based on statute of limitations for actions on public officers' bonds. T.C.A. § 28-3-110.
<b>I-23. Ordinances.</b> Code of Ordinances and ordinance books, copies of amended and repealed ordinances; resolutions.	Permanent record.	Charter requirements. Ordinances must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded ordinances have historical and legal value.
<b>I-24. Pawnbroker's Licenses, Applications for and Related Records.</b> Record of application for pawnbroker's license, related affidavits and certificates, copies of bonds or insurance policies.	Retain 5 years after license is terminated.	Permits do not expire after a certain term. Keep record for audit purposes and to maintain accurate record of licensed pawnbrokers.
<b>I-25. Powers of Attorney, Record of.</b> Record of legal appointment of persons to act as agents for individuals or estates in such matters as signing documents, giving receipts, collecting and disbursing funds, paying utility deposits and bills; shows name of appointee and person making appointment, date of appointment, and contains requirements of notarization.	Retain permanently or until power of attorney is formally revoked.	Keep for audit purposes.
<b>I-26. Privilege Licenses—See Business and Privilege Licenses.</b>		



## I. General Administration *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>I-27. Reports of City Officials, Departments, Commissions, and Committees.</b> Reports submitted to the municipal legislative body containing data on finances, work performed, plans, personnel, etc. Some reports submitted annually at the end of the fiscal year. These reports should be recorded in the municipal legislative body's minutes.	If reports are not recorded in legislative body's minutes, preserve permanently one copy of annual reports, or if there is no annual report, preserve permanently one copy of all monthly, quarterly, or semiannual reports.	The city recorder's office serves as a repository of these reports, which constitute a historical record of the operation of the various offices, departments, and committees of the city.
<b>I-28. Settlement Agreements.</b> Instruments evidencing the settlement of claims against the city.	Retain 7 years after the terms of the agreement have been met.	Based on statute of limitations for breach of contract plus 1 year. T.C.A. § 28-3-109.





## J. Permits

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>J-1. Approved Permit Applications for Solid Waste Disposal Facilities.</b> Records of all data and supplemental information used to complete permit applications. Includes copy of the permit and the approved Part I and Part II application. Maintain at the facility or another location with the approval of the department.	Retain throughout active life of the facility and through the post-closure care period.	Keep to show compliance with regulations in order to defend against Superfund liability. Tenn. Admin. Rules 1200-1-7-.02(2)(a)4, 1200-1-7-.02(4)(a)7.
<b>J-2. Building Permits and Inspections, Copies of.</b> Show name of owner, amount of money to be expended, type of structure, location, date, and name of contractor.	Retain 1 year after issuance of certificate of occupancy or final inspection.	These are used to find new construction. Once improvement is assessed, the record has no use.  NOTE: Notify property assessor of completion before record is destroyed.
<b>J-3. Contractor License Books.</b> Recorded copies of certificates of license issued to general contractors by the state Board for Licensing General Contractors showing certificate number, name of contractor, names of chairman and secretary of the state board, date certificate issued, date recorded, and signature of the clerk.	Retain 5 years after all licenses in the book have expired.	Keep for audit purposes.
<b>J-4. Demolition Orders.</b> Documentation for municipal-ordered and privately initiated demolitions of substandard and/or hazardous buildings.	Retain 5 years.	Retain for research and litigation purposes.
<b>J-5. Violation Notices.</b> Notices of violations of building codes.	Retain 5 years.	Retain to document municipal actions concerning violations and for reference purposes.



## K. Personnel

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>K-1. Advertisements Regarding Job Openings, and Records of Promotions, Training Programs, and Overtime Work.</b>	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).
<b>K-2. Age Records.</b>	*Retain 3 years.	Fair Labor Standards Act (29 C.F.R. 516); Age Discrimination in Employment Act (29 CFR 1627.3).
<b>K-3. Americans with Disabilities Act—Employer Records.</b> Requests for reasonable accommodations.	*Retain 2 years.	Same employer record retention requirements as the Civil Rights Act of 1964 as Amended; Title VII of the Civil Rights Act (29 C.F.R. 1602.31).
<b>K-4. Applications, Resumes, or Other Replies to Job Advertisements, including Temporary Positions, etc.</b>	Retain 5 years from date record was made or human resources action is taken, whichever is later.  NOTE: If the city has adopted a policy of not accepting unsolicited resumes, they do not have to be retained. Otherwise, they should be kept 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).
<b>K-5. Bloodborne Pathogens/ Infectious Material Standard.</b> Protect employees who may be occupationally exposed to blood or other infectious materials.		
<ul style="list-style-type: none"> <li>Written exposure plan.</li> </ul>	Retention period not specified. Must be available to workers and kept current.	Occupational Safety and Health Act (29 C.F.R. 1910.1030).
<ul style="list-style-type: none"> <li>Medical records.</li> </ul>	*Retain for duration of employment plus 30 years.	Occupational Safety and Health Act (29 C.F.R. 1910.1020).
<ul style="list-style-type: none"> <li>Training records.</li> </ul>	*Retain 3 years.	Occupational Safety and Health Act (29 C.F.R. 1910.1030).
<ul style="list-style-type: none"> <li>Employee exposure records.</li> </ul>	*Retain 30 years.	Occupational Safety and Health Act (29 C.F.R. 1910.1020).

\* Indicates a mandatory retention period based on state or federal law.



## K. Personnel (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>K-6. Citizenship or Authorization to Work.</b> Immigration and Naturalization Services Form I-9 (employment eligibility verification form) for all employees hired after November 6, 1986.	Retain 3 years from date of hire or year after separation, whichever is later. (Minimum of 3 years.)	Immigration Reform and Control Act (8 C.F.R. 274A.2).
<b>K-7. Contracts, Employee.</b> Contracts between city and employees.	Retain until 7 years after termination of employment.	Based on statute of limitations for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>K-8. Contracts, Personal Service of Independent Contractor.</b> Contracts between the city and independent contractors.	Retain 7 years after termination of contract.	Based on statute of limitations for breach of contract plus 1 year. T.C.A. § 28-3-109
<b>K-9. Demotion Records (See also transfer, layoff, termination).</b>	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. — (2004).
<b>K-10. Discrimination or Enforcement Charges.</b> Personnel records relevant to a charge of discrimination or enforcement against employer, including records relating to charging party and to all other employees holding positions similar or sought after, such as application forms or performance documentation.	*Retain until final disposition of charge or action.	Age Discrimination in Employment Act (29 C.F.R. 1627.3(b)(3)).  Title VII of the Civil Rights Act (29 CFR 1602.31).  Executive Order 11246.
<b>K-11. Drug Testing Records (Required by Department of Transportation).</b> <ul style="list-style-type: none"> <li>• Breath alcohol test with results of .02 or higher.</li> <li>• Positive controlled substance tests.</li> <li>• Documentation of refusal of test.</li> <li>• Calibration documentation.</li> <li>• Evaluation and referrals.</li> <li>• Copy of calendar year summary.</li> <li>• Substance Abuse Professional Reports.</li> </ul>	*Retain 5 years	Omnibus Transportation Employee Testing Act of 1991 (49 C.F.R. 40.83, 49 C.F.R. 653.71(b)).

\* Indicates a mandatory retention period based on state or federal law.



## K. Personnel (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<p><b>K-11. Drug Testing Records (Required by Department of Transportation) (cont'd).</b></p> <ul style="list-style-type: none"> <li>Records related to administration of drug and alcohol testing.</li> <li>Follow-up tests and schedules for follow-up.</li> <li>Information on the alcohol and controlled substances testing process.</li> <li>Records of inspections and maintenance.</li> <li>Information on training.</li> <li>Negative and canceled controlled test results.</li> <li>Alcohol test results of less than .02 alcohol concentration.</li> </ul>	<p>*Retain 2 years.</p> <p>*Retain as long as the individual performs the function plus 2 years.</p> <p>*Retain 1 year.</p>	<p>49 C.F.R. 40.83.</p> <p>49 C.F.R. 40.83.</p> <p>49 653.71(b).</p>
<p><b>K-12. EEOC Information.</b> Records kept by local governments. Any political subdivision with 15 or more employees must keep records and information that are necessary for the completion of Report EEO-4 (Local Government Information Reports) regardless of whether or not the political jurisdiction is required to file a report.</p>	<p>*Retain 2 years from the date making the record or the personnel action involved whichever occurs later.</p>	<p>29 C.F.R. 1602.31.</p>
<p><b>K-13. Employee Earnings Records.</b></p>	<p>*Retain office record for 3 years.</p> <p>After this time, microfilm or archive record and keep for 70 years.</p>	<p>Age Discrimination in Employment Act (29 C.F.R. 1627.3); Fair Labor Standards Act (29 C.F.R. 516.5). Retention period of 70 years is due to retirement concerns and is based on approximate lifespan of employee. May destroy earlier if employee and any potential claimants are deceased.</p>
<p><b>K-14. Employer Information Report.</b> For political jurisdictions with 100 or more employees and other political jurisdictions with 15 or more employees from whom the Commission requests an EEO-4 report, a copy of EEO-4 Form (Employer Information Report) must be kept.</p>	<p>*Retain a copy of the report at each central office for 3 years.</p>	<p>Title VII of the Civil Rights Act (29 C.F.R. 1602.32).</p>

\* Indicates a mandatory retention period based on state or federal law.



## K. Personnel (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<p><b>K-15. Employer Records of Leave Under FMLA — Non-Exempt Employees.</b> Employers shall keep records pertaining to their obligations under the act in accordance with the record keeping requirements of the Fair Labor Standards Act (FLSA). Records kept must disclose the following:</p> <ul style="list-style-type: none"><li>• Basic payroll identifying employee data (name, address, and occupation), rate or basis of pay and terms of compensation, daily and weekly hours worked per pay period, additions to or deductions from wages, total compensation paid.</li><li>• Dates FMLA leave is taken.</li><li>• Hours of the leave if FMLA is taken in increments.</li><li>• Copies of employee notices of leave furnished to the employer and copies of all general and specific notices given to employees.</li><li>• Documents describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves.</li><li>• Premium payments of employee benefits.</li><li>• Records of any dispute between the employer and an employee regarding the designation of leave as FMLA leave.</li></ul>	<p>*Retain 3 years. No particular order or form of records is required.</p>	<p>Family and Medical Leave Act (29 C.F.R. 825.500).</p>
<p><b>K-16. Employment Contracts — FLSA.</b> Individual employment contracts (where contracts or agreements are not in writing, a written memorandum summarizing the terms), including collective bargaining agreements, plans, and trusts.</p>	<p>Retain 5 years.</p>	<p>Fair Labor Standards Act (29 C.F.R. 516.5).</p> <p>Equal Pay Act (29 C.F.R. 1620.32 (b)).</p> <p>28 U.S.C. § 1658.</p>
<p><b>K-17. Employment Tax Records.</b></p>	<p>Retain 4 years.</p>	<p>Internal Revenue Code (26 C.F.R. 31.6001-1).</p>

\* Indicates a mandatory retention period based on state or federal law.



## K. Personnel (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<p><b>K-18. Family and Medical Leave Act (FMLA) Employer Records of Leave Under FMLA — Exempt Employees.</b> If employees are not subject to FLSA's record-keeping regulations for purposes of minimum wage or overtime compliance, an employer need not keep a record of actual hours worked provided that:</p> <ul style="list-style-type: none"><li>• Eligibility for FMLA leave is presumed for any employee who has been employed for 12 months; and</li><li>• A written record is maintained as to the agreement between the employer and employee regarding reduced or intermittent leave and the employee's normal schedule or average hours.</li></ul>	<p>*Retain 3 years. No particular order or form of records is required.</p>	<p>Family and Medical Leave Act (29 C.F.R. 825.500).</p> <p>Family and Medical Leave Act (29 C.F.R. 825.110).</p> <p>Family and Medical Leave Act (29 C.F.R. 825.206).</p>
<p><b>K-19. Garnishment Documents.</b> Federal garnishment laws are enforced under the Fair Labor Standards Act. (Refer to "Payroll Records - Additions or Deductions from Wages Paid.")</p>	<p>*Retain 3 years.</p>	<p>Fair Labor Standards Act (29 C.F.R. 516.5) requires 3-year retention. Equal Pay Act (29 C.F.R. 1620.32(c)) requires 2-year retention. Keep to comply with longer period.</p>
<p><b>K-20. Group Health Insurance Coverage After Certain Qualifying Events.</b> Employers need records showing covered employees and their spouses and dependents:</p> <ul style="list-style-type: none"><li>• Have received written notice of continuing group health insurance and COBRA rights; and</li><li>• Whether the employee and his or her spouse and dependents elected or rejected coverage.</li></ul>	<p>Retain 7 years.</p>	<p>Internal Revenue Code (26 C.F.R. 54.4980B).</p>
<p><b>K-21. Hiring Records.</b></p>	<p>Retain 5 years from date records are made or personnel action is taken, whichever is later.</p>	<p>28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i>, 541 U.S. 369 (2004).</p>

\* Indicates a mandatory retention period based on state or federal law.



## K. Personnel *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<p><b>K-22. Insurance/Retirement Plans.</b></p> <ul style="list-style-type: none"> <li>Benefit plan descriptions.</li> <li>Records providing the basis for all required plan descriptions and reports necessary to certify the information, including vouchers, worksheets, receipts, and applicable resolutions.</li> </ul>	<p>*Retain during the period that the plan or system is in effect, plus 1 year after termination of the plan.</p> <p>*Retain not fewer than 6 years after filing date of documents.</p>	<p>Age Discrimination in Employment Act (29 C.F.R. 1627.3 (b)(2)).</p> <p>Employee Retirement Income Security Act (29 C.F.R. 2520.101-1 through 2520.104b-30).</p>
<p><b>K-23. Layoff Selection.</b></p>	<p>Retain 5 years from date record made or personnel action taken.</p>	<p>28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i>, 541 U.S. 369 (2004).</p>
<p><b>K-24. Material Safety Data Sheets (MSDSs).</b></p> <ul style="list-style-type: none"> <li>Employers must have MSDSs on file for each hazardous chemical they use and ensure that copies are readily accessible to employees in their work area.</li> <li>Employer must keep records of chemicals used, where they were used, when they were used and for how long.</li> </ul>	<p>No specific retention time set by statute. Must be maintained in a current fashion.</p> <p>*Retain 30 years.</p>	<p>Occupational Safety and Health Act (29 C.F.R. 1910.1020(d)(1) (ii)(B)).</p> <p>Occupational Safety and Health Act (29 C.F.R. 1910.1020(d)(1) (ii)(B)).</p>
<p><b>K-25. Minimum Wage and Overtime Charges.</b></p> <p><i>See also the following in this section:</i></p> <ul style="list-style-type: none"> <li>Citizenship or Authorization to Work.</li> <li>Americans with Disabilities Act — Employer Record.</li> <li>Insurance/Retirement Plans</li> <li>Occupational Injuries and Illness.</li> <li>Payroll — Basis on which wages are paid.</li> <li>Physical/Medical Exams.</li> <li>Veterans — Military Leave.</li> </ul>	<p>*Retain 3 years.</p>	<p>Fair Labor Standards Act (29 C.F.R. 516.6) requires retention for 2 years, but Department of Labor can request documents going back 3 years.</p>

\* Indicates a mandatory retention period based on state or federal law.



## K. Personnel (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>K-26. Occupational Injuries and Illness Records.</b> OSHA Form 300 Log of Work-Related Injuries and Illnesses.	*Retain 5 years following the end of the year to which the records relate.	Occupational Safety and Health Act (29 C.F.R. 1904.9).
OSHA Form 300A Summary of Work Related Injuries and Illnesses.	*Retain 5 years following the end of the year to which the records relate.	Occupational Safety and Health Act (29 C.F.R. 1904.9).
OSHA Form 301 Injury and Illness Incident Report (effective January 1, 2002).	*Retain 5 years.	Occupational Safety and Health Act (29 C.F.R. 1904.9).
<b>K-27. Older Workers Benefit Protection Act—Employer Records.</b> Same employer record retention requirements as the Age Discrimination in Employment Act (ADEA).	*Retain 3 years to comply with statute.	Age Discrimination in Employment Act (29 C.F.R. 1627.3, 29 C.F.R. 1602.30).
Waiver of Age Discrimination in Employment Act rights.	Retaining as a permanent record is recommended.	Keeping waiver forever will assure that record is available to use in defense of an Older Workers Benefit Protection Act waiver of rights discrimination charge.
<b>K-28. Payroll Records — Additions or Deductions from Wages Paid.</b> All records used by the employer in determining additions to or deductions from wages paid.	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).
<b>K-29. Payroll Records — Age Discrimination in Employment Act.</b> Payroll or other records containing each employee's name, address, date of birth, occupation, rate of pay, and compensation earned per week.	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).

\* Indicates a mandatory retention period based on state or federal law.





## K. Personnel (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<p><b>K-30. Payroll Records — Basis On Which Wages Are Paid.</b></p> <ul style="list-style-type: none"><li>• The basis on which wages are paid must be documented in sufficient detail to permit calculation for each pay period. The records may include payment of wages, wage rates, job evaluation, merit and incentive programs, and seniority systems.</li><li>• The basic reason for these records is to give the Wage and Hour Division an indication of whether or not sex discrimination exists.</li><li>• Although there is no specific form furnished by the Wage and Hour Division to calculate benefit costs, the data necessary to calculate these cost should be readily available to Wage and Hour audit personnel.</li></ul>	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).
<p><b>K-31. Payroll Records for FLSA-Exempt Employees.</b> (Bona fide executive, administrative, and professional employees).</p> <ul style="list-style-type: none"><li>• Name of employee (as used for Social Security record purposes) and identifying number or symbol, if such is used on payroll records.</li><li>• Home address, including ZIP code.</li><li>• Date of birth, if under 19 years of age.</li><li>• Sex and occupation.</li><li>• Time of day and day of week in which employee's workweek begins, if this varies between employees; otherwise, a single notation for the entire establishment will suffice.</li><li>• Total wages paid each pay period.</li><li>• Dates of payment and pay period covered.</li></ul>	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).  Records of hours worked are recommended for Department of Labor Wage and Hour audits.



## K. Personnel (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<p><b>K-32. Payroll Records — FLSA Non-exempt Employees.</b> All required for exempt employees plus:</p> <ul style="list-style-type: none"><li>• Regular hourly rate of pay for any week when overtime is worked and overtime compensation is due. (May be in the form of vouchers or other payment data.)</li><li>• Daily hours worked and total hours worked each work week. (Workday may be any consecutive 24-hour period, and work week is any fixed and regularly recurring period of 7 consecutive days.)</li><li>• Total daily or weekly straight-time earnings or wages due for hours worked during the workday or work week.</li><li>• Total premium pay for overtime hours. This premium pay for overtime hours excludes the straight-time earnings for overtime hours recorded under the above item.</li><li>• Total additions to or deductions from wages paid each pay period, including employee purchase orders or wage assignments. Also, in individual employee records, the dates, amount, and nature of the items that make up the total additions and deductions.</li></ul>	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).
<p><b>K-33. Payroll Records—Title VII Purposes.</b> Rates of pay or other terms of compensation.</p>	Retain 5 years from date record is made or personnel action taken, whichever is later.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).
<p><b>K-34. Permit-Required Confined Space.</b> Canceled permit entry forms and training certification.</p>	*Retain 1 year.	Occupational Health and Safety Act (29 C.F.R. 1910.146(e)(6)), 29 C.F.R. 1910.146(g)(4)).

\* Indicates a mandatory retention period based on state or federal law.



## K. Personnel (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>K-35. Personnel Files.</b> File for each employee tracking pay, benefits, performance evaluations, personnel actions, and employee's hiring and termination.	Retain 7 years after termination.  Note: *Retain medical records for 30 years after termination.  *Retain exposure records for at least 30 years.	Based on 5-year statute of limitations for personnel actions plus 2 years. (29 C.F.R. 1910.1020(d)(1)).
<b>K-36. Personnel Policies.</b> Policies of the office regarding hiring procedures, leave, benefits, personnel rules and regulations, fair and reasonable complaint conference and hearing procedures for employees dismissed, demoted, or suspended, etc. Certain policies are required by law under T.C.A. §§ 6-54-123, <i>et seq.</i> Additional policies would be optional. The policy may not grant a property right or contract rights to a job to any employee.	Retain 3 years after the policy is superseded.  Note: A copy of the resolution or ordinance adopting the policy, or its caption, shall be published in a newspaper of general circulation in the municipality before final adoption. A copy of the personnel policy shall be kept in the office of the city recorder or clerk and made available to an employee on request.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).
<b>K-37. Physical/Medical Records.</b> Results of physical examinations considered in connection with personnel action.	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).

\* Indicates a mandatory retention period based on state or federal law.



## K. Personnel (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>K-38. Physical/Medical Records Under FMLA.</b> Records and documentation, including an FMLA leave request relating to medical certifications, recertifications, or medical histories of employees or employee's family members shall be maintained in separate files/records and be treated as confidential medical records, except that: <ul style="list-style-type: none"><li>Supervisors and managers may be informed regarding necessary restrictions and accommodations, not the true nature of the condition.</li><li>First aid and safety personnel may be informed (when appropriate) if the employee might require emergency treatment.</li><li>Government officials investigating compliance with FMLA shall be provided relevant information.</li></ul>	*Retain 3 years.  No particular order or form of records is required.	Family and Medical Leave Act (29 C.F.R. 825.500).
<b>K-39. Physical/Medical Records Under OSHA.</b> Complete and accurate records of all medical examinations required by OSHA law.	*Retain for duration of employment plus 30 years unless specific OSHA standard provides a different time period.	Occupational Safety and Health Act (29 C.F.R. 1910.1020).
<b>K-40. Promotion Records or Notices.</b>	Retain 5 years from date record is made or personnel action is taken, whichever is later.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).
<b>K-41. Seniority or Merit Rating Systems.</b>	Retain for the period that the plan or system is in effect plus 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).
<b>K-42. Termination Records.</b>	Retain 5 years from the date record is made or personnel action taken, whichever is longer.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).
<b>K-43. Time Worked Records.</b> All basic time and earnings cards or sheets and work production sheets of individuals where all or part of the employee's earnings are determined.	Retain 5 years.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).

\* Indicates a mandatory retention period based on state or federal law.



## K. Personnel (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>K-44. Transfer Records.</b>	Retain 5 years from date record is made or personnel action taken, whichever is later.	28 U.S.C. § 1658; <i>Jones v. R.R. Donnelley &amp; Sons Co.</i> , 541 U.S. 369 (2004).
<b>K-45. Travel Authorizations.</b>	Retain 5 years after creation of record.	Keep for audit purposes.
<b>K-46. Veterans, Military Leave.</b> Organizations must grant leaves of absence to perform military obligations. Service limits are set on the amount of time an employee may spend in active duty and still be eligible for reemployment. Employees are reemployed to their former positions or a position of like status and pay with seniority and vacation as if they had not taken a military leave.	Retain 7 years.	Uniform Services Employment and Reemployment Rights Act (5 C.F.R. 1208).  Note: Retention period not specified by regulations. The service limit on the time an employee may spend in active duty and still be eligible for reemployment can be up to 5 years.
<b>K-47. W-2s.</b> Annual wage and tax statements.	Retain 5 years.	Keep for audit purposes.
<b>K-48. W-4s.</b> Withholding allowance certificates.	Retain 5 years after superseded or upon separation of employee.	Keep for audit purposes.
<b>K-49. Wage Rate Tables.</b> All tables or schedules (from their last effective date) of the employer that provide rates used to compute straight-time earnings, wages, or salary or overtime pay computation.	*Retain 3 years.	Fair Labor Standards Act (29 C.F.R. 516.6) requires 2-year retention, but the Department of Labor can request records going back 3 years.

\* Indicates a mandatory retention period based on state or federal law.



## L. Planning and Zoning

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>L-1. Board of Zoning Appeals Action.</b> Application or documentation for hearing and decision before Board of Zoning Appeals.	Application — 1 year after application. Disapproval — 1 year after action. Approved Action — permanent record.	Statute of limitations. Variance runs with land.
<b>L-2. Minutes of Commissions and Boards.</b> Recorded minutes of the planning commission and board of zoning appeals. All recorded actions of planning commission and board of zoning appeals, including records of members present and their votes on matters presented, the nature and results of votes.	Permanent record.	Actions recorded in minutes are effective until superseded or rescinded. Keep for historical purposes.
<b>L-3. Plan and Plat Records.</b> Drawings and blueprints of farms, subdivisions, cemeteries, city lots, and street improvements, showing name of subject, date of drawing, boundaries, scale used, location, name of engineer making survey, name of draftsman, and certificate of registration.	Permanent record.	Could have bearing on land title.
<b>L-4. Reports/Recommendations of the Planning Commission to the Governing Body.</b> All transmittals to governing body with recommendations regarding zoning, annexations, etc.	Permanent record.	Keep for historical purposes.
<b>L-5. Request for Zoning Change.</b> Request for permanent change to zoning map.	Retain for 5 years.	Appeals.
<b>L-6. Studies and Reports of the Planning Commission.</b> All studies and reports, including comprehensive plans, future facilities plans, etc.	Permanent record.	Keep for historical purposes.



## L. Planning and Zoning *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>L-7. Subdivision Regulations.</b>	Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value.
<b>L-8. Zoning Map and Ordinance.</b>	Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value.



## M. Police

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>M-1. Accident Reports.</b> Motor vehicle accident reports giving location of accident, persons and vehicles involved, time of accident, injuries, witnesses, diagram of accident, and condition of persons involved.	Retain 4 years unless needed longer for local statistical analysis.	Record may be used in litigation. Retention period based on statute of limitations for actions for injuries to personal property plus 1 year. T.C.A. § 28-3-105.
<b>M-2. Armory Records.</b> Records regarding acquisitions, requisitions, check-ins, etc.	Retain for 10 years.	Keep in case of potential liability.
<b>M-3. Arrest Records.</b> Includes offense and incident reports and indexes citation in lieu of arrest form. Information includes name, alias, address, date and time of offense, date of birth, age, place of birth, description, place of arrest, charge, disposition at time of arrest, warrant number, name of court, accomplices, vehicle information, arresting officer, remarks, signature of arresting officer.	Retain 100 years. If the subject is found “not guilty,” then original arrest records should be retained until the records are transferred to an acceptable storage medium such as microfilm. If subject is convicted, retain original until the exhaustion of all appeals or termination of probation or sentence; further, the originals are not to be destroyed thereafter until transferred to an acceptable space-saving medium for storage or the retention period has elapsed. Arrest index card should remain active until the death of the subject, which can be presumed 100 years after the event. Consider donating to archive.	Retaining originals is necessary for continuing investigative purposes. Retaining record in space-saving storage medium is based on life of individual.
<b>M-4. Case Files.</b> Copies of all pertinent records of whatever nature relevant to a particular case under or pending investigation, accumulated in a single file by the investigator or agency to facilitate the investigation or prosecution of offenders. May include copies of incident reports; supplementary report; missing person/runaway report; arrest report if part of a criminal case file; copies of citation-in-lieu of arrest; property receipt; vehicle tow slip; statement form; blood alcohol test and accident report; other relevant reports; and relevant photos or drawings.	Retain originals until 1 year after statute of limitation has run.  After statute of limitation has run, retain in an acceptable space-saving storage medium 100 years except for Missing Person/Runaway Records, which are not to be destroyed if needed by juvenile authorities, and destruction should not violate National Crime Information Center (NCIC) requirements. (NCIC requirement may vary based on specific contract provisions.) Consider donating to archive.	Retaining originals is necessary for continuing investigative purposes. Retaining record in space-saving storage medium is based on life of individual.





## M. Police (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>M-5. Fingerprint Records.</b>	Death of subject or reasonable presumption of death, i.e., 100 years.  Note: See T.C.A. § 37-1-155 for detailed information regarding treatment of fingerprint records of juveniles.	Retention period based on life of subject.
<b>M-6. Identification Files.</b> Records kept for identification purposes, including fingerprints, photographs, measurements, descriptions, outline pictures, and other available information.	Death of subject or reasonable presumption of death, i.e., 100 years.	Retention period based on life of subject.
<b>M-7. Incident Reports (Offense or Complaint Reports).</b> Show name and address of person reporting offense, file and case number, place of occurrence, investigating officer, time, date, how report was made, and officer assigned to the case. May include dispatcher cards regarding calls. This includes Tennessee Basic Law Enforcement Records System (TBLERS) Complaint, Offense, Supplementary, Missing Person, Runaway Reports (individual and collective).	Retain misdemeanors for 2 years. Retain felonies for 16 years. Retain capital offenses permanently.  If record is unrelated to a felony or other case under investigation, retain original 5 years if stored in an acceptable space-saving storage medium. If record is related to a felony or other case under investigation, retain 100 years except for Missing Person/Runaway Records, which are not to be destroyed if needed by juvenile authorities, and destruction should not violate National Crime Information Center (NCIC) requirements. (NCIC requirements may vary based on specific contract provisions.)	Retention period based on statute of limitations of incident.
<b>M-8. Internal Investigation Records.</b> Records of investigations resulting from a complaint against an employee of the police department. Includes notification of complaint, investigative files, any associated medical records, and any written decisions, orders, or disciplinary actions. Maintain security and confidentiality of files.	Retain for term of employment of officer or 10 years, whichever is longer.	Record retains significance in personnel decisions, promotion, dismissal, etc., and for defense of litigation.



## M. Police (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>M-9. Missing Person/Runaway Records.</b>	Retain 100 years but not to be destroyed if needed by juvenile authorities or to comply with National Crime Information Center (NCIC) requirements. Moving information to an acceptable space-saving storage medium is recommended.	Retention is necessary for continuing investigative purposes and is based on life of individual.
<b>M-10. Mittimuses (Committal Records).</b> Commitments to jail, showing name of person committed, offense charged, name of prosecutor, amount of bail, date, and signature of judicial officer.	Retain 10 years.	Record may be used as back-up documentation for board bill and cost summaries.
<b>M-11. Parking Tickets.</b>	Retain 3 years.	Statistical data.
<b>M-12. Processes Served, Record of.</b> Record of warrants, capiases, summonses, and other papers served.	Retain 3 years after last entry.	Keep for nonfinancial audit purposes.
<b>M-13. Radio Logs.</b> A record of radio calls giving time called, car or station calling, car or station called, car location, nature of call, and acknowledgment.	Retain 3 years, unless legal action is pending.	Retention period based on likely time of complaint or legal action.
<b>M-14. Traffic Citations, Copies.</b> (Originals are kept by court. See page 36 on court records.)	Retain 3 years.	Statistical data.
<b>M-15. Training Records.</b> Records of participation in training programs, sign-in sheets, lesson plans, videotapes, certifications, etc.	Retain for career of officer plus 10 years where information is kept in personnel file.	Records useful to make employment and promotion decisions and for continuing education program. Also vital record in defending lawsuits against department alleging improper actions of employees.



## N. Property Tax

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>N-1. Aerial Photographs.</b> Aerial photographs of flyovers. Negatives may be available at the State Department of Transportation's photographic lab.	Permanent Record.	Keep for operational purposes through correction period and greenbelt recertification to cover appeal period. This record series has a high historical and archival value and should be preserved for those reasons.
<b>N-2. Appeals and Reports to the State Board of Equalization and Court Appeals.</b> These records consist of notice of hearing, name of property owner, appeal from county board of equalization, assessment, address, and time and place of hearing. Also included in this group of documents are documents involving appeal to the courts. <i>Consider getting copies from the assessor's office.</i>	Retain until final determination of issue.	Keep to make certain the ruling is properly applied and that all parties understand the final determination of the issue.
<b>N-3. Assessment Exemptions, Applications for.</b> Copies of applications showing property owner's name, address, ward or district, date acquired, lot size or acreage, value, how property used, other purposes to be used for, signature of applicant, and notarization. <i>Consider getting copies from the assessor's office.</i>	Retain 2 years.	Keep to identify exempt property owners.
<b>N-4. Board of Equalization, Certification of Assessments, Copies of.</b> Certificate required by T.C.A. § 67-5-1410 wherein members of board of equalization certify that all appeals of assessments and classifications of property have been examined and changes made that are proper, just, and equitable and are prescribed by law. <i>Consider getting copies from the assessor's office.</i>	Retain 2 years.	Keep for audit purposes.
<b>N-5. Certificates of Public Utilities Tax Valuations by Office of State Assessed Properties, Copy of.</b> Tax roll listing total assessment of public utilities in the city by the Office of State Assessed Properties.	Retain annual assessments 1 year then destroy. State office maintains the record.	This record is like a tax roll for public utilities that are assessed by the state.



## N. Property Tax *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>N-6. Delinquent Real Estate Tax Reports.</b> Annual reports to the county trustee by the collector of city taxes of all delinquent taxpayers.	Retain 15 years after date of creation.	Keep for audit purposes. Report is required by T.C.A. § 67-5-1903(a). Collection is barred after 10 years past due date. T.C.A. § 67-5-1806.
<b>N-7. Delinquent Tax Receipt Books.</b> Receipts issued for payment of delinquent realty and personal taxes, showing receipt number, date issued, name of taxpayer, amount, year of assessment, etc. Does not have to be kept in book. The book or receipt is obsolete if computerized and in compliance with electronic data processing (EDP) standards.	Retain 15 years after issuance of last receipt in book or 15 years after creation of receipt if not in book or information is stored electronically.	Keep for audit purposes. Collection is barred after 10 years past due date. T.C.A. § 67-5-1806.
<b>N-8. General (Miscellaneous) Receipt Ledgers.</b> Record of funds received on general accounts, including such payments as state and city taxes, interest, fees, and penalties on delinquent taxes, showing date of payment, name of payor, amount, fund credited, and balance. This information is included in the journal package of most software in computerized cities. If stored electronically in compliance with electronic data processing (EDP) standards, paper copy is not necessary.	Retain 15 years after last entry. If stored electronically, retain 15 years after date of creation of record.	Keep for audit purposes. Collection is barred 10 years past due date. T.C.A. § 67-5-1806.
<b>N-9. Land Sold for Taxes, Record of.</b> Record of court land sales, showing name of the court, style of case, location and description of property, by what process land was sold, and date of sale.	Permanent record.	Record affects land title.
<b>N-10. Liens, Tax.</b> Record of tax lien notices filed against property owners, including violators of the internal revenue law, showing name and address of property owner, date of filing, amount of assessment and penalty, and discharge notice date.	Permanent record.	Impractical to ascertain expiration of lien to know when record could be destroyed.



## N. Property Tax (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>N-11. Personal Property, Audit Records.</b> Supporting information and documentation for audit. <i>Consider obtaining from assessor's office.</i>	Retain 2 years.	Retain in case of forced assessments. Destroy after use.
<b>N-12. Property Tax Relief Applications and Reports.</b> Record of property tax deferrals for elderly low-income homeowners, disabled homeowners, and disabled veterans.	Retain until audited and updated version received.	Working paper as defined in T.C.A. § 10-7-301(14). Tenn. Admin. Rules 0600-03.-10(1)(c).
<b>N-13. Tax/Assessment Rolls.</b> Record of all assessments on real and personal property, showing name of taxpayer, civil district or ward, location and description of property, assessed valuation, date of assessments, acreage of farm land, and number of town lots.	Retain 4 years.	Retention based on time period for corrections and rollback issues. This record is stored for a longer term with the trustee.
<b>N-14. Tax Bills.</b>	Retain 1 year.	Working papers.
<b>N-15. Tax Cases Sent to Clerk and Master, Record of.</b> Record of delinquent land tax cases filed in chancery court (sometimes circuit court) showing property owner's name, district or ward, property boundaries, acres, valuation, total tax due, and remarks.	Retain 15 years.	General statute of limitations on property tax actions is 10 years from April 1 of year following year taxes became delinquent. T.C.A. § 67-5-1806. Additional time is given for cases that may be delayed due to bankruptcy.
<b>N-16. Tax Maps (Ownership Maps and Index, Rural and Urban).</b> These maps reflect the status of real property as of January 1 of each year.	Consider keeping as working papers. Retain only current and one previous generation of ownership maps and indexes. Older generations of photographs may be removed from the office but if removed should be transferred to an archive or library.	As working papers, no mandatory retention required. Useful in office for tracking property changes and as evidence in challenges to tax sales. This record series has a high historical and archival value and should be preserved for those reasons, although it is not necessary to maintain the older records that are in the assessor's office.



## 0. Purchasing

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>0-1. Bids.</b> Records showing bidder's name, complete description of item(s), delivery date, amount of bid, and any correspondence with the bidder. Includes any advertisements. Includes unsuccessful bids.	Retain 7 years after contract expires.	Based on statute of limitations for legal action based on breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>0-2. Contracts.</b> Contracts between the city and other contractors.	Retain 7 years after termination of contract.	Based on statute of limitations for actions for breach of contract. T.C.A. § 28-3-109.
<b>0-3. Minutes of Bid Openings.</b> Record of bid openings showing item, vendor, bid price, and whether bid was successful.	Retain 1 year after award.	Necessary in case of challenge to bid award.
<b>0-4. Purchase Orders.</b>	Retain 5 years after creation of record.	Keep for audit purposes.
<b>0-5. Requisitions and Requisitions for Purchase.</b> Records of requests for supplies and equipment in cities with centralized purchasing departments or offices.	Retain 5 years after creation of record.	Keep for audit purposes.
<b>0-6. Street Contracts and Bonds.</b> Contracts entered into between the city and street contractors for the construction and upkeep of roads. May include bonds of contractors guaranteeing compliance with terms of contract, showing names of principals and sureties, description, specifications, amount of consideration, dates of bonds, and signatures of principals and sureties, showing name of contractor, date, building specifications, and amount of consideration.	Retain contracts until expiration of guarantees. If no guarantees are involved, destroy 7 years after completion of contract. Retain bonds 7 years after release, replacement, or expiration.	Based on statute of limitations for breach of contract actions plus 1 year. T.C.A. § 28-3-109.



## P. Recreation and Parks

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>P-1. Liability Releases.</b> Forms signed by participants in recreation activities absolving municipality of liability.	Retain 2 years. (If subject of lawsuit, keep until final determination.)	Based upon statute of limitations for tort actions plus 1 year.
<b>P-2. Rosters of Activity Participants.</b> Lists of persons participating in recreation activities.	Retain 2 years. (If subject of lawsuit, keep until final determination.)	Based upon statute of limitations for tort actions plus 1 year.
<b>P-3. Safety Inspections of Playgrounds and Equipment.</b> Records of inspections and maintenance or repairs to grounds and equipment.	Retain 5 years. (If subject of lawsuit, keep until final determination.)	Possible significance in tort actions based upon defective structure.
<b>P-4. Swimming Pool Records.</b> Records relative to swimming pool use, including users, safety measures, and chemicals.	Retain 2 years. (If subject to lawsuit, keep until final determination.)	Based upon statute of limitations for tort actions plus 1 year.



## Q. Schools

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>Q-1. Accountability for 200 Days.</b> Record details use of 200 required school days and in-service training.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13. T.C.A. § 49-6-3004.
<b>Q-2. Annual Report of Professional Personnel.</b> Report made to the Tennessee Department of Education listing alphabetically all teachers and other professional personnel in the school system. This report shows for each professional the name of the school assigned, grades taught, whether full time or part time, and the number of months paid. The report also shows the number of principals, the number of teachers or other professionals in the school, kinds of certificates or permits, expiration date, and data on training, experience, salary, and such other information as required by the Tennessee Department of Education.	Retain 10 years, before eligible for destruction.  NOTE: This record may be useful as a back-up to payroll records for determining retirement status. Consider keeping this record 40 years if there is any question of availability or accuracy of payroll records.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13. (No retention schedule in rule.)
<b>Q-3. Attendance Agreements of Out-of-District and Out-of-State Students.</b> Agreements from the superintendent of education regarding students attending schools out of the district or state in which the student resides.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<b>Q-4. Audits of Internal School Activity Funds.</b> Audit report of activity funds handled by individual schools.	Permanent record.	T.C.A. § 6-56-105.
<b>Q-5. Audits of Local School Systems.</b> Audits of funds administered by superintendent of education showing date of audit, balances under previous audits, receipts and disbursements, balances carried forward, and total figures.	Permanent record.	T.C.A. § 6-56-104.





## Q. Schools (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>Q-6. Budget, Annual Operating.</b> Annual approved budget document conforming to standards of the Tennessee Department of Education. Document shows anticipated revenues from all sources and estimated expenditures for the fiscal year.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<b>Q-7. Building Plans.</b> Blueprints and specifications for buildings in the city school system.	Retain for the life of the building (plus additional time if litigation could arise from a building's early demise). Consider donating to archive.	Necessary for maintenance and operation of physical plant.
<b>Q-8. Bus Operator's Bonds (Blanket Bonds).</b> Yearly bonds, executed by school bus drivers acting as independent contractors, to insure faithful performance of the driver as specified in contract with the city school system.	Retain 3 years after release, replacement, or expiration of the bond, or 3 years after termination of contract.	Keep for reasonable period of time for claims to be made against bond.
<b>Q-9. Career Ladder — Certification Recommendation Form.</b> Record advances of licensed personnel through credentialing system.	<p>*Permanent record. Must be photographically recorded in a procedure approved pursuant to T.C.A. § 10-7-501.</p> <p>Keep originals for 1 year, then either return originals to educator if requested, or destroy them.</p>	Tennessee Department of Education Administration Rule 0520-2-2-.07.
<b>Q-10. Career Ladder — Local Evaluation Report Form for Probationary, Apprentice and Career Level I Teachers.</b> Reports results of local evaluation of teachers.	<p>*Permanent record. Must be photographically recorded in a procedure approved pursuant to T.C.A. § 10-7-501.</p> <p>Keep originals for 1 year after certification decision including appeals, then return originals to educator, if requested, or destroy them.</p>	Tennessee Department of Education Administration Rule 0520-2-2-.07.

\* Indicates a mandatory retention period based on state or federal law.



## Q. Schools (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>Q-11. Census Records.</b> Census of all school-age children in the city, showing name, age, and address of child; district number, names of parents, grade in school, and name of school attended. This record is no longer required.	Permanent record.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<b>Q-12. Certificates of Certificated Personnel.</b> Permanent certificates issued to employed teachers and other certificated personnel by the Tennessee Department of Education.	Retain until employment of the person is terminated; then return to the person or to the next of kin if the person is deceased.	Necessary record for length of employment.
<b>Q-13. Contracts, Construction.</b> Contracts between the school system and contractors for construction work, showing name of contractor, date, building specifications, and amount of consideration.	Retain 7 years or until expiration of guarantees. If no guarantees are involved, retain 7 years after completion of contract.	Based on statute of limitations for actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>Q-14. Contracts, Employee.</b> Contracts between board of education and all employees.	Retain until 7 years after termination of employment.	Based on statute of limitations for actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>Q-15. Contracts, Personal Service of Independent Contractor.</b> Contracts between the board of education and operators of school buses and other independent contractors.	Retain 7 years after termination of contract.	Based on statute of limitations for actions for breach of contract plus 1 year. T.C.A. § 28-3-109.
<b>Q-16. Cumulative Pupil Record.</b> Record of each pupil in the school system, showing the pupil's name, address, parents' names and occupations, complete school record, achievement test results, health record, school activities and counselors' notes, and other information deemed appropriate by the Tennessee Department of Education.	Permanent record.	Historical document. Proof of education. Keep permanently to comply with procedures established by the Tenn. Dept. of Education Office of Accountability.
<b>Q-17. Deeds.</b> Original deeds to school property, showing date, description, and location of property, consideration, and signature of grantor.	Permanent record.	Establishes property rights.



## Q. Schools (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>Q-18. Eighth Grade Graduates Report.</b> Duplicates of reports to the Tennessee Department of Education of those eligible to receive diplomas, showing year of graduation, name of school, name of student, and date of report. This record is no longer required.	Permanent record.	Historical document. Proof of education.
<b>Q-19. Federal Title Projects Records.</b> Record of federal "title" projects of all types, including funds received and disbursed.	Current year records plus the previous 3 years of records must be maintained. Other records to facilitate an effective audit, whether in process or not, must be maintained. (An example of this is International Association of Sound and Audiovisual Archives (IASA), Title I projects, which are written for 5 years. Toward the end of the 5-year cycle, records should not be destroyed so that an effective audit can be conducted.)	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<b>Q-20. Final BEP Accountability Summary.</b> Report showing how the local school district has spent improvement funds received from the state through the Basic Education Program (BEP).	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<b>Q-21. Financial Report, Annual Public School.</b> An annual report of the school system's financial condition made to the Tennessee Commissioner of Education.	Retain 10 years.  NOTE: These reports can be important for research purposes and performing statistical analysis of the school system. May want to keep for 25 years for those purposes.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<b>Q-22. Fire Safety Inspection and Similar Reports.</b> Duplicates of reports made by the Tennessee Department of Insurance, Division of Fire Prevention, showing date, name of inspector, name and location of school, condition, etc.	Retain until a new inspection report is received.	Important for liability purposes to keep a record of the most recent inspection.



## Q. Schools (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>Q-23. Fixed Assets.</b> Comprehensive inventory of all school assets.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<b>Q-24. General Ledger Accounts.</b> Record of all receipts and disbursements for the department, showing date of entry, amount, source of receipt or purpose of payment, amount of debit or credit, and name of account credited or charged. (Also see F-15 and F-21.)	Permanent record.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13. Permanent retention is recommended by the comptroller in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> .
<b>Q-25. High School Diploma Certification and Roster of Graduates.</b> List of graduating seniors and preparation of diplomas.	Permanent record.	Important historical value and useful for proof of graduation.
<b>Q-26. Home School Registration Form.</b> Application for conducting a home school as described in T.C.A. § 49-6-3050(b). Approved home schools must also provide test results for students at grades 2, 5, 7, and 9. Requests for waivers should be included in records as appropriate.	Retain 5 years after student graduates or drops.	Keep for audit purposes.
<b>Q-27. Immunization Records.</b> Described in T.C.A. § 49-6-5002. Original record of immunizations must remain with each pupil's active cumulative folder. Original accompanies pupil's cumulative folder when transferring to another school. A copy of the immunization record should be kept with the pupil's inactive cumulative record.	Retain 100 years after student graduates or drops.	Important health record for establishing proof of immunization.
<b>Q-28. Insurance Policies.</b> Policies of all types insuring the school system against various risks of loss.	Retain 7 years after expiration or replacement by a new policy; then destroy if all claims on the policy have been settled.	Based on statute of limitations for breach of contract actions plus 1 year. T.C.A. § 28-3-109.
<b>Q-29. Invoices (Also Purchase Orders, Requisitions, etc.).</b> Original invoices, purchase orders, and requisitions used in purchasing goods for the school system.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.



## Q. Schools *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>Q-30. Legal Opinions and Court Decisions.</b> Records, including correspondence, stating or referencing court decisions or legal opinions dealing with or affecting the school system.	Retain 20 years or until record no longer relevant, whichever is later.	Court opinions can have continuing impact on operations.
<b>Q-31. Membership/Attendance Reports.</b> Described in T.C.A. § 49-6-3007. 1. Superintendent's Membership/ Attendance Report (SMAR) — Districtwide report of membership and attendance in academic, vocational, special education, and adult education for each 20-day reporting period of the school year. 2. Superintendent's Annual Membership/ Attendance Report (SAMAR) — District-wide year-end cumulative report of membership and attendance in academic, vocational, special education, and adult education. 3. School-level Monthly Attendance Report — Report of membership and attendance in academic, vocational, special education, and adult education at the school-level. 4. Transportation Report Generated by the Membership/Attendance Information System — School-level report generated by the automated membership/attendance information system that provides statistical data on students transported. 5. Attendance records (teachers' attendance records, sign-in/out rosters, absentee lists) — Records of original entry that document student attendance on a daily basis. 6. Average Daily Membership Special Education Options by Primary and Secondary Report — Report generated by the D&A Census Program showing average daily membership of students receiving special education services for each 20-day reporting period of the school year. 7. File dump from the Membership/ Attendance Information System — An electronic file dump from the membership/ attendance information system data file, including demographic and event data for each student.	*Retain 5 years.  *Retain 5 years.  *Retain 5 years.  *Retain 5 years.  *Retain 5 years.  *Permanent record.	Procedures established by Tennessee Department of Education Administration, Office of Accountability.

\* Indicates a mandatory retention period based on state or federal law.



## Q. Schools (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>Q-32. Minutes, Board of Education.</b> Record of regular and called meetings of the board of education, showing place of meeting, date, members present, record of proceedings and action taken, date of final approval and signature of chairman and secretary.	Permanent record.	Actions recorded in minutes are effective until superseded or rescinded. Keep for historical purposes.
<b>Q-33. Monthly Trustee's Report.</b> Monthly record of funds collected, showing amounts distributed to the city school system and to any special school district in the county.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<b>Q-34. Petitions.</b> Petitions submitted to the superintendent or the board of education requesting that the superintendent or the board take certain actions.	If attached to minutes, retain until acted upon by the board of education. Otherwise, retain 3 years from the submittal date.	Keep for reasonable time in case there are inquiries regarding the petition.
<b>Q-35. Preliminary Report—Grades PK-12 School Report.</b> Report made to the Tennessee Department of Education showing the school's name, the number of full-time and part-time teachers, the number of boys and girls in each grade for each school, and such other information as the state requires for school approval decisions.	Retain 3 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<b>Q-36. Preliminary Staff Report.</b> Report prepared by each teacher in the local school district and sent to the Tenn. Dept. of Education. The report shows the teacher's classroom assignments period by period.	Retain 3 years.	Keep for reasonable review period.
<b>Q-37. Report of School System/School Compliance.</b> Local school district report to the Tennessee Department of Education certifying that the school district/school is in compliance with laws, rules, regulations, and minimum standards governing K-12 education.	Retain 5 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.



## Q. Schools (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>Q-38. Requisition for Equivalency High School Diplomas.</b> Record of students passing GED examination and earning equivalent diplomas.	Permanent record.	Historical document. Proof of education.
<b>Q-39. School Food Service Reports.</b> Described in T.C.A. § 49-6-2303. Record of all pertinent information required by the Tennessee Department of Education dealing with school food service.	Retain all items except payroll records for the current year plus the 3 previous years unless there is an active audit or investigation, in which case, the records must be retained until the audit or investigation is completed.	
<b>Q-40. School Registers.</b> Obsolete record. A daily record showing name, grade, age, and address of each pupil, name of parent(s) or guardian(s), schools attended, and record of attendance. School registers may be computerized or on paper.	Permanent record. This record is no longer created, but old copies should be kept permanently.	Keep for historical purposes.
<b>Q-41. Special Education Census.</b> Detailed count of all students with disabilities with option(s) of service. Required by T.C.A. § 49-10-302(c)(2) and Tennessee Department of Education Administration Rule 0520-1-9-.03(4). This record is the basis for state and federal funding.	Permanent record.	Keep in case of litigation regarding services rendered to or withheld from a student.
<b>Q-42. Special Education — Certification of Services and Listing of Inappropriately Served and of Suspected Students with Disabilities.</b> Court requires report of number of students with disabilities in special categories.	Permanent record.	Keep in compliance with court order.
<b>Q-43. Special Education Record.</b> A cumulative record that contains all specific information relating to the referring process, assessment, placement, and option of service for each special education child. Required by T.C.A. § 49-10-302(c)(2) and Tennessee Department of Education Administration Rule 0520-1-9.	Permanent record.	Keep in case of litigation regarding services rendered to or withheld from a student.



## Q. Schools (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>Q-44. Statistical Report, Annual.</b> Report submitted to the Tennessee Department of Education by the superintendent showing for each school system the grades in the schools, total enrollment, number of students previously enrolled elsewhere, net enrollment (boys and girls), total number of days present, number of days in the school session, average daily attendance, and other statistical information.	Retain 3 years.	Keep as supporting documentation for the annual report by the commissioner of education, which is required by T.C.A. § 49-1-211.
<b>Q-45. Superintendent's Report of Suspensions and Expulsions.</b> End-of-year report containing statistical data on suspensions and expulsion as required by the Tennessee Department of Education.	Retain 3 years.	Keep as supporting documentation for annual report by the commissioner of education, which is required by T.C.A. § 49-1-211(a)(8)(A).
<b>Q-46. System-Wide Personnel Compliance Sheet.</b> Report shows the system-wide personnel by name and teacher number for positions for which there is a state employment standard.	Retain 3 years.	Keep as supporting documentation for annual report required by T.C.A. § 49-1-302(a)(5)(A)(I).
<b>Q-47. Textbook Reports.</b> 1. Certification of Adoption by Local Board of Education — Official list of adopted textbooks required by T.C.A. § 49-6-2207. 2. Certification of Compliance — Assurance that local system has furnished required textbooks to students, signed by the superintendent. 3. Plan for Estimating School System Expenditures for Library and Instructional Material and Supplies and School Health Services — Report details estimated expenditures for funds allocated for the items noted above.	Retain 7 years after termination date of contract	T.C.A. § 28-3-109 (a)(3).
<b>Q-48. Transportation Report, Annual Pupil.</b> Report to the Tennessee Department of Education giving information on the age, size, condition, etc. of school buses; average daily transported; and miles traveled.	*Retain 5 years.	Procedure set by Tennessee Department of Education Administration, Office of Accountability, requires that the report be kept for 5 years.

\* Indicates a mandatory retention period based on state or federal law.





## Q. Schools *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>Q-49. Vocational Education Final Expenditure Report.</b> Reports final expenditures for federal reporting and any carryover funds to be allocated.	Retain 3 years.	Audit standard authorized by Tennessee Department of Education Administration Rule 0520-1-2-.13.
<b>Q-50. Vocational Education — Mgt. Info. Svs. (MIS) Enrollment Form.</b> Record provides statistical data on students and class enrollment necessary for funding purposes.	Retain 3 years or until monitored.	Audit standard authorized by the Tennessee Department of Education Administration Rule 0520-1-2-.13.
<b>Q-51. Vocational-Technical Education (Adult) Statistical Report.</b> Reports class titles, student demographic information, total hours, and funding sources for adult vocational education classes provided by local school districts.	Retain 3 years.	Audit standard authorized by the Tennessee Department of Education Administration Rule 0520-1-2-.13.



## R. Solid Waste

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>R-1. Amount of Solid Waste (in Tons) Received at Municipal Solid Waste Facilities, Records of.</b> Required by T.C.A. § 68-211-871(e). Records for current month shall be maintained at the facility and open for inspection by the Tennessee Department of Environment and Conservation. All other records shall be maintained at suitable office space to protect them from damage or loss.	*Retain 3 years.	Tenn. Admin. Rule 1200-1-7-.08(3).  Mandatory only if city operates a landfill.
<b>R-2. Annual Report of Materials Collected at Recycling Center by Operator.</b> Copy of annual report of recovered materials processed at the facility, listed by type of material, sent to the Department of Environment and Conservation. Report is required by T.C.A. § 68-211-871.	Retain 10 years.	Retention period based on planning cycle of the 10-year regional plan.  Mandatory only if city operates a landfill.
<b>R-3. Approved Permit Applications for Solid Waste Disposal Facilities.</b> Records of all data and supplemental information used to complete permit applications. Includes copy of the permit and the approved Part I and Part II application. Maintain at the facility or another location with the approval of the department.	*Retain throughout active life of the facility and through the post-closure care period.	Tenn. Admin. Rules 1200-1-7-.02(a)(2)4. and 1200-1-7-.02(4)(a)7.  Keep to show compliance with regulations in order to defend against Superfund liability.  Mandatory only if city operates a landfill.
<b>R-4. Closure/Post-Closure Landfill Plan.</b> Plan identifying the steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life, identifying the activities that will be carried on after closure and the frequency of these activities.	*Retain up-to-date plan throughout the active life of the facility and through the post-closure care period.	Tenn. Admin. Rule 1200-1-7-.03(2)(b)2.(iii).  Keep to show compliance with regulations in order to defend against Superfund liability.  Mandatory only if city operates a landfill.

\* Indicates a mandatory retention period based on state or federal law.



## R. Solid Waste (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<p><b>R-5. Gas Migration Control Standard.</b> Records of monitoring to ensure compliance with gas migration control standards. Monitoring must occur at least quarterly and must conform to standards for Monitoring Records listed in R-7.</p>	<p>*Retain throughout the active life of the facility and through the post-closure care period.</p>	<p>Tenn. Admin. Rule 1200-1-7-.04(5) (a)4.</p> <p>Keep to show compliance with regulations in order to defend against Superfund liability.</p> <p>Mandatory only if city operates a landfill.</p>
<p><b>R-6. Groundwater Sampling Records.</b> Records of all groundwater sampling activities conducted, sample analysis results, and associated groundwater surface elevation. Keep at the facility or another approved location.</p>	<p>*Retain throughout the active life of the facility and through the post-closure care period.</p>	<p>Tenn. Admin. Rule 1200-1-7-.04(7) (a)4.(vii).</p> <p>Keep to show compliance with regulations in order to defend against Superfund liability.</p> <p>Mandatory only if city operates a landfill.</p>
<p><b>R-7. Monitoring Records.</b> Records of facility monitoring, including date, place, and time of sampling or measurements; individual performing the measurements; date of analysis; individual performing the analysis; analytical techniques used; and the results of the analysis.</p>	<p>*Retain throughout the active life of the facility and through the post-closure care period.</p>	<p>Tenn. Admin. Rule 1200-1-7-.02(4) (a)9.</p> <p>Keep to show compliance with regulations in order to defend against Superfund liability.</p> <p>Mandatory only if city operates a landfill.</p>
<p><b>R-8. Permit-By-Rule Authorizations and Records.</b> Copy of authorization from Dept. of Environment and Conservation to operate as a permit-by-rule facility and additional related records required by the department.</p>	<p>*Retain throughout active life of the facility and through the post-closure care period.</p>	<p>Tenn. Admin. Rule 1200-1-7-.02(1) (c)1.</p> <p>Keep to show compliance with regulations in order to defend against Superfund liability.</p> <p>Mandatory only if city operates a landfill.</p>

\* Indicates a mandatory retention period based on state or federal law.



## R. Solid Waste *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>R-9. Special Waste Approvals and Records.</b> Copies of approvals from the Dept. of Environment and Conservation authorizing a facility to accept special wastes and records of receipt and management of certain special wastes.	*Retain throughout active life of the facility and through the post-closure care period.	Tenn. Admin. Rule 1200-1-7-.01-(4)(d)2.  Keep to show compliance with regulations in order to defend against Superfund liability.  Mandatory only if city operates a landfill.

\* Indicates a mandatory retention period based on state or federal law.



## S. Utilities (Billing and Collection)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>S-1. Applications for Service.</b> Customer requests for service, including name, address, phone, services, and signatures.	Retain 3 years after service is discontinued but may want to keep in electronic format longer in case customer returns to service.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.
<b>S-2. Audit Reports.</b> Independent audit of financial records.	Permanent record.	Recommended by the comptroller in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> .
<b>S-3. Billing Adjustment Reports.</b> Customer names and adjustment information.	Retain 3 years.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.
<b>S-4. Billing Stubs.</b> Collection stubs of accounts paid.	Retain 3 years.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.
<b>S-5. Billing Register.</b> Listing of monthly customer billings (account number, amount, etc.).	Retain 7 years. If record kept in electronic format, the paper copy may be destroyed after audit.	Keep to help resolve billing disputes with customers.
<b>S-6. Collection Agency Reports.</b> Listing of accounts turned over for collection and how resolved.	Retain 7 years.	Keep to help resolve billing disputes with customers.
<b>S-7. Complaints by Customers.</b> Records of meter rechecks, billing inquiries, service problems, etc.	Retain 5 years.	Keep in case of litigation.
<b>S-8. Deposits from Customers.</b> Customer name, date, services, amount of deposit.	Retain 3 years after service is discontinued and deposit applied or refunded.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.
<b>S-9. Disconnection Notices.</b> Notice to discontinue service after non-payment of bill.	Retain 3 years.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.



## S. Utilities (Billing and Collection) (cont'd)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>S-10. General Ledger.</b> Financial information of the utility. (Also see G-14 and G-21.)	Permanent record. If maintained in electronic format may destroy paper record after 7 years.  NOTE: The Tennessee State Library and Archives does not favor keeping permanent records in electronic format.	Recommended by the comptroller in the <i>Internal Control and Compliance Manual for Tennessee Municipalities</i> .
<b>S-11. Meter Reading Records.</b> Meter sheets or printouts from hand-held devices.	Retain 3 years.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.
<b>S-12. Meter Records.</b> Size, type, meter number, dates service began and ended, serial number.	Retain 1 year after meter is retired and disposed of.	Keep to aid in settling billing disputes involving the accuracy of the meter.
<b>S-13. Meter Tests/Repairs.</b> Record of meter testing and any repairs.	Retain 1 year after meter is retired and disposed of.	Keep to aid in settling billing disputes involving the accuracy of the meter.
<b>S-14. Rate Schedules.</b> Listing of rates for utility services.	Permanent record.	Keep for historical purposes.
<b>S-15. Tap Records.</b> Including when tap installed, size, location.	Permanent record.	Keep for historical purposes.
<b>S-16. Work Orders for Customer Service.</b> Detail of meter number, installation date, readings, etc.	Retain 3 years.	Keep in case of billing errors. Tennessee courts have allowed utilities to back bill customers 3 years.



## T. Utilities (Operation and Maintenance)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>T-1. Bacteriological Records.</b> Records indicating disinfection of mains, tanks, filters, wells.	*Retain 5 years.	Tenn. Admin. Rule 1200-5-1-.17(8).
<b>T-2. Complaint Logs.</b>	*Retain 5 years.	Tenn. Admin. Rule 1200-5-1-.20(1)(h).
<b>T-3. Daily Worksheets and Shift Logs.</b>	*Retain until next sanitary survey.	Tenn. Admin. Rule 1200-5-1-.20 (1)(g).
<b>T-4. Facility Maintenance Records.</b>	*Retain 5 years.	Tenn. Admin. Rule 1200-5-1-.20 (1)(h).
<b>T-5. Flush and Free Chlorine Residual for New Taps Where Main Is Uncovered, Measurement of.</b>	*Retain until next sanitary survey or 3 years.	Tenn. Admin. Rule 1200-5-1-.17(32).
<b>T-6. Lead and Copper.</b> Original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, state determinations, and any other information required by Tenn. Admin. Rules 1200-5-1-.33(2) through (9).	*Retain 12 years.	Tenn. Admin. Rule 1200-5-1-.33(12).
<b>T-7. Underground Utilities, Location of.</b> Record of location of all underground utilities maintained by the city.  NOTE: Under T.C.A. § 65-31-105, the city must record location of utilities with county, listing where the facilities are located and the name, title, address, and telephone number of the operator's representative. The county keeps this record permanently.	Permanent record.	These records allow the city to know the location and history of its underground utilities.

\* Indicates a mandatory retention period based on state or federal law.



## U. Utilities (Wastewater and Water Records)

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>WASTEWATER RECORDS</b>		
<b>U-1. Discharge Monitoring Reports (DMRs).</b>	Retain 3 years or longer if so requested by Water Pollution Control as a minimum to comply to permit. Retention for life of the facility is recommended.	NPDES Permit Requirements Part I Subpart B.5.  Provides record of operations and loading to assist in planning.
<b>U-2. Industrial Pretreatment.</b> All information resulting from monitoring activities.	*Retain 3 years, longer in cases of unresolved litigation.	(40 C.F.R. 403.12(o)(1-3)).
<b>U-3. Laboratory Bench Sheets, Calibration and Maintenance of Instruments, QA/QC Data, Flow Charts.</b>	Retain 3 years or longer if requested by Water Pollution Control.	NPDES Permit Requirements Part I Subpart B.5.
<b>U-4. Land Application of Cumulative Pollutant Loading Rate Sludge under 40 C.F.R. 503.13(a)(2)(I).</b>	*Permanent record.	(40 C.F.R. 503.17(a)(5)(ii)).
<b>U-5. Monthly Operating Reports (MORs).</b>	Retain 3 years or longer if requested by Water Pollution Control as a minimum to comply with permit. Retention for the life of the facility is recommended.	NPDES Permit Requirements Part I Subpart B.5.  Provides record of operations and loading to assist in planning.
<b>U-6. Wastewater Sludge Disposal via Land Application, Surface Disposal, Incineration.</b>	*Retain 5 years.	(40 C.F.R. 503.17) Land Application; (503.27) Surface Disposal; (503.47) Incineration.
<b>DRINKING WATER RECORDS</b>		
<b>U-7. Bacteriological Analysis.</b>	*Retain 5 years.	Tenn. Admin. Rule 1200-5-1-.20 (1)(b).
<b>U-8. Chemical Analysis.</b>	*Retain 10 years.	Tenn. Admin. Rule 1200-5-1-.20 (1)(a).
<b>U-9. Consumer Confidence Reports.</b>	*Retain 5 years.	Tenn. Admin. Rule 1200-5-.35(5)(h).

\* Indicates a mandatory retention period based on state or federal law.





## U. Utilities (Wastewater and Water Records) *(cont'd)*

DESCRIPTION OF RECORD	RETENTION PERIOD	LEGAL AUTHORITY/RATIONALE
<b>U-10. Cross Connection Records.</b>	*Retain 5 years.	Tenn. Admin. Rule 1200-5-1-.20 (1)(h).
<b>U-11. Monthly Operating Reports (MORs).</b>	Retain until next survey at a minimum. Retention for life of the facility is recommended.	Provides record of operations and loading to assist in planning.
<b>U-12. Storage Tank Inspections.</b>	*Retain 5 years to comply with rule. Retention for the life of the tank is recommended.	Tenn. Admin. Rule 1200-5-1-.20(1)(h). Retention for life of the tank is recommended to track depreciation and repairs.
<b>U-13. Turbidity.</b> Records include daily worksheets, calibration data, and strip charts.	*Retain until the next sanitary survey.	Tenn. Admin. Rule 1200-5-1-.20(1)(f).
<b>U-14. Variance or Exceptions Granted.</b>	*Retain 5 years following the expiration of such variance or exemption.	Tenn. Admin. Rule 1200-5-1-.20(1)(d).
<b>U-15. Violation, Corrective Action.</b> Records of actions taken to correct violations of primary drinking water regulations.	*Retain 3 years after action.	Tenn. Admin. Rule 1200-5-1-.20(1)(b).
<b>U-16. Written Reports, etc., Related to Sanitary Survey.</b>	*Retain 10 years after sanitary survey.	Tenn. Admin. Rule 1200-5-1-.20(1)(c).

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## MUNICIPAL RECORDS RETENTION SCHEDULE INDEX

### AIRPORTS

0-1.	Bids . . . . .	80
E-3.	Building Plans . . . . .	42
E-5.	Complaints . . . . .	42
I-6.	Contracts . . . . .	54
I-7.	Contracts, Construction. . . . .	54
I-8.	Correspondence Files (including e-mail) . . . . .	54
I-9.	Deeds for City Properties, Copies of . .	54
I-10.	Facility Inspection and Maintenance Records . . . . .	55
F.	Finance (See finance section for relevant records.) . . . . .	44
I-11.	Fixed Assets . . . . .	55
I-13.	Insurance Policies . . . . .	55
I-14.	Leases (Real Property) . . . . .	55
I-15.	Leases and Agreements for Use of Equipment . . . . .	55
0-3.	Minutes of Bid Openings . . . . .	80
I-20.	Minutes of Other Boards . . . . .	56
K.	Personnel (See personnel section for relevant records.) . . . . .	60
0-5.	Requisitions and Requisitions for Purchase . . . . .	80
E-12.	Work Orders. . . . .	43

### A. ANIMAL CONTROL

A-1.	Activity Reports. . . . .	31
A-2.	Adoption Contracts. . . . .	31
A-3.	Annual Reports . . . . .	31
A-4.	Bite Reports . . . . .	31
A-5.	Complaints, Record of. . . . .	31
A-6.	Controlled Substances, Log of . . . . .	31
A-7.	Dispatching Logs . . . . .	31
A-8.	Euthanasia Report . . . . .	31
A-9.	Field Reports (Daily). . . . .	31
A-10.	Impound Log. . . . .	31
A-11.	Rabies Certificate. . . . .	32
A-12.	Return to Owner, Record of . . . . .	32
A-13.	Spay/Neuter Deposit, Record of . . . . .	32
A-14.	Surrender of Animal, Record of. . . . .	32

### B. CEMETERIES, CITY-OPERATED

B-1.	Deed Books . . . . .	33
B-2.	Interment Records . . . . .	33
B-3.	Perpetual Care Records . . . . .	33

### C. COURTS

C-1.	Affidavit of Complaint. . . . .	34
C-2.	Appeal Dockets . . . . .	34
C-3.	Appearance and Rule Dockets. . . . .	34
C-4.	Appearance and Bail Bond Records . . .	34
C-5.	Attachment and Injunction Bonds . . .	34
C-6.	Attachments on Personal Property . . .	34
C-7.	Attachments on Real Property . . . . .	35
C-8.	Bills of Costs — Courts with Concurrent Jurisdiction. . . . .	35
C-9.	Bills of Costs — Ordinance Violation Cases . . . . .	35
C-10.	Bond Books, Miscellaneous . . . . .	35
C-11.	Briefs, Civil Cases. . . . .	35
C-12.	Capias . . . . .	36
C-13.	Case Ledgers . . . . .	36
C-14.	Citation . . . . .	36
C-15.	Cost Bonds, Civil Cases . . . . .	36
C-16.	Criminal Actions, Record of . . . . .	36
C-17.	Delinquent Tax Collections Reports . . .	36
C-18.	Detainer Warrants. . . . .	37
C-19.	Discovery Records, Civil Cases . . . . .	37
C-20.	Distress Warrants and Warrant Stubs . .	37
C-21.	Executions . . . . .	37
C-22.	General Account Ledgers (execution docket) . . . . .	37
C-23.	General Index . . . . .	37
C-24.	Habeas Corpus, Writs of . . . . .	37
C-25.	Judge's Opinions . . . . .	38
C-26.	Litigation Tax Reports. . . . .	38
C-27.	Minute Books and Indexes. . . . .	38
C-28.	Mittimus . . . . .	38
C-29.	Municipal Court with Concurrent Jurisdiction Docket Book, Criminal (State) . . . . .	38
C-30.	Processes Served, Record of . . . . .	38



C-31.	Receipts for Papers . . . . .	38	F-5.	Appropriation Ordinance or Resolution . . . . .	44
C-32.	Reports — Municipal Court with Concurrent Jurisdiction . . . . .	39	F-6.	Audit Reports . . . . .	44
C-33.	Rule Dockets and Indexes . . . . .	39	F-7.	Bank Deposit Books . . . . .	44
C-34.	Search Warrants . . . . .	39	F-8.	Bank Deposit Slips . . . . .	45
C-35.	Subpoenas . . . . .	39	F-9.	Bank Statements . . . . .	45
C-36.	Summonses . . . . .	39	F-10.	Bids, On Equipment and Supplies . . . . .	45
C-37.	Trial Exhibits and Evidence . . . . .	40	F-11.	Bonded Indebtedness, Record of . . . . .	45
C-38.	Unclaimed Funds, Record of . . . . .	40	F-12.	Budget Records and Reports . . . . .	45
C-39.	Warrants . . . . .	40	F-13.	Canceled Checks . . . . .	46
C-40.	Witness Books . . . . .	40	F-14.	Cash Journals . . . . .	46
<b>D. ELECTIONS</b>			F-15.	Cash Reconciliation Report . . . . .	46
D-1.	Candidate Lists . . . . .	41	F-16.	Check Books . . . . .	46
D-2.	Certificate of Election . . . . .	41	F-17.	Check Stubs . . . . .	46
D-3.	Election Results . . . . .	41	F-18.	Development and Proposal Files . . . . .	46
D-4.	Precinct Maps . . . . .	41	F-19.	Financial Reports to City Legislative Body . . . . .	47
D-5.	Public Notices . . . . .	41	F-20.	General Ledger Accounts . . . . .	47
D-6.	Reapportionment Records . . . . .	41	F-21.	General (Miscellaneous) Receipt Ledgers . . . . .	47
<b>E. ENGINEERING</b>			F-22.	Grant Documentation and Files . . . . .	47
E-1.	Aerial Photographs . . . . .	42	F-23.	Investment Ledgers . . . . .	47
E-2.	Bridge and Street Project Files, Federal, State and Local . . . . .	42	F-24.	Invoices . . . . .	47
E-3.	Building Plans . . . . .	42	F-25.	Miscellaneous Receipts from Other Offices Receiving Money, Records of . . . . .	48
E-4.	City Street List . . . . .	42	F-26.	Receipt Books . . . . .	48
E-5.	Complaints . . . . .	42	F-27.	Sales Tax Reports . . . . .	48
E-6.	Deeds, Easements, Highway Rights-of-way etc. . . . .	42	F-28.	Travel Authorizations . . . . .	48
E-7.	Maps and Map Books . . . . .	42	F-29.	Unclaimed Funds, Record of . . . . .	48
E-8.	Ownership Maps and Index, Rural and Urban . . . . .	43	<b>G. FIRE</b>		
E-9.	Plats, Plat Books, Surveyors' Books and Indexes . . . . .	43	G-1.	Arson Investigation Reports . . . . .	49
E-10.	Sign Inventory . . . . .	43	G-2.	Bloodborne Pathogens/Infectious Material Standard . . . . .	49
E-11.	Underground Utilities, Location of . . . . .	43	G-3.	Burn Permits . . . . .	49
E-12.	Work Orders . . . . .	43	G-4.	Fire Incident Reports . . . . .	49
<b>F. FINANCE</b>			G-5.	Fire Safety Inspection and Similar Reports . . . . .	49
F-1.	Accounts Paid Files and Ledgers . . . . .	44	G-6.	Firefighter Annual Certification of Fitness to Perform Job Functions . . . . .	50
F-2.	Accounts Payable . . . . .	44	G-7.	Firefighter Annual Facemask Fit Test Records . . . . .	50
F-3.	Accounts Receivable . . . . .	44	G-8.	Material Safety Data Sheets (MSDSs) . . . . .	50
F-4.	Annual Reports to City Officials . . . . .	44			



G-9. Physical/Medical Records . . . . . 50  
G-10. Medical Records of Patients in EMS  
Run Records . . . . . 50  
G-11. Radio and Telephone Logs . . . . . 51  
G-12. Training Records . . . . . 51  
G-13. Vehicle and Equipment  
Maintenance Records . . . . . 51

I-21A. Mutual Aid Documents . . . . . 56  
I-22. Official Bonds and Oaths  
of City Officials . . . . . 57  
I-23. Ordinances . . . . . 57  
I-24. Pawnbroker’s Licenses, Application  
for and Related Records. . . . . 57  
I-25. Powers of Attorney, Record of . . . . . 57  
I-26. Privilege Licenses — See Business and  
Privilege Licenses. . . . . 57  
I-27. Reports of City Officials, Departments,  
Commissions and Committees. . . . . 58  
I-28. Settlement Agreements. . . . . 58

**H. FLEET SERVICES**

H-1. Vehicle and Equipment Purchase and  
Maintenance Records . . . . . 52

**I. GENERAL ADMINISTRATION**

I-1. Affidavits of Exemption from Business  
Licenses under T.C.A. § 67-4-712. . . . . 53  
I-2. Alcoholic Beverage  
Commission Applications . . . . . 53  
I-3. Beer Applications and Permits . . . . . 53  
I-4. Beer Tax Reports and Receipts . . . . . 53  
I-5. Business and Privilege Licenses . . . . . 53  
I-5A. Business Tax Returns . . . . . 53  
I-6. Contracts . . . . . 54  
I-7. Contracts, Construction. . . . . 54  
I-8. Correspondence Files  
(including e-mail) . . . . . 54  
I-8A. E-Mail. . . . . 54  
I-9. Deeds for City Properties, Copies of . . 54  
I-10. Facility Inspection and  
Maintenance Records . . . . . 55  
I-11. Fixed Assets . . . . . 55  
I-12. General (Non-Financial) Monthly and  
Quarterly Reports to City Officials. . . . 55  
I-13. Insurance Policies . . . . . 55  
I-14. Leases (Real Property) . . . . . 55  
I-15. Leases and Agreements for  
Use of Equipment. . . . . 55  
I-16. Legal Opinions and Court Decisions. . . 55  
I-17. Liens, Tax . . . . . 56  
I-18. Minutes of City Legislative Body. . . . . 56  
I-19. (Rough) Minutes and Roll Calls  
of City Legislative Body . . . . . 56  
I-20. Minutes of Other Boards . . . . . 56  
I-21. Motor Vehicle City Stickers. . . . . 56

**HOSPITALS AND NURSING HOMES**

O-1 Bids . . . . . 80  
E-3. Building Plans . . . . . 42  
E-5. Complaints . . . . . 42  
I-10. Facility Inspection and  
Maintenance Records . . . . . 55  
F. Finance (See finance section  
for relevant records.) . . . . . 44  
G-10. Medical Records of Patients . . . . . 50  
I-13. Insurance Policies . . . . . 55  
I-14. Leases (Real Property) . . . . . 55  
I-15. Leases and Agreements  
for Use of Equipment . . . . . 55  
O-3. Minutes of Bid Openings . . . . . 80  
K. Personnel (See personnel section  
for relevant records.) . . . . . 60  
O-4. Purchase Orders . . . . . 80  
O-5. Requisitions and Requisitions  
for Purchase . . . . . 80  
E-12. Work Orders. . . . . 43

**J. PERMITS**

J-1. Approved Permit Applications  
for Solid Waste Disposal Facilities. . . . . 59  
J-2. Building Permits and Inspections,  
Copies of. . . . . 59  
J-3. Contractor License Books. . . . . 59  
J-4. Demolition Orders . . . . . 59  
J-5. Violation Notices . . . . . 59



**K. PERSONNEL**

- K-1. Advertisements Regarding Job Openings, and Records of Promotions, Training Programs or Overtime Work . . . 60
- K-2. Age Records . . . . . 60
- K-3. Americans with Disabilities Act — Employer Records . . . . . 60
- K-4. Applications, Resumes or Other Replies to Job Advertisements, including Temporary Positions, etc. . . . . 60
- K-5. Bloodborne Pathogens/Infectious Material Standard . . . . . 60
- K-6. Citizenship or Authorization to Work . . 61
- K-7. Contracts, Employee . . . . . 61
- K-8. Contracts, Personal Service of Independent Contractor. . . . . 61
- K-9. Demotion Records (See also transfer, layoff, termination.). . . . . 61
- K-10. Discrimination or Enforcement Charges. . . . . 61
- K-11. Drug Testing Records (Required by Department of Transportation) . . . . 62
- K-12. EEOC Information . . . . . 62
- K-13. Employee Earnings Records . . . . . 62
- K-14. Employer Information Report . . . . . 62
- K-15. Employer Records of Leave Under FMLA — Non-exempt Employees. . . . . 63
- K-16. Employment Contracts — FLSA . . . . . 63
- K-17. Employment Tax Records . . . . . 63
- K-18. Family and Medical Leave Act (FMLA) Employer Records of Leave Under FMLA — Exempt Employees . . . 64
- K-19. Garnishment Documents . . . . . 64
- K-20. Group Health Insurance Coverage After Certain Qualifying Events . . . . . 64
- K-21. Hiring Records . . . . . 64
- K-22. Insurance/Retirement Plans . . . . . 65
- K-23. Layoff Selection. . . . . 65
- K-24. Material Safety Data Sheets (MSDSs) . . 65
- K-25. Minimum Wage and Overtime Charges . 65
- K-26. Occupational Injuries and Illness Records. . . . . 66
- K-27. Older Workers Benefit Protection Act — Employer Records . . . . . 66

- K-28. Payroll Records — Additions or Deductions from Wages Paid . . . . . 66
- K-29. Payroll Records — Age Discrimination in Employment Act . . . . . 66
- K-30. Payroll Records — Basis on Which Wages Are Paid . . . . . 67
- K-31. Payroll Records for FLSA — Exempt Employees . . . . . 67
- K-32. Payroll Records — FLSA Non-exempt Employees . . . . . 68
- K-33. Payroll Records — Title VII Purposes . 68
- K-34. Permit-Required Confined Space . . . . . 68
- K-35. Personnel Files. . . . . 69
- K-36. Personnel Policies . . . . . 69
- K-37. Physical/Medical Records. . . . . 69
- K-38. Physical/Medical Records Under FMLA . 70
- K-39. Physical/Medical Records Under OSHA . 70
- K-40. Promotion Records or Notices. . . . . 70
- K-41. Seniority or Merit Rating Systems. . . . 70
- K-42. Termination Records . . . . . 70
- K-43. Time Worked Records . . . . . 70
- K-44. Transfer Records. . . . . 71
- K-45. Travel Authorizations . . . . . 71
- K-46. Veterans, Military Leave . . . . . 71
- K-47. W-2s. . . . . 71
- K-48. W-4s. . . . . 71
- K-49. Wage Rate Tables . . . . . 71

**L. PLANNING AND ZONING**

- L-1. Board of Zoning Appeals Action . . . . . 72
- L-2. Minutes of Commissions and Boards . . 72
- L-3. Plan and Plat Records . . . . . 72
- L-4. Reports/Recommendations of the Planning Commission to the Governing Body . . . . . 72
- L-5. Request for Zoning Change . . . . . 72
- L-6. Studies and Reports of the Planning Commission . . . . . 72
- L-7. Subdivision Regulations . . . . . 73
- L-8. Zoning Map and Ordinance . . . . . 73

**M. POLICE**

- M-1. Accident Reports . . . . . 74
- M-2. Armory Records . . . . . 74



M-3.	Arrest Records . . . . .	74
M-4.	Case Files . . . . .	74
M-5.	Fingerprint Records . . . . .	75
M-6.	Identification Files . . . . .	75
M-7.	Incident Reports (Offense or Complaint Reports) . . . . .	75
M-8.	Internal Investigation Records . . . . .	75
M-9.	Missing Person/Runaway Records . . . . .	76
M-10.	Mittimus (Committal Records) . . . . .	76
M-11.	Parking Tickets . . . . .	76
M-12.	Processes Served, Record of . . . . .	76
M-13.	Radio Logs . . . . .	76
M-14.	Traffic Citations, Copies . . . . .	76
M-15.	Training Records . . . . .	76

0-2.	Contracts . . . . .	80
0-3.	Minutes of Bid Openings . . . . .	80
0-4.	Purchase Orders . . . . .	80
0-5.	Requisitions and Requisitions for Purchase . . . . .	80
0-6.	Street Contracts and Bonds . . . . .	80

**P. RECREATION AND PARKS**

P-1.	Liability Releases . . . . .	81
P-2.	Rosters of Activity Participants . . . . .	81
P-3.	Safety Inspections of Playgrounds and Equipment . . . . .	81
P-4.	Swimming Pool Records . . . . .	81

**Q. SCHOOLS**

Q-1.	Accountability for 200 Days . . . . .	82
Q-2.	Annual Report of Professional Personnel . . . . .	82
Q-3.	Attendance Agreements of Out-of-District and Out-of-State Students . . . . .	82
Q-4.	Audits of Internal School Activity Funds . . . . .	82
Q-5.	Audits of Local School Systems . . . . .	82
Q-6.	Budget, Annual Operating . . . . .	83
Q-7.	Building Plans . . . . .	83
Q-8.	Bus Operator's Bonds (Blanket Bonds) . . . . .	83
Q-9.	Career Ladder — Certification Recommendation Form . . . . .	83
Q-10.	Career Ladder — Local Evaluation Report Form for Probationary, Apprentice, and Career Level I Teachers . . . . .	83
Q-11.	Census Records . . . . .	84
Q-12.	Certificates of Certificated Personnel . . . . .	84
Q-13.	Contracts, Construction . . . . .	84
Q-14.	Contracts, Employee . . . . .	84
Q-15.	Contracts, Personal Service of Independent Contractor . . . . .	84
Q-16.	Cumulative Pupil Record . . . . .	84
Q-17.	Deeds . . . . .	84
Q-18.	Eighth Grade Graduates Report . . . . .	85

**N. PROPERTY TAX**

N-1.	Aerial Photographs . . . . .	77
N-2.	Appeals and Reports to the State Board of Equalization and Court Appeals . . . . .	77
N-3.	Assessment Exemptions, Applications for . . . . .	77
N-4.	Board of Equalization, Certification of Assessments, Copies of . . . . .	77
N-5.	Certificates of Public Utilities Tax Valuations by Office of State Assessed Properties, Copy of . . . . .	77
N-6.	Delinquent Real Estate Tax Reports . . . . .	78
N-7.	Delinquent Tax Receipt Books . . . . .	78
N-8.	General (Miscellaneous) Receipt Ledgers . . . . .	78
N-9.	Land Sold for Taxes, Record of . . . . .	78
N-10.	Liens, Tax . . . . .	78
N-11.	Personal Property, Audit Records . . . . .	79
N-12.	Property Tax Relief Applications and Reports . . . . .	79
N-13.	Tax/Assessment Rolls . . . . .	79
N-14.	Tax Bills . . . . .	79
N-15.	Tax Cases Sent to Clerk and Master, Record of . . . . .	79
N-16.	Tax Maps (Ownership Maps and Index, Rural and Urban) . . . . .	79

**O. PURCHASING**

0-1.	Bids . . . . .	80
------	----------------	----





Q-19.	Federal Title Projects Records. . . . .	85
Q-20.	Final BEP Accountability Summary . . .	85
Q-21.	Financial Report, Annual Public School. . . . .	85
Q-22.	Fire Safety Inspection and Similar Reports . . . . .	85
Q-23.	Fixed Assets . . . . .	86
Q-24.	General Ledger Accounts . . . . .	86
Q-25.	High School Diploma Certification and Roster of Graduates . . . . .	86
Q-26.	Home School Registration Form . . . . .	86
Q-27.	Immunization Records. . . . .	86
Q-28.	Insurance Policies . . . . .	86
Q-29.	Invoices (Also Purchase Orders, Requisitions, etc.) . . . . .	86
Q-30.	Legal Opinions and Court Decisions. . .	87
Q-31.	Membership/Attendance Reports . . . . .	87
Q-32.	Minutes, Board of Education . . . . .	88
Q-33.	Monthly Trustee's Report . . . . .	88
Q-34.	Petitions. . . . .	88
Q-35.	Preliminary Report — Grades PK-12 School Report . . . . .	88
Q-36.	Preliminary Staff Report . . . . .	88
Q-37.	Report of School System/ School Compliance . . . . .	88
Q-38.	Requisition for Equivalency High School Diplomas. . . . .	89
Q-39.	School Food Service Reports . . . . .	89
Q-40.	School Registers. . . . .	89
Q-41.	Special Education Census. . . . .	89
Q-42.	Special Education — Certification of Services and Listing of Inappropriately Served and of Suspected Students with Disabilities. . . . .	89
Q-43.	Special Education Record. . . . .	89
Q-44.	Statistical Report, Annual . . . . .	90
Q-45.	Superintendent's Report of Suspensions and Expulsions . . . . .	90
Q-46.	System-Wide Personnel Compliance Sheet. . . . .	90
Q-47.	Textbook Reports . . . . .	90
Q-48.	Transportation Report, Annual Pupil . .	90

Q-49.	Vocational Education Final Expenditure Report. . . . .	91
Q-50.	Vocational Education — Mgt. Info. Svs. (MIS) Enrollment Form . . . . .	91
Q-51.	Vocational — Technical Education (Adult) Statistical Report . . . . .	91

**R. SOLID WASTE**

R-1.	Amount of Solid Waste (in tons) Received at Municipal Solid Waste Facilities, Records of. . . . .	92
R-2.	Annual Report of Materials Collected at Recycling Center by Operator . . . . .	92
R-3.	Approved Permit Applications for Solid Waste Disposal Facilities. . . . .	92
R-4.	Closure/Post-Closure Landfill Plan . . . . .	92
R-5.	Gas Migration Control Standard . . . . .	93
R-6.	Groundwater Sampling Records. . . . .	93
R-7.	Monitoring Records. . . . .	93
R-8.	Permit-By-Rule Authorizations and Records. . . . .	93
R-9.	Special Waste Approvals and Records. .	94

**S. UTILITIES (BILLING AND COLLECTION)**

S-1.	Applications for Service . . . . .	95
S-2.	Audit Reports . . . . .	95
S-3.	Billing Adjustment Reports . . . . .	95
S-4.	Billing Stubs . . . . .	95
S-5.	Billing Register . . . . .	95
S-6.	Collection Agency Reports. . . . .	95
S-7.	Complaints by Customers. . . . .	95
S-8.	Deposits from Customers. . . . .	95
S-9.	Disconnection Notices. . . . .	95
S-10.	General Ledger. . . . .	96
S-11.	Meter Reading Records . . . . .	96
S-12.	Meter Records . . . . .	96
S-13.	Meter Tests/Repairs . . . . .	96
S-14.	Rate Schedules . . . . .	96
S-15.	Tap Records . . . . .	96
S-16.	Work Orders for Customer Service . . . .	96

**T. UTILITIES (OPERATION AND MAINTENANCE)**

T-1.	Bacteriological Records. . . . .	97
------	----------------------------------	----



T-2.	Complaint Logs . . . . .	97
T-3.	Daily Worksheets and Shift Logs . . . . .	97
T-4.	Facility Maintenance Records . . . . .	97
T-5.	Flush and Free Chlorine Residual for New Taps Where Main Is Uncovered, Measurement of . . . . .	97
T-6.	Lead and Copper. . . . .	97
T-7.	Underground Utilities, Location of . . .	97

## **U. UTILITIES (WASTEWATER AND WATER RECORDS)**

### ***Wastewater Records***

U-1.	Discharge Monitoring Reports (DMRs) .	98
U-2.	Industrial Pretreatment. . . . .	98
U-3.	Laboratory Bench Sheets, Calibration and Maintenance of Instruments, QA/QC Data, Flow Charts . . . . .	98
U-4.	Land Application of Cumulative Pollutant Loading Rate Sludge under 40 C.F.R. 503.13(a)(2)(I). . . . .	98
U-5.	Monthly Operating Reports (MORs) . . .	98
U-6.	Wastewater Sludge Disposal via Land Application, Surface Disposal, Incineration. . . . .	98

### ***Drinking Water Records***

U-7.	Bacteriological Analysis . . . . .	98
U-8.	Chemical Analysis. . . . .	98
U-9.	Consumer Confidence Reports. . . . .	98
U-10.	Cross Connection Records . . . . .	99
U-11.	Monthly Operating Reports (MORs) . . .	99
U-12.	Storage Tank Inspections. . . . .	99
U-13.	Turbidity. . . . .	99
U-14.	Variance or Exceptions Granted . . . . .	99
U-15.	Violation, Corrective Action. . . . .	99
U-16.	Written Reports, etc., Related to Sanitary Survey . . . . .	99





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## Appendix A: STATUTORY PROVISIONS GOVERNING MUNICIPAL PUBLIC RECORDS

*TENNESSEE CODE ANNOTATED*

TITLE 10. PUBLIC LIBRARIES, ARCHIVES AND RECORDS CHAPTER 7. PUBLIC RECORDS  
PART 7 — MUNICIPAL RECORDS  
(Current through end of 2004 regular session)

### SECTION

10-7-701 Public records — Temporary records.

10-7-702 Retention schedules.

#### **10-7-701. Public records**

All documents, papers, records, books of account, and minutes of the governing body of any municipal corporation, or of any office or department of any municipal corporation, within the definition of “permanent records,” “essential records,” and/or “records of archival value,” as defined in 10-7-301, constitute “public records” of the municipal corporation. All documents, papers, or records of any municipal corporation or of any office or department of the municipal corporation that constitute “temporary records” and/or “working papers” within the definition set forth in 10-7-301(13) and (14) constitute “public records” of the municipality, except that “temporary records” may be scheduled for disposal as authorized in this part.

#### **10-7-702. Retention schedules**

- (a) The Municipal Technical Advisory Service, a unit of the Institute for Public Service of the University of Tennessee, is authorized to compile and print, in cooperation with the state library and archives, records retention manuals which shall be used as guides by municipal officials in establishing retention schedules for all records created by municipal governments in the state.
- (b) Notwithstanding any provision of law to the contrary, the governing body of any municipality may by resolution authorize the disposal of any permanent paper record of the municipality when the record has been photocopied, photostated, filmed, microfilmed, preserved by microphotographic process, or reproduced onto computer or removable computer media, including CD-ROM disks, in accordance with § 10-7-121. Other records of the municipality may be disposed of when the retention period that is prescribed in the retention schedule used by the municipality has expired. For purposes of this subsection (b), disposal includes destruction of the record. A municipality may adopt reasonable rules and policies relative to the making, filing, storing, exhibiting, copying and disposal of municipal records.



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## Appendix B: TENNESSEE ARCHIVES MANAGEMENT ADVISORY (TAMA) 99-007

From: William W. Moss, Assistant State Archivist  
To: Records Keepers in State and Local Government Agencies  
Subject: Guidelines for the use of digital imaging for permanent records  
Date: 13 June 1999

- State and local government officials hold public records in trust. They are legally obliged to protect public records and to make them readily accessible regardless of the records' storage media. These guidelines will help public officials design responsible digital imaging systems for creating and maintaining long term archival records.
- The guidelines are good advice. They are based on national technical standards, established practices, and research in the professional literature. The guidelines identify critical issues in designing, selecting, implementing, and operating digital imaging technologies. These issues are especially important for systems used for mission-critical records or for long term archival records.
- Digital imaging is the ability to capture, store, retrieve, display, process, and communicate or disseminate records electronically using a variety of hardware and software components. Digital imaging technology continues to change rapidly, but with proper planning and design, an agency can significantly improve its business operations without endangering records or procedures because of technology obsolescence.
- Maximum potential benefits of digital imaging systems can best be achieved through an agency planning process. This process examines the information needs and records requirements of the agency as a whole rather than a single, isolated application.
- The guidelines are listed in order of their recommended implementation.

CAVEAT: Electronic records are not permanent.

The following guidelines do **not** guarantee the assured survival of permanent records, essential records, or records of archival value as defined in T.C.A. § 10-7-301. They do offer the best chance that records will survive transitions from one digital information system to another and from one generation to another of the same information system.

The only media that will assure long-term survival of essential, permanent, or archival records are still carbon-based ink on acid-neutral paper and archival quality silver gelatin microfilm created and kept under conditions that meet archival standards. Records keepers should identify such records, appraise their value, and, if found to be worth permanent retention, should take steps to preserve them in archival media.



## GUIDELINES

### PROJECT PLANNING

**Recommendation 1:** Prior to selecting a digital imaging system, conduct a records and workflow analysis to determine and to make a reliable record of existing and planned agency information needs.

The examination of existing workflow patterns and records is the crucial first step in determining the need for a digital imaging system. A records analysis assesses existing operations to determine what records are best suited for digital imaging applications. A workflow analysis assesses the processes of records creation, access, and retrieval to determine areas where re-engineering can improve operational efficiency. This reorganization of business or work processes may be simple or extensive. Implementing a digital imaging system significantly affects the current work processes because personnel create, retrieve, use, and store documents differently from the traditional paper records process. The detail and complexity of re-engineering the process affects the project schedule, cost justification, and Invitation to Bid (ITB) requirements.

The Records Management Division, Department of General Services, and the Office for Information Resources of the Department of Finance and Administration can help analyze an agency's record-keeping systems.

**Recommendation 2:** Prior to selecting a digital imaging system, conduct a cost benefit analysis to determine the cost justification of a system purchase and to determine the possible benefits to the agency with its implementation.

Cost justifying a digital imaging system allows a financial comparison between the current and proposed record-keeping systems to help in making a procurement decision. The cost justification goal of a digital imaging system is to offset the cost of the equipment and software by reducing personnel and storage costs or by allowing the existing staff to process more work through the improvement of work processes; and, it must do so without degrading the integrity or evidential value of the records.

To determine a cost estimate, the following components should be considered:

- System hardware;
- System software;
- Application software;
- Communications hardware and software;
- System maintenance;
- Training;
- Project management;
- Facilities upgrades/site preparation;
- Staffing costs;
- Other miscellaneous costs.



A typical cost justification includes the following major areas:

- Study of current operations;
- Proposed system architecture;
- Equipment pricing;
- Financial indicators, including
  - Payback period;
  - Net present value;
  - Rate of return.

The Office for Information Resources of the Department of Finance and Administration can help analyze the costs of implementing a digital imaging system.

### ***System Specifications and Selection***

**Recommendation 3:** Require an open systems architecture for digital imaging applications, or require vendors to provide a bridge to systems with non proprietary configurations.

An open systems architecture permits future component upgrades with minimal degradation of system functions and without significant risk of records loss. It supports importing and exporting of digital images to and from other sources. It allows long term records to be accessed and transferred from one hardware or software platform to another. Adoption of non-proprietary standards is crucial to achieving an open systems architecture.

**Recommendation 4:** Where data longevity or records integrity is a primary concern, use a recording medium that is NOT rewritable.

The storage capacity of optical disks versus paper is a primary advantage to the use of digital imaging systems. However, optical disks are not the only option. Other storage solutions that can be used with digital imaging systems include output to microfiche or microfilm, digital tape, and magnetic disks. The selection of storage media may depend on budget considerations for the agency.

When selecting optical storage media, the issues of data longevity and integrity must be considered. A medium that is NOT rewritable helps protect the integrity of the records. There are a variety of optical disks on the market today:

- Write Once Read Many (WORM)
- Compact Disk Read Only Memory (CD ROM)
- Compact Disk Recordable (CD R)
- Computer Output to Laser Disk (COLD)

Each has its own advantages and disadvantages, with rewritable and non-rewritable options. These media offer a high level of data security because you cannot alter the data without destroying the medium itself. If a record is no longer needed, software may allow the pointer to the data to be disabled, preventing normal access. Because the data cannot truly be deleted, however, it may remain accessible by other means.



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**Recommendation 5:** Use a non proprietary digital image file format. If using a proprietary format, provide a bridge to a non proprietary digital image file format.

A digital image file format is a structured container for information about each digital image and the image data. Information about the digital image file includes, but is not limited to, its name, width, length, resolution, and compression techniques. The computer requires this information to interpret the digital image. It is essential to use a commonly available, non proprietary image file format to ensure the ability to transfer successfully digital images between different systems or to a new system when a system is upgraded or modified.

American National Standards Institute (ANSI)/Association for Information and Image Management (AIIM) MS53 1993, *Standard Recommended Practice — File Format for Storage and Exchange of Images — Bi Level Image File Format — Part I* details a standard definition for file formats. Despite the existence of a standard, there is not yet an agreed upon, industry wide image format standard. Many digital imaging systems use the Tagged Image File Format, or TIFF. Because different versions of TIFF exist (TIFF 5, TIFF 4, etc.), there is still no absolute guarantee that images can be transported seamlessly from one system to another. Comprehensive documentation of the digital image file format, including TIFF, is recommended.

A number of other file formats exist, such as Graphics Interchange Format (GIF), Joint Photographic Experts Group (JPEG), and Bitmap (BMP). These file formats are commonly used in conjunction with hypertext markup language (HTML) for Internet and intranet applications. Many systems or third party graphics packages will convert images from one to another, although often with unpredictable results.

**Recommendation 6:** Use International Telecommunications Union (ITU) Group 3 and Group 4 compression techniques or have the vendor provide a bridge to these techniques.

The typically large file sizes of typical scanned documents require digital image compression to support data transmission and to promote storage efficiency. Today most digital imaging systems use standard compression algorithms to “shrink” images. Standard compression techniques are instrumental in ensuring a migration strategy for records needed for long term use. Two international standards are currently available. Using compression techniques conforming to either of these specifications will increase the likelihood that the images can be used with other technologies or migrated between systems.

**Recommendation 7:** When determining document-scanning resolution, considering data storage requirements, document scanning throughput rates, and the accurate reproduction of the image. Validate vendor claims using a sampling of the agency’s documents.

A digitized image consists of black and white dots or picture elements (pixels) measured in dots per inch (dpi). The higher the number of dpi, the higher the legibility of the reproduced image. Images scanned at higher dpi rates, however, use more storage space on the disk and may require longer scanning times. The selection of scanning density involves a trade off between image clarity, storage capacity, and speed. When selecting a scanner, ask the vendor to perform a quality test on a broad sampling of documents at various dpi settings so that an appropriate end to end throughput rate and resolution can be determined.



For good quality images in scanning modern office records, use a scanning density of at least 300 dpi. A higher scanning density (600 dpi or higher) is appropriate for deteriorating documents, older handwritten documents, and documents with a visual element such as engineering drawings, maps, or documents with background detail. The display resolution of the inspection/verification monitor and printer should match the scanning density of the document scanner. When scanning continuous tone images, such as photographs, maps, and illustrations, use grayscale or color imaging technology.

**Recommendation 8:** Select equipment that conforms to the standard methodology for media error detection and correction. The system should provide techniques for monitoring and reporting verification of the records stored on a digital optical disk, and the system administrator should actively follow the status of the monitors.

Careful review and quality control of scanned images is essential to assure the accuracy and completeness of material scanned into imaging systems. Digital imaging technology uses two methods within the Error Detection and Correction (EDAC) system to minimize digital image recording and retrieval errors. The first method uses error correction codes to detect and correct automatically any errors in reading data. The second employs correction code software to determine if and when the use of error correction codes is approaching a critical point. Monitoring the error correction status information provides an audit trail to measure the progress and degree of disk degradation. Tracking error correction trends will indicate an appropriate timetable for recopying disks.

The Association for Information and Image Management's Standards Committee has developed a standardized methodology for reporting the error rate data to the operating system for user evaluations. ANSI/A11M MS 59 1996, *Media Error Monitoring and Reporting Techniques for Verification of Stored Data on Optical Digital Data Disks*, describes these standards.

Another precaution against losing long term records because of defective disks is to require the use of digital optical disks with a guaranteed minimum shelf life of five years and a minimum post write life of twenty years.

**Recommendation 9:** Specify that the small computer system interface (SCSI) command "Write and Verify" is used when writing data to digital optical disks.

The "Write and Verify" command, available within the SCSI, is valuable for assessing how accurately the scanned information is transferred from the central processing unit of the computer to the digital optical disk. "Write and Verify" requires verification from the system that the digital image is correctly written to the disk and provides additional protection for continued access to long term records.

**Recommendation 10:** Use an indexing database that provides for efficient retrieval, ease of use, and up to date information about the digital images stored in the system. The indexing database should be selected after an analysis of agency operations and user needs.



Reliable access to scanned images depends on an accurate, up to date index database. Indexing a digital image involves linking descriptive image information with header file information. Normally, index data are manually key entered using the original documents or the scanned images, either at the time of image capture or later in the production process. Index data verification, in which database entries are compared with the original source documents for completeness and accuracy, is crucial because an erroneous index term may result in the inability to retrieve related images.

**Recommendation 11:** Provide specific plans for an ongoing process of migrating long term and archival records from older to newer hardware and software platforms.

Agencies must ensure that their long term and archival records are continually accessible. Permanent records of high evidential value should be printed out onto acid-neutral paper with permanent, carbon-based ink to assure their long-term preservation. Systems as physical devices could be operational for ten years or more, but system technology often is superseded within two to three years. If the system stores records with retention periods exceeding the life span of the hardware and software, it is essential that the administrator plan for future data migration. A migration strategy documents how an organization will transfer long term and archival records from one generation of hardware and software to another generation without losing system functionality and without losing the integrity of the records. The strategy should be written and available with current system documentation.

Current strategies for migrating digital imaging system records include:

- Upgrading equipment and software as technology evolves and periodically recopying disks as required;
- Recopying optical disks based upon projected longevity and/or periodic verification of the records;
- Transferring the data from an obsolete generation of optical disks to a newly emerging technology, in some cases bypassing the intermediate generation that is mature but at risk of becoming obsolete.

**Recommendation 12:** Integrate into the system design a comprehensive records retention and disposal schedule for the entire system.

The retention of records in electronic systems is complex because both the structures and data (content) can be changed over time. When either the data contents or the structure of a database is changed, the record is altered. This is necessary to the conduct of business.

Changes should be managed in accordance with records management principles.

- When changes in the logical structure are made, documentation of the superseded structure should be maintained for as long as it is necessary to maintain any records to which the superseded structure(s) applied.
- When major redesign efforts are undertaken, the record(s) applicable to the database should also be reviewed.





Articulate and integrate requirements for archival records (records for permanent retention) at the conception stage, when the record-keeping system is being designed.

- Devise and use a records retention plan, based on appraisal of the record contents, that will be effective across changes in technology over time.
- Systematically identify and protect material that must be retained permanently whenever it appears in the operations of records creation within the system.
- Operational (administrative) and legal requirements for records retention should be incorporated into the system design.

For permanence, the system design must assure preservation of the availability, accessibility, and understandability of the content records, including their provenance and working context. The entire database system, including inputs, outputs, and necessary metadata and documentation should be scheduled for retention or disposal together.

### ***System Implementation***

**Recommendation 13:** Assign a permanent staff member as systems administrator, and require the vendor to provide a project director during the installation and training periods.

Assignment of a qualified staff member with systems administration experience is crucial to effective implementation and maintenance of a digital imaging system. The systems administrator should be responsible for overall project management, and the development and maintenance of written system documentation that describes the requirements, capabilities, limitations, design, operation, and maintenance of the digital imaging system. The systems administrator should also assure that steps are taken to assure the optimum chances of long-term survival of essential, permanent, and archivally valuable records. Making a vendor representative responsible for installing the equipment and training the systems administrator and other appropriate agency staff will help to ensure successful implementation of the system.

**Recommendation 14:** Establish operational practices and provide technical and administrative documentation to ensure the future usability of the system, continued access to long term records, and a sound foundation for assuring the system's legal integrity.

It is the responsibility of office administrators, rather than vendors and manufacturers, to maintain written documentation of system procedures, also called standard operating procedures or SOPs, including access and security policies and procedures. Security and access policies should be developed to protect the system and the records from alteration or unauthorized use.

In regard to legal admissibility and trustworthiness, records stored on a digital imaging system should be treated no differently than records stored on magnetic disk or tape. The key is for the systems administrator to become familiar with how the rules of evidence apply to such records. Procedural controls should be established and followed to protect the integrity of the records.





These procedural controls should be documented and should reflect requirements for the legal acceptance of records as outlined in AIIM TR31 1992, *Performance Guideline for the Admissibility of Records Produced By Information Technology Systems as Evidence*. This AIIM performance guideline stresses the importance of specifying the processes used to create the records, demonstrating that records are produced and relied upon in the regular course of business, establishing quality control and audit procedures, conducting formal training programs, and providing written documentation for each procedure. Case histories indicate that system requirements for good archival maintenance are consistent with the requirements for the admission of records under the “rules of evidence” laws. Records administrators should be familiar with how the rules of evidence apply to Tennessee’s public records. Policies and procedures should be followed to protect the integrity of long term records.

**Recommendation 15:** Perform a visual quality control evaluation of each scanned image and related index data. Write the scanned image to optical media only after the evaluation is completed.

To help ensure the integrity of long term and archival records stored on the system, staff members should perform a visual quality evaluation of each index entry and scanned image before writing the digital image to optical media. Overall system quality control is best when the scanned image is stored temporarily on magnetic media, permitting corrections through rescans as needed. Depending on the system configuration, corrections may be performed at the scanner capture station or at designated inspection/rescan workstations. Training and supervision of the operations staff is a key factor in maintaining acceptable image and index quality as well as user satisfaction with the system.

When the system is operational, a routine scanning quality test, as outlined in ANSI/AIIM MS44 1988 (111993), *Recommended Practice for Quality Control of Image Scanners*, should be performed on a weekly or monthly basis.

**Recommendation 16:** Design backup procedures to create security copies of digitized images and their related index records.

System component reliability is critical to system success. Prolonged or repetitive downtime can seriously affect office operations. Creating a duplicate copy of records in another format or another system is an effective way to ensure access to long term information. Backup copies also support system integrity and legal admissibility requirements. The government office may select the backup storage media (optical, magnetic, paper, or microform) that best meet the office’s requirements. Security copies of the records should be stored in an offsite, environmentally controlled location.

**Recommendation 17:** Provide adequate environmental conditions for the digital optical disks.

Even in an optimum environment, digital optical disks are susceptible to deterioration. Adverse storage conditions, especially high humidity, can cause rapid deterioration of the media. A prudent storage guideline for digital optical disks is to adhere to the temperature and humidity levels recommended for magnetic media storage. Technical specialists recommend a stable environment, with a temperature between 65 and 75 degrees, and a relative humidity between 30 and 50 percent. Digital optical disks should never be stored in direct sunlight nor placed near sources of heat.



Digital optical disks are affected by dust, debris, and fingerprints. Plastic cartridges should never be removed, nor should the cartridge shutter be opened to expose the digital optical disk's recording surface. To protect disks from warping, they should not be subject to pressure and should be stored in an upright position when not in the disk drive.

Agency officials should request that the vendor supply specifications for the storage of digital optical disks and ensure that office conditions meet these specifications during installation of a system.

**Recommendation 18:** Budget annually between 15 and 20 percent of the original system acquisition cost for upgrades, training, and maintenance.

Administrative managers should be aware of the high cost of maintaining and upgrading digital imaging systems. Unless these costs are factored into the continuing support of system maintenance and improvement, the system is in danger of becoming obsolete and requiring a far greater expense to restore its effectiveness. Also, records stored in an outdated system tend to be at greater risk than those in a well-supported system. Continued planning and budgeting for the migration of long term and archival records, as discussed in Recommendation 11, are essential for the success of any digital imaging project.

**Recommendation 19:** Long-range planning and budgeting should include provision for replacement of existing systems at least every 10 years.

Information management and imaging systems technology changes rapidly, making existing systems obsolete in a few years. Information processing and records-keeping requirements of offices also change with changing circumstances. Experience in many government offices and business enterprises suggests that existing systems need to be replaced substantially, if not entirely, somewhere between five and 15 years of the time of their initial installation. The optimum replacement time seems to be between seven and 12 years. Prudent management requires planning and budgeting for such replacements.

## **IF YOU NEED ASSISTANCE**

The Records Management Division of the Department of General Services and the Office for Information Resources of the Department of Finance and Administration provide assistance to state and local government agencies regarding records administration considerations affecting the design and implementation of digital imaging systems. Direct questions or comments concerning digital imaging technologies, or this technical leaflet, should be sent to the Tennessee State Library and Archives, 403 Seventh Avenue North, Nashville, TN 37243-0312, (615) 741-2561. For technical assistance concerning the design and implementation of digital imaging technologies contact the Office of Information Resources, Department of Finance and Administration, State Capitol, Nashville, TN 37243-0285, (615) 741-2401.



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## Appendix C: SOURCES OF ADDITIONAL INFORMATION

### MATERIALS PRODUCED BY THE TENNESSEE STATE LIBRARY AND ARCHIVES

The State Library and Archives has produced an ongoing series of Tennessee Archives Management Advisories. TAMA advisory 99-007 (“Guidelines for the Use of Digital Imaging for Permanent Records”) is reproduced in its entirety in Appendix B of this manual. Other advisories may be of interest or use to local government officials. Following is a list of advisories produced to date. Contact Dr. Wayne C. Moore, assistant state archivist, Tennessee State Library and Archives, (615) 253-3458, wayne.moore@state.tn.us, for copies of any advisories that interest you.

#### Issued in 1999

1999-001	Tennessee Archives Management Advisory (TAMA) series
1999-002.02	Direct Grants to Local Government Archives [supersedes previous TAMA 99-002]
1999-003	Local Archives Development, Classification, and Accreditation
1999-004	Basic Archives Management Guidelines for Local Archives [Attached to this TAMA is a handbook of basic guidelines for local archives.]
1999-005	Microfilming Permanent Records
1999-006	Electronic Records are NOT Permanent Archival Records
1999-007	Guidelines for the Use of Digital Imaging for Permanent Records
1999-008	Appraisal and Disposition of Records
1999-009	Beware of Lamination
1999-010	Local Archives Mission Statement and Collecting Policy
1999-011	Resource Directory of Tennessee Archivists
1999-012	Managing Inactive Records — Guidelines and Models for Local Governments
1999-013	Vendors of Archival Supplies
1999-014	Archival Shelving and Cabinetry
1999-015	Public Records Commissions [Attached to this TAMA is a handbook for Public Records Commissions.]
1999-016.01	Public Inspection, Confidentiality, and Copying Public Records for the Public
1999-017	Public Records Microfilming

#### Issued in 2000

2000-001	Archival Facilities Classification and Specifications of Structures and Component Spaces
2000-002	Archival Containers: Tables of Cubic-foot Equivalents for Containers, Shelving and Cabinetry Commonly Found in Archives
2000-003	Archival Standards for Materials, Processing and Storage: A Handbook for Records Keepers, Archivists, and Manuscripts Collection Curators
2000-005	Archival Standards for Computer Output Microfilm (COM) for Archival Retention
2000-006	Glossary of Archival Language for Archives in Tennessee
2000-007	Glossary of Information Technology Terms for Archives in Tennessee
2000-008	Preparing and Microfilming Archives
2000-009	Position Descriptions for County Archivist and County Records Manager



## OTHER PUBLICATIONS, ORGANIZATIONS

### **American Association for State and Local History (AASLH)**

1717 Church Street  
Nashville, Tenn. 37203-2991  
Phone: (615) 320-3203  
Web site: <http://www.aaslh.org>  
AASLH has several publications on local government record keeping.

### **Association of Records Managers and Administrators (ARMA International)**

4200 Somerset Drive, Suite 215  
Prairie Village, Kan. 66208  
Phone: (800) 422-2762  
Web site: <http://arma.org>  
ARMA is a professional organization that sponsors conferences and seminars and publishes technical materials on filing and records management, including a directory of commercial software for records management. ARMA has local chapters in all large cities and many smaller cities. Members include more than 500 local government records managers. ARMA local chapter meetings, as well as the conferences and seminars, offer opportunities for the interchange of ideas with other local government agencies. ARMA publishes two quarterlies: *The Information Management Journal*, a professional journal, and *InfoPro*, a news magazine.

### **Federal Emergency Management Agency (FEMA)**

500 C Street S.W.  
Washington, D.C. 20472  
Phone: (800) 480-2520 to order publications.  
Web site: <http://www.fema.gov>  
FEMA publishes *Emergency Management Guide for Business and Industry: A Step-By-Step Approach to Emergency Planning, Response and Recovery for Companies of All Sizes*. Washington, DC: FEMA, 1993.

### **International Institute for Municipal Clerks (IIMC)**

1212 North San Dimas Canyon Road  
San Dimas, Calif. 91773  
Phone: (909) 592-4462  
Fax: (909) 592-1555  
E-mail: [hq@iimc.com](mailto:hq@iimc.com)  
Web site: <http://www.iimc.com>  
IIMC publishes *How to Design a Disaster Recovery Plan*, which can be ordered through their Web site or by writing to the address above.

### **Local Archives Development Program, Tennessee State Library and Archives**

Jami Awalt, Archivist  
403 7th Avenue North  
Nashville, Tenn. 37243  
Phone: (615) 253-3470  
E-mail: [jami.awalt@state.tn.us](mailto:jami.awalt@state.tn.us)  
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Stephanie Chalifoux, Archivist  
403 7th Avenue North  
Nashville, Tenn. 37243  
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E-mail: [stephanie.chalifoux@state.tn.us](mailto:stephanie.chalifoux@state.tn.us)





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### **National Association of Government Archives and Records Administrators (NAGARA)**

48 Howard Street

Albany, N.Y. 12207

Phone: (518) 463 8644

Fax: (518) 463 8656

E-mail: [nagara@caphill.com](mailto:nagara@caphill.com)

Web site: <http://www.nagara.org>

NAGARA series *The Daily Management of Records and Information*, by David O. Stephens, CRM (November 1991). This publication contains helpful and informative discussions of various “nuts-and-bolts” topics relating to records management, including filing and record-keeping systems and equipment, daily operation of active and inactive records systems, maintenance of inactive records storage facilities for local governments with less than 1,000 to 2,000 cubic feet of records to store, automated records management, and related topics. The author compares available methods and equipment and offers suggestions on their proper use. The booklet also contains sample forms and worksheets.

NAGARA, in cooperation with the International Institute of Municipal Clerks (IIMC), publishes a series of technical bulletins on records management for local government officials. They contain excellent bibliographies. These bulletins are available free of cost on the Internet at [http://www.nagara.org/rmbulletins/bulletins\\_toc.htm](http://www.nagara.org/rmbulletins/bulletins_toc.htm) or can be ordered from the address above at \$10/bulletin.

### **National Archives and Records Administration (NARA)**

Life Cycle Management Division

8601 Adelphi Road

College Park, Md. 20740-6601

Phone: (301) 713-6677

Web site: <http://www.nara.gov>

NARA publishes *Vital Records and Records Disaster Mitigation and Recovery: An Instructional Guide 1999 Web Edition*. Other NARA publications can be found at <http://www.nara.gov/publications/recsmgmt.html>.

### **Society of American Archivists (SAA)**

600 South Federal, Suite 504

Chicago, Ill. 60605

Phone: (312) 922-0140

Web site: <http://www.nara.gov>

SAA publishes *The American Archivist*.



## Appendix D: RECORDS INVENTORY WORKSHEET

City, Town, etc. \_\_\_\_\_ Number \_\_\_\_\_

1. Department \_\_\_\_\_ Division \_\_\_\_\_ Section \_\_\_\_\_

2. Name and title of officer immediately responsible for series \_\_\_\_\_

3. Records series title \_\_\_\_\_ 4. Series number \_\_\_\_\_

5. Description of records series (content, purpose, by whom created, form numbers, etc.) \_\_\_\_\_

6. Earliest date/Latest date \_\_\_\_\_ 7. Records still being created?  Yes  No

8. Annual accumulation \_\_\_\_\_ cubic feet

9. Arrangement: Alphabetic by \_\_\_\_\_ Numeric by \_\_\_\_\_ Other \_\_\_\_\_

10. Reference frequency (check, insert number, circle appropriate words)

\_\_\_\_\_ times daily, weekly, monthly, annually for \_\_\_\_\_ months, years.

Never after \_\_\_\_\_

11. If there are other copies of these records, including microfilm, identify them. \_\_\_\_\_

12. Relationship to other records series (indexed, summarized, listed, etc.) \_\_\_\_\_

13. Location of records (building, room, file section, etc.) \_\_\_\_\_

14. Volume \_\_\_\_\_ cubic feet

15. Size and format of record \_\_\_\_\_

16. Type and quantity of file equipment occupied \_\_\_\_\_

17. Statutory or state archival requirements for retention \_\_\_\_\_

18. Suggested retention period with justification \_\_\_\_\_

19. Additional comments \_\_\_\_\_

20. Inventory taken by and date \_\_\_\_\_

21. Reviewed by/date \_\_\_\_\_

22. Appraisal  Confirms suggestion retention period or  Substitutes following \_\_\_\_\_

23. Department head and date \_\_\_\_\_

24. Records Officer and date \_\_\_\_\_

25. Other local authority and date \_\_\_\_\_

26. State Archivist and date \_\_\_\_\_

From H.G. Jones, *Local Government Records: An Introduction* (Nashville: American Association for State and Local History, 1979) as it appeared in *Managing Records on Limited Resources — A Guide for Local Governments*, Stephen E. Haller, CRM, issued by NAGARA (November 1991). Local officials are welcome to reproduce this worksheet. This constitutes formal permission from author and publisher for its reproduction, with proper acknowledgment to source.





## Appendix E: RECORDS DISPOSITION REQUEST AND AUTHORIZATION FORM

Name of person requesting disposition authority: \_\_\_\_\_

Title: \_\_\_\_\_

Action requested:  One-time records disposition authority  
 Continuous records disposition authority based upon retention schedule  
 Other disposition authority (explain) \_\_\_\_\_

For one-time authority, describe records: \_\_\_\_\_

Record Group and Series Title: \_\_\_\_\_

Date span of records: \_\_\_\_\_ Volume: \_\_\_\_\_

Proposed disposition (cite pertinent guidance in MTAS Retention Schedule): \_\_\_\_\_

Signature of person making request: \_\_\_\_\_

Approved     Not approved

\_\_\_\_\_  
Chairperson of Records Commission  
(or official with authority for records disposition)

\_\_\_\_\_  
Date





## END NOTES

- 1 T.C.A. § 10-7-702.
- 2 *Barnes v. City of Dayton*, 216 Tenn. 400, 392 S.W.2d 813 (1965).
- 3 For more detail on these requirements see the retention schedule for Personnel Records in Part Four of this manual.
- 4 See the section in this part on Student Records.
- 5 T.C.A. § 8-19-111.
- 6 T.C.A. § 10-7-121.
- 7 See T.C.A. §§ 10-7-301 *et seq.*
- 8 5 U.S.C.A. 552(a).
- 9 *Using the Freedom of Information Act: A Step-by-Step Guide*, an American Civil Liberties Union Publication
- 10 T.C.A. § 10-7-503.
- 11 See generally, *Memphis Publishing Co. v. Holt*, 710 S.W. 2d 513 (Tenn. 1986).
- 12 T.C.A. § 10-7-505(d).
- 13 *Griffin v. City of Knoxville*, 821 S.W. 2d 921, 924 (Tenn. 1991).
- 14 *Robin M. Cole v. Donal Campbell, Commissioner*, 968 S.W. 2d 274 (Tenn. 1998).
- 15 Op. Tenn. Atty Gen. No. 99-067 (March 18, 1999).
- 16 Op. Tenn. Atty Gen. No. 99-067 (March 18, 1999).
- 17 T.C.A. § 10-7-506(a).
- 18 T.C.A. § 10-7-506(a).
- 19 T.C.A. § 10-7-505(a).
- 20 T.C.A. § 10-7-505(b).
- 21 T.C.A. § 10-7-505(c).
- 22 T.C.A. § 10-7-505(e).
- 23 T.C.A. § 10-7-505(f).
- 24 T.C.A. § 10-7-505(g).
- 25 *Griffin v. City of Knoxville*, 821 S.W. 2d 921, 924 (Tenn. 1991) as quoted in Op. Tenn. Atty Gen. No. 99-011 (January 25, 1999).
- 26 T.C.A. § 10-7-504.
- 27 T.C.A. § 10-7-504.
- 28 Op. Tenn. Atty Gen. No. 99-022 (Feb. 9, 1999).
- 29 *Arnold v. City of Chattanooga*, 19 S.W. 3rd 779 (Tenn. App. 1999).
- 30 See *Appman v. Worthington*, 746 S.W. 2d 165, 166 (Tenn. 1987) and *Ballard v. Herzke*, 924 S.W. 2d 652, 662 (Tenn. 1996).
- 31 *Schneider v. City of Jackson*, 226 S.W. 3d 332 (Tenn. 2007).
- 32 T.C.A. § 10-7-504(b).
- 33 T.C.A. § 10-7-504(c).
- 34 T.C.A. § 10-7-504 and 20 U.S.C. §§ 1232 *et seq.*
- 35 See particularly Federal Rules of Civil Procedure, nos. 26, 34 and 37
- 36 You may wish to use the sample Records Inventory Worksheet located in the appendix to this manual as a guide for performing an inventory.
- 37 *Managing Records on Limited Resources — A Guide for Local Governments*, p.3.
- 38 *The Daily Management of Records and Information — A Guide for Local Governments* issued by the National Association of Government Archives and Records Administrators, p.1.
- 39 *Ibid*, p.2.
- 40 “Studies show that between one percent and three percent of an organization’s records are not available to the users due to one of these causes.” *The Daily Management of Records and Information*, p.3.
- 41 *The Daily Management of Records and Information*, *ibid*, pp.2–3.
- 42 *The Daily Management of Records and Information*, p. 8.
- 43 These acronyms stand for the Municipal Technical Advisory Service, County Technical Assistance Service, Request for Proposal, Tennessee Department of Transportation, Basic Education Program, and Weighted Full-Time Equivalent Average Daily Attendance.



- 44 See the listing entitled Sources of Additional Information in the Appendices to this manual for more information about this series of publications.
- 45 *Tennessee Archives Management Advisory* 99-015, pp.6-7.
- 46 See *Tennessee Archives Management Advisory* 99-009.
- 47 Op. Tenn. Atty Gen. No. 83-002 (January 3, 1983).
- 48 T.C.A. § 10-7-301.
- 49 See the following discussion entitled Special Considerations for more information about audit records.
- 50 T.C.A. § 10-7-404.
- 51 T.C.A. § 10-7-404(d)(1).
- 52 T.C.A. § 18-1-202.
- 53 T.C.A. § 18-1-202(b).
- 54 T.C.A. § 18-1-202.
- 55 T.C.A. § 66-11-302.
- 56 T.C.A. § 68-11-304.
- 57 T.C.A. § 68-11-305.
- 58 T.C.A. § 68-11-307.
- 59 *A Guide for the Selection and Development of Local Government Records Storage Facilities*, compiled by A.K. Johnson, Jr., CRM, issued by the National Association of Government Archives and Records Administrators (2nd printing, 1991), p.9.
- 60 Ibid, 2.
- 61 See *A Guide for the Selection and Development of Local Government Records Storage Facilities*, p. 2.
- 62 Ibid, 4.
- 63 Ibid, 11.
- 64 *Managing Records on Limited Resources*, Stephen E. Haller, CRM, issued by The National Association of Government Archives and Records Administrators (November 1991), p.10.
- 65 These recommendations are from the Tennessee State Library and Archives, *Tennessee Archives Management Advisory (TAMA)* 99-004 Basic Archives Management Guidelines, p.5.
- 66 More detailed standards are available from the Tennessee State Library and Archives. Contact Dr. Wayne Moore, assistant state archivist, 615-253-3458, wayne.moore@state.tn.us.
- 67 In the past, some people have regarded archives as “dead” storage and put valuable records into rooms with old furniture, cleaning equipment, or fuel stores, or into fire-trap attics and basements with dirt, vermin, and the like. That kind of negligence endangers the very evidence that public interest needs to save and protect.
- 68 There are stricter archival standards, with narrower ranges of tolerance for ideal conditions. Some materials may also require slightly different optimum temperature and humidity. However, these present standards are tolerable for local archives that do not have the resources for highly sophisticated environmental control systems.
- 69 Incandescent lights do not produce strong ultraviolet rays, but fluorescent lamps do, and they must be shielded with ultraviolet ray filters if they are used.
- 70 Much damage has been done to records when local firefighters treat archives as they would any other storehouse of replaceable goods.
- 71 Wood is flammable, and it often gives off gasses and oils that may damage archives.
- 72 The University Library of Tennessee Technological University in Cookeville has a well-developed disaster plan that may be used as a model. Other models are available from TSLA and MTAS. For more discussion on disaster contingency planning and vital records preservation plans, see the next chapter.



- 73 *Protecting Records*, Harmon Smith, Issued by the National Association of Government Archives and Records Administrators (March 1992), p.3.
- 74 According to the State Library and Archives, the only media that will assure long-term survival of vital records are carbon-based ink on acid neutral paper and archival quality silver gelatin microfilm created and kept under conditions that meet archival standards. See *Tennessee Archives Management Advisory 99-07*.
- 75 For information regarding these procedures, see the chapter in this part regarding alternative storage media.
- 76 See the discussion in a previous chapter in this manual on archives.
- 77 Sites were current and available as of the date of publication. The Internet is the most temporary of media. If these sites no longer exist, call MTAS for more information.
- 78 T.C.A. § 39-16-504.
- 79 T.C.A. §§ 29-30-101 *et seq.*
- 80 T.C.A. § 29-30-103.
- 81 T.C.A. § 29-30-107.
- 82 In this manual, the terms “microfilm” and “microfilming” are used generally to discuss the various micro-photographic processes available.
- 83 *Using Microfilming*, p.1.
- 84 T.C.A. § 10-7-511.
- 85 Tennessee Archives Management Advisory 99-005, Microfilming Permanent Records, 11 January 1999.
- 86 T.C.A. § 10-7-501.
- 87 T.C.A. §§ 10-7-121 and 47-10-112.
- 88 T.C.A. § 10-7-121.
- 89 Quoting Edwin Bridges, director of the Alabama Department of Archives, speaking at the Tennessee archives summit held in Murfreesboro, Tennessee, in the fall of 1998.
- 90 Tennessee State Library and Archives acknowledges the nationally respected model guidelines of the Alabama Department of Archives and History and other state, national, and international recommendations as the basis for these guidelines.





# THE UNIVERSITY *of* TENNESSEE **UT**

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## MUNICIPAL TECHNICAL ADVISORY SERVICE

The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, disability, or veteran status in provision of educational programs and services or employment opportunities and benefits. This policy extends to both employment by and admission to the university.

The university does not discriminate on the basis of race, sex, or disability in its education programs and activities pursuant to the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA or the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Office of Equity and Diversity (OED), 1840 Melrose Avenue, Knoxville, TN 37996-3560, telephone (865) 974-2498 (V/TTY available) or 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the UTK Office of Human Resources, 600 Henley Street, Knoxville, TN 37996-4125.

## Attachment 3

# MTAS Model Ordinance Establishing Procedures for Public Record Requests



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING PROCEDURES FOR PUBLIC INSPECTION OF,  
ACCESS TO, AND DUPLICATION OF PUBLIC RECORDS PURSUANT TO THE  
TENNESSEE PUBLIC RECORDS ACT (T.C.A. § 10-7-504, et seq.)**

NOW, THEREFORE, BE IT ORDAINED by the \_\_\_\_\_ of the  
City/Town of \_\_\_\_\_, Tennessee that,

Section 1. The following shall be added to the \_\_\_\_\_  
Municipal Code as a new \_\_\_\_\_ [Section/Chapter/Part]

\_\_\_\_ - \_\_\_\_\_:

Procedures regarding access to an inspection of public records.

(a) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of \_\_\_\_\_ shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

(b) Employees of the City of \_\_\_\_\_ shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of the records custodian or designee. All copying of public records must be performed by employees of the city, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the records custodian.

(c) To prevent excessive disruptions of the work, essential functions, and duties of employees of the City of \_\_\_\_\_, persons requesting inspection and/or copying of public records are requested to complete a records request form to be furnished by the city. If the requesting party refuses to complete a request form, a city employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with specificity so that the records may be located and made available for public inspection or duplication, as provided in subsection (b) above. All requests for public records shall be directed to the records custodian.

(d) When records are requested for inspection or copying, the records custodian shall respond as promptly as possible, but has up to seven (7) business days to respond when the records are not readily available. Within seven (7) business days of a request for records, the records custodian shall:

- (1) produce the records requested;

(2) deny the request in writing, giving the legal explanation for denial; or,

(3) provide the requestor with a written estimate of the time frame for production and an estimation of duplication costs.

(e) There is no charge assessed to a requester for inspecting a public record. Charges for physical copies of records, in accordance with the Office of Open Records Counsel (OORC) schedule of reasonable charges, are as follows:

(1) Standard 8 ½ x11 or 8 ½ x14 black and white copy - \$.15 per page for each produced.

(2) Standard 8 ½ x11 or 8 ½ x14 color copy - \$.15 per page for each produced.

(3) Accident reports - \$.15 per page for each standard 8 ½ x11 or 8 ½ x14 black and white copy produced.

(4) Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.

(f) Requests for copies requiring less than one hour of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requester. Employee labor in excess of one hour may be charged to the requestor, in addition to the cost per copy, as provided in subsection (e). The city may require payment in advance of producing any request. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

(1) When more than one employee is required to complete a request, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head 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.

(2) When the total number of requests for copies made by a requestor within a calendar month exceeds four (4), the requests will be aggregated, and the records custodian shall charge a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, shall not be counted in the aggregated requests.

(g) If the city is assessed a charge to retrieve the 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 city.

(h) Upon completion of a records request the requestor may pick up the copies of records at the office of the records custodian. Alternatively, the requestor may choose to have the copies of records delivered via United States Postal Service; provided that the requestor pays all related expenses in advance.

(i) The Police Chief shall maintain in his office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian. [This provision is for small police departments who do not have personnel trained in records management. Larger police departments should maintain personnel records in the department under the supervision of a trained records custodian]. Requests for personnel records, other than for undercover investigators, shall be made to the records custodian, who shall promptly notify the Police Chief of such request. The Police Chief shall make the final determination as to the release the information requested. In the event that the Police Chief refuses to release the information, he shall provide a written explanation of his reasons for not releasing the information.

(j) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment in order to inspect the records or obtain copies.

Section 2. This ordinance shall become effective upon its passage, the public welfare requiring it.

Passed:

\_\_\_\_\_  
First Reading

\_\_\_\_\_  
Second Reading

\_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

City Recorder

## Attachment 4

Tennessee Comptroller of the Treasury

Forms, Schedules, Policies and Guidance  
For Public Record Requests

Tennessee Comptroller of the Treasury  
Open of Open Records Counsel

Forms, Schedule, Policies & Guidelines for  
Public Record Requests

**The Inspection/Duplication of Records Request** is the form which can be used by both requestors and records custodians. Note, when a request is made under the Tennessee Public Records Act, the Act does not authorize custodians either: (1) to require requests for inspection of public records to be in writing, or (2) to assess a charge for inspection. However, other provisions of law may permit or require such written request or charge. The Act does authorize a records custodian to require requests for copies of records to be in writing (or to be made on the form developed by the Office of Open Records Counsel) and to require payment of costs for the copies. Records custodians who require written requests for copies are encouraged to customize this form to conform to their specific office and make the form readily available for use. **Instructions** are attached.

**The Records Request Denial Letter** is the response form sent by a records custodian to a requestor to deny a records request for inspection or access or for copies of public records. The written denial must disclose the legal basis for the denial. Although a written denial is required by the Act, a records custodian is not required to use the exact form developed by the Office of Open Records Counsel. **Instructions** are attached.

**The Records Production Letter** is the response form to be used by a records custodian when the record cannot be made available within seven (7) business days. The Act requires records custodians to use the exact form developed by the Office of Open Records Counsel. **Instructions** are attached.

**Schedule of Reasonable Charges** relates to charges which a records custodian may charge for copies of public records requested pursuant to the Act. **Instructions** are attached.

**Frequent and Multiple Requests for Copies Policy** permits aggregation of requests for purposes of calculating labor charges.

**Notice of Aggregation Form** is the form to be used when aggregating requests by more than one requestor pursuant to the Policy for Frequent and Multiple Requests for Copies.

**Safe Harbor Policy** establishes a presumption of compliance with the Act for custodians following OORC Schedule of Reasonable Charges and Frequent and Multiple Requests Policy.

**Best Practices Guidelines** are nonbinding on records custodians.



### INSPECTION/DUPLICATION OF RECORDS REQUEST

**Requestor Instructions:** To make a request for copies of public records fill in sections 1-5, and sign and date section 9 at the time the request is made. Requestors who are retrieving the requested records from the office of the records custodian in person should not sign and date section 11 until the records are received. Requestors who are having the records emailed or mailed to him/her are not required to sign and date section 11 of the form.

**Custodian Instructions:** For requests to inspect, the **records custodian** is to fill in sections 1-6,8, and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the requestor inspects the records. For requests for copies or duplicates, the records custodian is to fill in sections 6-8 and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the records are retrieved by or delivered to the requestor.

**Note: Tenn. Code Ann. § 10-7-503(a)(7)(A) provides that unless another provision in law specifically requires a written request, a request to inspect public records may not be required to be in writing nor can a fee be assessed for inspection of records.**

(FRONT)

1. Name of requestor: \_\_\_\_\_  
(Print or Type; Initials of requestor are required for copy requests)

2. (If required) Form of identification provided:  
 Photo ID issued by governmental entity including requestor's address  
 Other: \_\_\_\_\_

3. Requestor's address and contact information: \_\_\_\_\_  
\_\_\_\_\_

4. Request for:  inspection/access  copy/duplicate [previously inspected on \_\_\_\_\_ (date) or  inspection waived]

5. Record(s) requested:  
a. Type of record:  Minutes  Annual Report  Annual Financial Statements  
 Budget  Employee file  Other  
b. Detailed Description of the record(s) including relevant date(s) and subject matter:  
\_\_\_\_\_  
\_\_\_\_\_

6. Request submitted to: \_\_\_\_\_  
(Name of Governmental Entity, Office or Agency)  
a. Employee receiving request: \_\_\_\_\_  
(Print or Type and Initial)  
b. Date and time request received: \_\_\_\_\_  
c. Response:  Same day  Other \_\_\_\_\_

7. Costs (if assessed):  
a. Number of pages to be copied: \_\_\_\_\_  Estimated  
b. Cost  
(1) per page letter or legal sized:  \$\_\_\_\_ (justification required if more than \$0.15) per black and white  \$\_\_\_\_ (justification required if more than \$0.50) per color;  
(2) per page other sized or other medium \_\_\_\_\_:  \$\_\_\_\_ (justification required)

Costs continued:

- c. Estimate of labor costs to produce the copy (for time exceeding 1 hour): \_\_\_\_\_  
 Labor at \$\_\_\_\_\_ /hour for \_\_\_\_\_ hour(s).  
 Labor at \$\_\_\_\_\_ /hour for \_\_\_\_\_ hour(s).  
 Labor at \$\_\_\_\_\_ /hour for \_\_\_\_\_ hour(s).
- d. Programming cost to extract information requested: \_\_\_\_\_
- e. Method of delivery and cost: \_\_\_\_\_  Estimated  
 On-site pick-up  U.S. Postal Service  Other: \_\_\_\_\_
- f. Estimate of total cost to produce request: \_\_\_\_\_
- g. Estimate provided to requestor:  in person  by U.S.P.S.  by phone  Other: \_\_\_\_\_

8. Payment:

- a. Form of payment:  Cash  Check  Other \_\_\_\_\_
- b. Amount of payment: \_\_\_\_\_
- c. Date of payment: \_\_\_\_\_
- d. Actual cost (and adjustment if prepaid): \_\_\_\_\_

9. \_\_\_\_\_  
Signature of Requestor

\_\_\_\_\_  
Date Records Requested

10. \_\_\_\_\_  
Signature of Records Custodian

\_\_\_\_\_  
Date of Receipt of Request

Delivery/Retrieval of Records

11. \_\_\_\_\_  
Signature of Requestor

\_\_\_\_\_  
Date Records Retrieved

12. \_\_\_\_\_  
Signature of Records Custodian

\_\_\_\_\_  
Date Records Retrieved/Delivered  
Or

\_\_\_\_\_  
Date Records Inspected by the Requestor

## **INSTRUCTIONS**

### **Inspection/Duplication of Records Request**

**For help, call 615.401.7891, toll free 1.866.831.3750 or  
e-mail [open.records@cot.tn.gov](mailto:open.records@cot.tn.gov)**

#### **For use by citizens**

Citizens wanting to make a request for copies of public records can print out this form, complete sections 1 through 5, sign and date section 9 and give the request to the appropriate records custodian. You may be required to produce a government issued photo identification card with your address on it prior to inspection or receipt of copies. Note, the Tennessee Public Records Act does not authorize custodians to require requests for inspection of public records to be in writing or to assess a charge for inspection; however, other provisions of law may permit or require such written request or charge. The Act does permit a records custodian to require requests for copies of records to be in writing (or to be made on this form) and to require payment of costs for copies. You are entitled to receive an estimate of reasonable costs to produce copies. If the records are retrieved from the records custodian in person, you should sign and date section 11 of the form at the time the records are retrieved.

#### **For use by records custodians**

Records custodians are encouraged to customize this form to conform to their specific office. This is intended to be a two sided form.

1. Section 2: Determine whether this Section needs to be rewritten or eliminated based on your office policy regarding identification. Tenn. Code Ann. § 10-7-503(a)(7)(A) permits a custodian to require presentation of a photo identification:

Such custodian may also require any citizen making a request to view a public record or to make a copy of a public record to present a photo identification, if the person possesses a photo identification, issued by a governmental entity, which includes the person's address. If a person does not possess a photo identification, the records custodian may require other forms of identification acceptable to the records custodian.

2. Section 5:
  - (b): Adjust this list of records to reflect those records within your control or jurisdiction.
  - (c): The Act now requires requests for inspection or copying of public records to “be sufficiently detailed to enable the records custodian to identify the specific records to be located or copied.”



3. Section 6: If the form is printed on letterhead or with other office identification, then the “name” blank can be eliminated or used to identify a division or office within the agency.
4. Section 7: Costs:
  - (b): Cost per page: if you have chosen to charge more than the \$0.15/\$0.50 safe harbor fees from the Schedule of Reasonable Charges, then these figures must reflect your actual cost in producing the copy, such as copier expenses including supplies. This figure may be agency wide and based on prior year experience.
  - (c): Determine whether your office policy permits charging for labor in accordance with [the Schedule of Reasonable Charges](#). The Schedule permits the recovery of labor costs based on the “hourly wage of employee(s) reasonably necessary to produce the requested information” for the time spent in excess of one (1) hour. In determining the hourly rate, do not include benefits or other compensation. Be certain to document staff time spent on each request.
  - (d): If it is necessary to have a software program written to extract the information requested, you may charge for this expense.
5. Section 8: Complete Section 8 relative to the amount of payment and form of payment made for copies.
6. Section 9: Have the requestor sign and date section 9 if the request is for copies. You should sign and date section 10. Once either inspection of the records occurs or the copies are delivered or retrieved by the requestor, you need to sign and date section 12. If the requestor retrieves the records from your office in person, have him/her sign and date section 11. If the records are mailed or emailed to the requestor, he/she is not required to sign and date section 11.



RECORDS REQUEST DENIAL LETTER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Sir or Madam:

On \_\_\_\_\_, \_\_\_\_\_ received  
your open records request to inspect/receive copies of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

After reviewing the request, this Office is unable to provide you with either all or part of the requested record(s). The basis for this denial is:

- No such record(s) exists.
- This office does not maintain record(s) responsive to your request.
- Additional information is needed to identify the requested record(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following law (citation and brief description why access denied):

Tenn. Code Ann. Section: \_\_\_\_\_

Court Rule: \_\_\_\_\_

Common Law Provision: \_\_\_\_\_

Federal Law (HIPAA, FERPA, etc.): \_\_\_\_\_

If you have any additional questions please contact \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_

**INSTRUCTIONS**  
**Records Request Denial Letter**  
**Records Production Letter**  
**For Use by Records Custodians**

**For help, call 615.401.7891, toll free 1.866.831.3750 or  
e-mail [open.records@cot.tn.gov](mailto:open.records@cot.tn.gov)**

Tennessee Code Annotated § 10-7-503(a) provides the following:

(2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall within seven (7) business days:

- (i) Make such information available to the requestor;
- (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
- (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce such record or information.

**The Records Request Denial Letter** is the response form that can be used to deny a records request for access or copies. The Letter should be printed on letterhead or sufficient identifying and contact information should be provided. Be certain to select the appropriate basis on which the request is being denied. When the record exists but access is not available to the citizen, use the fourth option to indicate the basis on which access is denied. Although a written denial is required by the Act, you are not required to use this exact form.

**The Records Production Letter** is the response form to be used when the record cannot be made available within seven (7) business days. You are required by the Act to use this form Letter. The form Letter should be printed on letterhead or sufficient identifying and contact information should be provided. Be certain to add the following information:

1. Insert the date on which the request was received.
2. Indicate whether it is a request for inspection/access or for copies or both.
3. Insert the general description of the records requested.
4. Insert the date or estimated time reasonably necessary to produce the request.
5. Insert contact name and information of signatory and other contact if appropriate.



## RECORDS PRODUCTION LETTER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Sir or Madam:

On \_\_\_\_\_, \_\_\_\_\_ received  
your open records request to inspect/receive copies of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tennessee Code Annotated § 10-7-503(a) provides the following:

(2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall within seven (7) business days:

- (i) Make such information available to the requestor;
- (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
- (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce such record or information. [emphasis added]**

This Office is currently in the process of retrieving, reviewing, and/or redacting the requested records. In accordance with the above-cited law, this letter is being sent to inform you that by \_\_\_\_\_ either the records you have requested to inspect/receive copies of will be available or a determination of accessibility and availability will be made regarding the requested records.

If you have any additional questions please contact \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_

Records Production Letter  
Tenn. Code Ann. § 10-7-503(a)(2)(B)(iii)

**INSTRUCTIONS**  
**Records Request Denial Letter**  
**Records Production Letter**  
**For Use by Records Custodians**

**For help, call 615.401.7891, toll free 1.866.831.3750 or**  
**e-mail [open.records@cot.tn.gov](mailto:open.records@cot.tn.gov)**

Tennessee Code Annotated § 10-7-503(a) provides the following:

(2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall within seven (7) business days:

- (i) Make such information available to the requestor;
- (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
- (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce such record or information.

**The Records Request Denial Letter** is the response form that can be used to deny a records request for access or copies. The Letter should be printed on letterhead or sufficient identifying and contact information should be provided. Be certain to select the appropriate basis on which the request is being denied. When the record exists but access is not available to the citizen, use the fourth option to indicate the basis on which access is denied. Although a written denial is required by the Act, you are not required to use this exact form.

**The Records Production Letter** is the response form to be used when the record cannot be made available within seven (7) business days. You are required by the Act to use this form Letter. The form Letter should be printed on letterhead or sufficient identifying and contact information should be provided. Be certain to add the following information:

1. Insert the date on which the request was received.
2. Indicate whether it is a request for inspection/access or for copies or both.
3. Insert the general description of the records requested.
4. Insert the date or estimated time reasonably necessary to produce the request.
5. Insert contact name and information of signatory and other contact if appropriate.

## **SCHEDULE OF REASONABLE CHARGES FOR COPIES OF PUBLIC RECORDS**

[Section 6 of Public Chapter 1179, Acts of 2008](#) (“Public Chapter 1179”) adds T.C.A. Section 8-4-604(a)(1) which requires the Office of Open Records Counsel (“OORC”) to establish a schedule of reasonable charges (“Schedule of Reasonable Charges”) which may be used as a guideline in establishing charges or fees, if any, to charge a citizen requesting copies of public records under the Tennessee Public Records Act (T.C.A. Sections 10-7-503, et seq.)(“TPRA”). The Schedule of Reasonable Charges has a development date of October 1, 2008. Notification of the development was given to the Tennessee Code Commission on October 31, 2008. This Schedule of Reasonable Charges will be reviewed at least annually by the OORC.

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 entity’s 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 15 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 15 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 OORC.

Office of Open Records Counsel  
505 Deaderick Street, Suite 1700  
James K. Polk Building  
Nashville, Tennessee 37243  
(615) 401-7891, Fax (615) 741-1551 Toll free number: 1-866-831-3750  
Email address: [open.records@cot.tn.gov](mailto:open.records@cot.tn.gov)



## **Instructions for Records Custodians Regarding the Schedule of Reasonable Charges for Copies of Public Records**

The Office of Open Records Counsel (OORC) released its schedule of reasonable charges (schedule) for copies of public records, available for download at <http://www.comptroller.tn.gov/openrecords/index.asp>. Public Chapter 1179, Acts of 2008, required the OORC to establish the schedule which a records custodian may use as a guideline to charge a citizen requesting copies of public records pursuant to the Tennessee Public Records Act, T.C.A. Sections 10-7-501 et seq.

T.C.A. Section 10-7-503(a) as amended by Public Chapter 1179, Acts of 2008, effective July 1, 2008, specifically states in (7)(A) that a records custodian may not charge for inspection of public records unless otherwise required by law. Until the development of the schedule, Section 10-7-503(a)(2)(C) allowed a records custodian to charge a requestor the actual costs incurred in producing a copy or duplication, which can include any labor incurred after five (5) hours is spent producing the requested material. With the development of the schedule, a records custodian is authorized by TCA Section 10-7-503(a)(7)(C)(1) to charge reasonable costs assessed in a manner consistent with the schedule. The schedule has a development date of October 1, 2008. On October 31, 2008, the OORC will notify the Tennessee Code Commission of the development of the schedule and thereafter T.C.A. Section 10-7-503(a)(2)(C) will no longer apply and that statutory language will be repealed and deleted.

All governmental entities must comply with T.C.A. Section 10-7-506(a) in order to charge for copies or duplication of public records requested pursuant to the Tennessee Public Records Act. Any governmental entity desiring to charge for copies or duplication in accordance with the schedule developed by the OORC should consult with legal counsel in order to ensure compliance with T.C.A. Section 10-7-506(a). Additionally, any governmental entity that desires to assess charges higher than those in the schedule for paper copies or duplication of public records or to charge for copies or duplication using a medium other than 8 ½ x11 or 8 ½ x14 paper is permitted to do so as long as the entity can verify the charges represent its actual cost in producing the request and the charges are assessed in a manner consistent with OORC's schedule. Charges established under separate legal authority are not governed by this schedule, and are not to be added to or combined with charges authorized under this schedule.

The schedule sets as reasonable charges fifteen (\$0.15) cents for black and white photocopies on 8 ½ x11 or 8 ½ x14 paper and fifty cents (\$0.50) for color photocopies on 8 ½ x11 or 8 ½ x14 paper. No standard fee is established for copies produced on medium other than that mentioned above, although guidance is given as to the components to be considered in establishing such copying or duplication charges. The schedule provides that a charge for labor may be assessed after one (1) hour is incurred producing the requested material and is in addition to the per page or medium charge.

For questions about the schedule or to find out more about the Office of Open Records Counsel, please visit <http://www.comptroller.tn.gov/openrecords/index.asp> or call (615) 401-7891 or 1-866-831-3750.

Elisha Hodge, Open Records Counsel, Office of Open Records Counsel  
(615) 401-7891 [open.records@cot.tn.gov](mailto:open.records@cot.tn.gov)

*Revised May 14, 2013*

## POLICY RELATED TO REASONABLE CHARGES A RECORDS CUSTODIAN MAY CHARGE FOR FREQUENT AND MULTIPLE REQUESTS FOR PUBLIC RECORDS

[Section 6 of Public Chapter 1179, Acts of 2008](#) (“Public Chapter 1179”) adds T.C.A. Section 8-4-604(a)(2) which requires the Office of Open Records Counsel (“OORC”) to establish a separate policy related to reasonable charges which a records custodian may charge for frequent and multiple requests for copies of public records under the Tennessee Public Records Act (T.C.A. Sections 10-7-503 et seq.) (“TPRA”). This Policy will be reviewed at least annually by the OORC.

This Policy is to be used in connection with the Schedule of Reasonable Charges dated October 1, 2008. This Policy should not be interpreted as requiring a records custodian to impose charges for copies or duplication of public records. However, if the records custodian does determine to impose charges for copies or duplication, this Policy permits the records custodian to calculate labor charges differently for frequent and multiple requests.

If a records custodian determines to charge for frequent and multiple requests for copies or duplication of public records in accordance with this Policy, such determination and charges must be pursuant to a properly adopted rule and evidenced by a written policy authorized by the governmental entity’s governing authority. The authority shall specify the level of aggregation (whether by agency, entity, department, office or otherwise); however, such level of aggregation, as well as 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 entity’s properly adopted written policy.

The Schedule of Reasonable Charges provides that a records custodian may assess a requestor a fee for any labor reasonably necessary to produce copies of requested records after the records custodian spends one (1) hour (or if the records custodian establishes a threshold higher than one (1) hours, any increment of time over that higher threshold) producing the requested records. For purposes of this policy, during each calendar month records custodians in any department, division, agency, bureau, board, commission or other separate unit of state, county, or municipal government as authorized by the appropriate governing authority may aggregate the number of requests for copies made per requestor. When the total number of requests made by a requestor within a calendar month exceeds 4, a records custodian may begin to charge the requestor a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, are exempt from this policy. A records custodian may adopt a labor threshold higher than one (1) hour or a threshold higher than four (4) requests per calendar month for purposes of aggregation. Disputes as to aggregation shall be brought to the Office of Open Records Counsel.

Additionally, a records custodian may aggregate the total number of public records requests made by a requestor and by any other individual, if the records custodian reasonably believes the requestor to be acting in concert with or as the agent of another person, entity or organization. A records custodian choosing to aggregate requests by multiple requestors must inform the requestors of the determination to aggregate and that they have the right to appeal the decision to aggregate to the Office of Open Records Counsel. When aggregating the labor of multiple requestors, the records custodian must file a Notice of Aggregation of Multiple Requestors with the Office of Open Records Counsel. This form is available on the Office's website.

*Revised December 7, 2010*

# NOTICE OF AGGREGATION OF MULTIPLE REQUESTORS



Mail completed form to:

Office of Open Records Counsel  
Suite 1700, James K. Polk State Office Building  
505 Deaderick Street  
Nashville, Tennessee 37243  
(615) 741-1551 (fax) or Open.records@cot.tn.gov (e-mail)

Records Custodian: \_\_\_\_\_

(Name of Governmental Entity, Office or Agency)

Employee/official authorizing aggregation: \_\_\_\_\_

(Name and title)

Address and phone number: \_\_\_\_\_

\_\_\_\_\_

Other Offices or Custodians included in aggregation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(\_\_\_\_\_) of Requestors being aggregated:

(Number)

Requestor's name, address and contact information:

\_\_\_\_\_

\_\_\_\_\_

Requestor's name, address and contact information:

\_\_\_\_\_

\_\_\_\_\_

Requestor's name, address and contact information:

\_\_\_\_\_

\_\_\_\_\_

Requestor's name, address and contact information:

\_\_\_\_\_

\_\_\_\_\_

Requestor's name, address and contact information:

\_\_\_\_\_

\_\_\_\_\_

Requestor's name, address and contact information:

\_\_\_\_\_

\_\_\_\_\_

Explanation of basis for aggregation and description of scope (records included/excluded):

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Requestors have been notified that a properly adopted aggregation policy exists, that the decision to aggregate has been made, and that there is a right to appeal the decision to the Office of Open Records Counsel.

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Signature of Records Custodian, date

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Signature of Requestor, date

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Signature of Requestor, date

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Signature of Requestor, date

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Signature of Requestor, date

SAFE HARBOR POLICY FOR RECORDS CUSTODIANS WHO ADHERE TO THE  
SCHEDULE OF REASONABLE CHARGES AND THE POLICY FOR FREQUENT AND  
MULTIPLE REQUESTS ESTABLISHED BY THE OFFICE OF OPEN RECORDS  
COUNSEL

[Section 6 of Public Chapter 1179, Acts of 2008](#) (“Public Chapter 1179”) adds T.C.A. Section 8-4-604(a)(3) which requires the Office of Open Records Counsel (“OORC”) to establish a separate policy which provides a safe harbor for records custodians who adhere to the Schedule of Reasonable Charges and/or the Policy for Frequent and Multiple Request established by the OORC. This Policy will be reviewed at least annually by the OORC.

This Policy should not be interpreted as requiring a records custodian to impose charges for copies or duplications of public records, nor should it be interpreted as requiring records custodians to aggregate the number of requests made by a single requestor or multiple requestors acting in concert. However, if the records custodian does determine to impose charges for copies or duplications or to aggregate the number of request made, this Policy establishes that those fees are presumed to be reasonable when done in accordance with the policies and guidelines developed by the OORC.

Any fee related to the production of a copy or duplication that is charged by an entity required to provide access to public records pursuant to the Tennessee Public Records Act is presumed to be reasonable if the entity adopts and implements either the Schedule of Reasonable Charges or a separate schedule developed in accordance with the provisions of the Schedule of Reasonable Charges. Likewise, the aggregation of frequent and multiple requests for copies of public records and the labor fees charged as the result of that aggregation are presumed to be reasonable if the entity adopts and implements the Frequent and Multiple Request Policy or a separate policy developed in accordance with the provisions of the Frequent and Multiple Request Policy.

*Revised December 7, 2010*

## BEST PRACTICE GUIDELINES FOR RECORDS CUSTODIANS RESPONDING TO REQUESTS FOR PUBLIC RECORDS

In Tenn. Code Ann. Section 10-7-505(d), the Tennessee General Assembly declares that the Tennessee Public Records Act (hereinafter "TPRA") "shall be broadly construed so as to give the fullest possible access to public records." Courts in Tennessee have opined that unless there is a clear exception provided in law, all records of a governmental entity are to be open to citizens for inspection and/or copying. However, these Courts have also acknowledged the ability of records custodians to adopt reasonable rules governing the manner in which records request are to be made and fulfilled.

In an effort to provide records custodians with a resource that can be utilized when responding to public records request made pursuant to the TPRA, the Office of Open Records Counsel (hereinafter "OORC") in conjunction with the Advisory Committee on Open Government (hereinafter "ACOG") has developed "Best Practices Guidelines for Records Custodians Responding to Requests for Public Records." Records custodians must follow the provisions of the TPRA. The guidelines serve as a resource for records custodians, but records custodians are not required to adhere to the guidelines. However, a Court may consider these guidelines in determining whether action by a records custodian is willful [Tenn. Code Ann. Section 10-7-505(g)]. These guidelines will be reviewed at least annually by the OORC.

### Definitions:

Records custodian: the office, official or employee lawfully responsible for the direct custody and care of a public record and is not necessarily the original preparer or producer of the record. A governmental entity may have more than one records custodian.

Public records: defined in Tenn. Code Ann. Section 10-7-503(a)(1): As used in this part and Title 8, Chapter 4, Part 6, "public record or records" or "state record or records" means 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.

Redacted record: a public record otherwise open for public inspection from which protected information has been removed or made obscured prior to release or inspection.

Requestor: a Tennessee citizen requesting access to or a copy of a public record.

Governmental entity or agency: this includes but is not limited to the state, any political subdivision, agency, institution, county, municipality, city or sub-entity. Note, certain associations, non-profits, and private entities are also subject to the TPRA.

Guidelines:

1. To the extent possible, a governmental entity should have a written public records policy properly adopted by the appropriate governing authority. The policy should be applied consistently throughout the various offices, departments, or divisions within a governmental entity; however, when a particular office, department or division has a need for a policy that is distinct from that of the entire governmental entity, a separate policy should be adopted. The policy should include:
  - a. the process for making requests to inspect public records and/or to receive copies of public records (including whether government issued photo ID's are required and whether written requests for copies are required);
  - b. the process for responding to requests (including the use of required forms); and
  - c. whether and when fees will be charged for copies of public records (including establishment of charges pursuant to the Schedule of Reasonable Charges).

The policy should balance the governmental entity's need to function efficiently and to maintain the integrity of records with the public's right to access records pursuant to the TPRA.

2. Whenever possible, one person within each governmental office, department, or division should be designated as the public records request coordinator. This person will ensure that requests made pursuant to the TPRA are routed to the appropriate records custodian and that requests are fulfilled in a timely manner. It is suggested that this individual be knowledgeable about the TPRA, as well as the records management system being utilized and any written public records policy that has been adopted.
3. A records custodian should make requested records available as promptly as possible in accordance with Tenn. Code Ann. Section 10-7-503.
4. A records custodian should strive to respond to all records requests in the most economical and efficient manner possible. For example, when labor charges are going to be assessed, qualified staff persons with the lowest hourly wage should be utilized to produce the requested records.
5. To the extent possible, when records are maintained electronically, records custodians should produce records request electronically. Records should be produced electronically whenever feasible as a means of utilizing the most "economical and efficient method of producing" records.
6. If a governmental entity maintains a website, records custodians should post as many records, and particularly records such as agendas and minutes from meetings, on the website whenever it is possible to do so. A records custodian



- may direct a requestor to the website for requested records. However, a requestor may still exercise the right to inspect the public record during regular business hours in the office of the records custodian and/or to receive a copy or duplicate made by the records custodian.
7. Whenever possible and especially in situations where redaction is necessary, once a records request has been completed and there is a reasonable expectation that the same records will be requested in the future, a records custodian should maintain a copy of the redacted records so that any future request can be easily located and copied.
  8. When a records custodian receives a records request for a large volume of records and reasonably determines that production of the records should be segmented, the requestor should be notified that the production of the records will be in segments and that a records production schedule will be provided as expeditiously as possible.
  9. If a records request is made to a records custodian who is not the appropriate custodian of the requested records, the records custodian when denying the request should make the requestor aware of the appropriate records custodian (if known) whenever possible. However, it should be noted that the statutory time frame for responding to the request is not triggered until the request is made by the requestor to the appropriate records custodian.
  10. If a records custodian has provided what is thought to be all records responsive to a public records request and then discovers that records were omitted, the requestor should be made aware of the omission and the records produced as quickly as practicable.
  11. Whenever a record is redacted, a records custodian should provide the requestor with the basis for redaction when the redacted records are provided to the requestor. A records custodian is not required however to produce a privilege log.
  12. Whenever possible, a records custodian should have a designated supervised space available during normal business hours where requestors can inspect public records.
  13. To the extent a records custodian does not have the ability to make copies or duplicates of a requested record, a records custodian should notify the requestor of such and identify the vendor that will be used to produce the requested records, as well as the estimated cost. The inability of a records custodian to internally produce a duplicate or copy of a record does not eliminate the obligation to provide a duplicate or copy if requested.
  14. When a records custodian is unclear as to the records that are being requested, it is suggested that the custodian contact the requestor in an effort to clarify and/or

- narrow the request. If, after attempting to clarify the request, the records custodian is still unable to determine what is being requested, the request should be denied based upon the requestor's failure to sufficiently identify the requested records in accordance with the requirements of the TPRA.
15. For purposes of developing a policy that authorizes the assessment of fees, including charging for labor, it is suggested that a governmental entity consider the following:
    - a. whether waivers or reduction of charges will be permitted, based on:
      - (1) number of copies or minimum charge amount; or
      - (2) type of record: whether the requested document is a document that is produced on a regular basis, requested on a regular basis and is easily accessible (i.e. records that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month); and
    - b. whether the administrative cost of documenting fees and processing the payment (including internal controls) exceeds the cost of copying and labor.
  16. Whenever possible, a records custodian should require and receive either full or partial payment of the estimated charges prior to production of copies of the requested records.
  17. If a records custodian is going to segment the production of requested records, the requirement for payment prior to the production of the records also should be segmented.
  18. When a governmental entity has the ability to accept multiple forms of payments, that could include cash, checks, credit or debit cards, and money orders, it is suggested that the governmental entity permit such forms of payment for copies of public records.
  19. A records custodian must provide requestors with an estimate of the charges to be assessed for copies and labor. Whenever possible, a records custodian should provide the estimate prior to producing the requested copies of records and should itemize the estimate.
  20. State records custodians who have questions about how to respond to a records request should contact the Office of Attorney General and Reporter. All other records custodians who have questions about how to respond to a records request should contact the Office of Open Records Counsel.

## Attachment 5

Professional Local Government Management:  
The Benefits to Your Municipality (ICMA)

# Professional Local Government Management



**The Benefits to  
Your Municipality**

**ICMA**

*Leaders at the Core of Better Communities*

# Political Leadership and Professional Management in Today's Cities and Towns



**H**iring a professional administrator, appointed by the city or town's governing body, is a trend on the rise in municipal government. Historically, many cities and towns were governed by commissions, councils, or boards whose members had both legislative and executive responsibilities. This system functioned effectively when municipal government was smaller and limited in scope and complexity. With the expansion of the responsibilities of cities and towns however, the policy-making demands of governing bodies greatly increased, as did the need for technical competence in the management of the operation and delivery of services. Today's elected board members can better fulfill their legislative or policy-making roles and maintain their overall control of service delivery by delegating the day-to-day management of the municipality to an appointed professional administrator.

## Making the Change to Professional Management

Employing a professional manager or administrator frees elected officials from the administration of daily operations and gives them time to focus on the policy issues that will guide the future of the community. It empowers elected officials to provide leadership, develop a vision for the community, determine what services to provide citizens, lobby the state legislature on the community's behalf, and communicate and forge new relationships with constituents. The professional manager, appointed by the governing body, oversees the day-to-day operation and the implementation of policy.

Before a professional manager or administrator can be hired, a municipality's structure of government must be modified to provide for the position. The process of creating a position of city or town manager or administrator can vary from state to state. Some municipalities have the authority to act on their own initiative in that they can adopt local ordinances, laws, or resolutions to create the position of city manager or administrator. In states where municipalities may write their own charter under home-rule provisions, a number of municipalities have taken advantage of that opportunity to create a professional administrator position. Some states have enacted statutes providing for alternative forms or optional charters for local governments to adopt. Lastly, structural change can also be accomplished in some states by obtaining charters through special legislation adopted by the state legislative body.

## What Value Does a Professional Manager Bring to a Community?

**Professional managers bring value to a community because they:**

- Work in partnership with elected officials to develop sound approaches to community challenges by bringing together resources to make the right things happen and produce results that matter

- Bring a community-wide perspective to policy discussions and strive to connect the past and future while focusing on the present. They help the governing body develop the long-term vision for the community that provides a framework for policy development and goal setting
- Promote ethical government through commitment to a set of ethical standards that goes beyond those required by law
- Encourage inclusion and build consensus among diverse interests (including those of elected officials, the business community, and citizens) by focusing on the entire community rather than the centralized interests of one or two individuals
- Promote equity and fairness by ensuring that services are fairly distributed and that administrative decisions (such as hiring and contracting) are based on merit rather than favoritism
- Develop and sustain organizational excellence and promote innovation. Professional managers focus relentlessly on efficient and equitable service delivery, policy implementation, and evaluation. They align the local government's administrative systems with the values, mission, and policy goals defined by the community and elected officials.

## **How Your Municipality Would Benefit from Hiring a Professional Administrator**

The appointed manager or administrator is charged with carrying out the policies established by the elected officials and with delivering public services efficiently, effectively, and equitably. Elected officials, in turn, have more time to concentrate on creating a vision for the community's future.

- Day-to-day operations are managed by a professional who is educated and trained in current city and town management practices, state and federal laws and mandates, and cost-effective service delivery techniques

- Responsiveness to citizens is enhanced by centralizing administrative accountability in an individual appointed by the elected governing body
- The professional manager or administrator brings to the communities they serve technical knowledge and experience, academic training, management expertise, and a dedication and commitment to public service.

## **Ethical Conduct: Honoring the Public Trust**

City and town managers or administrators who are members of the International City/County Management Association (ICMA) are bound by its Code of Ethics, which states that every member of the organization shall act with integrity in all personal and professional matters so that they will merit the respect and trust of elected officials, employees, and the public. This stringently enforced Code specifies 12 ethical principles of personal and professional conduct, including dedication to the cause of good government. ICMA members believe in the effectiveness of representative democracy and the value of government services provided equitably to residents within a community. ICMA members are also committed to standards of honesty and integrity that go beyond those required by the law. For more information, contact ICMA or visit <http://icma.org/ethics>.

## **Responsiveness to Citizens**

City and town managers or administrators are appointed by and serve at the pleasure of the elected legislative body. They generally do not have guaranteed terms of office or tenure. They are evaluated based on their responsiveness to the elected legislative body and to the community and on their ability to provide efficient and effective services. If the administrator is not responsive to the elected officials, he or she may be terminated at any time. In that sense, the manager or administrator's responsiveness is tested daily.



## How to Hire a Professional Manager or Administrator

### 1. Consider your municipality's unique demands and needs

Many managers and administrators have studied local government management at the graduate level and have held positions of increasing authority. Beyond the basic education and experience requirements of the position, you should develop a job description that encompasses your expectations and outlines measurable objectives that you want to accomplish. You should also develop a management profile of the administrator that matches your expectations.

ICMA can offer your municipality materials to facilitate this process. ICMA's *Recruitment Guidelines for Selecting a Local Government Administrator* contains tips on recruiting applicants, determining finalists, and interviewing techniques. To locate a downloadable copy of this document, go to the ICMA JobCenter ([jobs.icma.org](http://jobs.icma.org)).

### 2. Begin your search

Determine whether you want to conduct your own search or work with an executive recruitment firm. Prepare and place your advertisements in publications that will attract the most qualified local government candidates such as the *ICMA Newsletter*, the ICMA JobCenter, and/or state association publications.

### 3. Make the selection

- Review résumés and identify potential candidates based on their experience and the criteria you developed earlier
- Select the top candidates and schedule interviews with your evaluation panel
- Upon reaching a decision, negotiate the terms and conditions of employment with your new manager or administrator and formalize a written agreement
- At this time, it is important to develop mutually agreed-upon goals and establish an annual review process through which the elected body and the manager or administrator can discuss performance.

## Resources

### **International City/County Management Association (ICMA)**

777 North Capitol Street, NE, Suite 500

Washington, DC 20002-4201

Phone: 202-289-ICMA

Fax: 202-962-3500

Website: [www.icma.org](http://www.icma.org)

The International City/County Management Association (ICMA) promotes excellence in local government through professional management. ICMA provides an information clearinghouse, technical assistance, and training and professional development to nearly 9,000 chief appointed administrators, assistant administrators, and other individuals throughout the world. To obtain an informational packet on the benefits of professional city or town management, visit ICMA's website at [icma.org/formofgovt](http://icma.org/formofgovt) or email Jared Dailey, Assistant Program Manager, at [jdailey@icma.org](mailto:jdailey@icma.org).

### **National Civic League (NCL)**

1145 Market Street, Suite 300

Denver, CO 80202-1728

Phone: 303-571-4343

Fax: 303-571-4404

Website: [www.ncl.org](http://www.ncl.org)

Email: [ncl@ncl.org](mailto:ncl@ncl.org)

The National Civic League is a nonpartisan citizens' organization founded in 1895. Its purpose is to serve as a clearinghouse for information on methods of improving state and local government; to encourage citizen participation in state and local government; and to provide guides, model charters and laws on specific local government topics. The *Model City Charter* was specifically prepared to give municipalities a general plan of structuring their local government based on the principles of the council-manager form. For more information about National Civic League publications, visit [www.ncl.org](http://www.ncl.org). Several publications are also available through ICMA's online bookstore at <http://bookstore.icma.org>.

PROFESSIONAL LOCAL GOVERNMENT  
MANAGEMENT: THE BENEFITS TO YOUR  
MUNICIPALITY



*Leaders at the Core of Better Communities*

## Attachment 6

Model Ordinance Creating the  
Office of Town Administrator

**MODEL ORDINANCE CREATING THE OFFICE OF TOWN ADMINISTRATOR  
IN A MAYOR – ALDERMANIC FORM OF GOVERNMENT  
(TCA 6-1-101 *et seq.*)**

**Section 1. Creation of Office.** The office of town administrator is hereby created.

**Section 2. Appointment of Town Administrator.** The town administrator shall be appointed by majority vote of the board of mayor and aldermen for an indefinite term. The administrator shall be chosen by the board solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. No member of the board of mayor and aldermen shall receive such appointment neither during the term for which the member shall have been elected nor within one year after the expiration of the member's term.

**Section 3. Removal of the Town Administrator.** The board of mayor and aldermen may remove the town administrator at any time by a majority vote of its members. If requested by the town administrator, a public hearing shall be granted by the board within 30 days following notice of removal. During the interim, the board may suspend the administrator from duty, but shall continue the administrator's salary and benefits until the final removal date.

**Section 4. Power and Duties of the Town Administrator.** The town administrator shall be the chief administrative officer of the city, responsible to the board for the management of all city affairs placed in the administrator's charge. The town administrator shall be responsible to perform the following duties:

- (1) Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under the charter. The town administrator may authorize any administrative officer subject to the administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by the charter or by law;
- (3) Attend all board and mayor and aldermen meetings. The town administrator shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of the charter and acts of the board of mayor and aldermen, subject to enforcement by the town administrator or by officers subject to the administrator's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual budget and capital program to the board, and implement the final budget approved by board to achieve the goals of the city;
- (6) Submit to the board of mayor and aldermen and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;
- (7) Make such other reports as the board may require concerning operations;
- (8) Keep the board fully advised as to the financial condition and future needs of the town;
- (9) Make recommendations to the board concerning the affairs of the town and facilitate the work of the board of mayor and aldermen in developing policy;
- (10) Assist the board to develop long term goals for the town and strategies to implement these goals;
- (11) Encourage and provide staff support for regional and intergovernmental cooperation; and
- (12) Perform such other duties as are specified as may be required by the board.

**Section 5. Board Not to Interfere with Appointments or Removals.** Neither the board of mayor or aldermen nor any of its members shall direct or request the appointment of any person to, or removal from, office by the town administrator or any of the administrator's subordinates or in any manner take part in the appointment or removal of officers and employees in the administrative services of the town. Except for the purpose of inquiry, the board and its members shall deal with the administration solely through the town administrator and neither the board nor any member thereof shall give orders to any subordinates of the town administrator, either publicly or privately.

**Section 6. Bond.** The town administrator shall furnish a surety bond to be approved by the board, said bond to be conditioned on the faithful performance of all the administrator's duties. The premium of the bond shall be paid by the town.

**Section 7. Compensation.** The town administrator shall receive such compensation as the board shall fix from time to time by resolution.

**Section 8. Vacancy.** Any vacancy in the office of the town administrator shall be filled within 60 days after the effective date of such vacancy.

**Section 9. Conflict.** All ordinances of the town prescribing the duties of heads of departments shall remain in full force and effect except in so far as they conflict with the provisions of this ordinance in which case the provisions of this ordinance shall govern.