

**SHELBY COUNTY PUBLIC RECORDS COMMISSION
BYLAWS**

Established April 2, 2019



BYLAWS OF THE SHELBY COUNTY PUBLIC RECORDS COMMISSION

Article I Name and Location

Section 1. Name. The name of this body shall be the Shelby County Public Records Commission (“PRC”).

Section 2. Location. Meetings may be held at such places within Shelby County, Tennessee as designated by the Chair.

Article II Authority and Purpose

Section 1. Authority. In accordance with Chapter 253 of the Public Acts of the General Assembly of the State of Tennessee for the year 1959, the Quarterly County Court of Shelby County, Tennessee created the Shelby County Public Records Commission by resolution dated July 20, 1959. The Shelby County Public Records Commission is governed by Tenn. Code Ann. Title 10, Chapter 7, Part 4. The law was amended by 1994 Public Chapter 884 to require all counties to have a Public Records Commission.

Section 2. Purpose. The Shelby County Public Records Commission is tasked with “the orderly disposition of public records created by agencies of county government” as outlined in Tenn. Code Ann. § 10-7-401, et seq.

Article III Responsibilities

Section 1. Records Management. The Shelby County Public Records Commission’s responsibilities include:

1. The authority to promulgate reasonable rules and regulations concerning the making, filing, storing, exhibiting and copying of the reproductions of records authorized under Tenn. Code Ann. Title 10, Chapter 7.
2. Provide guidance and recommendations to the Mayor and the County Commission regarding the overall strategic direction and priorities of records management for Shelby County Government.
3. Work with the County Technical Assistance Service, the Tennessee State Library and Archives, the Tennessee Historical Records Advisory Board, and the Shelby County Attorney to develop a master retention schedule for Shelby County Government.
4. Work with various elected officials and division directors to provide guidance and recommendations in regards to best practices for records management, including, but not limited to:

- a. Guidance and recommendations for records storage.
 - b. Guidance and recommendations for retention of records based on County, State, and U.S. law.
 - c. Work with the County Chief Information Officer to provide guidance, recommendations, and best practices for the digitization of paper records.
 - d. Work with the County Chief Information Officer to provide guidance, recommendations, best practices, and retention schedules for born-digital records.
5. To provide transparency to the public for the timely, orderly, and legal disposition of working papers, temporary records, and permanent records created in the regular course of government business through regular meetings of the Commission.
 6. Recommend and prioritize the duplication of various county government records.
 - a. Prioritize the digitization of temporary records based on storage needs and best practices as outlined in County, State, or U.S. law.
 - b. Prioritize the digitization and microfilming of those records deemed permanent by County and State law.
 7. Using guidelines from the Tennessee Office of Open Records, set the schedule for reasonable charges, and reasonable charges for frequent and multiple requests.

Section 2. Archival Records. Provides advisory oversight and recommendations to the various elected officials, divisions, and department of Shelby County Government regarding their duties pertaining to the ongoing management of permanent records of Shelby County Government.

1. Provide guidance and recommendations for the prioritization of processing of historical, permanent records.
2. Provide guidance and recommendations for the prioritization of the indexing of historical, permanent records.
3. Advise and guide development of a schedule for opening permanent records to the public to make them available for research as soon as possible.

Section 3. Rules. The Shelby County Public Records Commission shall observe the rules and regulations of the Shelby County Board of Commissioners governing boards and commissions, Robert's Rules of Order, and all local, state, and federal laws that apply to this Commission.

Article IV

Commission Membership

Section 1. Membership. Per Tenn. Code Ann. § 10-7-401 and Resolution dated July 20, 1959. of the Board of Shelby County Commissioners, members of the Commission include:

- One member of the County Commission appointed by the County Mayor, confirmed by the County Commission.

- One judge of one of the courts of record or designee of such judge which holds court in the county, appointed by the County Mayor, confirmed by the County Commission.
- The County Genealogist, appointed by the County Mayor, confirmed by the County Commission.
- Ex Officio- The County Mayor, or their designee
- Ex Officio - The County Clerk, or their designee
- Ex Officio - The County Register, or their designee
- Ex Officio - The County Historian, appointed by the County Commission.
- Ex Officio - The County Archivist (if one is appointed by the County Mayor)
- Ex Officio - Chief Information Officer, or their designee (if said CIO is designated by the County Commission to serve on the Commission)

Section 2. Officers. A Chair and a Secretary shall be elected by the Commission at the last business meeting of the calendar year and will take office at the beginning of the new year. The officers will be elected by simple majority of the membership present and serve for one year.

Section 3. Compensation. No member shall receive compensation for any service he or she may render to the Commission. Members may be reimbursed for actual necessary expenses incurred in attendance upon their duties.

Section 4. Term of Office. All elected officials appointed to serve shall serve for the duration they are elected to office. If re-elected, they must go through the same appointment process. All elected officials serving in ex officio capacity shall serve for the duration they are elected to office. The County Historian, Genealogist, and Archivist (should Shelby County Government have this office) only serve for the duration of their appointment to their respective positions as outlined in County and State law. If designated by the County Commission, the Chief Information Officer serves for the duration of his or her appointment. Should a vacancy occur, the position shall be filled as outlined in Tenn. Code Ann. § 10-7-401.

Section 5. Meetings. Public Records Commission will meet every third Thursday of each month at 2:00 pm at the location designated by the Chair. If no records are submitted to the Secretary two (2) weeks prior to the meeting, the meeting may be cancelled.

Section 6. Notice. Notice of any special meeting of the PRC shall be given at least two days previously thereto by oral or written notice delivered personally or sent by email to each member at his or her business address. Any member may waive notice of any meeting, and the attendance of a member at any meeting shall constitute a waiver or notice of such meeting. Generally, meetings will be posted on the Shelby County's website on the PRC Web Page.

Section 7. Minutes. The Secretary shall preserve minutes of all PRC proceedings and transactions.

Section 8. Quorum. A majority of the PRC present at a meeting shall constitute a quorum for the transaction of business.

Section 9. Voting. Each member defined in Article IV, §1 of these bylaws, shall have the right to cast one vote at any matter at any particular meeting. The decision of a majority of the voting members present at a meeting at which a quorum is established will be binding on the organization, unless provisions of these bylaws require greater vote.

Section 10. Amendment of Bylaws. These bylaws shall be amended by motion and passed by a majority of the membership.

Article V

General Provisions

Section 1. Public Records Disposal Request Form.

- a. Shelby County Government and the Shelby County Public Records Commission will follow the retention schedules required by state law and compiled by the County Technical Assistance Service (CTAS).
- b. Submissions for disposal of records shall be submitted to the PRC through the duly elected secretary of the PRC no later than two (2) weeks prior to the next regularly scheduled meeting of the PRC. If no requests for disposal are received by the Secretary two (2) weeks prior to the scheduled meeting, the meeting may be cancelled, consistent with Art. IV, §5 herein.
- c. All submissions for disposal of records shall be submitted on the PRC's Records Disposal Request form ("Form"), attached hereto as Exhibit A.
- d. The Form shall include the office/department name, location, contact information, records location, records description, CTAS number, volume, dates of records, retention period, record disposition, and approval request.
- e. The Form shall be signed in the presence of a notary.
- f. Upon completion of the Form and submission to the Secretary of the PRC, the Form shall be forwarded to the Shelby County Attorney's Office for review and signature.

Section 2. Notice of Motion to Amend Bylaws. Any motion to amend these bylaws shall be noticed two (2) weeks prior to the presentation of the motion to amend.

Section 3. Agenda. The Agenda of the PRC shall be published no later than the immediately preceding Monday before the regular meeting of the PRC.