



LEGISLATIVE LIAISON COMMITTEE

August 2, 2021

MINUTES

TIME: 1:00 p.m.

LOCATION: City Hall Conference Room

1) **CALL TO ORDER:** The meeting was called to order at 1:00 pm.

2) **ATTENDANCE:**

PRESENT: Stacey Streetman, Chairperson (Ward 10), Ashlee Evans (Ward 11), Travis Holleman (Ward 7)

ALSO PRESENT: Trisha Butler (Ward 12), Lance Baker, Candice Jones, Laurie Matta, Deputy Chief Richard Stalder

3) **ADOPTION OF MINUTES**

Councilperson Evans made a motion to adopt the minutes as presented. Councilperson Holleman seconded the motion. The motion to adopt the minutes passed without objection.

4) TOPICS FOR DISCUSSION AND CONSIDERATION

1. Open Records: *Laurie Matta*

- a. Ms. Matta stated that there is a loophole in the law that allows the requestor to ask to inspect the documents vs. being provided copies, and the City will not be reimbursed. Per Mr. Baker, under TN law, the City can charge for labor to review and produce copies (the first hour is free) but cannot charge for someone to “inspect” the documents. The City should be able to charge if any city time is required to prepare the records. Florida has a nuisance clause that allows cities to deny record requests if deemed an unreasonable/unnecessary burden on the taxpayers.
 - i. Regardless of type of request, ALL records prior to being shared must be reviewed to ensure nothing that is considered confidential by law is distributed. All emails must be reviewed for attorney-client privilege, in addition to non-communicative emails, and all attachments must be reviewed as well.
 - ii. The number of requests received this year, to date, is approximately 1,135.
 - iii. Recent requests for inspection of documents have been received for all emails since beginning of employment for Mr. Baker, Mr. Stauffer, and Mr. Goodson, with an estimated time of 19,250.8 hours to complete review (9.6 years), with an estimated cost to the City of \$710,400. All of the Mayor’s emails have been requested as well for inspection with an estimated time of 6,000 hours (6 years), and an estimated cost to the City of \$440,000. Because of the time it will take to complete these requests, they will not be ready until 2041. Under the current law, these costs cannot be recovered.
 - Mr. Baker said each email typically takes about 30 seconds but they estimate 3 minutes per. The review is the same whether the request is to inspect or receive copies as everything still needs to be printed, reviewed and redacted. If the request is to inspect the documents, the City employee will call the requestor to come inspect, and the employee must sit with them while the documents are reviewed to ensure no photos are taken, etc. If the requester asks for copies, the City can charge per page but only at a pro-rata rate. Typically the request will only be for a few pages so the fee is minimal.
 - There was a provision put into the law dealing with nuisance requests, but the law is weak and there are many hurdles to go through and requires filing a lawsuit.

2. Cannabis: *Councilperson Reynolds, Councilperson Butler*

- a. At the March 4, 2021 Regular Council Meeting, Resolution 58-2020-21 supporting decriminalization of simple possession or casual exchange or marijuana for personal use was referred to the Legislative Liaison Committee.
 - i. Councilperson Butler has spoken with state-level legislators and lobbyists who said they need support from multiple cities across the state to work on this legislation. (Representative Jason Hodges has also presented legislation) Her

resolution was really just a request to let the state know how the City of Clarksville stands.

- ii. Deputy Chief Stalder said CPD follows state law, and that it's up to the District Attorney to make the determination and that arrests are not a direct focus on marijuana, but usually part of traffic stops, etc. The Montgomery County Sheriff's Department shares the same stance.
- iii. The Committee suggested this item be included in the agenda as an item of support, and think about supporting ballot initiatives that give the public an opportunity to voice their opinion.
- iv. Mr. Baker said that the resolution does not need to be brought back to council to be decommissioned, as it was referred to the committee, who has the authority to end it. Councilperson Butler does have authorization to bring back at another date but not an obligation to do so.

3. Award of Attorney Fees: *Lance Baker*

- a. Per Mr. Baker, Rule 12 and 12.02 of Civil Procedure provides that if a lawsuit is filed and the Court takes your facts as true, and it does not make a legally recognizable claim and dismisses the lawsuit, the Court shall reimburse fees up to \$10,000. The exception to the law excludes cities from getting reimbursed at Rule 12 and they cannot recoup their costs, which include time and the time of other attorneys they may have reached out to.
- b. Mr. Baker requests that subsection C be deleted.

5) ADJOURNMENT

The meeting was adjourned at 1:47 pm.