

**State of Tennessee**  
**Public Records Commission**  
**MINUTES**

September 21, 2020 at 10:00 a.m.  
Nashville, Tennessee

**Public Records Commission Members:**

Chairman – Tre Hargett, Secretary of State - *present*  
Secretary – Christi Branscom, Commissioner of the Department of General Services - *present*  
Justin P. Wilson, Comptroller of the Treasury  
David H. Lillard, Jr., State Treasurer  
Chief Justice Jeffrey S. Bivins, Tennessee Supreme Court  
Herbert H. Slatery III, Attorney General and Reporter  
Karen Garrett, Director of Legal Services and Counsel to the Lieutenant Governor  
Anastasia Campbell, Director of Legal Services and Counsel to the Speaker of the House  
Ann Toplovich, Executive Director of the Tennessee Historical Society - *present*  
Eddie Weeks, Legislative Librarian of Legal Services - *present*  
Rick DuBray, Representative of the State Treasurer - *present*  
Janet Kleinfelter, Representative of the Attorney General - *present*  
Trent Andrews, Representative of the Comptroller of the Treasury - *present*  
Rachel Harmon, Representative of the Tennessee Supreme Court - *present*

**Welcome**

The Public Records Commission met remotely via WebEx conference this day at 10:00 a.m., with the noted Public Records Commission members present. Secretary of State and Chairman of this Commission, Tre Hargett, called this meeting to order at approximately 10:00 a.m. He detected a quorum and requested action on the following matters as presented.

**Statement of Necessity for Remote Meeting**

1. Chairman Hargett opened this meeting with the following statement:
  - a. This meeting of the Public Records Commission, held on September 21, 2020, is being conducted electronically via WebEx conference. All members of this Commission present today are participating by remote means. As required by Tennessee Code Annotated, Section 8-44-108, this Commission must determine that necessity requires this meeting be conducted via electronic means. Pursuant to Executive Orders Numbers 16, 34, and 60 issued by Governor Lee, this Commission finds that the current state of emergency justifies and requires that the essential business of this Commission should be conducted electronically in order to allow for proper social distancing to be observed for the benefit of the health, safety, and welfare of all Tennesseans. In accordance with Governor Lee's Executive Orders, this meeting is being conducted in an electronic manner that allows this Commission to conduct its business while also allowing the public to access and participate in this meeting. Tennessee Code Annotated, Section 10-7-302, requires this Commission to meet at least twice annually, and in order to ensure that this requirement can be met and that the business of this Commission can continue in a timely fashion, this Commission finds that the business to be conducted today is essential and that meeting electronically is necessary to accomplish the responsibilities entrusted to this Commission. Therefore, the Chair requests a motion and second to approve this finding of necessity on the record.
  - b. The motion was properly moved and properly seconded; the finding of necessity was

approved by roll call vote.

#### **Approval of Minutes from May 14, 2020**

2. Chairman Hargett noted that the next order of business was approval of the May 21, 2020, minutes.
  - a. Chairman Hargett entertained a motion to approve the minutes. The motion was properly moved and properly seconded; the May 21, 2020, minutes were approved by roll call vote.

#### **RDAs for Discussion**

3. Chairman Hargett asked Director Callaghan if there were any RDAs for discussion; Director Callaghan stated that there were none.

#### **Consent Agenda**

4. Chairman Hargett stated the next item was the consent agenda.
  - a. Chairman Hargett moved to approve the consent agenda. The motion was properly seconded; the consent agenda was approved by roll call vote.

#### **Records Management Reports**

5. Chairman Hargett then asked Director Callaghan to present the Records Management Reports.
  - a. Director Callaghan reported that Records Management continues to conduct its weekly meetings with the Tennessee State Library and Archives and the Comptroller's Audit Division.
  - b. To date, Records Management has created, revised, or retired 2,269 RDAs. Director Callaghan reported that for this Public Records Commission meeting, out of 26 RDAs on the consent agenda there were one retired, sixteen revised, and nine created. Director Callaghan explained that we are at a place where all RDAs have been reviewed per Public Records Commission instructions. Records Management continues to approve revisions, creations, or deletions as needed.
  - c. Director Callaghan reported that Records Management continues to conduct its meetings with the state agencies for RDA issues and general information governance issues. Due to COVID-19 meetings are conducted via WebEx, Zoom, or phone meetings. Records Management is available and will practice safe social distancing. Records Management has canceled any Records Assessments due to the need for being in close proximity but hopes to continue the assessments in the spring.
  - d. Director Callaghan further explained that Records Management continues to conduct monthly trainings via WebEx or by uploading videos for agencies to view.
  - e. Director Callaghan stated that most of the State agencies have submitted their Records Holding Report except for a few that requested extensions. Director Callaghan explained that once all Records Holding Reports were turned in, he would send a summary to the Public Records Commission members.
  - f. Director Callaghan then asked if there were any questions.
  - g. Chairman Hargett asked if there were any questions; there were none.

#### **Closing Remarks**

6. Chairman Hargett asked if there was any old business or comments from the public.
  - a. Chairman Hargett asked Executive Director Toplovich if this was her last Public Records Commission meeting.
  - b. Executive Director Toplovich confirmed that it was her last meeting and that Jennifer Core will be taking her position.
  - c. Chairman Hargett stated that Executive Director Toplovich has done an excellent job and

that there will be a void in Tennessee state government and asked for a round of applause for Executive Director Toplovich.

- d. Executive Director Toplovich stated how thankful she is for all the kind words.
- e. Chairman Hargett then asked Director Callaghan if there were any more business.
- f. Director Callaghan stated how helpful Executive Director Toplovich has been and that there was no more new business.
- g. Chairman Hargett asked Executive Director Toplovich if she wanted to entertain a motion to adjourn.
- h. Executive Director Toplovich entertained a motion to adjourn. The motion was properly moved and properly seconded; Chairman Hargett voted Nay to honor Ms. Toplovich's last Public Records Commission meeting.
- i. The Commission was adjourned by roll call vote.