



**Thursday, April 20, 2017
9:00 a.m.
April Board Meeting Agenda**

Call to Order

Roll Call

Approval of Minutes

Official Action

Resolution 1359 – Authorizing the sale of Property of the Knoxville Utilities Board Located at 401 State Street to the City of Knoxville

President's Report

Public Comments

Adjournment



Knoxville Utilities Board

April 14, 2017

Knoxville Utilities Board
445 S. Gay Street
Knoxville, Tennessee 37902-1109

Commissioners:

KUB owns the Promenade Parking Garage at 401 State Street, on a parcel of property that is slightly over 1 acre. There is a 16-foot wide strip of property along the northern property line, which KUB does not need for operation of the parking garage. KUB has been approached by the City of Knoxville with a request to purchase this strip of property for public use as road right-of-way, to support continued downtown redevelopment.

State law and bond resolutions authorize the disposition of any real property of KUB which the Board has determined to be no longer useful and necessary for its operations. After consultation with Staff, I have determined that the 0.072 acres sought for public purpose is not useful or necessary for KUB's continued operation of its systems, with the exception that KUB will retain easements for the utility lines that cross the property, as well as air rights over the property.

Through Resolution 1359, which is attached for your information, the Board will approve the sale of a portion of KUB's Promenade Parking Garage property to the City of Knoxville. I recommend adoption of Resolution 1359.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Mintha Roach'.

Mintha E. Roach
President and CEO

RESOLUTION NO. 1359

A Resolution Authorizing the sale of Property of the Knoxville Utilities Board Located at 401 State Street to the City of Knoxville

Whereas, the Knoxville Utilities Board (“KUB”) holds title to certain real estate, located at 401 State Street, Knoxville, Tennessee, and being all of CLT Map 095-I, Group A, Parcel 023 recorded in the Knox County Register of Deed’s Office at Instrument No. 200005010028815, consisting of approximately 1.125 acres of land and appurtenances (the “Property”), where KUB’s Promenade Parking Garage is located; and

Whereas, the City of Knoxville (“City”) seeks to acquire from KUB a portion of the Property, approximately 0.072 acres in size (the “Surplus Property”) for use as a City street right-of-way, a public purpose; and

Whereas, KUB, pursuant to Article XI, sections 1106(D) and (T) of the Charter of the City of Knoxville and Section VII of the KUB Procurement Procedures, has the authority, subject to the applicable provisions of any bonds or contracts, to transfer title of real property or any right or interest in such property in connection with the operation of its systems; and

Whereas, pursuant to T.C.A. § 12-9-110, public advertising and competitive bidding is not required for the transfer of the Surplus Property where it will be used for a public purpose; and

Whereas, the Surplus Property is not useful and necessary for the continued operation of KUB’s systems substantially as they now exist, with the exception that KUB will retain easements for its utility lines and facilities, as well as air rights above sixteen (16) feet from current grade, across the Surplus Property; and

Whereas, pursuant to Section VII of the KUB Procurement Procedures, the President and CEO has determined that the Surplus Property is not needed by any of KUB’s systems; and

Whereas, the bond resolutions for KUB authorize the disposal of KUB property which the KUB Board of Commissioners (the “Board”) determines to be no longer necessary and useful in the operation thereof.

Now, Therefore, Be it Hereby Resolved by the Board of Commissioners of the Knoxville Utilities Board:

Section 1. That the Surplus Property is not useful and necessary to the continued safe, efficient and economic operation of any of KUB's systems.

Section 2. That it is in the best interest of KUB to sell the Surplus Property to the City of Knoxville.

Section 3. That the terms and conditions of the sale, including the purchase price of \$50,000.00, the City's payment of certain expenses associated with the transfer, the City's representation that the Surplus Property will be used for a public purpose, and KUB's retention of Utility Easements for its lines and other facilities and air rights above sixteen (16) feet from current grade across the Surplus Property are fair, reasonable and appropriate.

Section 4. That the President and Chief Executive Officer or her authorized designee be, and hereby is, authorized and directed to sell the Surplus Property to the City in a manner consistent with KUB's Procurement Procedures and the City Charter, to execute a deed for the transfer of the Surplus Property and to do all things that the President and CEO or her designee deems reasonable and necessary to effectuate such sale.

Section 5. That this Resolution shall take effect upon its passage.

Celeste Herbert, Chair

Mark Walker, Board Secretary

APPROVED ON 1st
& FINAL READING: _____
EFFECTIVE DATE: _____
MINUTE BOOK 37 PAGE _____

**Knoxville Utilities Board
Board Meeting
Minutes
Thursday, March 16, 2017, Noon**

Call to Order

The Knoxville Utilities Board met in regular session in the Larry A. Fleming Board Room at 445 S. Gay Street, on Thursday, March 16, 2017, pursuant to the public notice published in the January 7, 2017, edition of the *News Sentinel*. Vice Chair Worden called the meeting to order at 12:00 p.m.

Roll Call

Commissioners Present: Jerry Askew, Kathy Hamilton, Tyvi Small, Nikitia Thompson, and John Worden

Commissioners Absent: Celeste Herbert and Sara Pinnell

Approval of Minutes

The Minutes of the February 16, 2017, Board Meeting were approved as distributed upon a motion by Commissioner Askew and seconded by Commissioner Thompson.

Old Business

None

New Business

Resolution 1358, A Resolution Adopting a Public Records Policy for the Knoxville Utilities Board

President Roach advised Commissioners that KUB has always been subject to and complied with the Tennessee Public Records Act. In 2016, the Tennessee General Assembly passed legislation requiring the Board adopt a public records policy no later than July 1, 2017. She recognized Elba Marshall, Manager of Executive Department and Assistant to the CAO, to review the legislation and the proposed policy.

President Roach recommended adoption of Resolution 1358 on first and final reading. Her written recommendation is included in Attachment 1.

March 16, 2017

Upon a motion by Commissioner Hamilton and a second by Commissioner Askew, Resolution 1358 (*Attachment 1*) was adopted by a roll call vote on first and final reading. The following Commissioners voted “aye”: Askew, Hamilton, Small, Thompson, and Worden. No Commissioner voted “nay”.

President’s Report

Quality Improvement Initiative

President Roach advised Commissioners a quality improvement initiative was launched in 2016 to help identify areas where improved work quality is warranted. She recognized Eddie Black, Senior Vice President, to kick off the presentation and describe the quality improvement process. Mr. Black then introduced Jamie Davis, Manager of Underground Construction, who discussed on-boarding and driver training programs in KUB’s construction departments, John Williams, Manager and Assistant to the CFO, who presented on improving storeroom operations, Doug Miller, Manager of Overhead Construction, who presented on an improvement process for grounding electric lines, Ed Medford, Manager of Economic Development and Government Relations, who presented on processes to help insure compliance with enacted legislation. Mr. Black concluded the presentations with a presentation on software patch management.

Bond Refinancing Results

President Roach reminded Commissioners that they previously authorized the issuance of bonds to refinance outstanding debt at lower interest rates. She recognized Mark Walker, Senior Vice President and Chief Financial Officer, to provide an update on the results of the sale. Mr. Walker also noted that a copy of the Official Statement describing each series of bonds was available at the meeting for public review in addition to Form CT-0253 for each series of bonds, which details the cost of issuance for the bonds.

Storm Preparation

President Roach advised Commissioners that KUB puts a lot of effort into preparation for storm events that could result in outages for KUB customers. She recognized Roy Breeden, Supervisor of System Operations, to provide details of the planning and preparation for storm events in early March.

Other Business

Vice Chair Worden reminded the Board that next month’s meeting will begin at 9:00 a.m. Following the conclusion of the business meeting, the Board will begin the Long-Range Planning and Budget Workshop. The meeting should conclude by noon and lunch will be provided.

March 16, 2017

Adjournment

There being nothing further to come before the Board, Vice Chair Worden declared the meeting adjourned at 1:00 p.m.

Celeste Herbert, Chair

Mark Walker, Board Secretary

Attachments

Attachment 1	Recommendation Letter and Resolution 1358, A Resolution Adopting a Public Records Policy for the Knoxville Utilities Board	<u>Page(s)</u> 7951 – 7960
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Knoxville Utilities Board

March 10, 2017

Knoxville Utilities Board
445 S. Gay Street
Knoxville, Tennessee 37902-1109

Commissioners:

As a governmental entity within the State of Tennessee, KUB is subject to the requirements of the Tennessee Public Records Act. KUB has long had an internal policy for complying with the requirements of the Act, and has followed the policy and the law with respect to records requests made by members of the public.

In 2016, the Tennessee General Assembly passed legislation requiring governmental entities subject to the act to adopt a written public records policy by no later than July 1, 2017. The State's Office of Open Records Counsel developed a model policy that municipal agencies could adopt. KUB Staff and General Counsel have reviewed the model policy and have identified minimal changes necessary to make the model policy specifically applicable to KUB.

A draft of Resolution 1358 and a draft of the Public Records policy are enclosed for your review.

I recommend adoption of Resolution 1358.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Mintha E. Roach'.

Mintha E. Roach
President and CEO

RESOLUTION NO. 1358

A Resolution Adopting a Public Records Policy for the Knoxville Utilities Board

Whereas, as a governmental entity within the State of Tennessee, KUB is subject to the requirements of the Tennessee Public Records Act; and

Whereas, KUB has long had an internal policy for complying with the requirements of the Act, and has followed the policy and the law with respect to records requests made by members of the public; and

Whereas, in 2016, the Tennessee General Assembly passed legislation requiring each governmental entity subject to the act to adopt a written public records policy by no later than July 1, 2017; and

Whereas, the State's Office of Open Records Counsel has developed a model policy that municipal agencies may adopt; and

Whereas, KUB Staff and General Counsel have reviewed the model and have identified minimal changes necessary to make the model policy specifically applicable to KUB.

Now, Therefore, Be It Hereby Resolved by the Board of Commissioners of the Knoxville Utilities Board:

Section 1. That the KUB Public Records Policy, attached hereto and incorporated herein as "Exhibit A" to this Resolution, is hereby adopted in its entirety and as of and after the effective date of this Resolution shall be applicable.

Section 2. That the Board authorizes the Board's Audit & Finance Committee to amend this policy to maintain compliance with state law and to protect KUB's interest as permitted by state law.

Section 3. That the Board authorizes the President and CEO to adopt additional procedures as may be necessary to guide employees in their responsibilities for adhering to this policy.

Section 4. That this Resolution shall take effect from and after its passage.

John Worden/s
John Worden, Vice Chair

Mark Walker/s
Mark Walker, Board Secretary

APPROVED ON 1st
& FINAL READING: 3-16-17
EFFECTIVE DATE: 3-16-17
MINUTE BOOK 37 PAGE 7952 - 7960

PUBLIC RECORDS POLICY
FOR
KNOXVILLE UTILITIES BOARD

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Knoxville Utilities Board is hereby adopted in accordance with Resolution 1358 by the Knoxville Utilities Board of Commissioners to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

The Tennessee Public Records Act (TPRA) provides that all state, county and municipal records shall, at all times during business hours be open for personal inspection by any citizen of the State of Tennessee, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of Knoxville Utilities Board are presumed to be open for inspection unless otherwise provided by law.

Some records maintained by a municipality (including KUB as an independent agency of the City of Knoxville) are determined by law to be confidential records and not open for public inspection.

Personnel of KUB shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of KUB shall be protected as provided by current law. KUB reserves the right to notify any customer, employee, or third party whose records are requested under this policy prior to the release of any personal information. Concerns about this Policy should be addressed to the Public Records Request Coordinator for KUB.

I. Definitions:

- A. Records Custodian: The employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. Public Records Request Coordinator: The individual who has the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

- B. Requests for inspection only may be made by phone, in writing or email. Requests for copies, or requests for inspection and copies must be made in writing or email and requestors must complete the Public Records Request Form. To make a request:
- By Phone: Call 865-524-2911
 - In Writing: Mail a completed Public Records Request form to:

Public Records Request Coordinator
Knoxville Utilities Board
P.O. Box 59017
Knoxville, TN 37950-9017
 - By Email: Email a completed Public Records Request form to:
openrecords@kub.org
- C. Proof of Tennessee citizenship by presentation of a state of Tennessee issued photo identification (ID only) card or Driver's License is required as a condition to inspect or receive copies of public records.
- D. Knoxville Utilities Board provides access to Board of Commissioner meeting agendas, schedules and minutes, financial documents, Rules and Regulations on our website. To access these records and others, please visit www.kub.org.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

1. The PRRC shall review public record requests and make an initial determination of the following:
 - a. If the requestor provided evidence of Tennessee citizenship;
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If KUB is the custodian of the records.
2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - a. Advise the requestor of this Policy and any of the following:
 - i. Requirement for proof of Tennessee citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees (and labor threshold and waivers, if applicable); and
 - iv. Aggregation of multiple or frequent requests.
 - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:

- i. The requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - ii. The request lacks specificity.
 - iii. An exemption makes the record not subject to disclosure under the TPRA. **The PRRC will provide the exemption in the written denial letter.*
 - iv. KUB is not the custodian of the requested records.
 - v. The records do not exist.
- c. If appropriate, contact the requestor to see if the request can be narrowed.
 - d. Forward the records request to the appropriate records custodian.
 - e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.

B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the Office of Open Records Counsel (OORC.)
2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form, based on the form developed by the OORC.
3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response Form.
4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response Form to notify the requestor that production of the records will be in segments and that a records production schedule shall be provided as expeditiously as practicable. If appropriate, the records custodian shall contact the requestor to see if the request can be narrowed.
5. If a records custodian discovers records responsive to a records request were omitted, the records custodian will contact the requestor concerning the omission and produce the records as quickly as practicable.

C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian will coordinate with counsel or other appropriate parties regarding review and redaction of records.
2. Whenever a redacted record is provided, a records custodian shall provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

IV. Inspection of Records

- A. There shall be no charge for inspection of open public records.
- B. The location for inspection of records within the offices of KUB shall be determined by either the PRRC or the records custodian.
- C. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

V. Copies of Records

- A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service or other means of delivery as deemed necessary.
- D. A requestor will be allowed to make copies of records with personal equipment.

VI. Fees and Charges and Procedures for Billing and Payment

- A. No charges will be assessed for copies unless the total cost of copies and labor exceed \$5.00.
- B. PRRC shall provide requestors with an itemized estimate of the charges on the Public Records Request Estimated Cost Form prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. Fees and charges are as follows:
 1. \$0.15 per page for letter and legal size black and white copies.
 2. \$0.50 per page for letter and legal size color copies
 3. Actual production cost for oversized paper, flash drive, cd or other item used to produce copies.
 4. Labor when it exceeds 2 hours.
 5. If an outside vendor is used, the actual costs assessed by the vendor.

6. KUB will charge a reasonable fee for the reproduction of any KUB public record that has commercial value as allowed by state law.
- D. Payment may be made in cash or by check payable to Knoxville Utilities Board presented to the PRRC.
- E. Copies of records will not be released until payment is received.

VII. Waiver of Rules for Access to Public Records

- A. **Customers or Employees:** Customers or employees requesting to inspect their own records will not be subject to the rules requiring a formal request and cost recovery, but shall be required to supply proper identification before access to the records is allowed.
- B. **Law Enforcement Agencies:** Requests for inspection of public records by law enforcement agencies via subpoena or other means are not subject to the rules requiring a formal request and cost recovery, and will be submitted to the PRRC.

VIII. Amendment Authority

In accordance with Resolution 1358, the Board's Audit and Finance committee has the authority to amend this policy to maintain compliance with state law and protect KUB's interest as permitted by state law. The President and CEO has authority to adopt additional procedures as may be necessary to guide employees in their responsibilities for adhering to this policy.



PUBLIC RECORDS REQUEST FORM

Knoxville Utilities Board

P.O. Box 59017

Knoxville, TN 37950-9017

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Public Records Request Coordinator
Knoxville Utilities Board
P.O. Box 59017
Knoxville, TN 37950-9017

From:

Requestor's Full Name Address Phone Number

(Please include an address for any TPRA required written response)

Are you a Tennessee citizen? [] Yes [] No

Request: [] Inspection (The TPRA does not permit fees or require a written request for inspection only.)

[] Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$_____? If so, initial here:

_____.

Delivery preference: [] On-Site Pick-Up

[] Electronic

[] USPS First-Class Mail

[] Other:

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

Multiple horizontal lines for providing a detailed description of the record(s) requested.

Signature of Requestor and Date Submitted

Signature of Public Records Request Coordinator and Date Received



PUBLIC RECORDS REQUEST RESPONSE FORM

Knoxville Utilities Board
P.O. Box 59017
Knoxville, TN 37950-9017
[Date]

[Requestor's Name and Contact Information]:

In response to your records request received on [Date Request Received], our office is taking the action(s) indicated below:

- Public record(s) responsive to your request will be made available for inspection: Location: Date & Time:
Copies of public record(s) responsive to your request are: Attached; Available for pickup at the following location: Being delivered via: USPS First-Class Mail Electronically Other:
Your request is denied on the following grounds: Your request was not sufficiently detailed to enable identification of the specific requested record(s). No such record(s) exists or this office does not maintain record(s) responsive to your request. No proof of Tennessee citizenship was presented with your request. You are not a Tennessee citizen. You have not paid the estimated copying/production fees. The following state, federal, or other applicable law prohibits disclosure of the requested records:
It is not practicable for the records you requested to be made promptly available for inspection and/or copying because: It has not yet been determined that records responsive to your request exist; or The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is:

If you have any additional questions regarding your record request, please contact [Records Custodian or Public Records Request Coordinator].

Sincerely,

[Records Custodian or Public Record Request Coordinator]
[Name, Title, and Contact Information]



PUBLIC RECORDS REQUEST ESTIMATED COSTS FORM

Knoxville Utilities Board
P.O. Box 59017
Knoxville, TN 37950-9017

[Date]

[Requestor's Name and Contact Information]:

When KUB is asked to reproduce its records, the actual cost to reproduce the requested public records will be charged to the requesting party. The reproduction charge will include KUB's cost to copy the records and the labor cost to research and retrieve the information. The minimum copy charge for record reproduction is in accordance with the State of Tennessee Office Of Open Records Counsel's Schedule of Reasonable Charges, Tenn. Code Ann. §8-4-604. Requests requiring more than two hours to fulfill will be charged an hourly labor cost to provide the information requested.

Fees and charges are as follows:

1. \$0.15 per page for letter and legal size black and white copies.
2. \$0.50 per page for letter and legal size color copies
3. Actual production cost for oversized paper, flash drive, cd or other item used to produce copies.
4. Labor when it exceeds 2 hours.
5. If an outside vendor is used, the actual costs assessed by the vendor.

In response to your records request received on [Date Request Received], we have estimated the following costs for copies and/or labor:

Copies: _____

Labor: _____

Total: _____

If you have any questions regarding your cost estimate, please contact [Records Custodian or Public Records Request Coordinator].

Sincerely,

[Records Custodian or Public Record Request Coordinator]

[Name, Title, and Contact Information]