

**RESOLUTION ADOPTING PROCEDURES FOR INSPECTING OR COPYING
PUBLIC RECORDS PURSUANT TO SECTION 25-61-1
ET SEQ., MISSISSIPPI CODE OF 1972**

WHEREAS, pursuant to the Mississippi Public Records Act of 1983, codified at Title 25, Chapter 61, Mississippi Code of 1972, it is appropriate that a policy and procedure be adopted to provide access to the records and documents of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI, that the following procedure which shall govern requests to inspect or copy a public record of the City of Pascagoula is hereby adopted, to wit:

SECTION 1. Any person desiring to inspect, copy, or mechanically reproduce or obtain a reproduction of any document or information of the City defined to be a public record by the Mississippi Public Records Act of 1983, and not excepted or exempted from the application of that act, shall file a written request with the City Clerk on a form to be provided by her which shall describe the records or information sought with sufficient detail to enable her to readily identify the record or information sought. Such request shall be filed during regular office hours of the City Clerk.

The City Clerk shall either produce the material or information requested or deny the request in accordance with the law as soon as it can reasonably be done but, in any event, within fourteen (14) working days after the City Clerk receives the written request and the costs or estimated costs are deposited as provided hereinafter.

SECTION 2. The material or information to be furnished in response to any such request shall be made available to the person requesting it at the City Clerk's office in the City Hall, provided, however, as to any material or information which is regularly maintained in some municipal building other than the City Hall, the City Clerk may, in her discretion, make such material or information available at such other municipal building.

SECTION 3. The material or information to be furnished in response to such request shall be furnished to the person requesting it either by furnishing him copies of the records or by making the records available for examination by the person requesting it under the continuous supervision of the City Clerk or an employee designated by the City Clerk.

SECTION 4. Any person requesting any material or information shall pay to the City Clerk in advance the actual cost of searching, reviewing and/or duplicating and, if applicable, making the copies.

The following fees are hereby set:

- (a) Copies of documents made on a City copying machine or other method of reproduction, including computer generated documents, shall be furnished at a cost of \$0.25 per page.
- (b) Material and information requiring the time of a City employee to duplicate, shall be charged for at the rate of \$8.00 per hour for each City employee doing such work.
- (c) Material and information requiring the time of a City employee to review and/or research, shall be charged for at the rate of \$10.00 per hour for each City employee doing such work.
- (d) Information provided through the use of a computer will be charged for at the rate of \$50.00 per hour of computer time.
- (e) If copies are to be mailed, the actual cost of packaging and mailing shall also be paid.
- (f) There shall be a minimum charge of \$5.00 for routine documents such as offense reports, accident reports, record checks, and similar items in the Police Department and run reports and similar items in the Fire Department.

If the City Clerk can determine the actual cost at the time the request is received she shall report that cost to the person making the request, who shall be required to pay that sum in advance.

If the City Clerk is not able to determine the cost at the time filed because she cannot determine in advance the amount of time required to research and produce the materials or information or the number of copies which will be required, the Clerk shall advise the person requesting the same of her best estimate of the total cost to be involved and such person shall deposit with the Clerk the estimated cost in advance at the time the request is filed. If, after making such initial estimate, the Clerk later determines that more expense will be involved than she anticipated, she shall make a revised estimate and the person making the request shall be required to deposit in advance such additional sum as may be necessary in accordance with the revised estimate. In all cases where an estimate is made, the actual cost shall be determined before the material or information is delivered and the person making the request shall immediately pay any additional sum required or shall be

refunded any sum he has deposited in excess of the actual cost. No request shall be deemed as completely filed until the appropriate sum has been deposited in advance as required herein.

SECTION 5. If the City Clerk denies a request for access to or copies of a public record it shall be in writing and shall contain a statement of the specific reasons for the denial. The City Clerk shall maintain a file of all denials of requests for public records. These records of denials shall be kept on file for at least three years from the date the denials are made. This file shall be available for inspection and/or copying during regular office hours to any person upon written request.

SECTION 6. Where the term "City Clerk" is used herein it shall be construed to include any employee designated by her to carry out this policy.

SECTION 7. Unless the context indicates otherwise, the meaning of words and requirements of the Mississippi Public Records Act of 1983 are incorporated herein.

SECTION 8. Any person seeking access to or copies of public records shall be given a copy of this policy and a copy shall be posted on the bulletin board of the City Hall.

SECTION 9. This policy shall become effective immediately.

The above Resolution was introduced by Councilman Clark, seconded for adoption by Councilman Boykin and received the following vote: Mayor Cole "AYE". Councilmen Avara "AYE", Boykin "AYE", Clark "AYE", Mangum "AYE", Stallworth "AYE", and Sutherland "ABSENT". The Mayor then declared the Resolution adopted on the 20th day of April, 1999.