



**RESOLUTION OF THE MADISON COUNTY BOARD OF SUPERVISORS
ADOPTING PUBLIC RECORDS REQUEST POLICY**

WHEREAS, the Madison County Board of Supervisors, acting as the governing body for Madison County Board of Supervisors, acting as the governing body for Madison County, Mississippi (the "Governing Authority") desires to adopt a public records request policy in accordance with the Mississippi Public Records Act of 1983, codified as Mississippi Code Ann § 25-61-1, et seq. ("The Act"); and

WHEREAS, the Governing Authority has followed the protocols set forth in The Act which sets forth the general procedures to be followed when responding to a request for public records. The Act was amended by the Mississippi Legislature in 2010, 2013, and, most recently, in 2019.

WHEREAS, the Governing Authority desires to amend its prior policies to comply with the changes made to The Act.

WHEREAS, this order is adopted pursuant to The Act, as amended, and establishes the procedures by which all records, as defined by The Act, and portions of such records, not exempt from disclosures, will be made available in accordance with the procedures set forth herein.

NOW THEREFORE, BE IT RESOLVED that the Governing Authority hereby adopts a public records request policy for the public disclosure of non-exempt records, as follows:

I. REQUEST PROCEDURES

1. All requests for access to or copies of public records will be in writing submitted to the Governing Authority, or the head of the appropriate department thereof. Requests shall identify, with as much specificity as possible, the records being sought and the name and address of the person or entity seeking records.

2. The Governing Authority or the head of the appropriate department thereof shall respond to the written records request, in writing, within seven (7) business days from the date the request is received, subject to paragraph 3.

3. If the records requested are found to be non-exempt and subject to disclosure, the Governing Authority or the head of the appropriate department thereof will notify the requesting party of the time, date, and location when the same may be inspected, copied, or mechanically reproduced.

4. In the event the Governing Authority or the head of the appropriate department thereof is unable to produce a public record by the seventh working day after the request is made, the Governing Authority must provide a written explanation to the person making the request stating that the record requested will be produced and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is mutual agreement of the parties, or the information requested is part of ongoing negotiations related to a request for competitive sealed proposals, in no event shall the date for the Governing Body's production of the requested records be any later than fourteen (14) working days from the receipt by the Governing Body of the original request.

5. Production of competitive sealed proposals in accordance with requests made pursuant to this policy shall be no later than seven (7) working days after the notice of intent to award is issued to the winning proposer.

6. If the party making the public records request has so requested, the requested records may be mailed/shipped to the requesting party. In this event, the compiled records will be placed in the mail not later than the date of the Governing Authority or the head of the appropriate department thereof identified as the date the records would be produced pursuant to paragraph 3.

7. If the records requested are found to be exempt, the Governing Authority or the head of the appropriate department thereof shall notify, in writing, the requesting party of the denial of the request. All denials shall contain the specific reasons for the denial and will be maintained on file for not less than three (3) years.

8. Records furnished to the Governing Authority or its departments by third parties, which are subject to confidentiality restrictions, will not be release until notice to the third party has been given.

9. The records requested will be produced to the requesting party in the format requested if such format is reasonably available and such format does not result in, or create a reasonable threat that it will result in an intrusion into the business activities of the Governing Authority or its departments, a violation of copyright laws, a violation of licensing agreements, or a licensing rights or divulge protected software.

II. FEES

1. Per The Act, charges are assessed on a cost recovery basis. Any requesting party desiring copies of public records shall be charged twenty-five cents (\$0.25) per page, or the actual costs incurred by the Governing Authority of its departments, for copying the records, whichever is greater. Copies of pages printed on both the front and back shall be considered two (2) pages.

2. In the event searching, reviewing, and/or duplicating of records, or separating of non-exempt material from records, requires more than one-quarter (1/4) an hour of work, an hourly rate may be charged to the requestor in addition to the copy charges. Such hourly rate charge shall be based upon the hourly rate of the lowest paid employee(s) of the Governing Authority

who is/are qualified and available to perform the necessary work. The total hours charged to the requestor shall not exceed the total hours expended by personnel and/or contractors of the Governing Authority in the search, review, and/or duplication of the requested records.

3. If certified copies of records are requested, the following additional charges will be assessed: \$3.00 for the first page certified and \$1.00 per page for each additional page certified.

4. All fees requires of the requesting part shall be paid in advance of the records being produced. If payment is tendered in the form of personal or company check then there may be a waiting period of up to fourteen (14) days for the check to clear before the records are produced.

III. EXEMPT RECORDS

1. Any record expressly exempt from disclosure or deemed privileged by the Act or any other state or federal statute, constitution, or code, will not be made available for inspection or copying. Provided, however, if a record, which is found to be exempt from disclosure, contains material which is non-exempt, then the Governing Authority or the head of the appropriate department thereof will separate exempt material and make the non-exempt material available for inspection and/or copying.

2. If any public record contains material which is not exempted under this chapter, the Governing Authority shall redact the exempted material and make the non-exempted material available for examination. The Governing Body shall be entitled to charge a reasonable fee for the redaction of any exempted material as outlined in section II of this policy.

IV. MISCELLANEOUS

1. All prior orders and resolutions of the Governing Authority establishing policies and procedures for responding to public records requests are hereby rescinded and repealed.

2. This resolution shall become effective immediately upon its adoption.

Paul Griffin did offer and Gerald Steen did second a motion to adopt the above and foregoing Resolution. The vote on the matter being as follows:

Supervisor Trey Baxter	Aye
Supervisor Shelia Jones	Aye
Supervisor Gerald Steen	Aye
Supervisor David Bishop	Aye
Supervisor Paul Griffin	Aye

the motion carried unanimously and said Resolution was and is hereby adopted.

RESOLVED, on this the 3rd day of September, 2019.

Ronny Jott

Ronny Jott, Chancery Clerk



Trey Baxter

Trey Baxter, President