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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI ADOPTING PUBLIC RECORDS REQUEST POLICIES AND PROCEDURES**

The Mayor and City Council of the Bay St. Louis, Mississippi (the “City”), considered the matter of adopting a Public Records Request Policies and Procedures Ordinance (“Ordinance”).

**RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI TO ADOPTING AN ORDINANCE  
TO ESTABLISH PUBLIC RECORDS REQUEST POLICIES AND PROCEDURES**

**WHEREAS**, the City of Bay St. Louis, Mississippi, is a duly organized and incorporated municipality pursuant to Title 21, Chapter 8, Section 1, et seq., of the Mississippi Code of 1972, Annotated and all amendments thereto; and

**WHEREAS**, pursuant to Title 21, Chapter 17, Section 5, of the Mississippi Code of 1972, Annotated and all amendments thereto; the City governing authorities have the power to adopt any orders, resolutions or ordinances with respect to such municipal affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi, and shall likewise have the power to alter, modify and repeal such orders, resolutions or ordinances; and

**WHEREAS**, the City of Bay St. Louis, Mississippi desires to adopt a formal policy and procedure for requesting official public records from the City and its various departments; and,

**WHEREAS**, the Council authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance.

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI, THAT RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI ADOPTING AN ORDINANCE TO ESTABLISH PUBLIC RECORDS REQUEST POLICIES AND PROCEDURES.**

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**Sec. 1-1. Mississippi Public Records Act adopted.**

The Mississippi Public Records Act of 1983, as amended from time to time, is hereby incorporated herein by reference, and each and every definition, term and condition set forth therein is adopted for the use of the city.

**Sec. 1-2. Request for records.**

Any person requesting a public record held or controlled by the city shall do so in writing on the approved form provided by the city administration. Any such request shall be clear and concise as to the documents requested and shall include only one subject matter per form. The city clerk (municipal clerk) shall see that each request bears the date of its receipt in a prominent place on its face. The request date, for purposes of compliance, shall be the date of receipt as stamped received by the city clerk (municipal clerk) or his/her designee.

**Sec. 1-3. Request forms.**

The city shall receive requests for information, on the approved form provided by the city, to the city clerk (municipal clerk) at the address shown:

In person	688 Highway 90, Bay St. Louis, MS 39520
By mail:	688 Highway 90, Bay St. Louis, MS 39520
By Email:	cityclerk@baystlouis-ms.gov

Requests may also be received in all city departments and forwarded to the city clerk for approval. As noted in section 1-201, the date of receipt by the city clerk (municipal clerk) is the official request date. Requests made in person shall be during business hours (8:00 a.m. to 5:00 p.m.) on regular working days (Monday through Friday except legal holidays).

**Sec. 1-4. Approval or denial of request.**

It shall be the duty of the city clerk (municipal clerk) or his/her designee to evaluate and approve or deny all requests for information. This matter may be assigned to the City Attorney for evaluation and an opinion as to whether the information requested is a public record or exempt from the Public Records Act under Mississippi or federal law.

**Sec. 1-5. Production of records.**

If the information is approved, the city clerk (municipal clerk) or his/her designee shall cause the public records to be reproduced by the department that created the requested documents. That department shall provide the requested information in timely manner to ensure that the documents are submitted to the requestor within seven (7) working days of official request date.

If the city is unable to produce the requested record by the seventh working day after the request is made, the city clerk (municipal clerk) or his/her designee or representative shall provide a written explanation to the person making the request why the record cannot be produced during the seven-day period. In no case, unless agreed upon by the parties, shall any approved record be

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released more than fourteen (14) working days from the receipt of the request by the city clerk (municipal clerk).

**Sec. 1-6. Payment of cost.**

A fee based on an established fee schedule set by the administration will be assessed for the total cost of compliance with the request. The city shall collect all fees from the person requesting the records prior to providing the requested documents. Any such charges paid by a person requesting public records or public information shall be reasonably calculated to reimburse the city for the actual cost of providing the records.

**Sec. 1-7. Denial of request.**

If the request is denied, a detailed written explanation of the reason(s) for denial must be sent to the requestor within seven (7) working days of the official request date.

**Sec. 1-8. Maintenance of files.**

The city clerk (municipal clerk) shall maintain a file of all written denials of requests for public records. All records kept and maintained concerning denials of requests for access to records are to be preserved for a period of three (3) years from the date of the denial of such request.

**Sec. 1-9. Monthly report.**

The city clerk (municipal clerk) shall deliver to the governing authority a monthly report of all actions taken for the previous month including date, name of requestors and information requested. Such report shall be recorded in the minutes of the city.

**Sec. 1-10. Payment, pickup.**

Should payment for and/or pickup of requested records not be made within forty-five (45) days of notification of cost and/or availability for pickup, a new public records request will be required to request those records.

**Sec. 1-11. Public inspection.**

A copy of any ordinance governing the release of public records shall be made available for public inspection upon request at the office of the city council or city clerk (municipal clerk).

**NOW, THEREFORE BE IT ORDERED** that the Ordinance is passed and shall take effect one month after passage, unless passed unanimously in which case, the ordinance shall take effect immediately for the public good.

**NOW, THEREFORE BE IT ORDERED** that the City Clerk (municipal clerk), pursuant to Miss. Code 21-13-11, provide notice of the adoption of the Ordinance in the *Sea Coast Echo* for one (1) time.

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**NOW, THEREFORE BE IT ORDERED** that the Mayor, City Clerk (municipal clerk), or any of their designees are authorized to take all actions, including the revision of administrative forms, schedule of fees, and procedures to effectuate the intent of this Resolution.

After being reduced to writing, the foregoing Ordinance was read and considered, section by section, and then as a whole, whereupon Council Member \_\_\_\_\_ moved for its adoption, and after a second by Council Member \_\_\_\_\_, the following roll call vote was had:

Council Member Doug Seal	YEA/NAY
Council Member Gene Hoffman	YEA/NAY
Council Member Jeffrey Reed	YEA/NAY
Council Member Kyle Lewis	YEA/NAY
Council Member Buddy Zimmerman	YEA/NAY
Council Member Josh DeSalvo	YEA/NAY
Council Member Gary Knoblock	YEA/NAY

Passed by the City Council of the City of Bay Saint Louis on the \_\_\_\_ day of \_\_\_\_\_ 2024.

#### CERTIFICATION

I, Michael Reso, City Clerk for the City of Bay Saint Louis, Mississippi, do hereby certify that the foregoing Resolution was approved and adopted in the public meeting of the City Council held on \_\_\_\_\_, 2024, a quorum being present, in the City Council Conference Chambers and to be recorded in the Minute Books, said Council being the duly elected, qualified, and acting governing body of Bay Saint Louis, Mississippi.

Presented by me to the Mayor on this, the \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Michael Reso, City Clerk

Approved/Disapproved, and signed by me on this, the \_\_\_\_ day of \_\_\_\_\_ 2024.

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Michael J. Favre, Mayor

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