

ORDER OF THE
DESOTO COUNTY BOARD OF SUPERVISORS
ESTABLISHING PUBLIC RECORDS REQUEST POLICY

WHEREAS, the DeSoto County Board of Supervisors, acting as the governing body for DeSoto 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 Annotated § 25-61-1 et. seq (The Act); and

WHEREAS, the Governing Authority has followed the protocols set forth in The Act which sets for the general procedures to be followed when responding to a request for public records. The Act was amended the Mississippi legislature by the Laws of 2010, Ch. 501, section 1, effective July 1, 2010.

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 establish the procedures by which all records, as defined by The Act, and portions of such records, not exempt from disclosure, 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 PROCEDURE**

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 record's being sought and the name and address of the person or entity seeking the records.

2. The Governing Authority, or the head of the appropriate department thereof, as appropriate, 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, as appropriate, will notify the requesting party of the time, date and location when the same may be inspected. In the event the Governing Authority or the head of the appropriate department thereof, as appropriate, is unable to produce the non-exempt requested public records by the seventh working day after the request is made, a written explanation will be provided to the person making the request stating that the record requested will be produced but specifying with particularity why the records cannot be produced within the seven-day period. The written explanation will identify the time, date and location when the records will be produced in the same manner as set forth in paragraph 3. In no event shall the date for the Governing Authority or the head of the appropriate department thereof, as appropriate, to produce the requested records be any later than fourteen (14) working days from the receipt by the public body of the original request.

4. 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 the the Governing Authority or the head of the appropriate department thereof, as appropriate, identified as the date the records would be produced pursuant to paragraph 3.

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5. If the records requested are found to be exempt, the Governing Authority or the head of the appropriate department thereof, as appropriate, 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.

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

7. 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 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 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 or its departments, as appropriate, for copying the records, whichever is greater. Copies of pages printed on both the front and back shall be considered as 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 of the Governing Authority or the appropriate department thereof, as

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appropriate, qualified and available to perform the necessary work. The total hours charged to the requestor shall not exceed the total hours expended by the Governing or the appropriate department thereof, personnel.

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 required of the requesting party 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 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, the the Governing Authority or the head of the appropriate department thereof, as appropriate, will separate the exempt material and make the non-exempt material available for inspection and/or copying.

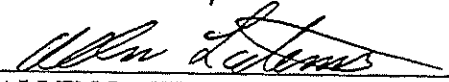
IV. MISCELLANEOUS

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.

EXHIBIT H. 76

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

SO RESOLVED, this the 7th day of February, 2011.


ALLEN LATIMER, PRESIDENT
DESOTO COUNTY BOARD OF
SUPERVISORS

I, hereby, certify that the foregoing is a true copy of the Resolution adopted in the regular meeting of the DeSoto County Board of Supervisors on the 7th day of

February, ~~2007~~ 2011
ATTEST:

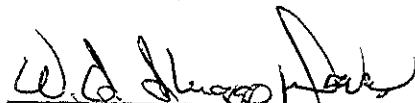

W.E. "Sluggo" Davis, Clerk

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