

**CITY OF OLIVE BRANCH
PUBLIC RECORDS REQUEST**

NAME: _____

DATE: _____

ADDRESS: _____

TIME: _____

TELEPHONE NO: _____

EMAIL: _____

TYPE OF RECORD REQUESTED: (BE SPECIFIC)

Send this information to me by: **EMAIL** _____
FAX _____
HARD COPY _____

NUMBER OF COPIES REQUESTED: _____

SIGNATURE: _____

FOR OFFICIAL USE ONLY

DATE OF RESPONSE: _____

ESTIMATED COST:

ADMINISTRATIVE TIME: _____ @ _____ = _____

REPRODUCTION COST: _____ @ _____ = _____

TOTAL ESTIMATED COST: _____

ACTUAL COST:

ADMINISTRATIVE TIME: _____ @ _____ = _____

REPRODUCTION COST: _____ @ _____ = _____

TOTAL ACTUAL COST: _____

AMOUNT DUE OR REIMBURSEMENT _____

REQUEST DENIED: _____

PAID BY RECEIPT NO. _____ **BY:** _____

CLERK

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF
OLIVE BRANCH, MISSISSIPPI ADOPTING PUBLIC RECORDS POLICY -
MODEL PUBLIC RECORDS RULES**

An Ordinance adopting a City of Olive Branch Public Records Policy based on Model Public Records Rules promulgated by the Mississippi Ethics Commission.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi as follows, to wit:

WHEREAS, the City has heretofore abided by a prior City of Olive Branch Public Records Policy, and

WHEREAS, the Ethics Commission, which has jurisdiction over Public Records issues, has recently adopted Model Public Records Rules, and

WHEREAS, the Mayor and Board of Aldermen desire to adopt a new City of Olive Branch Public Records Policy based on the Ethics Commission's Model Rules.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi as follows, to wit:

AUTHORITY AND PURPOSE

RULE 1. Authority and purpose.

"It is the policy of the Legislature that public records must be available for inspection by any person unless otherwise provided by this act. Furthermore, providing access to public records is a duty of each public body and automation of public records must not erode the right of access to those records." Section 25-61-1, Miss. Code of 1972.

"[A]ll public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body..." Section 25-61-5, Miss. Code of 1972.

The act defines "public record" to include any "all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other

documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body." Section 25-61-3(b).

The purpose of these rules is to establish the procedures the City of Olive Branch will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the City of Olive Branch and establish processes for both requestors and City of Olive Branch staff that are designed to best assist members of the public in obtaining such access.

The purpose of the act is to provide the public full access to public records concerning the conduct of government. The act and this Ordinance will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the City of Olive Branch will be guided by the provisions of the act describing its purposes and interpretation.

**PUBLIC BODY DESCRIPTION - CONTACT INFORMATION -
PUBLIC RECORDS OFFICER**

RULE 2. Public body description--Contact information--Public records officer.

(1) The City of Olive Branch is a Code-Charter Mississippi municipality. The City of Olive Branch's central office is located at 9200 Pigeon Roost Road. The City of Olive Branch has field offices at various locations, including but not limited to:

Police Department - 10470 Highway 178

Fire Department - 9245 Pigeon Roost Road

Public Works - 10175 Highway 178

Parks Department - 8877 College Street

(2) Any person wishing to request access to public records of the City of Olive Branch, or seeking assistance in making such a request, should contact the public records officer of the City of Olive Branch:

Public Records Officer

City Clerk

9200 Pigeon Roost Road, Olive Branch, MS 38654

662-892-9211

662-892-9223 - fax

Certain information is also available at the City of Olive Branch's web site at www.obms.us, including the email address for the currently serving City Clerk.

(3) The public records officer will oversee compliance with the act but another City of Olive Branch staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and the City of Olive Branch will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent the processing of public records requests from causing excessive interference with essential functions of the City of Olive Branch.

AVAILABILITY OF PUBLIC RECORDS

RULE 3. Availability of public records.

(1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the City of Olive Branch (Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays). Records must be inspected at the offices of the City of Olive Branch. The time, place and manner of inspection and copying of records will not be allowed to interfere with other essential duties of the City of Olive Branch.

(2) **Organization of records.** The City of Olive Branch will maintain its records in a reasonably organized manner. The City of Olive Branch will take reasonable actions to protect records from damage and disorganization. A requestor shall not take City of Olive Branch records from City of Olive Branch offices. Certain records are available on the City of Olive Branch web site at (www.obms.us). Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(3) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the City of Olive Branch should make the request in writing on the City of Olive Branch's request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to Rule 8 of this Ordinance, standard photocopies will be provided at \$0.15 cents per page.

(c) A form is available for use by requestors at the office of the public records officer and on-line at www.obms.us.

PROCESSING OF PUBLIC RECORDS REQUESTS — GENERAL

RULE 4. Processing of public records requests - General.

(1) **Providing access.** The City of Olive Branch acknowledges that "providing access to public records is a duty" and that "any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record" in accordance with these policies. Sections 25-61-1 and 25-61-5. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within seven (7) business days of receipt of the request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection or copying;

(b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request (Denials must be preserved on file for at least three (3) years.)

(3) **Consequences of failure to respond.** If the City of Olive Branch does not respond in writing within seven (7) business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the City of Olive Branch believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Inspection of records.**

(a) In coordination with other demands on City time, functions, and resources, the City of Olive Branch shall promptly provide space to inspect public records. No member of

the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the public body to copy.

(b) The requestor must claim or review the assembled records within thirty days of the City of Olive Branch's notification to him or her that the records are available for inspection or copying. The public body will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the public body to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the City of Olive Branch may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(8) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(9) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the City of Olive Branch has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the City of Olive Branch has closed the request.

(11) **Later discovered documents.** If, after the City of Olive Branch has informed the requestor that it has provided all

available records, the City of Olive Branch becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

PROCESSING OF PUBLIC RECORDS REQUESTS - ELECTRONIC RECORDS

RULE 5. Processing of public records requests - Electronic records.

(1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the public body and is generally commercially available, or in a format that is reasonably translatable from the format in which the public body keeps the record. Costs for providing electronic records are governed by Rule No. 8.

(3) **Customized access to databases.** With the consent of the requestor, the City of Olive Branch may, under special and limited circumstances, provide customized access if the record is not reasonably locatable or not reasonably translatable into the format requested. The City of Olive Branch may charge the actual cost for such customized access.

EXEMPTIONS AND THIRD PARTY INFORMATION

RULE 6. Exemptions.

The Public Records Act, as well as other statutes and court decisions, provides that a number of types of documents are exempt from public inspection and copying. In addition, other statutes or rules of law, such as various privacy restrictions, may prohibit disclosure. Requestors should be aware of the following non-exhaustive list of exemptions, outside the Public Records Act, that restrict the availability (for inspection and copying) of some documents held by City of Olive Branch:

- Academic records exempt from public access, see § 37-11-51.
- Appraisal records exempt from access, see § 31-1-27.
- Archaeological records exempt from public access, see § 39-7-41.

- Attorney work product, examination, exemption, see § 25-1-102.
- Concealed pistols or revolvers, licenses to carry, records, exemption, see § 45-9-101.
- Defendants likely to flee or physically harm themselves or others, see § 41-32-7.
- Environmental self-evaluation reports, public records act, exemption, see § 49-2-71.
- Individual tax records in possession of public body, exemption from public access requirements, see § 27-3-77.
- Judicial records, public access, exemption, see § 9-1-38.
- Jury records exempt from public records provisions, see § 13-5-97.
- Law enforcement records involving children, see § 43-21-255.
- Licensure application and examination records. exemption from Public Records Act, see § 73-52-1.
- Personnel files exempt from examination, see § 25-1-100.
- Public records and trade secrets, proprietary commercial and financial information, exemption from public access, see § 79-23-1. Specifically, the Mayor and Board of Aldermen do hereby find that the following types of information constitute commercial or financial information that is either exempt from disclosure, or subject to disclosure after notice pursuant to § 25-61-9.
 - Place of employment of an applicant for City services.
 - Place of employment of a spouse of an applicant for City services.
 - Driver's license no.
 - Social Security no.
 - Work telephone no. of applicant for City services.
 - Bank draft information.
 - Letter of credit information.
- Social Security numbers, see § 25-1-111.
- Workers' compensation, access to records, see § 71-3-66.
- Records subject to privilege, such as Attorney/Client, Physician/Patient, etc.
- Items set forth in § 25-61-12.

RULE 7. Third Party Information

When any person files or submits documents with the City of Olive Branch which the filer contends are exempt from disclosure under the Public Records Act, the filer shall provide a written statement at the time of filing which shall describe the documents filed and which shall fully explain why the documents

are designated as exempt from disclosure and must specifically cite any statute or other legal authority in support of such designation. Such written statement shall itself be a public record subject to disclosure.

Any document filed with the City of Olive Branch which contains trade secrets or confidential commercial or financial information subject to the protection of any applicable law or court decision shall be clearly designated as such by the filer on its face and submitted with an accompanying cover letter at the time of filing and shall be placed in an envelope or file folder marked in a designated distinctive color. Each page of each document shall be marked confidential. Upon request to inspect or copy any document so designated, the City of Olive Branch shall notify the person who filed the document. Twenty-one (21) days after such notice, the document(s) will be made available for public inspection or copying unless the filer shall have filed in Chancery Court a petition seeking a protective order protecting such records as confidential pursuant to Section 25-61-9, Miss. Code of 1972.

Any person filing documents with the City of Olive Branch shall, prior to filing, redact from the documents any social security numbers, account numbers or dates of birth not required to be listed. The City of Olive Branch shall determine on a case-by-case basis whether similar information may be redacted by the filer to prevent identity theft. In no event will the City of Olive Branch bear any responsibility for a filer's failure to redact such information which leads to or may lead to identity theft or other crime or loss.

COSTS OF PROVIDING PUBLIC RECORDS

RULE 8. Costs of providing public records.

(1) **Costs for paper copies.** Section 25-61-7(1), Miss. Code of 1972, reads as follows: "Except as provided in subsection (2) of this section, each public body may establish and collect fees reasonably calculated to reimburse it for, and in no case to exceed, the actual cost of searching, reviewing and/or duplicating and, if applicable, mailing copies of public records."

A requestor may obtain standard 8.5 x 11 or legal size black and white photocopies for \$0.15 cents per page and color copies for \$0.15 cents per page. Larger copies, such as plats, may cost more than \$0.15 per page and requestors will be charged actual costs on a case by case basis. Copy charges for some

specific types of records are set by statute and may exceed the amount stated above.

Before beginning to make the copies, the requestor must pre-pay all reasonably estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records in an installment. The City of Olive Branch will not charge sales tax when it makes copies of public records.

(2) **Costs for electronic records.** The cost of electronic copies of records shall be \$10.00 for information on a CD-ROM. The cost of scanning existing City of Olive Branch paper or other non-electronic records is \$0.05 per page. There will be no per page charge for e-mailing electronic records to a requestor, unless another cost applies such as research time, a scanning fee or system costs allowed under Section 25-61-7(2), Miss. Code of 1972.

(3) **Costs of mailing.** The City of Olive Branch may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check, or money order to the City of Olive Branch.

(5) **Charges for searching, reviewing and redacting.** The actual cost of searching for and reviewing and, if necessary, redacting exempt information from public records shall be based upon the hourly rate of compensation for the lowest paid agency employee qualified to perform the task, which shall be multiplied by the actual time to complete the task.

(6) City of Olive Branch may require payment in advance for all costs before providing copies or access to records.

(7) Certain City of Olive Branch departments have established, and the Board has adopted, fee schedules setting forth fees reasonably calculated to collect actual costs for reviewing requests, searching for records, assembling records for review or copying, and review of records for exempt material that must be redacted. Additionally, the established fees account for copy paper and copying supplies. Specifically, the Olive Branch Police Department, Fire Department, and Court have established fee schedules since the records requested from these departments regularly require legal and administrative review for exempt material that must be redacted. The fee schedules established in advance of requests are not designed to generate

revenue, but are designed to streamline the public's access to records and to compensate the City for actual costs incurred in processing requests for these departments. The fee schedules adopted by the Mayor and Board of Aldermen are set forth, and limited to, the schedules listed below:

-	Police Incident Reports	\$10
-	Police Accident Reports (picked up in person)	\$10
-	Police Accident Reports (Report Beam)	\$15
-	Police Compact Discs (photos/video)	\$25
-	Fire Report	\$10
-	Fire Investigative Report (paper/black and white photos)	\$10
-	Fire Investigative Report (CD/color photos/video)	\$25
-	Court - Background checks	\$15
-	Court - Background checks (no charge for government agency requests for background checks)	\$15

REVIEW OF DENIALS OF PUBLIC RECORDS

RULE 9. Review of denials of public records.

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition must include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer must promptly provide the petition and any other relevant information to the Mayor. The Mayor will immediately consider the petition and either affirm or reverse the denial within two business days following the City of Olive Branch's receipt of the petition, or within such other time as City of Olive Branch and the requestor mutually agree to.

(3) **Review by the Ethics Commission.** Pursuant to Section 25-61-13, if the City of Olive Branch denies a requestor access to public records, the requestor may ask the Ethics Commission to review the matter. The Ethics Commission has adopted rules on such requests. They may be found at www.ethics.state.ms.us.

(4) **Judicial review.** Any person whose request for public records was denied may institute a suit in the Chancery Court of DeSoto County seeking to reverse the denial, as set forth in Section 25-61-13.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi as follows, to wit:

1. Pursuant to Miss. Code Ann. Section 25-61-5, the Ordinance set forth herein is hereby adopted as the Public Records Ordinance of the City of Olive Branch.
2. This Ordinance repeals all prior Ordinances and Orders of the City of Olive Branch pertaining to Public Records and charges therefore, including the July 5, 1988 Order, the portions of the June 1, 2010 Order regarding Police records, the portions of the June 15, 2010 Ordinance regarding Fire Department records, the July 6, 2010 Public Records Ordinance, and the September 21, 2010 amendment to said Ordinance.

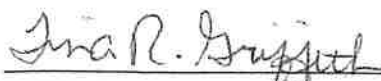
Passage of this Ordinance is now official and the same shall take effect and be enforced as provided by law.

ADOPTED, ORDAINED AND APPROVED this 6th day of February, 2018.



SCOTT B. PHILLIPS, MAYOR

ATTEST:



TINA R. GRIFFITH, CITY CLERK

The foregoing Ordinance was read, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was duly made by Alderman Collins, and seconded by Alderman Wallace, with the following results:

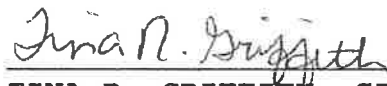
Alderman	Mark Aldridge	AYE
Alderman	George Collins	AYE
Alderman	Dale Dickerson	AYE
Alderman	Gil Earhart	AYE
Alderwoman	Pat Hamilton	AYE
Alderwoman	Joy Henderson	AYE
Alderman	David Wallace	AYE

The foregoing Ordinance was read, passed, adopted and approved on the 6th day of February, 2018.



SCOTT B. PHILLIPS, MAYOR

ATTEST:



TINA R. GRIFFITH, CITY CLERK