

CITY OF BILOXI
AGENDA ITEM
FACT SHEET

SUBSTITUTE

Item No.:

4 A

Council Meeting Date:

February 25, 2025

ITEM TITLE: ORDINANCE (2nd Reading)

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO

Peter Abide, City Attorney

SUMMARY EXPLANATION:

Ordinance to amend the Code of Ordinances Chapter 2 Article IX Public Records and Mississippi Uniform Crash Reports

Resolution ☒ Ordinance ☐ Public Hearing ☐ Routine Agenda ☐

Exhibits for Review

Contract ☐ Minutes ☐ Plans/Maps ☐ Deed ☐ Lease ☐

Other (Specify):

Submittal Authorization: Council President ☐ Mayor ☒

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: Glavan Second By: Gines

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Lawrence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tisdale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glavan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Newman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shoemaker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	McGilvary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

ACTION TAKEN: First reading on February 18, 2025

Ordinance No.

ORDINANCE TO AMEND THE CODE OF ORDINANCES CHAPTER 2 ARTICLE IX
PUBLIC RECORDS AND MISSISSIPPI UNIFORM CRASH REPORTS

WHEREAS, the city is in the process of updating its ordinances pertaining to Public Records and Mississippi Uniform Crash Reports; and

WHEREAS, the Biloxi City Council finds that it is in the best interests of the health, safety and welfare of the residents of Biloxi that Chapter 2 Article IX Public Records and Mississippi Uniform Crash Reports be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI:

SECTION ONE: That Chapter 2 Article IX Public Records and Mississippi Uniform Crash Reports is hereby amended as follows:

Sec. 2-9-3. – Production of or denial of access to records; payment of costs.

The City Clerk, or his or her designee, shall produce public records, deny requests for production of public records or provide a detailed written explanation why the requested public records are not immediately available within seven working days of the request, except as otherwise provided by law. Within that period, the City Clerk, or designee, shall notify the person requesting such information as to whether or not such request shall be honored. If the request is to be honored, the notice thereof shall may contain an estimate of the total cost of compliance with such request. The party requesting production must tender payment in the amount of that estimate before the requested public records are produced. If the records requested are unable to be produced within seven working days for reasons including, but not limited to, the need to consult legal counsel or needing additional time to comply with the request, the City Clerk, designee, or the City's Legal Counsel shall provide a written explanation to the person making the request. The notice shall be timed so as to allow the requested production within 14 working days of the request. ~~Where records are legitimately not immediately available for reasons, including, but not limited to, the need to consult legal counsel, and additional time is necessary to comply with the request,~~ Records should be produced as soon as possible, but no later than 14 working days of the request unless additional time is needed based on correspondence from the City or the City's Legal Counsel.

Sec. 2-9-6. – Fee for copying or research of records.

The city ~~shall~~ may, at its discretion, collect in advance for such copies from the person requesting copying or reproduction of any public record, at a rate of \$0.35 per copy (~~one side only~~). If the copies of public records are to be mailed, the city ~~shall~~ may, at its discretion, collect in advance from the person requesting the copies the estimated postage for mailing copies of such records. ~~If research time is utilized in locating or determining eligibility for release of any record requested, -~~ The city shall may, at its discretion, collect in advance from the person requesting the records for the estimated costs of such time spent researching, reviewing, and, if necessary, redacting records at the hourly rate of the lowest level employee or contractor competent to respond to the request \$5.00 per hour. If computer records are requested, an additional charge of \$50.00 per hour for the estimated costs of such records will be collected in advance from the person making the request. Charges for fractional hours shall be determined by multiplying the applicable hourly rate times a fraction, the numerator of which will be the number of minutes expended, and the denominator of which will be 60. Any such charges paid by a person requesting public records or public information shall be in such amount as to be reasonably calculated to reimburse the city for the actual cost of such services. Charges shall in no instance exceed the cost of searching, reviewing and duplicating such public records and, if applicable, mailing copies of public records. If the estimate exceeds the actual costs of the service requested, the excess shall be refunded to the party requesting the records at the time the requested copies are furnished.

SECTION TWO: This Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.