

MINUTES
HARRISON COUNTY DEVELOPMENT COMMISSION
June 16, 2020

A regularly scheduled meeting of the Harrison County Development Commission was called to order at 8:22 am on Tuesday, June 16th, 2020 at Harrison County Development Commission, Gulfport, Mississippi.

The Commissioners present were: President Frankie Castiglia, Jimmy Levens, Mike Leonard, Jennifer Burke, John "Shorty" Sneed, Warren Conway, Mark Schloegel, Brian Gollott, via phone conference Windy Swetman, Sharon Bentz and Frank Bordeaux.

Commissioners Absent: Rip Daniels.

The staff members present were: Executive Director Bill Lavers, Gia Blackwell, Lori Frazier and Michelle McGraw as recording secretary.

Consultants present: Legal Counsel Jim Simpson and Ron Jenkins Engineering Consultant.

The media was notified of this meeting via the Sun Herald and our <http://mscoast.org> website.

I. INVOCATION AND PLEDGE – OPEN MEETING & CALL TO ORDER

After the Invocation and pledge, President Frankie Castiglia opened the meeting and called to order at this time, and acknowledged the public notice was given.

II. AGENDA ADJUSTMENTS

John "Shorty" Sneed added the request to discuss the flag issue.

The Motion was made by Commissioner Jennifer Burke to amend the agenda and discuss the flag issue under old and new business. It was seconded by Commissioner Warren Conway. There was no discussion, all in favor of Ayed and the Motion carried.

III. INTRODUCTION OF GUESTS

Henry "Tut" Kinney, Gary and Mary Jane Mackey, Richie Ashley with Neel Schaffer Inc., and Kendall Marquar.

IV. MEETING MINUTES

The Motion was made by Commissioner Jimmy Levens to approve the May 8th, 2020 special called meeting minutes and the May 19th regular called meeting minutes and it was seconded by Commissioner Brian Gollott. Brief discussion took place to confirm Len Blackwell and John Felsher were present and to confirm the "Nay" votes regarding Site Zeus were recorded correctly. Jennifer Burke and Frankie Castiglia confirmed the minutes were correct. No further discussion, all in favor of Ayed and the Motion carried.

V. Vote Items

Pine Street Property & Development Lease with Option to Purchase \$20,000.00

Legal Counsel was not able to get the Resolution and Order prepared till late yesterday and wanted to ask us to verify they are correct before they go out. Bill Lavers presented the lease to purchase option in detail and stated its contingent on the approval of Pass Christian and Mayor Alderman and zoning. Morton Davis, the buyer, submitted his packet on June 8th for approval with Pass Christian. Discussion took place. The board wanted to confirm if we approve it and if the Board of Supervisors or The City of Pass Christian does not approve it, the lease to purchase falls through.

The Motion was made by Commissioner Jennifer Burke to approve the lease to purchase option and adopt the resolution; it was seconded by Commissioner Mike Leonard.

There was no further discussion, a roll call was taken and the Motion received the affirmative vote of the Commissioners as follows:

Yeas: 10 - Jimmy Levens, Brian Gollott, Mike Leonard, Frankie Castiglia, Jennifer Burke, Windy Swetman, John "Shorty" Sneed, Warren Conway, Mark Schloegel and Sharon Bentz.

Nays: 0

John Fayard Land Purchase \$9,000.00

Bill Lavers explained this was approved a year ago by the board for \$18,000 but we decided to cut the property in half. After researching who owned the property, we discovered the property is ours and we can sell it to John Fayard so he can have a driveway to his new facility in the near future. Jim Simpson explained the history of the piece of land and the steps that were taken to verify it was our land to sell and a quick claim deed was received from KCS.

The Motion was made by Commissioner Mark Schloegel to approve the sale and adopt the resolution; it was seconded by Commissioner John "Shorty" Sneed.

There was no further discussion, and the Motion received the affirmative roll call vote of the Commissioners as follows:

Yeas: 10 - Jimmy Levens, Brian Gollott, Mike Leonard, Frankie Castiglia, Jennifer Burke, Windy Swetman, John "Shorty" Sneed, Warren Conway, Mark Schloegel and Sharon Bentz.

Nays: 0

Clearing and Grubbing 17 acres and 1.5 acres quote \$112,000.00

Bill Lavers stated this was a quote to clear 1.5 acres around the elevated tank on Seaway Rd. for \$10,000 and to clear 17 acres next to Camp Bow Wow for \$102,000.

This will help sell the property and make it site ready and we will recoup the cost for clearing and grubbing in the sale of the land. Jennifer Burke confirmed the \$10,000 to clear around the tank would come out of Water and Sewer.

The Motion was made by Commissioner Jimmy Levens to approve and it was seconded by Commissioner Mike Leonard.

There was no further discussion, and the Motion received the affirmative roll call vote of the Commissioners as follows:

Yeas: 10 - Jimmy Levens, Brian Gollott, Mike Leonard, Frankie Castiglia, Jennifer Burke, Windy Swetman, John "Shorty" Sneed, Warren Conway, Mark Schloegel and Sharon Bentz.

Nays: 0

Fire Hydrant request to raise by the City of Gulfport

Jimmy Levens stated this is about raising the fire hydrants along Seaway Rd. where the City of Gulfport is putting in a pedestrian sidewalk and the elevation and cost of the fire hydrants was missed in the scope of the project. Some of the hydrants were covered up completely due to the elevation of the sidewalk. The cost will be between \$22,000 and \$25,000 to raise and include the valves which will be needed.

GUEST COMMENTS

Richie Ashley with Neel-Schaffer stated, there are a total of 12 fire hydrants some were covered up completely and others were not at proper height level. The City is looking at this as if a manhole needs to be raised the utility owner would raise it, they look at the fire hydrants and us as the utility owner to cover the cost.

Concerns were brought up about the 17 acres on Seaway Rd that will be cleared and developed eventually and the sidewalk runs right through the property. Jimmy Levens asked Richie Ashley if the City has thought about any issues companies with tractor trailers might have accessing the property? Mr. Ashley did not have an answer and agreed that it will be an issue in the future.

Jennifer Burke asked if the City of Gulfport would be willing to add this cost to the project and 80% be covered by the grant and the 20% would be a match by the HCDC. Mr. Ashley stated it would be an option.

John "Shorty" Sneed stated he did the research and concluded the fire hydrants were missed by the company responsible for the surveys and or engineering and this cost should be filed as an E&O claim based on professional liability.

The Motion was made by Commissioner John "Shorty" Sneed to give the City of Gulfport the authorization to add the fire hydrants into the scope of the project cost to include raising the fire hydrants and all expenses will be paid by the City. It was seconded by Warren Conway. There was no further discussion, all in favor of Aayed and the Motion carried.

- **Financial Statements and Claims for February Exhibit H and I**

Commissioner Jennifer Burke reviewed the financials and on the balance sheets she pointed out under liabilities, tenant security deposits, that \$\$ will be transferred to the purchaser of the Innovation Center and was on the financial settlement statement at closing. Land sales this month moving on to statement of earnings, you will see \$46,400 sale, the 2nd page, under special projects, promotional expenses \$10,200 is the Site Zeus Geo fencing expense. You see a bond payment of \$57,000 which is the payoff of the Innovation Center. Notes on claims, you see \$9,200 for the economic impact study due to Covid 19 and payment to Fletcher & Sippel under capital projects in regards to rail.

Commissioner Jennifer Burke made a Motion to approve Exhibits H & I and Commissioner Jimmy Levens seconded the Motion. There was no discussion, all in favor of Ayed and the Motion carried.

(Commissioner Frank Bordeaux joined the meeting via phone)

COMMITTEE ACTIVITIES

A. Marketing & Industrial

Bill Lavers said we have a few things we are working on to bring to the next Committee meeting on July 6th.

COMMITTEE ACTIVITIES

B. Administrative, Engineering & Maintenance

Water and Sewer Policy revised and will review at the next committee meeting.

VI. Directors Report

Bill Lavers shared photos of FL Cranes progress in the North Harrison Industrial Park. Marketing and Business Director Reports were reviewed, and no discussion took place.

VII. Old/New Business

Gomesa update:

Information was turned in to do continued bank stabilization along the seaway on the southside and the sea one spoil area. We asked for additional funds to dredge and we are working to finish our application and submit by the 30th of this month for \$1.4 million dollars.

Proposed Amended and Restated Lease Agreement between Harrison County Development Commission and the Harrison County Board of Supervisors acting for and on behalf of Harrison County and Goodnight Terminal Services:

Jim Simpson explained why the original agenda sent out included this as a vote item and then it was removed and now back on the agenda. We had a few changes at the last minute that needed to be completed and was able to do so for today's meeting.

President Frank Castiglia stated Mr. Henry Kinney attended the last Engineering and Maintenance Committee meeting and brought up some valid points and challenged us to do our due diligence before voting on this today. He is a guest today and will be given 5 minutes to speak to the board.

GUEST COMMENTS

Mr. Kinney asked what it was we were discussing? The GTS Lease? What is it? Is it an amendment to the lease, what are the changes? Mr. Simpson answered it is a proposed Amended and Restated Lease Agreement between Harrison County Development Commission and the Harrison County Board of Supervisors acting for and on behalf of Harrison County and Goodnight Terminal Services. Mr. Kinney asked if this was for tank cleaning? Mr. Simpson stated we have an existing lease for tank storage. What this proposal does is restates the lease and adds cleaning to the storage they have already so it is both. Mr. Kinney confirmed it allows the cleaning of tank cars and additional storage. Mr. Simpson said the proposed amended lease adds 800 ft of storage to the track for a total of 2,844 square feet. It clarifies they are allowed to do the cleaning on 600ft of the track and adds an easement of 600 x 20 ft to clean the cars.

Mr. Kinney pointed out he went through the documents he requested. In emails someone asked about the process and the effect this might have on the neighborhood. He stated this was 1,000 ft from people's residences at the end of the block. He referred to a quote he read in an email "outside concerns are not relevant in my opinion". He said our director doesn't care about what effect this has on the neighborhood. This will be the mantra as this thing goes forward. Mr. Kinney passed around photos he brought of tank cars being cleaned to share with the board. He said this is no high-tech operation, this is 2 men and a pickup truck. He asked how they were going to clean the cars? Mr. Kinney stated cleaning requires a conditional use permit. Do we want to allow the cleaning of dirty, filthy, tank cars with a bucket underneath, a bucket underneath with a hose...? Okay. A bucket underneath with a hose with 2 men and a pickup truck.... Okay. The proposed tenant has submitted 13 rail tracks to be put there with 163 rail cars. At some point they want to put a railroad switching yard in here. Do you want to put a railroad switching yard in here, he asks? Is that what you want to eventually do? Do you want to put a railroad switching yard in here 1,000 ft from a neighborhood? Mr. Kinney then passed around a document and stated they were safety data sheets. He has heard they use vegetable oil, acrylic and sand blasting to clean cars. He stated the tenant calls himself a chemical supplier to be excluded from the Covid things. Mr. Kinney said we were approving all of these things and none of it has been discussed in a public meeting. What are we trying to do? Do you want to allow the heavy-duty industrial use of this property for tank cleaning? "I guess it will start with 2 men in a truck with a bucket and I suggest that is not what you should allow".

Commissioner Jennifer Burke politely reminded him he was past the 5 minutes allowed and asked him to please wrap up his final statement. Mr. Kinney passed around another document he received from Port Bienville facilities. He stated as of June 10 the tenant was \$130,000 behind on his rent and violated his agreement to have 22 cars stored and had greater than 100 and has been embargoed. Mr. Kinney stated the tenant made a payment last Friday and he is sure it was a result of the issues he has raised. Mr. Kinney stated the Commission has not communicated opening and reasonably with its fellow agency to determine all of these factors.

Commissioner Jennifer Burke thanked Mr. Kinney and said "the board would like to address everything they have done and it was considerably a lot of what you have claimed we have not done."

Jimmy Levens, Jennifer Burke and Frankie Castiglia displayed sample containers of the materials used to clean cars. Frankie began the presentation by letting everyone know that they had visited the facility and collected these samples during the cleaning process in order to get a better understanding of how the cleaning is done. Frankie stated in his opinion there are no chemical spills, no leakage, no water runoff and no hazardous materials used. He stated that no hazardous materials are allowed in Port Bienville or into his facility. They will not be able to be brought into our facility either. First there is a stop guard with Yelvington, which will take the rail cars from CSX and bring them through Yelvington's yard onto the storage facilities. Yelvington cannot handle any kind of hazardous materials so they will never end up on our property. The material you see today is the materials they use to clean rail cars.

They are two different types of cars GTS cleans. Jimmy Levens presented the first container that has latex in it and described it as a glue substance they drain into a 55-gallon drum and meets all the Osas requirements. The process involves 3 people, a spotter on the top, a man inside the tank after they do a sniffer test, and then a man on the ground. The material is scraped off first, then goes into a 275-gallon tote, then water is used and put in an iso tank and then taken to a landfill that accepts that material. GTS pays to have this hauled out. The MSDS Sheet do not show any of these materials are toxic.

The second type of car cleaning uses a substance like mineral oil or a food grade oil product to use as a lubricant. The sandblasting Mr. Kinney was referring to uses a foam product, he passed around a container of the actual product used. Jennifer pointed out, before a car comes to the facility it has already been certified and cleaned of any oil prior to the cleaning to be done on our property. This foam product is used to remove rust from inside the car. Jimmy passed around the product after it's been used to clean (a more condensed version of the foam) and stated they use this about 3 to 4 times in their application. During their visit of the facility they noted the facility was clean and safety did not seem to be a concern. Jimmy reinforced the statement that Port Bienville is not allowed to bring in any material that is a hazmat based hazardous material. GTS has a storage facility that holds about 500 to 600 cars plus their operation in Port Bienville. Without getting into the legal issues Mr. Kinney insinuated, it appears GTS received a huge load of rail cars and went into an embargo because it flooded the rail system for Port Bienville. GTS is working out an agreement with Port Bienville to handle the issue. That is why you see a difference in billing and being embargoed. Long Beach can store 22 cars and with the extension maybe another 10 for a total of 32 cars stored. The process for washing rail cars alongside the cars is the way railcar cleaning operates. It's

the same for everyone unless there is a bunch of sludge. That is not what GTS is doing; they clean the walls. Jimmy stated this was his final synopsis of it, you can stick your finger in the latex and it will coat and peel off.

Jennifer Burke took over the presentation and discussed the idea of runoff and spills and anything along those lines. She explained once they peel off as much as they can it goes into a 55-gallon drum, then it is washed out and pumped into the large 275-gallon tote. After cleaning about 3 cars that tote becomes full, it is then removed to another facility that treats it, this does not go into our waste water at all. If there is any kind of spill, they use the kitty litter method to clean it up with barriers around it, and it wipes up and goes away. If they have a spill that is more than 5 gallons, even though they have never had one, they are contracted through Chemtrec to call them in to clean it up. They would do a soil remediation, removing the soil and replacing it. Remember this has never happened and GTS has never had a spill over 5 gallons. The process is very clean and simple. Three Commissioners watched the process and had no concern whatsoever. John Shorty Sneed brought up the point if they were doing anything bad, they would not be able to get the pollution liability insurance they currently have.

Discussion took place about a conditional use permit and if it was needed based on the operation that GTS will be doing and who it will go through. Jim Simpson answered all questions stating it would go through the county and GTS has already talked with Patrick Bonk and the type of cleaning they will be doing will not require a conditional use permit. The dry cleaning that will be used is permitted by right. GTS has done their due diligence and had Patrick Bonk, the Executive Director of the Planning and Zoning Commission, witness the cleaning techniques they do before they asked for the cleaning and extra storage amendment. Patrick stated in an email if they did anything that involved a lot of fluids it would require a conditional use permit. Jim Simpson confirmed to the board, GTS will not need a conditional use permit. Based on the amendment we have written into the lease and the type of cleaning they will be doing they will not have to apply for a conditional use permit they can operate by right.

Discussion took place to ensure no hazardous material could ever make it to the Long Beach track and it was determined it was virtually impossible for a hazardous railcar to make it through Yelvington, and it would have to pass through them first before arriving at the Long Beach Industrial Park. Bill Lavers brought up that Yelvington operates 32 yards in the USA and would never risk a hazardous car making it through them. Bill Lavers also brought up its written in the lease if ever a hazardous rail car is on our site the lease terminates immediately.

Mr. Kinney asked to speak against Frankie Castiglia's wishes but Commissioner Warren Conway said he wanted to hear what he had to say. Mr. Kinney stated he had an email from Patrick Bonk stating the cleaning of the cars would require a conditional use permit application. Jennifer Burke confirmed that if GTS wants to do that type of cleaning, they would have to get the permit, but our lease doesn't allow that process. We are not giving any authority to do what may be required. Jim Simpson then read the email by Patrick Bonk, the "storage" for the latex would require a conditional use. They are not allowed to store anything but rail cars per the lease. Bill confirmed GTS has a warehouse they store materials at. The email reference to the conditional use has nothing to do with the car cleaning they are allowed to do per the lease. Jim Simson confirmed and made it clear to the board our lease does not give permission to do anything that requires a conditional use permit.

President Frankie Castiglia then gave GTS permission to speak and answer any questions the board may have. Brian Gollott asked how long have they been doing this? GTS answered, 27 years and he went into detail the seriousness they take for the safety of their employees and the equipment they use. He ensured the board that if there was ever a problem the EPA would step in and that has never happened. The EPA came 5 times in the first few months of their operation and since maybe have visited 3 or 4 times. He stated they keep a very clean facility and would never risk injury to anyone. Mr. Mackey also clarified it is not 2 men and a pickup truck. They have 3 to 5 people with harnesses, winches, tripods, radios, approved trailers and special machinery that runs alongside the car, like a crawler with a man lift arm but it's not a pickup truck. They have never had an incident in the 27 years they have been in business.

More discussion took place on why GTS was moving from Port Bienville to Long Beach. The reason GTS stated was because the railcar storage rates have gone up to high for him to continue operating there. GTS also wanted to clarify the statement Mr. Kinney brought saying they were "past due" on rent was incorrect.

Jim Simpson wanted to make sure the board fully understood the email reference by Patrick Bonk. He stated the email explains the activities as he understands it would fall under warehousing and storage or manufacturing or industrial. Depending on what they do out there is which category they will fall under. Warehousing and storage, they can do by right and that is what we contemplated what would be taking place and that is how the lease was written. If they did manufacturing and industrial, they would be required to have a conditional use permit. The way you decide which one it is, as Patrick states, it's either a primary or accessory use. You learn what % is the storage of the latex product they dilute on site vs other stuff they store. The Mackey's describe their latex and water use as only 5% over in Hancock County. If the only use is 5% that would be an accessory use and will not likely need a conditional use permit. Bill Lavers stated Patrick Bonk has already been to the site, seen the process and determined it was not primary use and no permit was needed.

The Motion was a motion made by Jimmy Levens to approve the amended and restated lease and resolution; it was seconded by Commissioner Jennifer Burke. There was no further discussion, and the Motion received the affirmative roll call vote of the Commissioners as follows:

Yeas: 9 - Jimmy Levens, Brian Gollott, Mike Leonard, Frankie Castiglia, Jennifer Burke, Sharon Bentz, John "Shorty" Sneed, Windy Swetman and Frank Bordeaux.

Nays: 2 - Warren Conway and Mark Schloegel.

Windy Swetman ended participation in the meeting due to other meetings he needed to attend.

VIII. Legal

Reaffirm the Public Records Request Form and Policy was updated June 2019:

Jim Simpson wanted to make sure it was included in the minutes the public record policy and request form have been updated as of June 2019 and adopted by the board and they would be included with today's minutes. It was brought up by Mr. Kinney the policy and form were not attached to the minutes published back in June 2019 so in his opinion it was not adopted properly.

The Motion was a motion made by Warren Conway to readopt the public records policy and form and ensure that it was spread within the minutes, not only appended as an exhibit. It was seconded by Commissioner Mike Leonard. There was no further discussion, and the Motion received the affirmative roll call vote of the Commissioners as follows:

Yeas: 10 - Jimmy Levens, Brian Gollott, Mike Leonard, Frankie Castiglia, Jennifer Burke, Sharon Bentz, John "Shorty" Sneed, Warren Conway, Mark Schloegel and Frank Bordeaux.

Nays: 0

Issue of the flag:

Discussion took place regarding the current flag and a statement made insinuating it hinders economic development in Mississippi. President Frankie Castiglia confirmed there has been no written statements to back any truth in that but we do feel there needs to be a change to the flag.

The Motion was made by John "Shorty" Sneed to go on record as a public body recruiting business to the coast, in favor of changing the flag. It was seconded by Warren Conway. There was no discussion, all in favor of Ayes and the Motion carried.

IX. Announcements/Notices

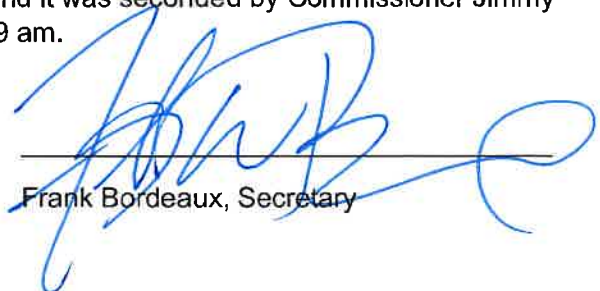
- Next Engineering and Marketing Committee Meeting July 6, 2020 11:30 a. m.
- Next Board of Commission Meeting: July 21, 2020 @ 8:15 a.m.

X. ADJOURN

There being no further business to come before the Commission, Commissioner Jennifer Burke made a Motion to adjourn and it was seconded by Commissioner Jimmy Levens. The meeting was adjourned 10:09 am.



Frankie Castiglia, President



Frank Bordeaux, Secretary

HARRISON COUNTY DEVELOPMENT COMMISSION
POLICY FOR ACCESS, FEES AND REPRODUCTION OF PUBLIC RECORDS

INTRODUCTION

The Commissioners of the Harrison County Development Commission (hereinafter "the Commission") has adopted this Public Records Policy to provide information and guidance to records and requestors for complying with the Public Records Act, Section 25-61-1 through 25-61-17, Miss. Code of 1972 ("the Act"). The purpose of this policy is to provide "reasonable written procedures ... concerning the cost, time, place, and method of access to public records and to give public notice of the procedures" as required by Section 25-61-5. If there are any conflicts between these Rules and "the Act" then "the Act" controls.

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.

"All 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 "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, 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 this policy is to establish the procedures the Commission will follow in order to provide full access to public records. This policy also provides information to persons wishing to request access to public records of the Commission and establishes processes designed to assist members of the public in obtaining such access.

EXECUTIVE DIRECTOR AS PUBLIC RECORDS OFFICER

The Commission designates the Executive Director as the point of contact for members of the public seeking public records. Upon receiving a public records request, the Executive Director shall acknowledge receipt of same and shall route the request to the appropriate staff member(s) for processing. The Executive Director shall maintain a file of all public records requests received and all completed public records requests in the office of Harrison County Development Commission.

AVAILABILITY OF PUBLIC RECORDS

Public records can be made available for inspection and copying during normal business hours of the Commission, Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding legal holidays. Any person requesting public records of the Commission must complete the Public Records Request form adopted by the Commission and submit same to the Executive Director, either by email to Blavers@mscoast.org or by in written form delivered to the Executive Director at 12281 Intraplex Parkway, Gulfport, MS. 39503. If email is used the requestor should request confirmation of receipt of the same to avoid any question the request was received. If you do not receive confirmation of receipt upon request, the requestor should contact the Executive Director. A notation on the public records request form of "See attached letter" is not acceptable. The request submitted must be on the Commission approved form and clearly identify the public records requested.

A requestor has a duty to request identifiable records. The Commission is not required to conduct research for a requestor, but only to produce identifiable public records. When the Commission receives a broad or vague request, it may seek clarification of the request from the requestor. The Commission is not obligated to create a new record to satisfy a records request but only to produce existing records. If the records requested are voluminous and the fees for copying same appear cost-prohibitive, the requestor shall be given the opportunity to inspect the records and then consider selecting which records to copy or not. The requestor will, however, be charged the usual research time for the department personnel gathering all of the records to be reviewed.

PROCESSING OF PUBLIC RECORDS REQUESTS

Communication is the key to a smooth public records process for both requestors and the Commission. When the Commission receives a large or unclear request, it shall communicate with the requestor to attempt to clarify the request. If the request is to be modified the requestor shall submit a revised written public records request.

The Commission will provide a response to a request for public records not later than seven (7) working days from the date of the receipt of the request for the production of the record. However, in cases where, due to the volume or complexity of the request the Commission is unable to produce a complete response to the request for public records by the seventh working day after the request is made, the Commission will provide a written explanation to the person making the request stating that the records 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, in no event shall the date for the public body's production of the requested records be any later than fourteen (14) working days from the receipt by the public body of the original request. Production of competitive sealed proposals in accordance with requests made pursuant to this section shall be no later than seven (7) working days after the notice of intent to award is issued to the winning proposer. Persons making a request for production of competitive sealed proposals after the notice of intent to award is issued by the public body shall have a reasonable amount of time, but in no event less than seven (7) working days after the

production of the competitive sealed proposals, to protest the procurement or intended award prior to contract execution

As soon as possible after receipt of a public records request, the Executive Director shall provide an estimate of the cost of searching, reviewing if necessary, and copying, if requested, of the records requested. If a request for public records is to be denied the Executive Director will provide such response within seven (7) days of receipt of a public records request and the reasons therefor.

Access to a public record can be provided by allowing inspection of the record, providing a copy of the record, or posting the record on the Harrison County Development Commission web site and/or assisting the requestor in finding it. The Commission shall mail a copy of records, if requested and provided the requestor pays the actual cost of postage plus the cost of searching, reviewing and copying the same. The requestor can specify which method of access (or combination, such as inspection and then copying) he or she prefers.

If a portion of a record is exempt from disclosure, but the remainder is not, the Commission will redact (black out) the exempt portion and then provide the remainder to the requestor. Originals should not be redacted. For paper records, the Commission shall redact materials by first copying the record and then on the copy use a black marker or equivalent to redact the exempt portion of that record.

When the Commission claims an exemption for an entire record or portion of one, it will inform the requestor of the exemption and provide a brief explanation of how the exemption applies to the record or portion withheld. The brief explanation shall provide enough information for the requestor to make a determination of whether the claimed exemption is proper. The Commission shall charge a reasonable fee for the review and redaction of any exempted material, not to exceed the agency's actual cost.

If the request seeks to inspect records, the Commission shall notify the Requestor that the requested records are available for inspection with the statutory time period upon payment of costs, if any, and ask the requestor to contact the Commission to arrange for a mutually agreeable time for inspection. The notification shall recite that if the requestor fails to inspect or copy the records or make other arrangements within thirty days of the date of the notification the Commission will close the request. If a request seeks copies, or there is a cost associated with the search or review of the records, the Commission shall notify the Requestor of the projected costs and whether a deposit is required before the search, review or copies made will commence.

ELECTRONIC RECORDS

The process for requesting electronic public records is the same as for requesting paper public records. Costs for providing electronic records are as provided in this Policy. However, in certain cases, and with the consent of the requestor, the Commission may provide customized access if a record is not reasonably locatable or not reasonably translatable into the format requested. In such instances the Commission may charge the actual cost for such customized access.

The Commission can only produce public records if it can locate the records based on a description provided by the requestor and can only produce records which it can reasonably locate. When locating the requested records or translating them into the requested format cannot be done without specialized programming, with the agreement of the Requestor the County may charge actual fees for "customized access."

EXEMPTIONS AND THIRD PARTY INFORMATION

The Public Records Act, as well as other statutes and court decisions, provide 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 are directed to and should be aware of exemptions as set forth in "the Act" and other exemptions under the law which may apply.

When any person files or submits documents with the Commission, which the filer contends are exempt from disclosure under "the Act", the filer may provide a written statement at the time of filing which shall identify the documents requested to be designated as exempt from disclosure and which shall fully explain why the documents are requested to be designated as exempt from disclosure and must specifically cite any statute or other legal authority in support of such designation.

Any person filing documents with the Commission shall, prior to filing, redact from the documents any social security numbers, account numbers, dates of birth or other private information not required to be listed. In no event will the Commission 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.

COST OF PROVIDING PUBLIC RECORDS

The cost for reproducing paper copies of records shall be \$0.50 per page plus the costs of searching and reviewing said records if required. The cost for searching for and collecting the requested information shall be based upon an hourly rate as determined by the salary of the lowest paid employee capable of performing the work.

The Commission may require payment in advance for all costs before providing copies or access to records.

If the Commission gathers requested information from several sources and creates a list of information on several pages, these pages shall be scanned and made available as an Adobe Acrobat PDF copy at a cost of \$0.50 per page.

In cases where a request is large or voluminous or may require substantial time and effort to A requestor may be required to pre-pay all reasonably estimated costs of searching for and reviewing and, if necessary, redacting exempt information from public records. A requestor may also be required to pre-pay all reasonably estimated costs of copying all the records requested before copying of such records is commenced. If the request requires legal review of the records requested, the estimated cost thereof must also be paid.

If inactive records are requested, which have been placed in storage, the requestor shall pre-pay the cost to retrieve said records from storage.

The Commission shall also charge actual costs of mailing. Payment may be made by cash, check, or money order, payable to Harrison County Development Commission.

If the requestor seeks inspection of a large number of records, but only selects a smaller group of them for copying, copy charges will only be made for the records selected by the requestor. However, charges can be made for searching, reviewing, and redacting records not copied.

If the requestor specifies that he/she seeks inspection of records, the requestor shall first pay Harrison County Development Commission an estimate of the cost involved for searching and reviewing, if necessary, of the records requested. Upon inspection of the records, the requestor may choose to have certain of those records inspected to be copied, at which time the requestor shall submit a new public records request for copies of certain designated records at a cost of \$0.50 per page.

All fees shall be collected in advance of complying with a request.



HARRISON COUNTY
Development Commission

12281 Intraplex Parkway, Gulfport, MS 39503
phone 228-896-5020

Public Records Request

Instructions: Complete the information below and submit to Blavers@mscoast.org. Harrison County Development Commission will respond within 7 working days of receipt of this request. Costs for research/review, reproduction, postage expense will be included. Fees must be paid prior to records being released. Fees must be paid by personal check or money order and made payable to Harrison County Development Commission.

Date Requested: _____
Requested By: _____
Organization: _____
Phone: _____
Email Address: _____

Please Select Format Below:
Map (Y/N) _____
Electronic (Y/N) _____
Hardcopy (Y/N) _____
Delivery Method _____

Records Requested:
Date range (if applicable) _____
Description: _____

Summary of fees

If unable to produce records, indicate reason below:
Nonexistent
Private Data
Costs Prohibitive
Other, (see attached explanation)

Rate ___ x hours= _____
Storage Retrieval cost: _____
Hardcopy costs: ___ copies@ _____
Total of Production costs: _____

Date Request Received: _____
Response Date: _____

Request Received by: _____
Response Prepared By: _____

SIGNATURE BELOW INDICATES APPROVAL TO PROCEED WITH REPRODUCTION OF RECORDS AND AGREEMENT TO PAY ASSOCIATED FEES:

Signature: _____ Date: _____