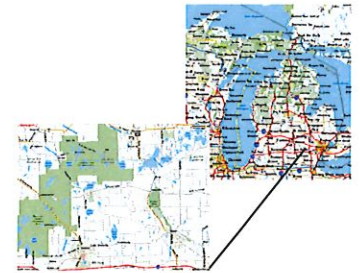


Harley B. Rider  
*Supervisor*  
Debra Ceo  
*Clerk*  
Libby Brushaber  
*Treasurer*  
Michael Compton  
James Drolett  
Bill Gajewski  
Mark Mesko,  
*Trustees*

# DEXTER TOWNSHIP

6880 DEXTER-PINCKNEY RD.  
DEXTER, MI 48130  
(734) 426-3767  
[www.dexter.org](http://www.dexter.org)



## POLICY 01.01.05 – Records Inspection and Freedom of Information Act

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DATE APPROVED BY BOARD (Original): 2014 July 15  
DATE EFFECTIVE (Original): 2014 July 15  
**REVISION NUMBER: 1**  
DATE APPROVED BY BOARD (Revision): 2016 September 20  
DATE EFFECTIVE (Revision): 2016 September 20  
**REVISIONS NUMBER: 2**  
DATE APPROVED BY BOARD (Revision): 2020 September 15  
DATE EFFECTION (Revision): 2020 September 15

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Signature – Township Supervisor

  
Signature – Township Clerk

- I. POLICY:** It is the policy of Dexter Township that government should be open and fully transparent. As such, members of the public, except for those persons incarcerated in state and local correctional facilities, have a right to access to the records of Dexter Township in full compliance with applicable statutes, with reasonable limitations on when and how records can be viewed so as to balance the rights of the public within the abilities of Township officials and staff to serve the needs of the Township. The Township's policy with respect to FOIA requests is to comply with State Law.
- The Michigan Penal Code states: "Any officer having the custody of any county, city, or township records in this state who shall when requested fail or neglect to furnish proper and reasonable facilities for the inspection and examination of the records and files in his or her office and for making memoranda of transcripts therefrom during the usual business hours, which shall not be less than 4 hours per day, to any person having occasion to make examination of them for any lawful purpose is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00. The custodian of said records and files may make such reasonable rules with reference to the inspection and examination of them as shall be necessary for the protection of said records and files and to prevent interference with the regular discharge of the duties of such officer. The officer shall prohibit the use of pen and ink in making copies or notes of records and files in his or her office. No books, records, and files shall be removed from the office of the custodian thereof, except by the order of

the judge of any court of competent jurisdiction, or in response to a subpoena duces tecum issued therefrom, or for audit purposes ... with the permission of the official having custody of the records if the official is given a receipt listing the records being removed." (MCL 750.492)

The Freedom of Information Act (FOIA) gives the public "a right to inspect, copy, or receive copies" of public records. The FOIA also requires: "(3) A public body shall furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. A public body may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. A public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction." (MCL 15.233)

## **II. DEFINITIONS**

### **A. F.O.I.A Coordinator**

- 1 The Township Clerk shall be the Freedom of Information Coordinator and shall be responsible for directing and/or delegating Township staff in the compliance with requests for records. Adoption of this policy by the Township Board shall serve as official designation by the Board of the F.O.I.A. Coordinator.
- 2 In the absence of the Township Clerk, the Deputy Clerk shall serve as the F.O.I.A. Coordinator.
- 3 In the absence of both the Clerk and the Deputy Clerk, the senior Office Manager or designee shall serve as the F.O.I.A. Coordinator and shall immediately report all F.O.I.A. requests to the Clerk, or the Deputy Clerk.

### **B. Records**

- 1 As used in this policy, "records" includes all papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by Dexter Township, its officials and employees in connection with the transaction of Township business and preserved or appropriate for preservation by Dexter Township as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of Dexter Township or because of the informational value of data in them.
- 2 "Records" do not include items received by Dexter Township from other governmental agencies which originated the documents, or forwarded the documents to Dexter Township, when said documents in the custody of Dexter Township are copies of documents originating by other governmental agencies.
- 3 The Township has no obligation to create a record that doesn't exist at the time of a request.

### **III. PROCEDURE**

#### **A. Applicable Statutes (NOTE: The statutes listed below are by way of example, but not limitation)**

- 1 Freedom of Information Act: Public Act 442 of 1976, as amended (MCL 15.321 et seq)
- 2 General Property Tax Act: Public Act 206 of 1893, as amended (MCL 211.1 et seq)
- 3 Michigan Penal Code: Public Act 328 of 1931, as amended (specifically MCL 750.492)
- 4 Bullard-Plawecki Employee Right to Know Act: Public Act 397 of 1978, as amended (MCL 423.501, et seq)

#### **B. Costs/Fees – General**

- 1 Per MCL 15.2342) “A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request to an individual who is entitled to information under this act and who submits an affidavit stating that the individual is then receiving public assistance or, if not receiving public assistance, stating facts showing the inability to pay because of indigency”. Said affidavit shall be filed with the FOIA Coordinator.
- 2 Per MCL 15.234(3), as amended, the Township shall not charge “for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information...unless failure to charge a fee would result in unreasonably high cost to the [Township] because of the nature of the request in the particular instance, and the [Township] specifically identifies the nature of these unreasonably high costs”.
  - a. “Unreasonably high cost” shall mean if overtime pay, or pay for calling in a staff member who was not otherwise scheduled to work at the time of complying with the request, if such additional pay was necessary to comply with the request and the statute.
  - b. It is expected that a Township salaried elected official shall facilitate any required separation and/or redaction, in which case no additional cost would be incurred. However, if legal advice and/or review is necessary for compliance, that cost may be charged in accordance with MCL 15.234.

#### **C. Inspection of Records**

- 1 Notice
  - a. In the interest of expedient service to the public, staff shall endeavor to provide supervised inspection of records when requested, providing the operations of Dexter Township are not negatively impacted.
  - b. If adequate staff is not available at the time of request, the Executive Committee shall make adequate staff available to honor the request within two (2) business days following the request.

## 2 Forms (FOIA)

- a. The Township shall provide forms for requests to inspect/produce records. The form shall specify the following:
  - (1) Date of request
  - (2) Name of requester, address and contact information (phone number or email address of requestor).
  - (3) Description of record(s) the requester wishes to inspect
  - (4) Whether or not copies are requested
  - (5) Whether or not the request is granted in full or in part, and if not granted or partially granted, the reason(s) for not fully granting the request
  - (6) Name and title of Township personnel receiving the form
  - (7) Date inspection was facilitated
- b. Notwithstanding the above, requests made specifically under the FOIA may be made in any written form, providing the request contains all information in (1) through (3) above.

## 3 Supervision

- a. Township staff shall at all times be in the direct proximity of the records during inspection. Direct proximity includes the general central office area when records are being inspected in the conference room.
- b. Inspection of simple records (generally one or two pages) may be facilitated at the front counter, at the discretion of the staff member facilitating the request.
- c. Inspection of more detailed or extensive records shall be facilitated in the conference room, with all blinds and doors fully open, or in the office of an official providing direct supervision when that official is present in said office.

## 4 Cost(s)

- a. The Township may charge the applicant the hourly rate of lowest paid Township employee capable of doing the work in the specific fee category, regardless of who actually performs the work. Charges will be in increments of 15 minutes or more, with all partial time increments rounded down. If the time involved is less than 15 minutes. There will be no charge. Time shall include retrieving, sorting, redacting (see "III.B.2" above), copying (if necessary), supervision, and re-filing the record(s), and recordkeeping relative to compliance with the request

## D. Production of Records

- 1 Notice – Except as otherwise may be provided for in the Freedom of Information Act, the Township shall comply with requests for production of records within five (5) business days following the receipt of the request. If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day.

## 2 Forms (FOIA)

- a. The Township shall provide forms for requests to inspect/produce records. The forms shall specify the following:
  - (1) Date of request
  - (2) Name of requester, address and contact information (phone number or email address of the requestor).
  - (3) Description of record(s) the requester wishes to inspect
  - (4) Whether or not copies are requested
  - (5) Whether or not the request is granted in full or in part, and if not granted or partially granted, the reason(s) for not fully granting the request
  - (6) Name and title of Township personnel receiving the form
  - (7) Date production of record(s) was facilitated
- b. Notwithstanding the above, requests made specifically under the FOIA may be made in any written form, providing the request contains all information in (1) through (3) above. However, the FOIA Coordinator shall attach the Township form to the request and shall ensure that the Township form is completed.

## 3 Cost(s)

- a. The following shall be provided to the requester at no cost:
  - (1) Assessing and tax records pertaining to property owned by the requesting party, limited to not more than four (4) pages/copies per request, per property, per calendar month.
  - (2) Copies of the requesting party's Voter Registration Master Card.
  - (3) Duplicate of the requesting party's Voter Identification Card.
  - (4) Copies of minutes of any Township body, limited to one set of minutes per request per calendar month.
  - (5) Records submitted electronically via email, if producing and sending the record, along with any associated recordkeeping, takes five (5) minutes or less.
- b. The Township may charge for copies of the following records in accordance with the provisions of the FOIA:
  - (1) Records exceeding the quantity limitations in (1) and (4) above, up to and including twelve (12) total pages/copies.
  - (2) Records submitted electronically via email, if producing and sending the record, along with any associated recordkeeping, takes longer than 15 minutes.
- c. The Township SHALL charge for copies of the following records in accordance with the provisions of the FOIA:
  - (1) Records exceeding twelve (12) total pages/copies.
  - (2) Records that require off-site reproduction due to size or volume.

- d. The cost for record production shall be calculated as follows:
- (1) Reproduced on-site:
    - (a) Actual cost of paper and/or labels, based on most recent purchase invoice.
    - (b) Cost of any per-page/copy charge for Township copier.
    - (c) Actual cost of postage, envelopes, labels, etc., for mailing the copies.
    - (d) Hourly rate of lowest paid Township employee capable of doing the work in the specific fee category, regardless of who actually performs the work. Charges will be in increments of 15 minutes or more, with all partial time increments rounded down. If the time involved is less than 15 minutes there will be no charge. Time shall include retrieving, sorting, redacting (see "III.B.2" above), copying, mailing, and re-filing the record(s), and recordkeeping relative to compliance with the request.
  - (2) Reproduced off-site:
    - (a) Actual cost of off-site reproduction.
    - (b) Round trip mileage to deliver and retrieve documents and copies, charged at the prevailing Township mileage rate as set annually by Board resolution.
    - (c) Actual cost of postage, envelopes, labels, etc., for mailing the copies.
    - (d) Hourly rate of lowest paid Township employee capable of doing the work in the specific fee category, regardless of who actually performs the work. Charges will be in increments of 15 minutes or more, with all partial time increments rounded down. Time shall include retrieving, sorting, redacting, delivering, picking up, mailing, and re-filing the record(s), and recordkeeping relative to compliance with the request.
- e. Cost to requesting party and mailing copies
- (1) The Township shall notify the requesting party when the copies are ready for pickup. However, the copies shall not be delivered to the requesting party, or placed in the mail to the party, until all costs have been paid in full, except as provided in III.B.1 above.
  - (2) The requesting party shall be liable for the cost for record production whether or not the party picks up the copies.
- 4 Deposit – If the FOIA Coordinator estimates that the cost of production of the records and/or copies will exceed \$50.00, the requesting party shall be required to provide the Township with a good faith deposit of up to one-half (1/2) of the estimated fee before the Township produces the record or makes any copies. If the Township does not receive the requested deposit by the date specified by the Township in the deposit notice the Township will consider the request abandoned. The specific date will be 48 days after notice is sent.

**E. Township Personnel Records**

- 1 The Township shall not provide personnel records to any person, group or agency not specifically entitled by statute or by order of a court of competent jurisdiction, unless the individual employee has personally provided a signed release to the Township Clerk authorizing the release of his/her personnel record, or any portion thereof.
- 2 Township personnel shall provide the utmost security of personal data, including, but not limited to, Social Security numbers.
- 3 The Township shall comply with the MCL 423.501, as amended, known as the "Bullard-Plawecki employee right to know act".
- 4 Personnel Record Maintenance and access
  - a. Personnel records shall be maintained under lock and key in the office of the Township Clerk.
  - b. Only the Township Clerk, Deputy Clerk and Senior Office Manager shall have access to the Personnel Records, except as may otherwise be stated elsewhere in this policy or by statute.
- 5 Employee review of personnel record
  - a. Employees shall be permitted to review their own personnel record up to twice each calendar year, in accordance with the provisions of MCL 423.503.
  - b. Employees shall be entitled to a copy of their own personnel record at no cost to the employee once each calendar year. Copies more often than once each calendar year are subject to costs as provided in III.D above.

**F. Exceptions**

- 1 The Freedom of Information Act (15.243 sec. 13) specifies that certain public records are exempt from disclosure, including, but not limited to, the following:
  - a. Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
  - b. Records or information specifically described and exempted from disclosure by statute.
  - c. A public record or information described in this section that is furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the considerations originally giving rise to the exempt nature of the public record remain applicable.
  - d. Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy if:
    - (1) The information is submitted upon a promise of confidentiality by the public body.

- (2) The promise of confidentiality is authorized by the chief administrative officer of the public body or by an elected official at the time the promise is made.
  - (3) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision does not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit.
- e. Information or records subject to the attorney-client privilege.
  - f. Information or records subject to the physician-patient privilege, the psychologist-patient privilege, the minister, priest, or Christian Science practitioner privilege, or other privilege recognized by statute or court rule.
  - g. A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline for submission of bids or proposals has expired.
    - (1) Appraisals of real property to be acquired by the public body until either of the following occurs:
      - (2) An agreement is entered into.
      - (3) Three years have elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.
  - h. Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.
  - i. Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation, including protected health information, as defined in 45 CFR 160.103.
  - j. Communication and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure. This exemption does not constitute an exemption under state law for purposes of section 8(h) of the open meetings act, 1976 PA 267, MCL 15.268. As used in this subdivision, "determination of policy or action" includes a determination relating to collective bargaining, unless the public record is otherwise required to be made available under 1947 PA 336, MCL 423.201 to 423.217.



- k. Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, that if disclosed would prejudice a public body's ability to protect the public safety unless the public interest in disclosure under this act outweighs the public interest in nondisclosure in the particular instance.
- l. Information that would reveal the exact location of archaeological sites.
- m. Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only 1 bidder has met the specifications. This subdivision does not apply after 1 year has elapsed from the time the public body completes the testing.
- n. Records of a campaign committee including a committee that receives money from a state campaign fund.
- o. Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following:
  - (1) Identify or provide a means of identifying an informant.
  - (2) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent.
  - (3) Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have.
  - (4) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of active or retired law enforcement officers or agents.
  - (5) Disclose operational instructions for law enforcement officers or agents.
  - (6) Reveal the contents of staff manuals provided for law enforcement officers or agents.
  - (7) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies.
  - (8) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant.
  - (9) Disclose personnel records of law enforcement agencies.
  - (10) Identify or provide a means of identifying residences that law enforcement agencies are requested to check in the absence of their owners or tenants.
- p. Except as otherwise provided in this subdivision, records and information pertaining to an investigation or a compliance conference conducted by the department under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, before a complaint is issued. This subdivision does not apply to records or information pertaining to 1 or more of the following:

- (1) The fact that an allegation has been received and an investigation is being conducted, and the date the allegation was received.
  - (2) The fact that an allegation was received by the department; the fact that the department did not issue a complaint for the allegation; and the fact that the allegation was dismissed.
- q. Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.
  - r. Records or information relating to a civil action in which the requesting party and the public body are parties.
  - s. Information or records that would disclose the Social Security number of an individual.
  - t. Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.

**IV. APPLICATION** – This policy and all provisions contained herein are applicable to all township elected officials; appointed officials; staff, board, commission and committee members; and contractors; and others as may be enumerated or designated by statute.

**V. APPEAL**- If a requestor believes that all or a portion of a public record has not been disclosed he or she may appeal to the Township Board by filing an appeal of the denial with the office of the Clerk. The appeal must be in writing stating the word "appeal" and identify the reason. If a requestor believes the fee charged to process the FOIA request exceeds that amount permitted by law or under this policy, he or she must first appeal to the Township Board.

**VI. RETENTION**- The Freedom of Information Act Coordinator shall keep a copy of all written requests for public record on file for no less than 1 year (MCL15.233 sec.3).

**VII. APPENDIX**

Appendix 1: FOIA Summary of Cost

Appendix 2: FOIA Detailed Cost

Appendix 3: FOIA Public Summary of Procedures

Appendix 4: FOIA Request Form

Appendix 5: Extend Response Time Request Form

Appendix 6: Denial of FOIA Request Form

Appendix 7: Appeal Denial of Records Form

Appendix 8: Appeal Excess Fee Form

Approved 09.15.2020

# Dexter Township

## Freedom of Information Request

### Summary of Cost Itemization Worksheet Information

#### 1. Labor Cost for Copying / Duplication

This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.

This shall not be more than the hourly wage of the township's lowest-paid employee capable of necessary duplication or publication in this

#### 2. Labor Cost to Locate:

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request.

#### 3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

. This is the cost of labor of a **township employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **township's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

#### 3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):

As this township does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate

#### 4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection. up to maximum 10 cents per sheet for letter and legal.

#### 5. Mailing Cost:

The township will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The township *may* charge for the least expensive form of postal delivery confirmation.
- The township *cannot* charge more for expedited shipping or insurance unless specifically requested by the requestor.\*

Cost will be estimated and charged in 15 minute time increments

Less than 15 minutes is no charge.

Township: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

Dexter Township, Washtenaw County  
 6880 Dexter Pinckney Road  
 Dexter, MI 48130  
 Phone: (734) 426-3767

**Freedom of Information Act Request Detailed Cost Itemization**

Date: \_\_\_\_\_ Prepared for Request No.: \_\_\_\_\_ Date Request Received: \_\_\_\_\_

The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the township's FOIA Policies and Guidelines.

**1. Labor Cost for Copying / Duplication**

This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.

This shall not be more than the hourly wage of the township's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15- minute time increments as set by the township board (for example: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.

Hourly Wage Charged: \$ \_\_\_\_\_

Charge per increment: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

OR

Multiply the hourly wage by the percentage multiplier: \_\_\_\_\_% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ \_\_\_\_\_

Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

To figure the number of increments, take the number of minutes: \_\_\_\_\_, divide by \_\_\_\_\_-minute increments, and round down. Enter below:

Number of increments

1. Labor Cost

x \_\_\_\_\_ = \$ \_\_\_\_\_

**2. Labor Cost to Locate:**

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the township that are excessive and beyond the normal or usual amount for those services compared to the township's usual FOIA requests, because of the nature of the request in this particular instance, specifically: \_\_\_\_\_

The township will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ \_\_\_\_\_

Charge per increment: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

OR

Multiply the hourly wage by the percentage multiplier: \_\_\_\_\_% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ \_\_\_\_\_

Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

To figure the number of increments, take the number of minutes: \_\_\_\_\_, divide by \_\_\_\_\_-minute increments, and round down. Enter below:

Number of increments

2. Labor Cost

x \_\_\_\_\_ = \$ \_\_\_\_\_

**3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):**

*(Fill this out if using a township employee. If contracted, use No. 3b instead).*

The township will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the township that are excessive and beyond the normal or usual amount for those services compared to the township's usual FOIA requests, because of the nature of the request in this particular instance, specifically: \_\_\_\_\_

This is the cost of labor of a township employee, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the township's lowest-paid employee capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ \_\_\_\_\_

Charge per increment: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

OR

Multiply the hourly wage by the percentage multiplier: \_\_\_\_\_% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ \_\_\_\_\_

Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

To figure the number of increments, take the number of minutes: \_\_\_\_\_, divide by \_\_\_\_\_ -minute increments, and round down. Enter below:

Number of increments

3a. Labor Cost

x \_\_\_\_\_ = \$ \_\_\_\_\_

**3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):**

*(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)*

The township will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the township that are excessive and beyond the normal or usual amount for those services compared to the township's usual FOIA requests, because of the nature of the request in this particular instance, specifically: \_\_\_\_\_

As this township does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a contractor (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of \_\_\_\_\_ (currently \$8.15).

Name of contracted person or firm: \_\_\_\_\_

These costs will be estimated and charged in 15 -minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Cost Charged: \$ \_\_\_\_\_

Charge per increment: \$ \_\_\_\_\_

To figure the number of increments, take the number of minutes: \_\_\_\_\_, divide by \_\_\_\_\_ -minute increments, and round down to: \_\_\_\_\_ increments. Enter below:

Number of increments

3b. Labor Cost

x \_\_\_\_\_ = \$ \_\_\_\_\_

**4. Copying / Duplication Cost:**

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): \_\_\_\_\_ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): \_\_\_\_\_ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): \_\_\_\_\_ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- *Circle applicable:* Disc / Tape / Drive / Other Digital Medium Cost per Item: \_\_\_\_\_

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed 10 cents per sheet** of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. **A township must utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.**

Number of Sheets:

x \_\_\_\_\_ = \$ \_\_\_\_\_  
x \_\_\_\_\_ = \$ \_\_\_\_\_

Costs:

x \_\_\_\_\_ = \$ \_\_\_\_\_

No. of Items:

x \_\_\_\_\_ = \$ \_\_\_\_\_

4. Total Copy Cost

\$ \_\_\_\_\_

**5. Mailing Cost:**

The township will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The township *may* charge for the least expensive form of postal delivery confirmation.
- The township *cannot* charge more for expedited shipping or insurance unless specifically requested by the requestor.\*

Actual Cost of Envelope or Packaging: \$ \_\_\_\_\_

Actual Cost of Postage: \$ \_\_\_\_\_ per stamp  
\$ \_\_\_\_\_ per pound  
\$ \_\_\_\_\_ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ \_\_\_\_\_

\*Expedited Shipping or Insurance as Requested: \$ \_\_\_\_\_

Number of Envelopes or Packages:

x \_\_\_\_\_ = \$ \_\_\_\_\_

Costs:

x \_\_\_\_\_ = \$ \_\_\_\_\_

x \_\_\_\_\_ = \$ \_\_\_\_\_

x \_\_\_\_\_ = \$ \_\_\_\_\_

x \_\_\_\_\_ = \$ \_\_\_\_\_

x \_\_\_\_\_ = \$ \_\_\_\_\_

5. Total Mailing Cost

\$ \_\_\_\_\_

\* Requestor has requested expedited shipping or insurance

**6a. Copying/Duplicating Cost for Records Already on Township's Website:**

If the public body has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the township will provide the public records in the specified format and may charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): \_\_\_\_\_ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): \_\_\_\_\_ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): \_\_\_\_\_ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- *Circle applicable:* Disc / Tape / Drive / Other Digital Medium Cost per Item: \_\_\_\_\_

Requestor has stipulated that some / all of the requested records that are already available on the township's website be provided in a paper or non-paper physical digital medium.

<b>Number of Sheets:</b>		<b>Costs:</b>
x _____ =	\$ _____	
x _____ =	\$ _____	
x _____ =	\$ _____	
<b>No. of Items:</b>		
x _____ =	\$ _____	
		<b>6a. Web Copy Cost</b>
		\$ _____

**6b. Labor Cost for Copying/Duplicating Records Already on Township's Website:**

This shall not be more than the hourly wage of the township's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in \_\_\_\_\_-minute time increments (i.e.: 15-minutes or more); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ \_\_\_\_\_

Charge per increment: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_  
 Multiply the hourly wage by the percentage multiplier; \_\_\_\_\_%  
 and add to the hourly wage for a total per hour rate.

OR

Charge per increment: \$ \_\_\_\_\_

The township may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:	
<b>Number of increments</b>	<b>6b. Web Labor Cost</b>
x _____ =	\$ _____

**6c. Mailing Cost for Records Already on Township's Website:**

Actual Cost of Envelope or Packaging: \$ \_\_\_\_\_

Actual Cost of Postage: \$ \_\_\_\_\_ per stamp / per pound / per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ \_\_\_\_\_

\*Expedited Shipping or Insurance as Requested: \$ \_\_\_\_\_

\* Requestor has requested expedited shipping or insurance

<b>Number:</b>	<b>Costs:</b>
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
	<b>6c. Web Mailing Cost</b>
	\$ _____



**Subtotal Fees Before Waivers, Discounts or Deposits:**

- Cost estimate
- Bill

- 1. Labor Cost for Copying: \$ \_\_\_\_\_
- 2. Labor Cost to Locate: \$ \_\_\_\_\_
- 3a. Labor Cost to Redact: \$ \_\_\_\_\_
- 3b. Contract Labor Cost to Redact: \$ \_\_\_\_\_
- 4. Copying/Duplication Cost: \$ \_\_\_\_\_
- 5. Mailing Cost: \$ \_\_\_\_\_
- 6a. Copying/Duplication of Records on Website: \$ \_\_\_\_\_
- 6b. Labor Cost for Copying Records on Website: \$ \_\_\_\_\_
- 6c. Mailing Costs for Records on Website: \$ \_\_\_\_\_

Subtotal Fees: \$ \_\_\_\_\_

**Estimated Time Frame to Provide Records:**

\_\_\_\_\_ (days or date)

The time frame estimate is nonbinding upon the township, but the township is providing the estimate in good faith. Providing an estimated time frame does not relieve the township from any of the other requirements of this act.

**Waiver: Public Interest**

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the township determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

- All fees are waived **OR**  All fees are reduced by: \_\_\_\_\_ %

Subtotal Fees After Waiver: \$ \_\_\_\_\_

**Discount: Indigence**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, **OR**
- (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

- Eligible for Indigence Discount

Subtotal Fees After Discount (subtract \$20): \$ \_\_\_\_\_

**Discount: Nonprofit Organization**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the township.

- Eligible for Nonprofit Discount

Subtotal Fees After Discount (subtract \$20): \$ \_\_\_\_\_

<p><b>Deposit: <u>Good Faith</u></b>  The township may require a good-faith deposit <u>before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00</u>, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. <b>Percent of Deposit:</b> _____%</p>	<p>Date Paid: _____</p>	<p>Deposit Amount Required: \$ _____</p>
<p><b>Deposit: <u>Increased Deposit Due to Previous FOIA Fees Not Paid In Full</u></b>  After a township has granted and fulfilled a written request from an individual under this act, if the township has not been paid in full the total amount of fees for the copies of public records that the township made available to the individual as a result of that written request, <b>the township may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:</b></p> <p>(a) The final fee for the prior written request was not more than 105% of the estimated fee.  (b) The public records made available contained the information being sought in the prior written request and are still in the township's possession.  (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request.  (d) Ninety (90) days have passed since the township notified the individual in writing that the public records were available for pickup or mailing.  (e) The individual is unable to show proof of prior payment to the township.  (f) The township calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>A township can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the township, OR  (b) The township is subsequently paid in full for the applicable prior written request, OR  (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the township.</p>	<p>Date Paid: _____</p>	<p>Percent Deposit Required: _____%</p> <p>Deposit Required: \$ _____</p>
<p><b>Late Response <u>Labor Costs Reduction</u></b>  If the township does not respond to a written request in a timely manner as required under MCL 15.235(2), the township <b>must</b> do the following:</p> <p>(a) <b>Reduce the charges for labor costs</b> otherwise permitted by 5% for each day the township exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:</p> <p>(i) The late response was willful and intentional, OR</p> <p>(ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.</p>	<p>Number of Days Over Required Response Time: _____</p> <p>Multiply by 5% = Total Percent Reduction: _____</p>	<p>Total Labor Costs \$ _____</p> <p>Minus Reduction \$ _____</p> <p>= Reduced Total Labor Costs \$ _____</p>
<p>The Public Summary of the township's FOIA Procedures and Guidelines is available free of charge from:  Website: _____ Email: _____  Phone: _____ Address: _____</p> <p style="text-align: center;"><b>Request Will Be Processed,  But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</b></p>	<p>Date Paid: _____</p>	<p>Total Balance Due: \$ _____</p>

(Form created by Michigan Townships Association, April 2015)

# Dexter Township

## Public Summary of FOIA Procedures and Guidelines

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of the Township's FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of Dexter Township's FOIA Procedures and Guidelines. For more details and information, copies of Dexter Township's FOIA Procedures and Guidelines are available at no charge at the Township office and on the Township's website: [www.dextertownship.org](http://www.dextertownship.org).

### 1. How do I submit a FOIA request to the Township?

- A request must sufficiently describe a public record so as to enable the Township to find it.
- Request must include the name address and contact information (phone number or email address) of the requestor.
- Please include the words "FOIA" or "FOIA Request" in the request to assist the Township in providing a prompt response.
- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Township may be submitted on the Township's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request. Any verbal request will be documented by the Township on the Township's FOIA Request Form.
- Written requests may be delivered to the Township Hall in person or by mail: Dexter Township Clerk at 6880 Dexter Pinckney Road, Dexter, Michigan 48130
- Requests may be faxed to: (734) 426-3833. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.
- Requests may be emailed to: [clerk@dextertownship.org](mailto:clerk@dextertownship.org). To ensure a prompt response, email requests should contain the term "FOIA" or "FOIA Request" in the subject line.

### 2. What kind of response can I expect to my request?

- Within 5 business days after receiving a FOIA request the Township will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. The Township will respond to your request in one of the following ways:
  - Grant the request,
  - Issue a written notice denying the request,
  - Grant the request in part and issue a written notice denying in part the request,
  - Issue a notice indicating that due to the nature of the request the Township needs an additional 10 business days to respond, or
  - Issue a written notice indicating that the public record requested is available at no charge on the Township's website

- If the request is granted, or granted in part, the Township will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available.
- If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the Township will require a deposit before processing the request.

### 3. What are the Township's deposit requirements?

- If the Township has made a good faith calculation that the total fee for processing the request will exceed \$50.00, the Township will require that you provide a deposit in the amount of 50% of the total estimated fee. If the Township does not receive the requested deposit by the date specified by the Township in the deposit notice the Township will consider the request abandoned. The specific date will be 48 days after the notice is sent. When the Township requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request after you have paid your deposit.
- If the Township receives a request from a person who has not paid the Township for copies of public records made in fulfillment of a previously granted written request, the Township will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:
  - The final fee for the prior written request is not more than 105% of the estimated fee;
  - The public records made available contained the information sought in the prior written request and remain in the Township's possession;
  - The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the Township to provide the records;
  - Ninety (90) days have passed since the Township notified the individual in writing that the public records were available for pickup or mailing;
  - The individual is unable to show proof of prior payment to the Township; and
  - The Township has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The Township will not require the 100% estimated fee deposit if any of the following apply:
  - The person making the request is able to show proof of prior payment in full to the Township;
  - The Township is subsequently paid in full for all applicable prior written requests; or
  - Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

### 4. How does the Township calculate FOIA processing fees?

The Michigan FOIA statute permits the Township to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Township.

- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Township.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
- The cost to mail or send a public record to a requestor.

#### **Labor Costs**

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid Township employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage)

A labor cost will not be charged for the search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the Township. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the Township's usual FOIA requests, because of the nature of the request in the particular instance. The Township must specifically identify the nature of the unreasonably high costs in writing.

#### **Copying and Duplication**

The Township must use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

#### ***Non-paper Copies on Physical Media***

- The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will be charged only if the Township has the technological capability necessary to provide the public record in the requested non-paper physical media format.

#### ***Paper Copies***

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper.
- Copies for non-standard sized sheets will reflect the actual cost of reproduction.

#### **Mailing Costs**

- The cost to mail public records will use a reasonably economical and justified means.
- The Township may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless you request it.

## • **Waiver of Fees**

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The township board may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

### **5. How do I qualify for an indigence discount on the fee?**

The Township will discount the first \$20.00 of fees for a request if you submit an affidavit stating that you are:

- Indigent and receiving specific public assistance; or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

You are **not** eligible to receive the \$20.00 discount if you:

- Have previously received discounted copies of public records from the Township twice during the calendar year; or
- Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

### **6. May a nonprofit organization receive a discount on the fee?**

A nonprofit organization advocating for developmentally disabled or mentally ill individuals that is formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, may receive a \$20.00 discount if the request meets all of the following requirements in the Act:

- Is made directly on behalf of the organization or its clients.
- Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
- Is accompanied by documentation of its designation by the state, if requested by the public body.

### **7. How may I challenge the denial of a public record or an excessive fee?**

#### **Appeal of a Denial of a Public Record**

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may appeal to the Township Board by filing a written appeal of the denial with the office of the Township Supervisor (*or "clerk" or "FOIA Coordinator," etc.*).

The appeal must be in writing, specifically state the word "appeal," and identify the reason or reasons you are seeking a reversal of the denial.

Within 10 business days of receiving the appeal the Township Board will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or

- Reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the Township Board, you may file a civil action in Washtenaw County Circuit Court within 180 days after the Township's final determination to deny your request. If you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the Township acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

**Appeal of an Excess FOIA Processing Fee**

If you believe that the fee charged by the Township to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the Township Board by filing a written appeal for a fee reduction to the office of the Township Supervisor (*or "clerk" or "FOIA Coordinator," etc.*).

The appeal must specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the Township Board will respond in writing by:

- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Township Board will respond to the written appeal.

Within 45 days after receiving notice of the Township Board's determination of the processing fee appeal, you may commence a civil action in Washtenaw County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that the Township acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.





**Records Located on Website**

If the township directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (*separate exempt information from non-exempt information*).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the township must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the township must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the township has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the township must provide the public records in the specified format (if the township has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

**Request for Copies/Duplication of Records on Township Website**

I hereby stipulate that, even if some or all of the records are located on a township website, I am requesting that the township make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

Requestor's Signature	Date
-----------------------	------

**Overtime Labor Costs**

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

**Consent to Overtime Labor Costs**

I hereby agree and stipulate to the township using overtime wages in calculating the following labor costs as itemized in the following categories:

- 1.  Labor to copy/duplicate
- 2.  Labor to locate
- 3a.  Labor to redact
- 3b.  Contract labor to redact
- 6b.  Labor to copy/duplicate records already on township's website

Requestor's Signature	Date
-----------------------	------

**Request for Discount: Indigence**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,
- (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

**Office Use:**  Affidavit Received  Eligible for Discount  Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:	Date:
Requestor's Signature:	

**Request for Discount: Nonprofit Organization**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the township.

**Office Use:**  Documentation of State Designation Received  Eligible for Discount  Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931:	Date:
Requestor's Signature:	

Township: Keep original and provide copy, along with Public Summary, to requestor at no charge.

Dexter Township, Washtenaw County  
6880 Dexter Pinckney Road  
Dexter, Michigan 48130  
Phone: 734-426-3767

Extension Form

### Notice to Extend Response Time for FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Date of This Notice: \_\_\_\_\_  
(Please Print or Type)

Check if received via:  Email  Fax  Other Electronic Method  
Date delivered to junk/spam folder: \_\_\_\_\_  
Date discovered in junk/spam folder: \_\_\_\_\_

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Request for:  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis  
Delivery Method:  Will pick up  Will make own copies onsite  Mail to address above  Email to address above  
 Deliver on digital media provided by the township: \_\_\_\_\_

Record(s) You Requested: (Listed here or see attached copy of original request) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We are extending the date to respond to your FOIA request for no more than 10 business days, until \_\_\_\_\_ (month, day, year).  
Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact \_\_\_\_\_ at \_\_\_\_\_

Estimated Time Frame to Provide Records: \_\_\_\_\_ (days or date)

The time frame estimate is nonbinding upon the township, but the township is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

#### Reason for Extension:

1. The township needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the township must: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The township needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the township office. Specifically, the township must coordinate documents from the following locations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Other (describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of FOIA Coordinator:

Date:

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Approved 09/20/2016

Township: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Dexter Township, Washtenaw County  
6880 Dexter Pinckney Road  
Dexter, Michigan 48137  
Phone: 734-426-3767

Denial Form

**Notice of Denial of FOIA Request**  
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: \_\_\_\_\_ Date Received: \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method  
Date of This Notice: \_\_\_\_\_ Date delivered to junk/spam folder: \_\_\_\_\_  
(Please Print or Type) Date discovered in junk/spam folder: \_\_\_\_\_

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

Request for:  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis

Delivery Method:  Will pick up  Will make own copies onsite  Mail to address above  Email to address above  
 Deliver on digital media provided by the township: \_\_\_\_\_

Record(s) You Requested: (Listed here or see attached copy of original request) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All OR  Part of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact \_\_\_\_\_ at \_\_\_\_\_

**Reason for Denial:**

1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection \_\_\_\_\_ (insert number), because: \_\_\_\_\_  
\_\_\_\_\_

2. Record Does Not Exist: This item does not exist under the name provided in your request or by another name reasonably known to the township. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record: \_\_\_\_\_  
\_\_\_\_\_

3. Redaction: A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection \_\_\_\_\_ (insert number), because: \_\_\_\_\_  
\_\_\_\_\_

A brief description of the information that had to be separated or deleted: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Notice of Requestor's Right to Seek Judicial Review**

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the township board or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the township has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: \_\_\_\_\_

Date: \_\_\_\_\_

## FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

**15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.**

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

Township: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Dexter Township, Washtenaw County  
6880 Dexter Pinckney Road  
Dexter, Michigan 48130  
Phone: 734-426-3767

Denial Appeal Form

**FOIA Appeal Form—To Appeal a Denial of Records**  
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: \_\_\_\_\_ Date Received: \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method  
Date of This Notice: \_\_\_\_\_ Date delivered to junk/spam folder: \_\_\_\_\_  
(Please Print or Type) Date discovered in junk/spam folder: \_\_\_\_\_

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

Request for:  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis  
Delivery Method:  Will pick up  Will make own copies onsite  Mail to address above  Email to address above  
 Deliver on digital media provided by the township: \_\_\_\_\_

Record(s) You Requested: (Listed here or see attached copy of original request) \_\_\_\_\_  
\_\_\_\_\_

**Reason(s) for Appeal:**

The appeal must identify the reason(s) for the denial. You may use this form or attach additional sheets:

\_\_\_\_\_  
\_\_\_\_\_

Requestor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Township Response:**

The township must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

Township Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until \_\_\_\_\_  
(month, day, year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: \_\_\_\_\_

If you have any questions regarding this extension, contact: \_\_\_\_\_

**Township Determination:**

Denial Reversed  Denial Upheld  Denial Reversed in Part and Upheld in Part

The following previously denied records will be released: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Notice of Requestor's Right to Seek Judicial Review**

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the township board or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the township has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

**FREEDOM OF INFORMATION ACT (EXCERPT)**  
**Act 442 of 1976**

**15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.**

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015.

Township: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

**Dexter Township, Washtenaw County**  
6880 Dexter Pinckney Road  
Dexter, Michigan 48130  
Phone: 734-426-3767

Fee Appeal Form

**FOIA Appeal Form—To Appeal an Excess Fee**  
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method  
**Date of This Notice:** \_\_\_\_\_ **Date delivered to junk/spam folder:** \_\_\_\_\_  
*(Please Print or Type)* **Date discovered in junk/spam folder:** \_\_\_\_\_

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

**Request for:**  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis  
**Delivery Method:**  Will pick up  Will make own copies onsite  Mail to address above  Email to address above  
 Deliver on digital media provided by the township: \_\_\_\_\_

**Record(s) You Requested:** *(Listed here or see attached copy of original request)* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Reason(s) for Appeal:**

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Requestor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Township Response:**

The township must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

**Township Extension:** We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until \_\_\_\_\_  
*(month, day, year)*. Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: \_\_\_\_\_  
\_\_\_\_\_

If you have any questions regarding this extension, contact: \_\_\_\_\_

**Township Determination:**  Fee Waived  Fee Reduced  Fee Upheld

Written basis for township determination: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Notice of Requestor's Right to Seek Judicial Review**

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the township's written Procedures and Guidelines to the township board or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the township board. If a civil action is commenced in court, the township is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the township required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. *(See back of this form for additional information on your rights.)*

**Signature of FOIA Coordinator:** \_\_\_\_\_ **Date:** \_\_\_\_\_



FREEDOM OF INFORMATION ACT (EXCERPT)  
Act 442 of 1976

**15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.**  
Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

**History:** Add. 2014, Act 563, Eff. July 1, 2015