

ADA TOWNSHIP

Freedom of Information Act - Procedures and Guidelines

Introduction

It is the policy of Ada Township ("Township") that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act ("FOIA"), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The Township Board ("Board") has established the following written procedures and guidelines to implement the FOIA and has created a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the Township and explaining how to understand the Township's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary is written in a manner so as to be easily understood by the general public.

Section 1 – General FOIA Policies

FOIA Coordinator

The Board, acting pursuant to MCL 15.236, designates the Township Supervisor as the FOIA Coordinator for the Township. He or she is authorized to designate other Township officials and employees, as well as legal counsel, to act on his or her behalf to accept and process written requests for the Township's public records and approve denials. When used in this document, the term "FOIA Coordinator" also includes all authorized designees of the Township's FOIA Coordinator.

FOIA Requests in General

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. If a request is sent by email and delivered to a Township spam or junk mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note both the date the request was delivered to the spam or junk mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator shall review Township spam and junk mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with Township information technology staff to develop administrative rules for handling spam and junk mail so as to protect Township systems from computer attacks which may be embedded in an electronic FOIA request.

The Township is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other

Township officials or employees are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the Township on file for a period of at least one (1) year.

FOIA Documents

The Township will make this procedures and guidelines document and the written public summary publicly available without charge. If it does not, the Township cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

A copy of this procedures and guidelines document and the Township's written public summary must be publicly available by providing free copies both in the Township's response to a written request and upon request by visitors at the Township's offices. This procedures and guidelines document and the Township's written public summary will be maintained on the Township's website at www.adatownshipmi.com, so a link to those documents will be provided in lieu of providing paper copies of those documents.

Section 2 – Requesting a Public Record under the FOIA

Submitting FOIA Requests

No specific form to submit a request for a public record is required. However, the FOIA Coordinator may make available a FOIA request form for use by the public.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Township must be submitted on the Township's FOIA request form or in some other form of writing (letter, fax, email, etc.). If a person makes a verbal, non-written request for information believed to be available on the Township's website, where practicable and to the best ability of the employee receiving the request, the requesting person shall be informed of the pertinent website address.

A request must sufficiently describe a public record so as to enable the Township to identify and find the requested public record.

Written requests for public records may be submitted in person or by mail to the Township's offices. Requests may also be submitted electronically by fax and email. Upon receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed, or otherwise provided to him or her in digital form in lieu of paper copies. The Township will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

Subscriptions

A person may subscribe to future issues of public records that are created, issued or disseminated by the Township on a regular basis. A subscription is valid for up to six (6) months and may be renewed by the subscriber.

Persons Not Entitled to Submit FOIA Requests

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

Section 3 – Processing a FOIA Request

Responses to FOIA Requests in General

Unless otherwise agreed to in writing by the person making the request, the Township will issue a response within five (5) business days of receipt of a FOIA request. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day.

The Township will respond to a 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 the request in part.
- Issue a notice indicating that due to the nature of the request the Township needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the Township's website.

A copy of these procedures and guidelines and the written public summary will be provided to the requestor free of charge with the response to a written request for public records; provided, however, that because these procedures and guidelines and the written public summary are maintained on the Township's website at www.adatownshipmi.com, a link to the procedures and guidelines and the written public summary will be provided in lieu of providing paper copies of those documents.

When a FOIA Request is Granted

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

If the cost of processing a FOIA request is \$50 or less, the requestor will be notified of the amount due and where the documents can be obtained. If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the Township will require a good-faith deposit pursuant to Section 4 of this document before processing the request.

In making the request for a good-faith deposit, the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the Township to process the request and also provide a "best efforts" estimate of a time frame it will take the Township to provide the records to the requestor. The "best efforts" estimate shall be nonbinding on the Township, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance.

When a FOIA Request is Denied or Denied in Part

If the request is denied or denied in part, the FOIA Coordinator will issue a notice of denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the Township; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to the Board or seek judicial review in circuit court; and
- An explanation of the right to receive attorney fees, costs, and disbursements, as well as actual or compensatory damages, and punitive damages of \$1,000, should they prevail in circuit court.
- The notice of denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a notice of denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request.

Inspection of Public Records

The Township shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect Township records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal Township operations.

Certified Copies of Public Records

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4 – Fee Deposits

Fee Deposits in General

If the fee estimate is expected to exceed \$50 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding 50% of the total estimated fee.

Increased Fee Deposits

If a request for public records is from a person who has not paid the Township in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated fee before beginning to search for a public record for any subsequent written request by that person 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 time frame estimated by the Township to provide the records.
- Ninety (90) days have passed since the FOIA Coordinator 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.
- The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased 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 the applicable prior written request.
- Three hundred sixty-five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

Section 5 – Calculation of Fees

Calculation of Fees in General

A fee may be charged for the labor cost of copying or duplication. A fee will not be charged for the labor 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 costs to the Township because of the nature of the request in the particular instance and the Township specifically identifies the nature of the unreasonably high costs.

Costs for search, examination, review and the deletion and separation of exempt from nonexempt information are "unreasonably high" when they are excessive and beyond the normal or usual amount for those services compared to the costs of the Township's usual FOIA requests.

The following factors shall be used to determine whether there is an unreasonably high cost to the Township:

- Volume of the public record requested.
- Amount of time spent to search, examine, review and separate exempt from nonexempt information in the record requested.
- Whether the public records are from more than one Township department or whether various Township offices are necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The FOIA 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 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 the requestor asks for the Township to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requestor asks for records in non-paper physical media. This may include the cost for copies of records already on the Township's website if the requestor asks for the Township to make copies.
- The cost to mail or send a public record to a requestor.

Calculation of Labor Costs

Labor costs will be calculated based on the following:

- 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.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The Township may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs unless agreed to by the requestor. Overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of six (6) times the state minimum hourly wage.

Calculation of Other Costs

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- 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 only be assessed if the Township has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- The Township will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the Township's technology infrastructure.

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8½ x 11) or legal (8½ x 14) sized paper will not exceed \$0.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The Township will provide records using double-sided printing, if it is cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using 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 specified by the requestor.

Reduction of Costs

If the FOIA Coordinator does not respond to a written request in a timely manner, the Township must:

- Reduce the labor costs by 5% for each day the Township exceeds the time permitted under FOIA, up to a 50% maximum reduction, if any of the following apply:
 - The Township's late response was willful and intentional.
 - The written request conveyed a request for information within the first 250 words of the body of a letter, facsimile, email or email attachment.
 - The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy," or a recognizable misspelling of such, or references to MCL 15. 231, et seq., or 1976 Public Act 442, on the front of an envelope or in the subject line of an email, letter or facsimile cover page.
- Fully note the charge reduction in the detailed itemization of costs form.

Section 6 – 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 may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

Section 7 – Fee Discounts

Indigence

The FOIA Coordinator will discount the first \$20 of the fee for a request if the person requesting a public record submits an affidavit:

- Stating that they are indigent and receiving specific public assistance; or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from the Township twice during the calendar year; or
- The requestor requests information in connection with other persons who are offering or providing payment to make the request.

The FOIA Coordinator may make a fee waiver affidavit form available for use by the public.

Certain nonprofit organizations

The FOIA Coordinator will discount the first \$20 of the fee for a request from 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, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, if the request is 1) made directly on behalf of the organization or its clients; 2) 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; and 3) accompanied by documentation of its designation by the state, if requested by the Township.

Section 8 – Appeal of a Denial of a FOIA Request

Denial Appeals in General

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the Board by filing an appeal of the denial with the office of the Township Supervisor. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The Board is not considered to have received a written appeal until the first regularly scheduled Board meeting following submission of the written appeal.

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

- Reversing the disclosure denial;
- Upholding the disclosure denial;
- Reversing the disclosure denial in part and upholding the disclosure denial in part; or
- Under unusual circumstances, issuing a notice extending for not more than 10 business days the period during which the Board shall respond to the written appeal. The Board shall not issue more than one notice of extension for a particular written appeal.

Civil Action for Judicial Review of a Denial

If the Board fails to respond to a written appeal, or if the Board 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 in circuit court. Whether or not a requestor submitted an appeal of a denial to the Board, he or she may file a civil action in circuit court within 180 days after the Township's final determination to deny the request.

If a court determines that a public record is not exempt from disclosure, it shall order the Township to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorney fees, costs, and

disbursements. If the person or Township prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorney fees, costs, and disbursements.

If the court determines that the Township has arbitrarily and capriciously violated the FOIA by refusal or delay in disclosing or providing copies of a public record, the court shall order the Township to pay a civil fine of \$1,000, 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 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.

Section 9 – Appeal of FOIA Processing Fees

Appeals of Fees in General

If a requestor believes that the fee charged by the Township to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the Board by submitting a written appeal of the fee to the office of the Township Supervisor. "Fee" means the total fee or any component of the total fee calculated under Section 4 of the FOIA, including any deposit.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The Board is not considered to have received a written appeal until the first regularly scheduled Board meeting following submission of the written appeal.

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

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing 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 Board will respond to the written appeal. The Board shall not issue more than one notice of extension for a particular written appeal.

If the Board reduces or upholds the fee, the determination must include a certification from the Board 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 of the FOIA.

Civil Action for Judicial Review of Fees

Within 45 days after receiving notice of the Board's determination of an appeal, the requesting person may commence a civil action in circuit court for a fee reduction. If a civil action is commenced against the Township for an excess fee, the Township 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 in circuit court unless one of the following applies:

- The Township does not provide for appeals of fees.
- The Board failed to respond to a written appeal as required.
- The Board issued a determination on a written appeal.

If a court determines that the Township required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

If the requesting person prevails in court 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 attorney fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that the Township has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the Township to pay a civil fine of \$500, 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 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.

Section 10 – Conflicts

Conflicts with Previous Policies

To the extent that these procedures and guidelines conflict with previous FOIA policies promulgated by the Township, these procedures and guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this document is found to be in conflict with any previous policy promulgated by the Township, the administrative rule promulgated by the FOIA Coordinator is controlling.

Conflicts with State Law

To the extent that any provision of these procedures and guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any state statute, the applicable statute shall control.

Section 11 – Modification of Policies

The Township Supervisor, as the Board's designated FOIA Coordinator for the Township, is authorized to modify this policy and all previous policies adopted by the Township, and to adopt such administrative rules as he or she may deem necessary, to facilitate the review and processing of requests for public records made pursuant to the FOIA, provided that such modifications and rules are consistent with state law. The Township Supervisor shall inform the Board of any changes to these procedures and guidelines.

Section 12 – Effective Date

These FOIA procedures and guidelines become effective July 1, 2015.

Section 13 – Appendix of Ada Township FOIA Forms

- Request for Public Records Form
- Notice to Extend Response Time Form
- Notice of Denial of Request Form
- Notice of Granting of Request Form
- Detailed Cost Itemization Form

Records Located on Township Website

Any public records available to the general public on the Township website at the time the request is made are exempt from any labor charges to separate exempt information from nonexempt information.

If the Township 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 format, 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 50%, not to exceed the actual costs of providing the information in the specified format.

Request for Copies of Records on Township Website

I hereby stipulate that, even if some or all of the records are located on the 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 in this form. 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 2. ☐ Labor to locate 3a. ☐ Labor to redact 3b. ☐ Contract labor to redact
6b. ☐ Labor to copy records already on Township 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 of the fee for each request by an individual who is entitled to information under the FOIA and who submits an affidavit stating that the individual is indigent and receiving specific public assistance, or, 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 Township shall inform the requestor specifically of the reason for ineligibility in its written response. An individual is ineligible for this fee reduction if the individual has previously received discounted copies of public records from the Township twice during that calendar year, or 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. The Township 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 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 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request is 1) made directly on behalf of the organization or its clients; 2) 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; and 3) 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:

ADA TOWNSHIP

Notice to Extend Response Time for FOIA Request (Michigan Freedom of Information Act)

Request ID: _____ Date received: _____

Date of this notice: _____

To:

Name:	Phone:	
Firm/Organization:	Fax:	
Street:	E-mail:	
City:	State:	Zip:

Records 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 the Township from any of the other requirements of the FOIA.

Reason(s) for extension:

☐ 1. The Township needs the additional time to search for, collect, and/or appropriately examine or review the public records that you have requested.

☐ 2. The Township needs the additional time to collect the requested public records from numerous offices, facilities, or other places that are located apart from the main Township office.

☐ 3. Other (describe): _____

Signature of FOIA Coordinator:

Date:

The Township's FOIA
Procedures and Guidelines
and Public Summary can be
found on its website at
www.adatownshipmi.com

ADA TOWNSHIP

Notice of Denial of FOIA Request (Michigan Freedom of Information Act)

Request ID: _____ Date received: _____
Date of this notice: _____

To:

Name:	Phone:
Firm/Organization:	Fax:
Street:	E-mail:
City:	State: Zip:

Records 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(s) for denial:

☐ 1. Records exempt from disclosure: The requested records are exempt from disclosure under FOIA Section 13, Subsections _____ (insert subsections), because: _____

☐ 2. Record does not exist: The Township certifies that the following requested records do not exist under the name provided in your request or by another name reasonably known to the Township (the FOIA does not require the Township to create a new public record or make a compilation, summary or report of information): _____

☐ 3. Redaction of exempt portion: A portion of the requested records had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsections _____ (insert subsections), because: _____

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

Notice of Requestor's Right to Appeal or 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 the FOIA in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorney fees and damages as provided in MCL 15.240 (see attached sheet for more information on your rights).

Signature of FOIA Coordinator:

Date:

The Township's FOIA
Procedures and Guidelines
and Public Summary can be
found on its website at
www.adatownshipmi.com

ADA TOWNSHIP

Notice of Granting of FOIA Request (Michigan Freedom of Information Act)

Request ID: _____ Date received: _____
Date of this notice: _____

To:

Name:	Phone:
Firm/Organization:	Fax:
Street:	E-mail:
City:	State: Zip:

Your request is granted for the following public records: *(Listed here or see attached copy of original request)*

The amount of the fee due for these records is: \$ _____

The attached form contains a detailed cost itemization in connection with your request.

Notice

Ada Township does not warrant or otherwise guarantee the accuracy of the records provided. The Township provides the records only to comply in good faith with the Michigan Freedom of Information Act and for no other purpose. The records provided should not be used in any way prohibited by law.

Signature of FOIA Coordinator:

Date:

Ada Township

Freedom of Information Act Request Detailed Cost Itemization Form

Date: _____ Request ID: _____ Date Request Received: _____

<p>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 Procedures and Guidelines.</p>		
<p>1. Labor Cost for Copying</p> <p>This is the cost of labor directly associated with duplication or 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.</p> <p>This shall not be more than the hourly wage of the 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.</p> <p>These costs will be estimated and charged in 15-minute increments. All partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.</p> <p>Hourly wage charged: \$ _____</p> <p>Hourly wage with fringe benefit cost: \$ _____</p> <p>(Multiply the hourly wage by 50% and add to the hourly wage for a total per hour rate.)</p> <p style="text-align: right;">Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by requestor (overtime is not used to calculate the fringe benefit cost).</p>	<p>Number of increments</p> <p>x _____ =</p>	<p>Labor cost for Part 1</p> <p>\$ _____</p>
<p>2. Labor Cost for Searching / Locating / Examining</p> <p>This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the Township because of the nature of the request in this particular instance, specifically:</p> <p>_____</p> <p>This shall not be more than the hourly wage of the 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.</p> <p>These costs will be estimated and charged in 15-minute increments. All partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.</p> <p>Hourly wage charged: \$ _____</p> <p>Hourly wage with fringe benefit cost: \$ _____</p> <p>(Multiply the hourly wage by 50% and add to the hourly wage for a total per hour rate.)</p> <p style="text-align: right;">Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by requestor (overtime is not used to calculate the fringe benefit cost).</p>	<p>Number of increments</p> <p>x _____ =</p>	<p>Labor cost for Part 2</p> <p>\$ _____</p>

3a. Employee Labor Cost for Separating Exempt from Nonexempt (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 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.

This fee is being charged because failure to do so will result in unreasonably high costs to the Township because of the nature of the request in this particular instance, specifically:

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.

These costs will be estimated and charged in 15-minute increments. 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: \$ _____

Hourly wage with fringe benefit cost: \$ _____

(Multiply the hourly wage by 50% 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).

Number of
increments

x _____ =

Labor cost
for Part 3a

\$ _____

3b. Contracted Labor Cost for Separating Exempt from Nonexempt (Redacting)

(Fill this out if using a contractor, such as legal counsel, for some or all of the work.)

As the Township does not employ a person capable of separating exempt from nonexempt information in this particular instance, this is the cost of labor of a contractor, 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.

This fee is being charged because failure to do so will result in unreasonably high costs to the Township because of the nature of the request in this particular instance, specifically:

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.

Name of contracted person or firm: _____

These costs will be estimated and charged in 15-minute increments. All partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.

Hourly Cost Charged: \$ _____

Charge per increment: \$ _____

Number of
increments

x _____ =

Labor cost
for Part 3b

\$ _____

4. Copying 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 a maximum of 10 cents per sheet, for:

- Letter (8½ x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8½ 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): _____ 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 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 _____ =

Cost:

\$ _____
\$ _____

x _____ =

\$ _____

Number of
items:

x _____ =

\$ _____

Total cost
for Part 4

\$ _____

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 _____ =

\$ _____

x _____ =

\$ _____

x _____ =

\$ _____

x _____ =

\$ _____

x _____ =

\$ _____

x _____ =

\$ _____

Total Cost
for Part 5

\$ _____

☐ Requestor has requested expedited shipping or insurance.

6a. Copying Cost for Records Already on Township 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 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 a maximum of 10 cents per sheet, for:

- Letter (8½ x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8½ 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): _____ 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 or all of the requested records that are already available on the Township website be provided in a paper or non-paper physical digital medium.

Number of
sheets:

x _____ = \$ _____
x _____ = \$ _____

Cost:

x _____ = \$ _____

Number of
items:

x _____ = \$ _____

Total cost
for Part 6a

\$ _____

6b. Labor Cost for Copying Records Already on Township Website

This shall not be more than the hourly wage of the 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 increments. 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: \$ _____

Hourly wage with fringe benefit cost: \$ _____

(Multiply the hourly wage by the fringe benefit multiplier and add to the hourly wage for a total per hour rate. The Township may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual cost of providing the information in the specified format.)

☐ Overtime rate charged as stipulated by requestor.

Charge per increment: \$ _____

Number of
increments

x _____ = \$ _____

Cost for
Part 6b

6c. Mailing Cost for Records Already on Township Website

Actual cost of envelope or packaging: \$ _____

Actual cost of postage: \$ _____ per stamp / pound / package

Actual cost (least expensive) postal delivery confirmation: \$ _____

Expedited shipping or insurance as requested: \$ _____

☐ Requestor has requested expedited shipping or insurance.

Number:

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

Total cost
for Part 6c

\$ _____

Subtotal Fees Before Waivers, Discounts or Deposits

- ☐ Cost estimate
☐ Invoice

Estimated time frame to provide records:

_____ (days or date)

This 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 the FOIA.

1. Labor cost for copying: \$ _____
2. Labor cost to locate: \$ _____
3a. Labor cost to redact: \$ _____
3b. Contract labor cost to redact: \$ _____
4. Copying cost: \$ _____
5. Mailing cost: \$ _____
6a. Copying cost for records on website: \$ _____
6b. Labor cost for copying records on website: \$ _____
6c. Mailing costs for records on website: \$ _____

Subtotal fees: \$ _____

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 of the fee for each request by an individual who is entitled to information under the FOIA and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, 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 Township shall inform the requestor specifically of the reason for ineligibility in its written response. An individual is ineligible for this fee reduction if any of the following apply:

1. The individual has previously received discounted copies of public records from the Township twice during that calendar year, or
2. 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. The Township 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 \$20 discount: \$ _____

Discount: Certain Nonprofit Organizations

A public record search must be made and a copy of a public record must be furnished without charge for the first \$20 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 is made directly on behalf of the organization or its clients, 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, and is accompanied by documentation of its designation by the state, if requested by the Township.

☐ Eligible for nonprofit discount

Subtotal fees after \$20 discount: \$ _____

<p><u>Deposit: Good Faith</u></p> <p>The Township may require a good-faith deposit before providing the public records to the requestor if the entire fee estimate or charge authorized under the FOIA exceeds \$50 based on a good-faith calculation of the total fee. The deposit cannot exceed 50% of the total estimated fee.</p> <p style="text-align: right;">Percent deposit required: _____</p>	<p>Date paid: _____</p>	<p>Deposit amount required: \$ _____</p>
<p><u>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full</u></p> <p>After the Township has granted and fulfilled a written request from an individual under the FOIA, if the Township has not been paid in full for 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, the Township may require an increased 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:</p> <ol style="list-style-type: none"> 1. The final fee for the prior written request was not more than 105% of the estimated fee. 2. The public records made available contained the information being sought in the prior written request and are still in the Township's possession. 3. The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. 4. Ninety (90) days have passed since the Township notified the individual in writing that the public records were available for pickup or mailing. 5. The individual is unable to show proof of prior payment to the Township. 6. The Township calculates a detailed itemization that is the basis for the current written request's increased estimated fee deposit. <p>The Township can no longer require an increased estimated fee deposit from an individual if the individual is able to show proof of prior payment in full to the Township, or the Township is subsequently paid in full for the applicable prior written request, or 365 days have passed since the individual made the written request for which full payment was not remitted to the Township.</p> <p style="text-align: right;">Percent deposit required: _____</p>	<p>Date paid: _____</p>	<p>Deposit amount required: \$ _____</p>
<p><u>Late Response Labor Costs Reduction</u></p> <p>If the Township does not respond to a written request in a timely manner, the Township must reduce the charges for labor costs otherwise permitted by 5% for each day the Township exceeds the time permitted for response, with a maximum 50% reduction, if 1) the late response was willful and intentional, or 2) 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 references for the FOIA, 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%</p> <p>= Total percent reduction: _____</p>	<p>Total labor costs \$ _____</p> <p>Less reduction \$ _____</p> <p>= Reduced total labor costs \$ _____</p>
<p>The Township's FOIA Procedures and Guidelines, and the Public Summary, are available free of charge on the Township website (www.adatownshipmi.com) and at the Township Hall located at 7330 Thornapple River Dr., P.O. Box 370, Ada, Michigan 49301.</p> <p style="text-align: center;">Your FOIA Request Will Be Processed But <u>Balance Must Be Paid</u> Before Copies May Be Picked Up, Delivered or Mailed</p>	<p>Date fee paid: _____</p>	<p>Total fee balance due: \$ _____</p>