

TOWNSHIP OF GREENDALE, COUNTY OF MIDLAND, STATE OF MICHIGAN
A POLICY AND PROCEDURE TO IMPLEMENT PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS
AND ESTABLISH COMPLIANCE WITH FREEDOM OF INFORMATION ACT REQUIREMENTS
IN LIEU OF CUSTOMARY BUSINESS HOURS
RESOLUTION #2014-0812 AMENDED

I PURPOSE

The purpose of this policy resolution is to address the requirements of Subsection 6(1) of the Freedom of Information Act 442 of PA 1976 (FOIA); MCL 15.231, MCL 15.234, MCL 15.236 et seq; MSA 4.1801(1), et seq; and the General Property Tax Act 206 of 1893; MCL 211.10a; to designate a coordinator; establish guidelines for compliance with these laws; establish an appeals process for request denials.

II POLICY STATEMENT

1. The Township Clerk is hereby designated as FOIA Coordinator. The Clerk may appoint a designee to carry out these duties. The Assessor is hereby designated to facilitate the inspection and copying of property appraisal cards, assessment rolls and any other information pertinent to property matters in either verbal or written form.

2. Unless otherwise agreed to in writing by the requesting party at the outset, Staff must respond to a request for a public record within five (5) business days of receiving the request.

a. The Township may issue a one-time notice extending the response period for up to ten (10) additional business days. The notice must state the reason for the extension.

3. All general requests will be honored if received in writing. The request must be written describing the public records sufficiently to enable Staff to retrieve and reproduce exactly what is required.

a. The act does NOT require the Township to make or prepare any particular records that do not already exist.

b. The act does NOT require the Township to create a compilation, summary or report that does not already exist.

c. Certain personal information can make a document exempt or partially exempt from disclosure. There are also statutory exemptions. An explanation of this denial will be provided. Exempted information will be redacted from requested documents.

d. Requests for information regarding property records may be written or verbal.

4. Original documents may be reviewed at the Township Offices from 10:00 am to 2:00 pm on Monday & Tuesday and Noon to 4:00 pm on Wednesday or by appointment with the appropriate Staff at any time mutually convenient for the remainder of the time that would be considered conventional business hours. Also, Staff may accommodate any reasonable time in the evening or weekends.

5. Original documents shall not be allowed off the premises at which they are located.
6. Fees shall be charged for the retrieval and reproduction of large requests for public records. In computing such fees, the following criteria shall be used:
 - a. Photocopying shall be charged on a per page basis; or, if necessary to use an outside source, the actual cost of employing the outside source; not to exceed 0.10 per letter or legal size page.
 - b. Actual mailing costs, including mailing supplies;
 - c. Labor costs incurred in 15 minute increments in duplication and mailing assessed at the hourly wage of the lowest paid employee of the Township capable of retrieving and reproducing the information requested;
 - d. Labor costs in 15 minute increments for search, examination, review and the deletion and separation of exempt and non-exempt information at the hourly wage of the lowest paid employee of the township capable of performing these tasks in order to provide the information requested.
7. A good faith deposit shall be required from the requesting party for up to one-half of the estimated costs of the project if it is expected to exceed 50.00. (Section 4(1)(2) of Act 442.)
8. Requesting individuals who can document indigence and request to be considered as such will receive information free up to a cost of 20.00.
9. If a FOIA request is denied, the FOIA Coordinator must inform the requesting party of the denial and the reason for the denial in writing within the allotted time for response. In the case of a denial, the requesting party may either:
 - a. Appeal the denial through an Administrative Hearing. The Greendale Township Supervisor is hereby deemed the Board member authorized to accept appeals of denials to submit to the Board at the first regularly scheduled Board meeting.
 - b. The request for an appeal of a denial must be in writing and specifically state the word "appeal" and identifies the reason for a reversal of the disclosure denial. The appeal is considered to have been received at the first regularly scheduled meeting of the Board following submission of the written appeal. The Board must respond within ten (10) business days of this time; under unusual circumstances, an additional ten (10) business days may be allowed;
 - c. The requesting party may seek judicial review in circuit court.

III Motion, Vote and Adoption

Motion, Knapp; Second, Herron. Adopt this Resolution establishing the policy and procedures for public access to public records.

Yea: Herron, Knapp, LeViere, Priest and Schumacher

Nay: None

Absent: None

RESOLUTION DECLARED ADOPTED.

Ruth L Knapp
Greendale Township Clerk

IV Certification

I hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the Greendale Township Board of Trustees at the regular meeting held on the 12th day of August, 2014.

Ruth L Knapp
Greendale Township Clerk

Resolution #2014-0812 Amendment. Motion, Vote and Adoption.

Motion, Knapp; Second, Herron. Adopt the Amendments to this Resolution conforming to newly enacted legislation MCL 15.231, MCL 15.234 and MCL 15.236.

Yea: Herron, Knapp, LeViere, Priest and Schumacher

Nay: none

Absent: none

RESOLUTION DECLARED ADOPTED

Ruth L Knapp
Greendale Township Clerk

IV Certification

I hereby certify that the foregoing is a true and complete copy of the Amended Resolution adopted by the Greendale Township Board of Trustees at the regular meeting held on the 16th day of June, 2015.

Ruth L Knapp, Greendale Twp Clerk

ESTABLISHING THE FEE STRUCTURE FOR FREEDOM OF INFORMATION ACT REQUESTS
TOWNSHIP OF GREENDALE, COUNTY OF MIDLAND, MICHIGAN
RESOLUTION #2012-0508-3 Amended

Be it resolved that the Township Board of Trustees of Greendale Township does hereby adopt the following fee schedule for establishing the proper charge for a Freedom of Information Act request under Public Act 442 of 1976. To be used in conjunction with the Freedom of Information Act Request Worksheet to outline and determine the scope of the information requested and the appropriate charges.

I Document Duplication

- A. Copies shall be charged at 0.10 per sheet copied on a Township owned copy machine, including double sided, as possible. Larger documents professionally duplicated shall be charged at the actual cost of duplication.
- B. Electronic data transfer shall be charged the township's cost of the recording medium and mailing as required.

II Mailing

- A. Legal sized envelopes, containing up to five (5) pages, shall be charged at the current postal rate for first class mail in the United States.
- B. Larger sized envelopes and packages shall be charged at the actual cost of postage plus appropriate charges for packaging. This includes all types of mailing and shipping, including first class mail and express mailings at the assent of the requestor.

III Hourly Labor Wage

- A. Documents simply drawn from a file and copied will be charged according to the rates established in Item I, paragraph A and Item II and delivered in accordance with the requestors directions.
- B. Requests requiring lengthy file search, review and copying shall be charged at a rate of 10.00 per hour, measured in 15 minute increments (rounded down for partial quarter hours), labor costs and incur any copying and mailing costs to fulfill the scope of the FOIA request.

IV Deposit

If the anticipated charge for a FOIA request will exceed 50.00, a good faith deposit of one-half of the total anticipated charge shall be required in advance.

V Waiver of Fees

If an individual receives public assistance and provides an affidavit stating that fact, or is able to state facts showing inability to pay fees because of indigence, a copy of a public record shall be furnished without charge for the first 20.00 of the fee.

Motion: Ruth L Knapp

Second: Richard Dean Cottrell

Those voting Yea: Cottrell, Herron, Knapp, LeViere and Schumacher

Voting Nay: none

Absent from vote: none

Supervisor declared this Resolution Adopted.

Ruth L Knapp, Clerk

I, Ruth L Knapp, the duly elected and acting Clerk of the Township of Greendale, County of Midland, hereby certify that the foregoing resolution was adopted by the Township Board of Trustees by a roll call vote at a regular meeting of the Board held on Tuesday, May 8, 2012, at which meeting a quorum was present and that the resolution was ordered to take immediate effect.

_____, Clerk

Motion, Knapp; Second, Priest. Adopt amendments to Resolution #2012-0508-3, amending FOIA Request fees and implementing compliance with changes in the FOIA Legislation .

Voting yea: Herron, Knapp, LeViere, Priest and Schumacher

Voting nay: none Absent: none

Supervisor declared this Resolution Adopted.

Ruth L Knapp, Clerk

June 16, 2015

I, Ruth L Knapp, the duly elected and acting Clerk of the Township of Greendale, County of Midland, hereby certify that the foregoing resolution was adopted by the Township Board of Trustees by a roll call vote at a regular meeting of the Board held on Tuesday, June 16, 2015, at which meeting a quorum was present and that the resolution was ordered to take immediate effect.

_____, Clerk

Freedom of Information Act
Request Worksheet

*Costs may only be charged if a copy of a public record is requested.
No fee may be charged for an individual to simply review public records.*

Date request was received:

Date of response:

Via letter

Record(s) requested:

Requested by:

I Duplication Costs:

___ Township-owned copier			
___ Commercial Copier	Facility used	___	\$ _____
Cost per copy \$.10 x	Number of copies	___ =	\$ _____
Cost of recording medium	Actual Cost	_____	\$ _____
Records Incl on disc \$.10 x	Number of records	_____ =	\$ _____
Cost per Zoning Ordinance \$7.00 x	Number of copies	_____ =	\$ _____

II Mailing Costs:

Cost per envelope \$.47 x	Number of envelopes	_____ =	\$ _____
Postage charge for larger envelope/package			\$ _____

III Labor Costs:

Due to the nature of this request, a labor fee is being charged for the search, examination, review and (as necessary) the deletion and separation of exempt from non-exempt information as provided in Section 14 of the Freedom of Information Act. Labor costs will be charged in 15 minute increments, with partial increments rounded down. This fee is being charged because the failure to do so would result in unreasonably high costs to the township. Specifically, _____

_____ N/A Hrly rate: 10.00. Increment Rate: 2.50 x Number of increments _____ =\$ _____

IV Total Charges:

\$ _____

Please remit payment in full to: Greendale Township.

Mail to: Shirley J Herron, Treasurer
3480 West Isabella Road
Shepherd MI 48883