

TOWNSHIP OF ALGOMA

FREEDOM OF INFORMATION ACT (FOIA) POLICY

1. Adoption. This policy is adopted pursuant to the Michigan Freedom of Information Act, as amended (the FOIA). It does not apply to requests for release of property tax records, which are covered in a separate Property Tax Records Inspection & Release Policy.

2. Definitions. Terms used in the FOIA shall have the definitions given by the FOIA for purpose of application of this policy. Without limiting the generality of the foregoing, as used in this policy:

- a. “Indigent” or “indigence,” for purposes of determining whether an individual is entitled to a reduced fee under Section 4 of FOIA, shall mean an individual who by proper affidavit demonstrates that he or she is receiving need-based public assistance and meets both the income and the asset standards set forth in the Township’s Poverty Exemption Policy adopted pursuant to MCL 211.7u, as that Poverty Exemption Policy is amended from time to time. An affidavit of indigence filed under Section 4 of the FOIA shall be effective for a period of three (3) months from the date it is filed with the FOIA coordinator.
- b. “Public record” means writing prepared, owned, used, in the possession of, or retained by the Township in the performance of an official function, from the time it is created. Public record does not include computer software.
- c. “Written request” means a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means. All requests, in whatever form, received from the same person within a 24-hour period shall be considered a single request, requiring only a single response from the FOIA coordinator.

3. Informal Request.

- a. The FOIA coordinator or Township staff may provide limited, readily identifiable public records without a written request in case of easily fulfilled, non-repetitive requests for information. Examples of documents which may be provided without the necessity of a written FOIA request include, but are not limited to:

- (1) Such documents which according to law are to be made available without the necessity of a FOIA request, such as the current Township property tax assessment roll and a property tax assessment card (see the Property Tax Records Inspection & Release Policy).

- (2) A single set of meeting minutes for a meeting held within the prior twelve (12) months which are requested by specific date.
 - (3) Ordinances which are identified by specific name or number.
 - (4) Similar records which can be readily provided.
- b. Township staff reserves the right to require a formal FOIA request.
 - c. Oral requests fulfilled under this Section 3 are not considered made under or subject to FOIA. Requesters have the option to make a written FOIA request, if so desired.
 - d. The requester shall pay the copying charges as provided for FOIA requests, but shall not be responsible for charges that would apply in a formal written FOIA request.

4. Formal FOIA Request.

- a. Except as provided in Section 3 above, all requests for inspection or copies of public records shall be in writing, and shall describe the public record(s) sufficiently to enable the FOIA coordinator to find the public record(s).
- b. The FOIA coordinator may communicate with the requesting person to seek clarification of an ambiguous, obscure or doubtful request. If clarified by the requesting person, the FOIA request shall be deemed amended to include the clarification. The FOIA coordinator will document all verbal clarifications.
- c. All written FOIA requests shall be kept on file for a period of not less than one year.
- d. The Township shall not be required to make a compilation, summary or report of information, nor shall the Township be required to create any new public record.
- e. A person may make a written request to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. Such request remains in effect for six months, and may be renewed by written request.

5. Conditions for Inspection.

- a. The FOIA coordinator may impose such reasonable restrictions and conditions as may be necessary to protect the public records and to prevent excessive or unreasonable interference with the conduct of the affairs of the Township or employee functions.

- b. To prevent pilfering or alteration of public records, the FOIA coordinator may require that inspection be performed in a setting which can be monitored, and may prohibit briefcases, bags or other containers while records are being inspected.
- c. In order to preserve or protect original written records, or to preserve the integrity of records on microfilm, microfiche or computers, the FOIA coordinator shall determine the format of all public records to be made available for inspection or copying under this policy.
- d. Original records shall not be marked, defaced, destroyed or otherwise altered. No notes or writing of any kind shall be made on the documents themselves.
- e. Original documents shall not be removed from the area provided for inspection and note taking. Original documents may be removed from and replaced in the Township files only by authorized Township officials or personnel.
- f. In the case of a public record which contains exempt information that must be redacted, the requester shall be required to accept a copy of the public record.
- g. Unless otherwise determined by the FOIA coordinator in a particular case, all electronically stored records (including e-mails) that are requested to be transmitted in digital form shall first be converted to pdf or other similar format that prevents alteration and preserves the integrity of the record at the time of its release.

6. Fees for Response. Subject to any limitations in the Freedom of Information Act or law, the FOIA coordinator shall impose the following charges:

- a. Ten cents per page of material copied, if copied in the Township office. If necessary to copy material outside of the Township office because of volume or size of documents requested (architectural or engineering plans, for example), then the cost per page will be equal to the cost to the Township for such copying.
- b. If provided on a computer disc, the cost of the computer disc shall be the Township's cost of obtaining and preparing the disc.
- c. \$.056 per mile traveled, for motor vehicle travel, if any, associated with locating public records requested, obtaining copy service, or other services associated with FOIA requests, or such current rate per mile traveled as approved by the IRS, and the Township Board annually as an appropriate expense claimed for mileage expense.
- d. There shall be no charge for fax or e-mail transmission.

- e. Postage will be charged at the Township's actual cost.
- f. A charge shall be made of 10 cents for small envelopes; 50 cents for large envelopes.
- g. The cost of search, examination, review, scanning and deletion and separation of exempt from non-exempt information shall be based on the hourly wage, plus fringe benefits, of the lowest paid employee capable of retrieving and processing the information necessary to comply with the FOIA request.
- h. A fee shall not be charged for search, examination, review and deletion and separation of exempt from non-exempt material, unless the amount of time devoted to such services is in excess of one-half hour.
- i. The FOIA coordinator may require, at the time of a request or as soon thereafter as possible, a good faith deposit from the person requesting the public record, if it is estimated that the fees for responding to the request would exceed \$50.00. The deposit shall not exceed one-half of the total estimated fees. The FOIA coordinator shall not process a FOIA request until the requestor pays the good faith deposit, and the time for response shall commence upon receipt of the deposit.
- j. The FOIA coordinator shall not deliver copies of public records or permit their inspection until the fees have been paid in full, if the fees exceed \$20.00, or if the requester has unpaid FOIA charges exceeding \$20.00.
- k. The charges under this policy shall not apply where a statute specifically authorizes a different charge.
- l. The FOIA coordinator may waive the above fees for requests by governmental entities or agencies, and shall waive the first \$20.00 in fees in the case of indigence, as required by the FOIA.

7. Time for Response. A written request made by fax, e-mail or other electronic transmission shall not be deemed received until one business day after the electronic transmission is made. Unless otherwise agreed in writing, the FOIA coordinator shall respond to a request utilizing the attached response form or similar form within five business days after the Township receives the request by doing one of the following:

- a. Granting the request.
- b. Issuing a written notice to the requesting party denying the request.
- c. Granting the request in part and issuing a written notice to the requesting party denying the request in part.

- d. Issuing a written notice extending for not more than 10 business days the period during which the Township shall respond to the request, and giving the reason for such extension.

8. Denial. A written notice denying a request in whole or in part shall contain the following:

- a. An explanation of the basis of the denial.
- b. A statement that the public record does not exist, if applicable.
- c. A statement that the written request does not describe a public record sufficiently to enable the Township to find it, if applicable.
- d. A brief description of public records not provided because of a claimed exemption.
- e. An explanation of the requesting person's right to make an appeal to the Township Board to seek judicial review and other rights available to such person pursuant to Section 10 of the Freedom of Information Act.

The FOIA coordinator shall sign such denial.

9. Appeal to Township Board.

- a. If the FOIA coordinator makes a final determination to deny all or a portion of a request, the person making the request may appeal to the Township Board as provided in the FOIA by submitting to the FOIA coordinator a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial. Within 30 days after receiving a written appeal (as determined under subsection b. below), the Township Board shall do one of the following:
 - (1) Reverse the disclosure denial.
 - (2) Issue a written notice to the requesting person upholding the disclosure denial.
 - (3) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
 - (4) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Township Board shall respond to the written appeal. The Township Board shall not issue more than one notice of extension for a particular written appeal.

- b. The Township Board is not considered to have received a written appeal under this policy until the first regularly scheduled meeting of the Township Board following submission of the written appeal.

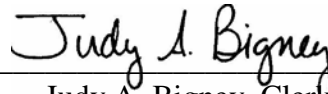
10. Records Exempt from Disclosure. The FOIA coordinator may exempt from disclosure any records identified as exempt from disclosure in Section 13 of the FOIA. The FOIA coordinator shall exempt from disclosure:

- a. That portion of any public record disclosing a person's social security number.
- b. Information protected under the Family Educational Rights and Privacy Act of 1974.
- c. Minutes of any closed session meeting, disclosure of which is prohibited by the Open Meetings Act.
- d. Any other material, disclosure of which is prohibited by law.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a policy adopted by the Township Board of the Township of Algoma, County of Kent, and State of Michigan, at a meeting held on November 11, 2014, the original of which is on file in my office and available to the public.

Dated: November 18, 2014



Judy A. Bigney, Clerk
Township of Algoma

TOWNSHIP OF ALGOMA
KENT COUNTY, MICHIGAN

Minutes of a regular meeting of the Township Board of the Township of Algoma, Kent County, Michigan, held at the Algoma Township Hall, 10531 Algoma Avenue, Rockford, Michigan, on the 11th day of November, 2014, at 7:00 p.m.

PRESENT: Members: Hoemke, J. Bigney, Ellenwood, W. Bigney, Clary, Pickerd and Powell

ABSENT: Members: None

The following resolution was offered by Member J. Bigney and supported by Member W. Bigney:

RESOLUTION NO. 33-14

RESOLUTION ADOPTING FREEDOM OF INFORMATION ACT (FOIA) POLICY

WHEREAS, the Michigan's Freedom of Information Act (FOIA) provides for adoption by a public body of policies with respect to certain matters connected with FOIA requests and responses, such as fees, rules for inspection of documents, and other matters;

WHEREAS, it is in the public interest to adopt such policies.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

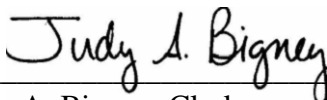
1. The Policies for Release of Township Records, attached hereto as Exhibit A, is hereby adopted as an official policy of the Township.

2. This resolution supersedes all resolutions in conflict herewith, including but not limited to Resolution No. 20-05, establishing fees for FOIA responses in 2005.

YEAS: Members: Clary, W. Bigney, Pickerd, J. Bigney, Powell, Ellenwood, Hoemke

NAYS: Members: None

RESOLUTION DECLARED ADOPTED.



Judy A. Bigney, Clerk
Township of Algoma