



FREEDOM OF INFORMATION ACT PROCEDURES & GUIDELINES

Statement of Principles

It is the policy of the City of Morenci that all persons, except those who are serving a sentence of imprisonment, 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 City of Morenci's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The City of Morenci acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The City of Morenci acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

The City of Morenci will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The City of Morenci's policy is to disclose public records consistent with and in compliance with State law.

Section 1. General Policies

- a. **Designation of FOIA Coordinator.** The City Council acting pursuant to the authority at MCL 15.236 designates the City Administrator / Clerk as the FOIA Coordinator. He or she is authorized to designate other City staff to act on his or her behalf to accept and process written requests for the City's public records and approve denials.
- b. **Date of Receipt of Request.** If a request for a public record is received by facsimile or e-mail, the request is deemed to have been received on the following business day. However, if a written request is sent by electronic mail and delivered to the public body's spam or junk-mail folder, the request is not received until 1 day after the public body first becomes aware of the written request. The public body shall note in its records both the time a written request is delivered to its

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spam or junk-mail folder and the time the public body first becomes aware of that request.

- c. **Administrative Rules.** The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.
- d. **Creation of Records Not Required.** The City 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 City staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.
- e. **Record Keeping.** The FOIA Coordinator shall keep a copy of all written requests for public records received by the City on file for a period of at least one year.

Section 2. Requesting a Public Record

- a. **Written Requests Required.** A person requesting to inspect or obtain copies of public records prepared, owned, used, possessed or retained by City of Morenci must do so in writing. The request must sufficiently describe a public record so as to enable City personnel to identify and find the requested public record.
- b. **Form of Request.** 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.
- c. **Submission of Request.** Written requests for public records may be submitted in person or by mail, facsimile or electronic mail to any City office. Upon receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.
- d. **Non-physical Media.** A person may request that public records be provided on non-paper physical media, electronically mailed or other otherwise provided to him or her in lieu of paper copies. The City will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.
- e. **Subscriptions.** A person may subscribe to future issues of public records that are created, issued or disseminated by the City of Morenci on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.
- f. **Referral to Website.** A person who makes a verbal, non-written request for information believed to be available on the City's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

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- g. **Persons Not Entitled to Request Records.** 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. Fees

- a. **Fee and Basis for Charge.** The City may charge a fee for a public record search, the necessary copying of a public record for inspection, or for providing a copy of a public record. The City may charge for the following costs associated with processing a FOIA request:
- i. Labor costs directly associated with searching for, locating and examining a requested public record.
 - ii. Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information, which is disclosed.
 - iii. The actual cost of computer discs, computer tapes or other digital or similar media.
 - iv. The cost of duplication of publication, not including labor, of paper copies of public records.
 - v. The cost of labor associated with duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means.
 - vi. The actual cost of mailing or sending a public record.
- b. **Calculation of Labor Costs.** Labor costs will be calculated based on the following requirements:
- i. Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work.
 - ii. All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down
 - iii. If the request requires the City to separate and/or delete exempt information from nonexempt information and the City does not employ a person capable performing this task, as determined by the public body's

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FOIA coordinator on a case-by-case basis, it may contract for such services and treat necessary contracted labor costs used for the separating and deleting of exempt information from nonexempt information in the same manner as employee labor costs when calculating charges if it clearly notes the name of the contracted person or firm on the detailed itemization. Total labor costs calculated for contracted labor costs shall not exceed an amount equal to 6 times the state minimum hourly wage rate determined under section 4 of the workforce opportunity wage act, 2014 PA 138, MCL 408.411 to 408.424.

- iv. A public body shall not charge for labor directly associated with redaction of exempt if it knows or has reason to know that it previously redacted the public record in question and the redacted version is still in the public body's possession.
 - v. Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The City 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.
 - vi. Overtime wages will not be included in labor costs until agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- c. **Cost of Non-physical Media.** The cost to provide records on non-paper physical media when so requested will be based on the following requirements:
- i. Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
 - ii. This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.
 - iii. In order to ensure the integrity and security of the City's technological infrastructure, the City will procure any requested non-paper media and will not accept non-paper media from the requestor.
- d. **Cost of Paper Copies.** The cost to provide paper copies of records will be based on the following requirements:
- i. Paper copies of public records made on standard letter (8 1/2 x 11) or legal (8 1/2 x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for nonstandard sized sheets of paper will reflect the actual cost of reproduction.

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- ii. The City may provide records using double-sided printing, if cost-saving and available.
- e. **Mailing Costs.** The cost to mail records to a requestor will be based on the following requirements:
- i. The actual cost to mail public records using a reasonably economical and justified means.
 - ii. The City may charge for the least expensive form of postal delivery confirmation.
 - iii. No cost will be made for expedited shipping or insurance unless requested.
- f. **Cost for Separation of Exempt from Non-exempt.** A fee will not be charged 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 costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs. The following factors shall be used to determine an unreasonably high cost to the City:
- i. The particular request incurs costs greater than incurred from the typical or usual request received by the City. See *Bloch v Davison Community Schools*, 2011 Mich App Lexis 771, 2011 WL 1564645
 - ii. Volume of the public record requested
 - iii. Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
 - iv. Whether public records from more than one City department or various City offices is necessary to respond to the request.
 - v. The available staffing to respond to the request.
 - vi. Any other similar factors identified by the FOIA Coordinator in responding to the particular request.
- g. **Cost Reduction for Failure to Respond Timely.** If the FOIA Coordinator does not respond to a written request in a timely manner, the following shall be required:
- i. Reduce the labor costs by 5% for each day the City exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:

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- (1) The late response was willful and intentional.
- (2) The written request, within the first 250 words of the body of a letter facsimile, e-mail or e-mail attachment conveyed a request for information.
- (3) The written request included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy" or a recognizable misspelling of such, or legal code reference to MCL 15. 231 *et seq.* or 1976 Public Act 442 on the front of an envelope or in the subject line of an e-mail, letter or facsimile cover page.

- ii. Fully note the charge reduction in the Detailed Itemization of Costs Form

Section 4. Waiver of Fees

- a. **Waiver for Benefit of the Public.** 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 such can be considered as primarily benefitting the general public. May wish to establish and set forth the conditions a requestor must meet to so as to "benefit the general public" in order to obtain a waiver of fees.
- b. **Other Waivers.** The FOIA Coordinator will waive the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:
 - i. Indigent and receiving specific public assistance; or if not receiving public assistance stating facts demonstrating an inability to pay because of indigency. An individual is not eligible to receive the waiver if:
 - (1) The requestor has previously received discounted copies of public records from the City twice during the calendar year; or
 - (2) The requestor requests information in connection with other persons who are offering or providing payment to make the request. The requestor shall affirmatively state in the affidavit seeking waiver that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.
 - ii. A nonprofit organization designated to by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 200 and the Protection and Advocacy for Individuals with Mental Illness Act, or their successors, if the request meets all of the following requirements:

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- (1) Is 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, MCL 330.1931;
- (3) Is accompanied by documentation of its designation by the State.

Section 5. Payment of Fees and Deposits

- a. **Payment of Fees.** 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. A copy of these Procedures and Guidelines shall be provided to the requestor with the response to a written request for public records, provided however, that if these Procedures and Guidelines, and its Written Public Summary are maintained on the City's website, then a website link to those documents may be provided in lieu of providing paper copies.
- b. **Costs less than \$50.** If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.
- c. **Deposit.** If based on a good faith calculation by the City, the cost of processing a FOIA request is expected to exceed \$50, or if the requestor has not fully paid for a previously granted request, the City will require a good-faith deposit 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 City to process the request and also provide a best efforts estimate of a time frame it will take the City to provide the records to the requestor. The best efforts estimate shall be nonbinding on the City, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.
 - i. If the request for deposit is based on the fee estimate exceeding \$50.00, based on a good-faith calculation by the City, the requestor will be asked to provide a deposit not exceeding one-half (1/2) of the total estimated fee.
 - ii. If the request for deposit is based on the requestor not having fully paid the City 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 processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following

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conditions exist:

- (1) The final fee for the prior written request is not more than 105% of the estimated fee;
 - (2) The public records made available contained the information sought in the prior written request and remain in the City's possession;
 - (3) The public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
 - (4) 90 days have passed since the FOIA Coordinator 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 City; and
 - (6) The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.
- iii. The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:
- (1) The person making the request is able to show proof of prior payment in full to the City;
 - (2) The City is subsequently paid in full for the applicable prior written request; or
 - (3) 365 days have passed since the person made the request for which full payment was not remitted to the City.

Section 6. Processing a Request

- a. **Response to Request.** Unless otherwise agreed to in writing by the person making the request, within 5 business days of receipt of a FOIA request the City will issue a response. The City will respond to the request in one of the following ways:
- i. Grant the request.
 - ii. Issue a written notice denying the request.
 - iii. Grant the request in part and issue a written notice denying in part the

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request.

- iv. Issue a written notice indicating extending the period for a response for not more than 10 business days and specifying the reason for the extension and the date by which the City will respond. Only one such extension is permitted.
 - v. Issue a written notice indicating that the public record requested is available at no charge on the City's website.
- b. **Denials.** If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall contain:
- i. An explanation as to why a requested public record is exempt from disclosure; or
 - ii. 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 City; or
 - iii. An description of the public record or information within a public record that is separated or deleted from the public record and an explanation as to why the separated or deleted portion of the public record is exempt from disclosure.
 - iv. A full explanation of the requesting person's right to do either of the following:
 - (1) Submit to the City Council a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial.
 - (2) Seek judicial review of the denial in the Lenawee County Circuit Court.
 - v. An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should the requesting person prevail in Circuit Court.
 - vi. The Notice of Denial shall be signed by the FOIA Coordinator.
- c. **Request of Clarification.** 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 subject to the timelines described in this Section.

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- d. **Facilities for Examination of Documents.** The City 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 City records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal City operations.
- e. **Certified Copies.** 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 7. Appeal of a Denial of a Public Record

- a. **Right to Appeal to City.** 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 the denial to the City Council. 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 and shall be filed with the City Clerk.
- b. **Receipt of Appeal.** The City Council is not considered to have received a written appeal of either a denial or a fee amount until its first regularly scheduled meeting following the submission of the appeal. It shall then have 10 business days to respond to the appeal in writing by:
 - i. Reversing the disclosure denial;
 - ii. Upholding the disclosure denial; or
 - iii. Reversing the disclosure denial in part and upholding the disclosure denial in part.
- c. **Extension of Time for Response.** Under unusual circumstances, such as the need to examine or review a voluminous amount of separate and distinct public records or the need to collect the requested records from numerous facilities located apart from the office receiving or processing the request, the City Council may issue not more than 1 notice of extension for not more than 10 business days to respond to the appeal
- d. **Filing Civil Action.** Whether or not a requestor appealed a denial to the City Council, he or she may file a civil action in Lenawee County Circuit Court within 180 days after the City's final determination to deny the request.
- e. **Available Remedies.** If the court determines that the public record is not exempt from disclosure, the court will award the appellant reasonable attorneys' fees, cost and disbursements. If the court determines that the appellant prevails

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only in part, the court in its discretion may award all or an appropriate portion of reasonable attorneys' fees, costs and disbursements.

- f. **Punitive Damages.** If the court determines that the City arbitrarily and capriciously violated the FOIA by refusing or delaying the disclosure of copies of a public record, it shall award the appellant punitive damages in the \$1,000. Court shall also order that the public body pay a civil fine of \$1000 to the general fund of the State treasury.

Section 8. Appeal of an Excessive FOIA Processing Fee

- a. **Appeal of Fees.** If a requestor believes that the fee charged by the City to process a FOIA request exceeds the amount permitted by state law, he or she must first submit a written appeal for a fee reduction to the City Clerk for review and action by the City Council. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.
- b. **Receipt of Appeal.** The City Council is not considered to have received a written appeal of either a denial or a fee amount until its first regularly scheduled meeting following the submission of the appeal. It shall then have 10 business days to respond in writing by:
 - i. Waiving the fee;
 - ii. Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee, accompanied by a certification by the City Council that the statements in the determination are accurate and the reduced fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA;
 - iii. Upholding the fee and issuing a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee, accompanied by a certification by the City Council that the statements in the determination are accurate and the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA; or
 - iv. Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the City Council will respond to the written appeal.
- c. **Civil Action.** Within 45 days after receiving notice of the City Council's determination of a fee appeal, a requestor may commence a civil action in Lenawee County Circuit Court for a fee reduction. If a civil action is filed appealing the fee, the City is not obligated to process the request for the public record until the Court resolves the fee dispute.

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- d. **Available Remedies.** If the court determines that the City required a fee that exceeds the amount permitted, it shall reduce the fee to a permissible amount. If the appellant in the civil action prevails 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.
- e. **Punitive Damages.** If the court determines that City has acted arbitrarily and capriciously by charging an excessive fee, the court shall also award the appellant punitive damages in the amount of \$500.

Section 9. Conflict with Prior FOIA Policies and Procedures; Effective Date

- a. **Repeal of Prior Policies, Procedures and Guidelines.** All prior FOIA policies, procedures and guidelines adopted by the City are hereby repealed.
- b. **Conflict with FOIA.** To the extent that these Procedures and Guidelines are found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the City Council of any change these Policies and Guidelines.
- c. **Effective Date.** These FOIA Policies and Guidelines become effective July 1, 2015.

Section 10. Penalty for Violation of the Act

If the court determines in either an appeal of a denial of a public record, or the appeal of an excessive fee, that the public body willfully and intentionally failed to comply with the FOIA or otherwise acted in bad faith, then in addition to any another award or sanction, the court shall impose a civil fine of not less than \$2500 or more than \$7500 for each occurrence.

The court is required to consider the budget of the public body and whether the public body has been previously been assisted penalties for violations of the FOIA.

The civil fine is to be deposited to the general fund of the State treasury.

Section 11. Appendix of City of Morenci FOIA Forms

- a. Request Form
- b. Denial Form



**City Hall
118 Orchard Street
Morenci, MI 49256
(517) 458-6828**

Freedom of Information Act (FOIA) Request Form

Date Requested: _____

Name: _____

Address: _____
Street City State Zipcode

Phone Number: _____

Please describe with specificity the document(s) that you are requesting. If you are not sufficiently specific, we may not be able to locate the document(s) you request which may delay our response to your request:

You may pick up your request at Morenci City Hall, 118 Orchard Street, Morenci, MI 49256 or you may have it mailed (cost of mailing will be charged to you) to you after review and approval is complete. This can take up to five (5) working days to complete, or such later date as may be extended by law.

_____ Will pick up _____ Please mail

You will be charged the allowable fees and costs under FOIA or you need to show documentation showing that you, the requester, are receiving public assistance or other facts showing inability to pay due to indigence. You agree to pay such fees and costs prior to the release of the documents.

Signature

.....
Department use only

No. of pages _____ Pick up cost _____ Mail cost _____



City Hall
118 Orchard Street
Morenci, MI 49256
(517) 458-6828

City of Morenci
Freedom of Information Act (FOIA)
Appeal of Denial Form

On _____, 20__, I filed a Freedom of Information Act (FOIA) request with the City of Morenci. A copy of that request is attached. The City of Morenci FOIA Coordinator has denied the request, either entirety or in part.

I submit the following appeal of that decision to the Mayor.

Name _____

Date: _____

Address _____

Phone: _____

Explain the reason(s) why you feel the Mayor should reverse the decision of the City's FOIA Coordinator to deny (entirety or in part) access to the requested records pursuant to the FOIA (an explanation may be made below or else attached to the form):

You will receive a response in writing. It will be mailed to you no later than ten (10) days after receipt of your appeal. You may direct any questions to the City's FOIA Coordinator at (517) 458 – 6828.

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c. Waiver of Fee Form

d. Detailed Itemization of Fees Form

Approved by the Morenci City Council on April 27, 2015



**City Hall
118 Orchard Street
Morenci, MI 49256
(517) 458-6828**

Freedom of Information Act (FOIA) Request Form

Date Requested: _____

Name: _____

Address: _____
Street City State Zipcode

Phone Number: _____

Please describe with specificity the document(s) that you are requesting. If you are not sufficiently specific, we may not be able to locate the document(s) you request which may delay our response to your request:

You may pick up your request at Morenci City Hall, 118 Orchard Street, Morenci, MI 49256 or you may have it mailed (cost of mailing will be charged to you) to you after review and approval is complete. This can take up to five (5) working days to complete, or such later date as may be extended by law.

_____ Will pick up _____ Please mail

You will be charged the allowable fees and costs under FOIA or you need to show documentation showing that you, the requester, are receiving public assistance or other facts showing inability to pay due to indigence. You agree to pay such fees and costs prior to the release of the documents.

Signature

.....
Department use only

No. of pages _____ Pick up cost _____ Mail cost _____



City Hall
118 Orchard Street
Morenci, MI 49256
(517) 458-6828

City of Morenci
Freedom of Information Act (FOIA)
Appeal of Denial Form

On _____, 20__, I filed a Freedom of Information Act (FOIA) request with the City of Morenci. A copy of that request is attached. The City of Morenci FOIA Coordinator has denied the request, either entirety or in part.

I submit the following appeal of that decision to the Mayor.

Name _____

Date: _____

Address _____

Phone: _____

Explain the reason(s) why you feel the Mayor should reverse the decision of the City's FOIA Coordinator to deny (entirety or in part) access to the requested records pursuant to the FOIA (an explanation may be made below or else attached to the form):

You will receive a response in writing. It will be mailed to you no later than ten (10) days after receipt of your appeal. You may direct any questions to the City's FOIA Coordinator at (517) 458 – 6828.



**City Hall
118 Orchard Street
Morenci, MI 49256
(517) 458-6828**

**City of Morenci
Freedom of Information Act (FOIA)
Wavier of Fee Form**

Indigence Wavier

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.

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA Request:

Requestor's Signature

Date



**City Hall
118 Orchard Street
Morenci, MI 49256
(517) 458-6828**

**City of Morenci
Freedom of Information Act (FOIA)
Waiver of Fee Form**

Nonprofit Organization Waiver

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 City.

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:

Requestor's Signature

Date



City Hall
118 Orchard Street
Morenci, MI 49256
(517) 458-6828

FOIA Fee Itemization Form

Component	Cost Calculations	Total
1. Labor Costs – Search, Location, and Examination of Records*	<p>Enter the hourly wage of lowest paid employee capable of performing the search, location and examination</p> <p style="text-align: right;">\$_____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)</p> <p style="text-align: right;">_____%</p> <p>Multiply the hourly wage times the fringe benefit multiplier</p> <p style="text-align: right;">\$_____ x 1.____ = \$_____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> <p style="text-align: right;">\$_____ + _____ = \$_____</p> <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment</p> <p style="text-align: right;">\$_____ / 4 = \$_____</p>	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p style="text-align: right;">_____ x \$_____ = \$_____</p>	<p style="text-align: right;">\$_____</p>

<p>2. Employee Labor Costs – Redaction*</p>	<p>If performed by the public body's employee:</p> <p>Enter the hourly wage of lowest paid employee capable of performing the redaction \$_____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost) _____%</p> <p>Multiply the hourly wage times the fringe benefit multiplier \$_____ x 1.____ = \$_____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs) \$_____ + _____ = \$_____</p> <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment \$_____ / 4 = \$_____</p>	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate _____ x \$_____ = \$_____</p>	<p>\$_____</p>
<p>2. Contracted Labor Costs – Redaction*</p>	<p>If performed by Contracted Labor (Only permitted if the public body does not employ a person capable of redacting the records as determined by the FOIA Coordinator):</p> <p>Name of person or firm contracted: _____</p> <p>Enter the hourly rate charged by the contractor (may not exceed six (6) times the State minimum wage (i.e. \$8.15x6=\$48.90) \$_____ per hour</p> <p>Divide the hourly rate by four (4) to determine the charge per fifteen (15) minute increment</p>	

	\$ _____ / 4 = \$ _____	
	Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate _____ x \$ _____ = \$ _____	\$ _____
3. Non-Paper Physical Media	Actual and most reasonably economical cost of: Flash Drives \$ _____ x number used _____ = \$ _____ Computer Discs \$ _____ x number used _____ = \$ _____ Other Media \$ _____ x number used _____ = \$ _____	\$ _____
4. Paper Copies	Actual total incremental cost of duplication (not including labor) up to a <u>maximum of 10 cents per page</u> : Letter paper (8 1/2" x 11") number of sheets ____ x \$0.____ = \$ _____ Legal paper (8 1/2" x 14") number of sheets ____ x \$0.____ = \$ _____ Actual cost of other types of paper: Type of Paper: _____ number of sheets ____ x \$ _____ = \$ _____ Type of Paper: _____ number of sheets ____ x \$ _____ = \$ _____ (NOTE: Must print double-sided if available and costs less.)	\$ _____
5. Labor Cost – Duplication Copying, and transferring records to non-paper physical media	Enter the hourly wage of lowest paid employee capable of performing the duplication, copying, or transferring digital records to non-paper physical media \$ _____ per hour Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)	

	<p style="text-align: right;">_____ %</p> <p>Multiply the hourly wage times the fringe benefit multiplier</p> <p style="text-align: right;">\$ _____ x 1. _____ = \$ _____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> <p style="text-align: right;">\$ _____ + _____ = \$ _____</p> <p>Divide the resulting hourly wage by _____ to determine the charge per _____ (____) minute increment</p> <p style="text-align: right;">\$ _____ / 4 = \$ _____</p> <p>(NOTE: May use any time increment for this category)</p>	
	<p>Number of ____ minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p style="text-align: right;">_____ x \$ _____ = \$ _____</p>	\$ _____
6. Mailing	<p>Actual cost of mailing records in a reasonable and economical manner:</p> <p style="text-align: right;">Cost of mailing: \$ _____</p> <p>Cost of least expensive form of postal delivery confirmation:</p> <p style="text-align: right;">\$ _____</p> <p>Cost of expedited shipping or insurance only if specifically stipulated by the requestor:</p> <p style="text-align: right;">\$ _____</p>	\$ _____
	Subtotal	\$ _____
Waivers and Reductions	<p>Subtract any Fee Waiver or Reduction: \$20.00 for indigency or nonprofit organization as further described in the Public Body's procedures and guidelines.</p> <p>Any amount determined by the Public Body due to the search and furnishing of the Public Record determined to be in the public interest. \$ _____</p> <p>The reduction amount due to the late response of the Public Body. 5% of fee x ____ days late = _____ % reduction (maximum reduction is 50%)</p>	-\$ _____

Deposit	Subtract any good-faith deposit received: \$ _____	-\$ _____
	Total Due	\$ _____