

HAMLIN TOWNSHIP
MASON COUNTY, MICHIGAN
3775 N. JEBAVY DRIVE
LUDINGTON, MI 49431

FREEDOM OF INFORMATION ACT (FOIA) REQUEST FOR PUBLIC RECORDS

Delivery Method (check one)	
E-Mail Records _____	E-Mail Address _____
Mail to address below _____	Pick up records in person _____

Name: _____ Phone Number: _____

Firm/Organization: _____

Street: _____ City: _____

State: _____ Zip: _____

Describe the public record(s) you are requesting as specifically as possible.

I have requested a copy of records pursuant to Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq. I understand that the township must respond to this request within five (5) business days after receiving it. I understand that there are charges for making copies of requested items. If the charges are anticipated to exceed \$50.00, a good faith deposit of one half of the total anticipated charges shall be required. If an individual submits an affidavit stating that he or she is receiving public assistance 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 for each request. You will be notified when your request has been completed. The balance must be paid in full before the request has been picked up or mailed. If your request is denied, you will be notified in writing.

Requestor's Signature: _____ Date: _____

Approved by the Hamlin Township Board on 08/16/2012

HAMLIN TOWNSHIP
FREEDOM OF INFORMATION ACT POLICY

1. This policy is adopted pursuant to the Freedom of Information Act, MCL 15.231, et seq, as amended (Act).
2. Definitions.
 - a. FOIA coordinator means the Township's Freedom of Information Act Coordinator (Township Supervisor) or his/her designee. Unless otherwise indicated, any reference in this policy to the "FOIA coordinator" shall include any designee. All written FOIA requests shall be retained for a period of not less than one (1) year.
 - b. Indigent or indigency, for purposes of determining whether an individual is entitled to a reduced fee under Section 4 of the Act, shall mean an individual who by proper affidavit demonstrates that he or she 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 indigency filed under Section 4 of the Act shall be effective for a period of 3 months from the date it is filed with the FOIA coordinator.
 - c. Person means an individual, corporation, limited liability company, partnership, firm, organization, association, government entity, or other legal entity. Unless it is one of the foregoing, an assumed name, an unincorporated voluntary association, a media outlet or other similar group without recognized legal status is not a "person" within the meaning of this Policy. Person does not include an individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state or in a federal correctional facility.
 - d. Public record means a 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.
 - e. Writing means handwriting, typewriting, printing, photostating, photographing, photocopying and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.
 - f. 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. FOIA Request. All requests for inspection or copies of public records shall be in writing, except where waived by the FOIA coordinator, and shall describe the public record(s) sufficiently to enable the FOIA coordinator to find the public record(s). Nothing in this policy shall be

construed to prohibit the FOIA coordinator from communicating 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. If, in the reasonable opinion of the FOIA coordinator, multiple or duplicative requests from one or more persons who appear to be acting in concert in an effort to evade the cost reimbursement or circumvent other material provisions of this policy or the Act are received, the FOIA coordinator may treat such requests as a single request or take other action as the FOIA coordinator deems reasonable in the circumstances to prevent excessive and unreasonable interference with the discharge of the Township's functions or the functioning of its departments, or to protect its public records from loss, unauthorized alteration, mutilation or destruction.

4. Conditions for Inspection. 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 of Hamlin employee functions. 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. Without limiting the generality of the foregoing, the FOIA coordinator may require that copies of the requested records be made available for inspection, rather than the originals, and may charge the requesting person standard rates for the copies. Alternatively, the FOIA coordinator may electronically scan original records and provide the requesting person with a digital copy, either by email delivery or by copying the records to a CD or other memory device, and charge the requesting person for the actual incremental cost of the storage media and for the labor costs to scan the original records. Unless otherwise determined by the FOIA coordinator in a particular case, all electronically stored records (including emails) 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. 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.
5. Charges. Subject to any limitations in the Freedom of Information Act, the FOIA coordinator shall impose the following charges:
 - a. For uncomplicated searches, involving a limited number of copies, the FOIA coordinator may charge 10 cents per copy, plus the cost of envelopes, labels and postage.
 - b. For other than uncomplicated searches, the FOIA coordinator shall charge the cost of search, examination, review, scanning and the deletion and separation of exempt from nonexempt information based upon the hourly wage of the lowest paid employee capable of retrieving the information necessary to comply with the FOIA request, together with a charge of 10 cents per copy, plus the cost of envelopes, labels and postage. The fee shall not include the cost of the search, examination, review, and deletion and separation of exempt from nonexempt information unless failure to charge such a fee would result in an unreasonably high cost to the Township of Hamlin because of the nature of the particular request, and the FOIA coordinator specifically identifies the nature of these unreasonably high costs. The Township experiences unreasonably high costs for searching, examining, reviewing and deleting and separating exempt and

nonexempt public records whenever the costs, including wages and benefits of the lowest paid employee capable of performing the task (as determined by the FOIA coordinator), exceeds \$25. If the Township experiences unreasonably high costs in excess of \$50, the FOIA coordinator shall require a good faith deposit equal to one-half of the total estimated costs and shall specify the nature of the unreasonably high costs.

- c. The FOIA coordinator shall require, at the time of a request, 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 fee. The FOIA coordinator shall not process a FOIA request until the requester pays the good faith deposit. The FOIA coordinator shall not deliver copies of public records or permit their inspection until the fees have been paid in full.
 - d. The charges under this policy shall not apply where a statute specifically authorizes a different charge.
 - e. The FOIA coordinator may waive the above fees for requests by governmental entities or agencies or, the first \$20.00 in fees in the case of indigency, as required by the Act.
6. Time for Response. A written request made by fax, email or other electronic transmission shall not be deemed received until one (1) 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 within five (5) 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. Issuing a notice extending for not more than ten (10) business days the period during which the Township shall respond to the request.
7. 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. The statement that the public record does not exist.
 - c. A statement that the written request does not describe a public record sufficiently to enable the Township to find it.
 - 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 of Trustees 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.

8. Appeal to Township Board of Trustees. 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 of Trustees as provided in the Act 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 10 days after receiving a written appeal, the Township Board of Trustees shall do one of the following:
 - (a) Reverse the disclosure denial.
 - (b) Issue a written notice to the requesting person upholding the disclosure denial.
 - (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
 - (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the 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.

Township Board is not considered to have received a written appeal under this Policy until the first regularly scheduled meeting of Township Board following submission of the written appeal. If the Township Board fails to respond to a written appeal, or if the Township 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 an action in circuit court pursuant to the Act.

9. Exempt Public Records. All records identified in Section 13 of the Act, a copy of which Section is attached, shall be exempt from disclosure on the conditions and under the circumstances described in such Section 13.

The foregoing policy was adopted on April 11, 2013 on the MOTION of C. Lewis SUPPORTED by L. Rees.

ROLL CALL:

AYES: C. Lewis; L. Rees; S. Ptaszenski; J. Gurzynski; N. Vandervest

NAYS: None

Fee Schedule: (Adopted by the Hamlin Township Board of Trustees)

Copies: .10 Each

Future Land Use Plan: \$10.00 or .25 per page

Labels: .05 Each plus computer time.

Computer Print outs: .25 Each page plus computer time

Postage per United States Postal Service depending on weight of envelope.

Computer Time: Hourly rate of lowest paid office employee, which will be pro-rated in 15 minute increments. In addition, .10 a page for print outs (reports, labels, etc).
(Fees must be paid in full prior to the actual delivery of the requested information).

OBLIGATIONS DUE STATE (EXCERPT)

Act 20 of 1842

21.153 Obligations due state or municipality; payment by check or bank draft, date operative; legal tender. Sec. 3. Whenever any check or bank draft shall be tendered for the payment of any debt, taxes or other obligation due to the state or to any municipality therein, such check or draft shall operate as a payment made on the date the check or draft was received and accepted by receiving officer, if it shall be paid on presentation without deduction for exchange or cost of collection. All agencies of the state of Michigan shall request that checks tendered in payment of an obligation due the state shall be made payable to the state of Michigan. No receiving officer shall be required to receive in payment of any debt, taxes, or other obligation collectible or receivable by him or her any tender other than gold or silver coin of the United States, United States treasury notes, gold certificates, silver certificates, or Federal Reserve Bank notes.

