



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

(313) 343-2440
Fax (313) 343-2785

NOTICE OF MEETING AND AGENDA

COMMITTEE-OF-THE-WHOLE

Mayor Robert E. Novitke has called a meeting of the City Council, meeting as a Committee-of-the-Whole, for **Monday, October 14, 2019, at 7:00 p.m.** The meeting will be held in the Council Chambers/Municipal Court Room of the Municipal Building, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 and is accessible through the Municipal Court doors. In accordance with Public Act 267, the meeting is open to the public and the agenda items are as follows:

1. Call to Order
2. Roll Call
3. Acceptance of Agenda
4. FOIA Procedures
 - I. A. Memo 10/08/19 – City Clerk
 - B. Memo 10/09/19 – Director of Public Safety
 - C. City Council Excerpt 06/15/15
 - D. FOIA Procedures and Guidelines
 - E. Public Summary of FOIA Procedures and Guidelines
 - F. Forms:
 1. FOI Request for Public Records
 2. FOIA Request Detailed Cost Itemization
 3. Notice to Extend Response Time
 4. Notice of Denial
 - G. Annotated FOIA
 - II. A. Erroneous release and subsequent use of email addresses
5. Proposed Park Pass Changes
 - A. Memo 08/23/19 – Director of Public Services/ Recreation Supervisor
6. DTE Street Light Project Funding
 - A. Memo 09/26/19 – Treasurer/Comptroller
 - B. Letter 09/16/19 - DTE
 - C. DTE Energy Co Invoice #90302931 07/18/19
 - D. DTE Energy Co Invoice #90303094 07/19/19
7. Administrative Clerk II – Finance Dept.
 - A. Memo 09/26/19 – Treasurer/Comptroller

8. New Business/Public Comment
9. Adjournment

Bruce Smith
City Administrator

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)
POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440, Telecommunications Device for the Deaf (TDD) 313 343-9249, or e-mail the City Clerk at cityclk@gpwmi.us.

cc:

Council – 7
Berschback
Smith
Hathaway

Email Group
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CITY OF GROSSE POINTE WOODS

Office of the City Clerk



Memorandum

DATE: October 8, 2019
TO: Mayor and City Council
FROM: Lisa Hathaway, City Clerk
SUBJECT: Administrative FOIA Procedures

On June 15, 2015, the City Council adopted Freedom of Information Act (FOIA) Procedures and Guidelines including the forms to be used, which are attached. This writing serves as an overview regarding administrative FOIA processing. The FOIA Coordinator procedures are as follows:

1. A written request is received from a requestor via email, fax, or in person. It must include the requestors full contact information, and identify specific records being requested. A written form may be received using the City's form or via email with "FOIA" written in the subject line or near the top of the request.
 - a. The request is date stamped, entered into the FOIA Log, and issued a log number. DPSyear-# or CCyear-#;
 - b. Through Outlook, the request is scanned and emailed to the appropriate department(s) staff that process FOIA with a due date set 5 business days from the time received; or, 6 business days if received via fax or email. The Department(s) "accept" the notice of the FOIA due and confirm due date. The records are filed in a Pending FOIA file while awaiting response(s).

If I receive a request that is Public Safety related, it is forwarded to Public Safety Records for processing. Law firms frequently submit FOIA requests, however if they wish to receive un-redacted reports, it is necessary for them to follow the Discovery process which records are reviewed by the City Attorney.

- c. The Department(s) commence a search of the records requested, and ask questions if any. If I am unable to answer a question, I contact the City Attorney.
- d. On or before the due date, the department(s) either provide the records or request a 10 business-day extension.
 - i. If records are provided, they are reviewed exempt information and redacted as necessary. Or, if the City is not in possession of the record a Denial Form is completed. A Detailed Cost form is completed even if zero cost. If costs are expected to exceed \$50.00, the requestor is notified that half of the total estimated cost is due prior to processing, and if costs come in higher than estimated the difference will also be due prior to delivery of the records.
 1. If records are to be provided via email as indicated on the requestors written request, they are scanned and attached to an email with "Response to FOIA # XX-XX" in the subject line and sent along with the Public Summary attached.

A copy of the email sent to the requestor is printed and stapled on top of all records and form copies, the reply date is entered into the FOIA log, packet is filed, and retained for a period of one year.

2. If copies of records are requested, duplicate copies of all records and forms are made, including the Detailed Cost sheet, and a copy of the Public Summary is also provided. One copy for the requestor, and one for FOIA file, which is retained for one year.
 3. All fees are collected prior to release of records.
- ii. If a Department is in need of a 10-day extension, they notify me, the Notice to Extend Response Time is completed, and a new Outlook email is sent to the applicable Department(s) establishing the new FOIA due date, which is calculated by business days. The Notice is sent to the requestor, and the records are filed in the Pending FOIA file while awaiting response(s).

When records are received from the Department(s), they are processed according to No. 1(d)(i)(1) and (2) above.



CITY OF GROSSE POINTE WOODS DEPARTMENT OF PUBLIC SAFETY

Date: October 9th, 2019

To: Lisa Hathaway, City Clerk

From: John G. Kosanke, Director of Public Safety

Subject: Public Safety Processing of Freedom of Information Act request

RECEIVED
OCT 10 2019
CITY OF GROSSE POINTE WOODS
CLERK'S DEPARTMENT

This memo is in response to your e-mail requesting the procedure of how Public Safety Records division processes Freedom of Information Act request. The following is the procedure:

1. Freedom of Information Act request is received and stamped with the current date.
2. Records staff will start to process request within 5 business days.
3. Depending on the request, staff will start to gather the information requested.
4. The Records staff reviews each FOIA request for personal information in order to determine exemptions and necessary redactions. If there are any questions regarding the releasing of information then a staff member will send an e-mail to the FOIA coordinator requesting clarification. The e-mail will have the FOIA number in the subject line. This is for tracking purposes.
5. If the request is large or staff needs more time to gather information then a 10 day extension form is completed and sent to the requester or requester is verbally advised.
6. FOIA request is completed and either mailed or made available for pick up to the requestor.
7. Once the FOIA request has been picked up by the requestor then a copy is sent to the FOIA coordinator.

All Freedom of Information Act request are processed in accordance with the FOIA Act of 442 of 1976 with updates from 2018. In addition, FOIA requests are processed following the FOIA Procedures and Guidelines, as stated on the city website.

City Council Excerpt
06/15/15

Motion by McConaghy, seconded by Granger, regarding **Policy: Freedom of Information Act (FOIA)**, that the City Council adopt the Freedom of Information Act Procedures and Guidelines and forms as presented, and direct the City Clerk to publish on the City's website as required by Statute.

Motion carried by the following vote:

Yes:	Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler
No:	None
Absent:	None

City of Grosse Pointe Woods

FOIA Procedures and Guidelines

Preamble: Statement of Principles

It is the policy of the City of Grosse Pointe Woods 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 City'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 acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The City 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 Grosse Pointe Woods will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The City's policy is to disclose public records consistent with and in compliance with State law.

The City Council has established the following written procedures and guidelines to implement the FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

Section 1: General Policies

The City Council, acting pursuant to the authority at MCL 15.236, designates the City 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.

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 City 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 in the FOIA log 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 City spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with City Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect City systems from computer attacks which may be imbedded in an electronic FOIA request.

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.

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. 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.

The City will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the City 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 City's Written Public Summary must be publicly available by providing free copies both in the City's response to a written request and upon request by visitors at the City's office.

Include the following if the City directly or indirectly administers or maintains an official internet presence:

This Procedures and Guidelines document and the City's Written Public Summary will be maintained on the City's website at: www.gpwmi.us so a link to those documents will be provided in lieu of providing paper copies of those documents.

Section 2: Requesting a Public Record

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 City may be submitted on the City's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.

Verbal requests for records may be documented by the City on the City's FOIA Request Form.

If a person 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.

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

Written requests for public records may be submitted in person or by mail to any City office. Requests may also be submitted electronically by fax and email. Upon their 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 other otherwise provided to him or her in digital form 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.

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

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 Request

Unless otherwise agreed to in writing by the person making the request, the City will issue a response within 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 City 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 in part the request.
- Issue a notice indicating that due to the nature of the request the City 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 City's website.

When a 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.

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 City's website at: www.gpwwmi.us a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

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.

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 City will require a good-faith deposit pursuant to Section 4 of this policy 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.

When a 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 City; 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 either the office of the Mayor or seek judicial review in the Wayne County Circuit Court;
- 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 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 subject to the timelines described in this Section.

Requests to inspect public records:

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.

Requests for 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 4: Fee Deposits

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not paid the City 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 processing 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 City's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by the City 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 City; and
- 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 City;
- The City is subsequently paid in full for the applicable prior written request; or
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the City.

Section 5: Calculation of Fees

A fee may be charged for the labor cost of copying/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 City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs.

Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are “unreasonably high” when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the City’s usual FOIA requests, not compared to the City’s operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)

The following factors shall be used to determine an unreasonably high cost to the City:

- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- Whether the public records are from more than one City department or whether various City 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 Michigan FOIA statute permits the City 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 City.
- Labor costs associated with a 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 City.
- 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 City’s website if you ask for the City to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the City’s website if you ask for the City to make copies.
- The cost to mail or send a public record to a requestor.

Labor costs will be calculated based on the following requirements:

- 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 City 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 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.
- 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 \$48.90 (6 times the state minimum hourly wage).

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

- 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.
- 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.
- The City will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the City'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 (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The City 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 City 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.

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

- 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:
 - The City'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, or
 - 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 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 City Council may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

Section 7: Discounted Fees

Indigence

The FOIA Coordinator will discount 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:

- 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 City 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.

An affidavit is sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

Nonprofit organization advocating for developmentally disabled or mentally ill individuals

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:

- 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, 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 meets all of the following requirements:
 - Is made directly on behalf of the organization or its clients.
 - 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.
 - Is accompanied by documentation of its designation by the state, if requested by the public body.

Section 8: Appeal of a Denial of a Public Record

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 City Council by filing an appeal of the denial with the office of the FOIA Coordinator.

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 City FOIA Appeal Form (To Appeal a Denial of Records), may be used.

The City Council is not considered to have received a written appeal until the first regularly scheduled City Council meeting following submission of the written appeal.

Within 10 business days of receiving the appeal the City Council will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the City Council shall respond to the written appeal. The City Council shall not issue more than 1 notice of extension for a particular written appeal.

If the City Council fails to respond to a written appeal, or if the City Council 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 City Council, he or she may file a civil action in Wayne County Circuit Court within 180 days after the City's final determination to deny the request.

If a court that determines a public record is not exempt from disclosure, it shall order the City 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 attorneys' fees, costs, and disbursements. If the person or City prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the City has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the City to pay a civil fine of \$1,000.00, 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 \$1,000.00 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 an Excessive FOIA Processing Fee

"Fee" means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.

If a requestor believes that the fee charged by the City to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the City Council by submitting a written appeal for a fee reduction to the office of the FOIA Coordinator.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The City FOIA Appeal Form (To Appeal an Excess Fee) may be used.

The City Council is not considered to have received a written appeal until the first regularly scheduled City Council meeting following submission of the written appeal.

Within 10 business days after receiving the appeal, the City Council 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 City Council will respond to the written appeal. The City Council shall not issue more than 1 notice of extension for a particular written appeal.

Where the City Council reduces or upholds the fee, the determination must include a certification from the City Council 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.

Within 45 days after receiving notice of the City Council's determination of an appeal, the requesting person may commence a civil action in Wayne County Circuit Court for a fee reduction.

If a civil action is commenced against the City for an excess fee, the City 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 City does not provide for appeals of fees,
- The City Council failed to respond to a written appeal as required, or
- The City Council issued a determination to a written appeal.

If a court determines that the City 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 attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that the City has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the City to pay a civil fine of \$500.00, 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 \$500.00 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: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by City Council or the City Administration, these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the City Council or the City Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

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. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the City Council or the City Administration, 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.

These FOIA Policies and Guidelines become effective July 1, 2015.

Section 11: Appendix of FOIA Forms

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

City of Grosse Pointe Woods

Public Summary of FOIA Procedures and Guidelines

**It is the public policy of this state that all persons
(except those persons incarcerated in state or local correctional facilities)
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 public employees.**

The people shall be informed so that they may fully participate in the democratic process.

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of the City's FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of the City's FOIA Procedures and Guidelines. For more details and information, copies of the City's FOIA Procedures and Guidelines are available at no charge at any City office and on the City's website: www.gpwmi.us.

1. How do I submit a FOIA request to the City?

- A request must sufficiently describe a public record so as to enable the City to find it.
- Please include the words "FOIA" or "FOIA Request" in the request to assist the City in providing a prompt response.
- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City may be submitted on the City's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.
 - Any verbal request will be documented by the City on the City's FOIA Request Form.
 - No specific form to submit a written request is required. However a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the City's website at www.gpwmi.us and at City Hall.
- Written requests may be delivered to the City Hall in person or by mail: City Clerk/FOIA Coordinator, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236.
- Requests may be faxed to: (313) 343-5667. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.
- Requests may be emailed to: lhathaway@gpwmi.us. To ensure a prompt response, email requests should contain the term "FOIA" or "FOIA Request" in the subject line.

2. What kind of response can I expect to my request?

- Within 5 business days after receiving a FOIA request the City will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. The City will respond to your 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 in part the request,
 - Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond, or
 - Issue a written notice indicating that the public record requested is available at no charge on the City's website
- If the request is granted, or granted in part, the City will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available.
- If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the City will require a deposit before processing the request.

3. What are the City's deposit requirements?

- If the City has made a good faith calculation that the total fee for processing the request will exceed \$50.00, the City will require that you provide a deposit in the amount of 50% of the total estimated fee. When the City requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request after you have paid your deposit.
- If the City receives a request from a person who has not paid the City for copies of public records made in fulfillment of a previously granted written request, the City will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request 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 City's possession;
 - The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the City to provide the records;
 - Ninety (90) days have passed since the City 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 City; and
 - The City has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The City will not require the 100% 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 City;
- The City is subsequently paid in full for all applicable prior written requests; or
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the City.

4. How does the City calculate FOIA processing fees?

The Michigan FOIA statute permits the City 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 City.
- Labor costs associated with a 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 City.
- 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 City's website if you ask for the City to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the City's website if you ask for the City to make copies.
- The cost to mail or send a public record to a requestor.

Labor Costs

- 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 City 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. 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.
- 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 \$48.90 (6 times the state minimum hourly wage)

A labor cost will not be charged for the 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. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in the particular instance. The City must specifically identify the nature of the unreasonably high costs in writing.

Copying and Duplication

The City must use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

Non-paper Copies on Physical Media

- The cost for records provided on non-paper physical media, such as 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 be charged only if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.

Paper Copies

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper.
- Copies for non-standard sized sheets will reflect the actual cost of reproduction.

Mailing Costs

- The cost to mail public records will use a reasonably economical and justified means.
- The City may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless you request it.

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

5. How do I qualify for an indigence discount on the fee?

The City will discount the first \$20.00 of fees for a request if you submit an affidavit stating that you are:

- Indigent and receiving specific public assistance; or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

You are **not** eligible to receive the \$20.00 discount if you:

- Have previously received discounted copies of public records from the City twice during the calendar year; or
- Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

An affidavit is sworn statement. For your convenience, the City has provided an Affidavit of Indigence for the waiver of FOIA fees on the back of the City FOIA Request Form, which is available on the City's website: www.gpwmi.us

6. May a nonprofit organization receive a discount on the fee?

A nonprofit organization advocating for developmentally disabled or mentally ill individuals that is 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, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, may receive a \$20.00 discount if the request meets all of the following requirements in the Act:

- Is made directly on behalf of the organization or its clients.
- 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.
- Is accompanied by documentation of its designation by the state, if requested by the public body.

7. How may I challenge the denial of a public record or an excessive fee?

Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may appeal to the City Council by filing a written appeal of the denial with the office of the City FOIA Coordinator.

The appeal must be in writing, specifically state the word “appeal,” and identify the reason or reasons you are seeking a reversal of the denial. You may use the City FOIA Appeal Form (To Appeal a Denial of Records), which is available on the City’s website: www.gpwmi.us.

The City Council is not considered to have received a written appeal until the first regularly scheduled City Council meeting following submission of the written appeal. Within 10 business days of receiving the appeal the City Council will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the City Council, you may file a civil action in Wayne County Circuit Court within 180 days after the City’s final determination to deny your request. If you prevail in the civil action the court will award you reasonable attorneys’ fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by the City to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the City Council by filing a written appeal for a fee reduction to the office of the FOIA Coordinator.

The appeal must specifically state the word “appeal” and identify how the required fee exceeds the amount permitted. You may use the City FOIA Appeal Form (To Appeal an Excess Fee), which is available at the City Hall and on the City’s website: www.gpwmi.us.

The City Council is not considered to have received a written appeal until the first regularly scheduled City Council meeting following submission of the written appeal. Within 10 business days after receiving the appeal, the City Council will respond in writing by:

- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue 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 City Council will respond to the written appeal.

Within 45 days after receiving notice of the City Council’s determination of the processing fee appeal, you may commence a civil action in Wayne County Circuit Court for a fee reduction. If you prevail in the civil action 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. If the court determines that the City acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.

Records Located on Website

If the City directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (*separate exempt information from non-exempt information*).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the City 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 City 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 City 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 form, including digital media, the City must provide the public records in the specified format (if the City has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

Request for Copies/Duplication of Records on City Website

I hereby stipulate that, even if some or all of the records are located on a City website, I am requesting that the City make copies of those records on the website and deliver them to me in the format I have requested above. 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 City using overtime wages in calculating the following labor costs as itemized in the following categories:

1. ☐ Labor to copy/duplicate 2. ☐ Labor to locate 3a. ☐ Labor to redact 3b. ☐ Contract labor to redact
6b. ☐ Labor to copy/duplicate records already on City's 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 \$20.00 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.

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 \$20.00 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.

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:

City: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

City of Grosse Pointe Woods, Wayne County
20025 Mack Plaza
Grosse Pointe Woods, MI 48236
Phone: (313) 343-2440

Detailed Cost Itemization

Freedom of Information Act Request Detailed Cost Itemization

Date: _____ Prepared for Request No.: _____ Date Request Received: _____

The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the City's FOIA Policies and Guidelines.

1. Labor Cost for Copying / Duplication

This is the cost of labor directly associated with duplication of 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.

This shall not be more than the hourly wage of the City's 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 time increments as set by the City Council**; all partial time increments must be rounded down. *If less than 15 minutes, there is no charge.*

Hourly Wage Charged: \$ 0.00

Charge per increment: \$ 0.00

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: 50% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ 0.00

☐ Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the number of minutes: _____, divide by 15-minute increments, and round down. Enter below:

Number of increments

x 0 =

1. Labor Cost

\$ 0.00

2a. Labor Cost to Locate:

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. **This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:**

The City will not charge more than the hourly wage of its 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.

These costs will be estimated and charged in **15-minute time increments**; all partial time increments must be rounded down. *If less than 15 minutes, there is no charge.*

Hourly Wage Charged: \$ _____

Charge per increment: \$ 0.00

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: 50% and add to the hourly wage for a total per hour rate.

Charge per increment: \$ 0.00

☐ Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the number of minutes: _____, divide by 15-minute increments, and round down. Enter below:

Number of increments

x 0 =

2a. Labor Cost

\$ 0.00

<p>2b. Additional Labor Cost to Locate: This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:</p> <hr/> <p>The City will not charge more than the hourly wage of its 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 time increments; all partial time increments must be rounded down. <i>If less than 15 minutes, there is no charge.</i></p> <p>Hourly Wage Charged: \$ <u>0.00</u> Charge per increment: \$ <u>0.00</u> OR Hourly Wage with Fringe Benefit Cost: \$ _____ OR Multiply the hourly wage by the percentage multiplier: 50% and add to the hourly wage for a total per hour rate. Charge per increment: \$ <u>0.00</u></p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by 15-minute increments, and round down. Enter below:</p> <p>Number of increments</p> <p>x <u>0</u> =</p>	<p>2b. Labor Cost</p> <p>\$ <u>0.00</u></p>
<p>2c. Additional Labor Cost to Locate: This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:</p> <hr/> <p>The City will not charge more than the hourly wage of its 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 time increments; all partial time increments must be rounded down. <i>If less than 15 minutes, there is no charge.</i></p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ <u>0.00</u> OR Hourly Wage with Fringe Benefit Cost: \$ _____ OR Multiply the hourly wage by the percentage multiplier: 50% and add to the hourly wage for a total per hour rate. Charge per increment: \$ <u>0.00</u></p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by 15-minute increments, and round down. Enter below:</p> <p>Number of increments</p> <p>x <u>0</u> =</p>	<p>2c. Labor Cost</p> <p>\$ <u>0.00</u></p>
<p>Subtotal Labor Cost to Locate</p> <p>2a. Labor Cost to Locate:</p> <p>2b. Additional Labor Cost to locate:</p> <p>2c. Additional Labor Cost to locate:</p>		<p>\$ <u>0.00</u></p> <p>\$ <u>0.00</u></p> <p>\$ <u>0.00</u></p> <p>2. Total Labor Cost</p> <p>\$ <u>0.00</u></p>

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a City employee. If contracted, use No. 3b instead).

The City 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.

This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:

This is the cost of labor of a **City 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 **City's 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.

These costs will be estimated and charged in **15-minute time increments**; all partial time increments must be rounded down. *If less than 15 minutes, there is no charge.*

Hourly Wage Charged: \$ _____

Charge per increment: \$ 0.00

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: 50%
and add to the hourly wage for a total per hour rate.

Charge per increment: \$ 0.00

☐ Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the number of minutes: _____, divide by 15-minute increments, and round down.
Enter below:

Number of increments

x 0 =

3a.
Labor Cost

\$ 0.00

3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)

The City 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.

This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:

As this City does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), 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 of \$56.70 (*currently \$9.45*).

Name of contracted person or firm: _____

These costs will be estimated and charged in **15-minute time increments**; all partial time increments must be rounded down. *If less than 15 minutes, there is no charge.*

Hourly Cost Charged: \$ _____

Charge per increment: \$ 0.00

To figure the number of increments, take the number of minutes: _____, divide by 15-minute increments, and round down.
Enter below:

Number of increments

x 0 =

3b.
Labor Cost

\$ 0.00

4. Copying / Duplication 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 maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): .10 cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): .10 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): _____ cents / dollars 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 cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed** 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A City **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 _____ = \$ 0.00
x _____ = \$ 0.00

Costs:

x _____ = \$ 0.00

No. of Items:

x _____ = \$ 0.00

4. Total
Copy Cost

\$ 0.00

5. Mailing Cost:

The City 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 City **may** charge for the least expensive form of postal delivery confirmation.
- The City **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 _____ = \$ 0.00

x _____ = \$ 0.00

x _____ = \$ 0.00

x _____ = \$ 0.00

x _____ = \$ 0.00

x _____ = \$ 0.00

Costs:

5. Total
Mailing Cost

\$ 0.00

☐ * Requestor has requested expedited shipping or insurance

<p>6a. Copying/Duplicating Cost for Records Already on City's Website:</p> <p>If the public body has included the website address for a record in its written response to the requestor, <u>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</u>, the City will provide the public records in the specified format and may charge copying costs to provide those copies.</p> <p>No more than the <u>actual</u> cost of a sheet of paper, <u>up to maximum 10 cents per sheet</u> for:</p> <ul style="list-style-type: none"> Letter (8 1/2 x 11-inch, single and double-sided): .10 cents per sheet Legal (8 1/2 x 14-inch, single and double-sided): .10 cents per sheet <p>No more than the <u>actual</u> cost of a sheet of paper for <u>other</u> paper sizes:</p> <ul style="list-style-type: none"> Other paper sizes (single and double-sided): _____ cents / dollars per sheet <p><u>Actual and most reasonably economical cost of non-paper physical digital media:</u></p> <ul style="list-style-type: none"> <u>Circle applicable:</u> Disc / Tape / Drive / Other Digital Medium Cost per Item: _____ <p><input type="checkbox"/> Requestor has stipulated that some / all of the requested records that are <u>already available on the City's website</u> be provided in a paper or non-paper physical digital medium.</p>	<p>Number of Sheets:</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p> <p>No. of Items:</p> <p>x _____ =</p>	<p>Costs:</p> <p>\$ 0.00</p> <p>\$ 0.00</p> <p>\$ 0.00</p> <p>6a. Web Copy Cost</p> <p>\$ 0.00</p>
<p>6b. Labor Cost for Copying/Duplicating Records Already on City's Website:</p> <p>This shall not be more than the hourly wage of the City's 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 time increments; all partial time increments must be rounded down. <i>If less than 15 minutes, there is no charge.</i></p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ 0.00</p> <p>OR</p> <p>Hourly Wage with Fringe Benefit Cost: \$ _____ Multiply the hourly wage by the percentage multiplier: 50% and add to the hourly wage for a total per hour rate. Charge per increment: \$ 0.00</p> <p>The City may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor</p>	<p>To figure the number of increments, take the <i>number of minutes</i>: _____, divide by 15-minute increments, and round down. Enter below:</p> <p>Number of increments</p> <p>x 0 =</p>	<p>6b. Web Labor Cost</p> <p>\$ 0.00</p>
<p>6c. Mailing Cost for Records Already on City's Website:</p> <p>Actual Cost of Envelope or Packaging: \$ _____</p> <p>Actual Cost of Postage: \$ _____ per stamp / per pound / per package</p> <p>Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____</p> <p>*Expedited Shipping or Insurance as Requested: \$ _____</p> <p><input type="checkbox"/> * Requestor has requested expedited shipping or insurance</p>	<p>Number:</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p>	<p>Costs:</p> <p>\$ 0.00</p> <p>\$ 0.00</p> <p>\$ 0.00</p> <p>\$ 0.00</p> <p>6c. Web Mailing Cost</p> <p>\$ 0.00</p>

Subtotal Fees Before Waivers, Discounts or Deposits:☐ Cost estimate
☐ Bill**Estimated Time Frame to Provide Records:**

_____ (days or date)

The time frame estimate is nonbinding upon the City, but the City is providing the estimate in good faith. Providing an estimated time frame does not relieve the City from any of the other requirements of this act.

1. Labor Cost for Copying: \$ 0.00
2. Labor Cost to Locate: \$ 0.00
3a. Labor Cost to Redact: \$ 0.00
3b. Contract Labor Cost to Redact: \$ 0.00
4. Copying/Duplication Cost: \$ 0.00
5. Mailing Cost: \$ 0.00
6a. Copying/Duplication of Records on Website: \$ 0.00
6b. Labor Cost for Copying Records on Website: \$ 0.00
6c. Mailing Costs for Records on Website: \$ 0.00

Subtotal Fees: \$ 0.00

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 City 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 ☐ fees are reduced by: 0%

Amount Reduced By: \$ 0.00

Discount: Indigence

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 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, **OR**
(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.

☐ Eligible for Indigence Discount

Indigence Discount \$ _____

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 \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the 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 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 Michigan 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.

☐ Eligible for Nonprofit Discount

Nonprofit Discount: \$ _____

Deposit: Good Faith The City may require a good-faith deposit in either its initial response or a subsequent response before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. <div style="text-align: right;">Percent of Deposit: <u>0%</u></div>	Date Paid: _____	Deposit Amount Required: <u>\$ 0.00</u>
Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full After a City has granted and fulfilled a written request from an individual under this act, if the City has not been paid in full the total amount of fees for the copies of public records that the City made available to the individual as a result of that written request, the City may require an increased estimated fee 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: (a) The final fee for the prior written request was not more than 105% of the estimated fee. (b) The public records made available contained the information being sought in the prior written request and are still in the City's possession. (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. (d) Ninety (90) days have passed since the City notified the individual in writing that the public records were available for pickup or mailing. (e) The individual is unable to show proof of prior payment to the City. (f) The City calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit. A City can no longer require an increased estimated fee deposit from an individual if ANY of the following apply: (a) The individual is able to show proof of prior payment in full to the City, OR (b) The City is subsequently paid in full for the applicable prior written request, OR (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the City.	Date Paid: _____	Percent Deposit Required: <u>0%</u> Deposit Required: <u>\$ 0.00</u>
Late Response Labor Costs Reduction If the City does not respond to a written request in a timely manner as required under MCL 15.235(2), the City must do the following: (a) Reduce the charges for labor costs otherwise permitted by 5% for each day the City exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies: (i) The late response was willful and intentional, OR (ii) 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 reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.	Number of Days Over Required Response Time: _____ Multiply by 5% = Total Percent Reduction: <u>0%</u>	Total Labor Costs <u>\$ _____</u> Minus Reduction <u>\$ 0.00</u> = Reduced Total Labor Costs <u>\$ 0.00</u>
The Public Summary of the City's FOIA Procedures and Guidelines is available free of charge from: Website: www.gpwm.i.us Email: lhathaway@gpwm.i.us Phone: 313 343-2440 Address: 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 <div style="text-align: center;"> Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed </div>	Date Paid: _____	Total Balance Due: <u>\$ 0.00</u>

(Form created by Michigan Townships Association, April 2015)

City: Keep original and provide copy, along with Public Summary, to requestor at no charge.

City of Grosse Pointe Woods, Wayne County
20025 Mack Plaza
Grosse Pointe Woods, MI 48236
Phone: (313) 343-2440

Extension Form

Notice to Extend Response Time for FOIA Request
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ **Date Received:** _____ Check if received via ☐ Email ☐ Fax ☐ Other Electronic Method
Date of This Notice: _____ **Date delivered to junk/spam folder:** _____
(Please Print or Type) **Date discovered in junk/spam folder:** _____

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
Deliver on digital media provided by the City: _____

Record(s) You 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 _____.
Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact **Lisa Kay Hathaway, City Clerk/FOIA coordinator at 313-343-2447 or lhathaway@gpwmi.us.**

Estimated Time Frame to Provide Records: _____ (days or date)

The time frame estimate is nonbinding upon the City, but the City is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

Reason for Extension:

1. The City needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the City must:

2. The City needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the City office. Specifically, the City must coordinate documents from the following locations:

3. Other (describe):

Signature of FOIA Coordinator:	Date:
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City: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

City of Grosse Pointe Woods, Wayne County
20025 Mack Plaza
Grosse Pointe Woods, MI 48236
Phone: (313) 343-2440

Denial Form

Notice of Denial of FOIA Request
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ **Date Received:** _____ **Check if received via:** ☐ Email ☐ Fax ☐ Other Electronic Method
Date of This Notice: _____ **Date delivered to junk/spam folder:** _____
(Please Print or Type) **Date discovered in junk/spam folder:** _____

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above

☐ Deliver on digital media provided by the township: _____

Record(s) You Requested: (Listed here or see attached copy of original request)

(See attached.)

☐ **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 **Lisa Kay Hathaway, City Clerk/FOIA coordinator at 313-343-2447 or lhathaway@gpwmi.us.**

Reason for Denial:

☐ **1. Exempt from Disclosure:** This item is exempt from disclosure under FOIA Section 13, Subsection _____ (insert number), because:

☐ **2. Record Does Not Exist:** This item does not exist under the name provided in your request or by another name reasonably known to the City. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record:

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

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

Notice of Requestor's Right to 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 City Council 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 City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator:

Date:

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 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 head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body 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 under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, 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 \$1,000.00 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.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

**ANNOTATED
Freedom of Information Act
Public Act 442 of 1976**

AN ACT to provide for public access to certain public records of public bodies; to permit certain fees; to prescribe the powers and duties of certain public officers and public bodies; to provide remedies and penalties; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

15.231 Short title; public policy.

Sec. 1.

(1) This act shall be known and may be cited as the “freedom of information act”.

(2) It is the public policy of this state that all persons, except those persons incarcerated in state or local correctional facilities, 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 public employees, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.

**As amended, effective
July 1, 2015**

Full and complete
information on affairs
of government and acts
of public officials and
employees

15.232 Definitions.

Sec. 2.

As used in this act:

(a) "Field name" means the label or identification of an element of a computer data base that contains a specific item of information, and includes but is not limited to a subject heading such as a column header, data dictionary, or record layout.

(b) "FOIA coordinator" means either of the following:

(i) An individual who is a public body.

(ii) An individual designated by a public body in accordance with section 6 to accept and process requests for public records under this act.

(c) "Person" means an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity. 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 body" means any of the following:

(i) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government, but does not include the governor or lieutenant governor, the executive office of the governor or lieutenant governor, or employees thereof.

(ii) An agency, board, commission, or council in the legislative branch of the state government.

Who can request records?

What is a public body?

<p>(iii) A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation, or a board, department, commission, council, or agency thereof.</p> <p>(iv) Any other body which is created by state or local authority or which is primarily funded by or through state or local authority.</p> <p>(v) The judiciary, including the office of the county clerk and employees thereof when acting in the capacity of clerk to the circuit court, is not included in the definition of public body.</p> <p>(e) "Public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software. This act separates public records into the following 2 classes:</p> <p>(i) Those that are exempt from disclosure under section 13.</p> <p>(ii) All public records that are not exempt from disclosure under section 13 and which are subject to disclosure under this act.</p> <p>(f) "Software" means a set of statements or instructions that when incorporated in a machine usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result. Software does not include computer-stored information or data, or a field name if disclosure of that field name does not violate a software license.</p> <p>(g) "Unusual circumstances" means any 1 or a combination of the following, but only to the extent necessary for the proper processing of a request:</p> <p>(i) The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.</p> <p>(ii) The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.</p> <p>(h) "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.</p> <p>(i) "Written request" means a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means.</p>	<p>City public bodies</p> <p>What is a public record?</p> <p>What are "unusual circumstances" for extending the time to respond to an appeal in Section 10?</p> <p>What is a "writing"?</p> <p>What is a "written request"?</p>
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<p>15.233 Public records; right to inspect, copy, or receive; subscriptions; forwarding requests; file; inspection and examination; memoranda or abstracts; rules; compilation, summary, or report of information; creation of new public record; certified copies.</p> <p>Sec. 3.</p> <p>(1) Except as expressly provided in section 13, upon providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the public body.</p> <p>A person has a right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to 6 months, at the request of the subscriber, and shall be renewable. An employee of a public body who receives a request for a public record shall promptly forward that request to the freedom of information act coordinator.</p> <p>(2) A freedom of information act coordinator shall keep a copy of all written requests for public records on file for no less than 1 year.</p> <p>(3) A public body shall furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. A public body may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. A public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction.</p> <p>(4) This act does not require a public body to make a compilation, summary, or report of information, except as required in section 11.</p> <p>(5) This act does not require a public body to create a new public record, except as required in section 11, and to the extent required by this act for the furnishing of copies, or edited copies pursuant to section 14(1), of an already existing public record.</p> <p>(6) The custodian of a public record shall, upon written request, furnish a requesting person a certified copy of a public record.</p>	<p>Right to inspect, copy or receive copies</p> <p>Subscriptions</p> <p>Keep all requests on file for 1 year</p> <p>Public inspection of records</p> <p>City is not required to create a new record or report</p> <p>Certified copies of public records</p>
<p>15.234 Amended. Fee; limitation on total fee; labor costs; establishment of procedures and guidelines; creation of written public summary; detailed itemization; availability of information on website; notification to requester; deposit; failure to respond in timely manner; increased estimated fee deposit; deposit as fee.</p> <p>Sec. 4.</p> <p>(1) A public body may charge a fee for a public record search, for the necessary copying of a public record for inspection, or for providing a copy of a public record if it has established, makes publicly available, and follows procedures and guidelines to implement this section as described in subsection (4). Subject to subsections (2), (3), (4), (5), and (9), the fee shall be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14.</p>	<p>Fees may be charged if the City has Procedures and Guidelines (and a Written Public Summary)</p>

<p>Except as otherwise provided in this act, if the public body estimates or charges a fee in accordance with this act, the total fee shall not exceed the sum of the following components:</p> <p>(a) That portion of labor costs directly associated with the necessary searching for, locating, and examining of public records in conjunction with receiving and fulfilling a granted written request. The public body shall not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance regardless of whether that person is available or who actually performs the labor. Labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down.</p> <p>(b) That portion of labor costs, including necessary review, if any, directly associated with the separating and deleting of exempt information from nonexempt information as provided in section 14. For services performed by an employee of the public body, the public body shall not charge more than the hourly wage of its lowest-paid employee capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14, regardless of whether that person is available or who actually performs the labor. If a public body does not employ a person capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14 as determined by the public body's FOIA coordinator on a case-by-case basis, it may 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 under this subdivision if it clearly notes the name of the contracted person or firm on the detailed itemization described under subsection (4). Total labor costs calculated under this subdivision 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. Labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down.</p> <p>A public body shall not charge for labor directly associated with redaction under section 14 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.</p> <p>(c) For public records provided to the requestor on nonpaper physical media, the actual and most reasonably economical cost of the computer discs, computer tapes, or other digital or similar media. The requestor may stipulate that the public records be provided on nonpaper physical media, electronically mailed, or otherwise electronically provided to him or her in lieu of paper copies. This subdivision does not apply if a public body lacks the technological capability necessary to provide records on the particular nonpaper physical media stipulated in the particular instance.</p> <p>(d) For paper copies of public records provided to the requestor, the actual total incremental cost of necessary duplication or publication, not including labor. The cost of paper copies shall be calculated as a total cost per sheet of paper and shall be itemized and noted in a manner that expresses both the cost per sheet and the number of sheets provided. The fee shall not exceed 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A public body shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.</p>	<p>Fees are limited to what is allowed here:</p> <p>Labor for searching/examining records</p> <p>Must be charged in 15-minute increments or more</p> <p>Labor for review and separation of exempt information</p> <p>Cost of contracted labor</p> <p>Must be charged in 15-minute increments or more</p> <p>No charge for previously redacted records</p> <p>Cost of nonpaper physical media (digital or electronic media)</p> <p>Cost of paper copies</p>
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<p>(e) 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 nonpaper physical media or through the internet or other electronic means as stipulated by the requestor. The public body shall not charge more than the hourly wage of its lowest-paid employee capable of necessary duplication or publication in the particular instance, regardless of whether that person is available or who actually performs the labor. Labor costs under this subdivision may be estimated and charged in time increments of the public body's choosing; however, all partial time increments shall be rounded down.</p> <p>(f) The actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner. The public body shall not charge more for expedited shipping or insurance unless specifically stipulated by the requestor, but may otherwise charge for the least expensive form of postal delivery confirmation when mailing public records.</p>	<p>Labor for copying, duplication</p> <p>May be charged in time increment of Council's choosing. <i>Recommendation: Use 15-minute increments or more to be consistent</i></p> <p>Cost of mailing</p>
<p>(2) When calculating labor costs under subsection (1)(a), (b), or (e), fee components shall be itemized in a manner that expresses both the hourly wage and the number of hours charged. The public body may also add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used to account for benefits in the detailed itemization described in subsection (4). Subject to the 50% limitation, the public body shall not charge more than the actual cost of fringe benefits, and overtime wages shall not be used in calculating the cost of fringe benefits. 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 itemization described in subsection (4). 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 public body 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.</p>	<p>Itemizing hourly fees</p> <p>Fringe benefits</p> <p>Overtime</p> <p>Records may be provided free or at reduced charge</p>
<p>A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by either of the following:</p> <p>(a) An individual who is entitled to information under this act 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 indigency. If the requestor is eligible for a requested discount, the public body shall fully note the discount on the detailed itemization described under subsection (4). 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:</p> <p>(i) The individual has previously received discounted copies of public records under this subsection from the same public body twice during that calendar year.</p> <p>(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.</p>	<p>\$20 Discount for Indigence (poverty)</p>

<p>(b) 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 meets all of the following requirements:</p> <p>(i) Is made directly on behalf of the organization or its clients.</p> <p>(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.</p> <p>(iii) Is accompanied by documentation of its designation by the state, if requested by the public body.</p> <p>(3) A fee as described in subsection (1) shall not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14 unless failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs.</p> <p>(4) A public body shall establish procedures and guidelines to implement this act and shall create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary shall be written in a manner so as to be easily understood by the general public. If the public body directly or indirectly administers or maintains an official internet presence, it shall post and maintain the procedures and guidelines and its written public summary on its website. A public body shall make the procedures and guidelines publicly available by providing free copies of the procedures and guidelines and its written public summary both in the public body's response to a written request and upon request by visitors at the public body's office. A public body that posts and maintains procedures and guidelines and its written public summary on its website may include the website link to the documents in lieu of providing paper copies in its response to a written request. A public body's procedures and guidelines shall include the use of a standard form for detailed itemization of any fee amount in its responses to written requests under this act. The detailed itemization shall clearly list and explain the allowable charges for each of the 6 fee components listed under subsection (1) that compose the total fee used for estimating or charging purposes. Other public bodies may use a form created by the department of technology, management, and budget or create a form of their own that complies with this subsection. A public body that has not established procedures and guidelines, has not created a written public summary, or has not made those items publicly available without charge as required in this subsection is not relieved of its duty to comply with any requirement of this act and shall not require deposits or charge fees otherwise permitted under this act until it is in compliance with this subsection. Notwithstanding this subsection and despite any law to the contrary, a public body's procedures and guidelines under this act are not exempt public records under section 13.</p> <p>(5) If the public body directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any charges under subsection (1)(b). If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the public body shall 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, shall include a specific webpage address where the requested information is available.</p>	<p>\$20 Discount for Nonprofit Organization advocating for developmentally disabled and mentally ill individuals</p> <p>Labor cannot be charged for search, review and redaction unless unreasonably high costs</p> <p>City must create Written Public Summary of its Procedures and Guidelines, which must be posted on City website.</p> <p>Copies must be available at no charge</p> <p>Standard form for detailed itemization of any fee required</p> <p>City cannot charge any fee if it does not have Procedures and Guidelines and Written Summary</p> <p>No charge to redact for public records on City website</p> <p>Notify requestors of records on website</p>
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<p>On the detailed itemization described in subsection (4), the public body shall separate the requested public records that are available on its website from those that are not available on the website and shall inform the requestor of the additional charge to receive copies of the public records that are available on its website. If the public body 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 form as described under subsection (1)(c), the public body shall provide the public records in the specified format but may use a fringe benefit multiplier greater than the 50% limitation in subsection (2), not to exceed the actual costs of providing the information in the specified format.</p>	<p>Fees may be charged for <u>requested</u> copies of records already on website</p>
<p>(6) A public body may provide requested information available in public records without receipt of a written request.</p>	<p>Verbal requests may be responded to</p>
<p>(7) If a verbal request for information is for information that a public body believes is available on the public body's website, the public employee shall, where practicable and to the best of the public employee's knowledge, inform the requestor about the public body's pertinent website address.</p>	<p>Verbal requests for records on website <u>must</u> be responded to; inform of web location</p>
<p>(8) In either the public body's initial response or subsequent response as described under section 5(2)(d), the public body may require a good-faith deposit from the person requesting information before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee described in subsection (4). Subject to subsection (10), the deposit shall not exceed 1/2 of the total estimated fee, and a public body's request for a deposit shall include a detailed itemization as required under subsection (4). The response shall also contain a best efforts estimate by the public body regarding the time frame it will take the public body to comply with the law in providing the public records to the requestor. The time frame estimate is nonbinding upon the public body, but the public body shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this state's public policy under section 1 and the nature of the request in the particular instance. If a public body does not respond in a timely manner as described under section 5(2), it is not relieved from its requirements to provide proper fee calculations and time frame estimates in any tardy responses. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.</p>	<p>Good Faith Deposit</p> <p>Best Efforts Estimate of time frame to fulfil request</p>
<p>(9) If a public body does not respond to a written request in a timely manner as required under section 5(2), the public body shall do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted under this section by 5% for each day the public body exceeds the time permitted under section 5(2) for a response to the request, with a maximum 50% reduction, if either of the following applies:</p> <p>(i) The late response was willful and intentional.</p> <p>(ii) 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 reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.</p> <p>(b) If a charge reduction is required under subdivision (a), fully note the charge reduction on the detailed itemization described under subsection (4).</p>	<p>Reduction in labor costs if City does not respond in timely manner</p> <p>Note reduction on detailed itemization</p>

<p>(10) This section does not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.</p> <p>(11) Subject to subsection (12), after a public body has granted and fulfilled a written request from an individual under this act, if the public body has not been paid in full the total amount under subsection (1) for the copies of public records that the public body made available to the individual as a result of that written request, the public body may require a 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> <ul style="list-style-type: none"> (a) The final fee for the prior written request was not more than 105% of the estimated fee. (b) The public records made available contained the information being sought in the prior written request and are still in the public body's possession. (c) The public records were made available to the individual, subject to payment, within the time frame estimate described under subsection (7). (d) Ninety days have passed since the public body notified the individual in writing that the public records were available for pickup or mailing. (e) The individual is unable to show proof of prior payment to the public body. (f) The public body calculates a detailed itemization, as required under subsection (4), that is the basis for the current written request's increased estimated fee deposit. <p>(12) A public body shall no longer require an increased estimated fee deposit from an individual as described under subsection (11) if any of the following apply:</p> <ul style="list-style-type: none"> (a) The individual is able to show proof of prior payment in full to the public body. (b) The public body is subsequently paid in full for the applicable prior written request. (c) Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to the public body. <p>(13) A deposit required by a public body under this act is a fee.</p>	<p>Fees otherwise provided for by other statutes</p> <p>100% Deposit may be required when previous request not paid</p> <p>Deposits are "fees"</p>
<p>15.235 Amended. Request to inspect or receive copy of public record; response to request; failure to respond; damages; contents of notice denying request; signing notice of denial; notice extending period of response; action by requesting person.</p> <p>Sec. 5.</p> <p>(1) Except as provided in section 3, a person desiring to inspect or receive a copy of a public record shall make a written request for the public record to the FOIA coordinator of a public body.</p> <p>A written request made by facsimile, electronic mail, or other electronic transmission is not received by a public body's FOIA coordinator until 1 business day after the electronic transmission is made.</p>	<p>Written request must go to FOIA Coordinator</p> <p>When electronic requests are "received"</p>

<p>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 spam or junk-mail folder and the time the public body first becomes aware of that request.</p>	<p>City must check spam/junk-mail folders</p>
<p>(2) Unless otherwise agreed to in writing by the person making the request, a public body shall respond to a request for a public record within 5 business days after the public body receives the request by doing 1 of the following:</p> <ul style="list-style-type: none"> (a) Granting the request. (b) Issuing a written notice to the requesting person denying the request. (c) Granting the request in part and issuing a written notice to the requesting person denying the request in part. (d) Issuing a notice extending for not more than 10 business days the period during which the public body shall respond to the request. A public body shall not issue more than 1 notice of extension for a particular request. 	<p>City must respond within 5 business days:</p> <ul style="list-style-type: none"> Granting Denying Granting/Denying Issuing an Extension
<p>(3) Failure to respond to a request pursuant to subsection (2) constitutes a public body's final determination to deny the request if either of the following applies:</p> <ul style="list-style-type: none"> (a) The failure was willful and intentional. (b) 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 reference to this act, on the front of an envelope or in the subject line of an electronic mail, letter, or facsimile cover page. 	<p>When failure to respond becomes a denial</p>
<p>(4) In a civil action to compel a public body's disclosure of a public record under section 10, the court shall assess damages against the public body pursuant to section 10(7) if the court has done both of the following:</p> <ul style="list-style-type: none"> (a) Determined that the public body has not complied with subsection (2). (b) Ordered the public body to disclose or provide copies of all or a portion of the public record. 	<p>Penalties for improper non-disclosure of records</p>
<p>(5) A written notice denying a request for a public record in whole or in part is a public body's final determination to deny the request or portion of that request. The written notice shall contain:</p> <ul style="list-style-type: none"> (a) An explanation of the basis under this act or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request. (b) A certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the public body, if that is the reason for denying the request or a portion of the request. 	<p>Notice of Denial</p>

15.240 Amended. Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.	Section 10: Right to Appeal a Denial
<p>Sec. 10.</p>	<p><i>(No sections 7-9)</i></p>
<p>(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:</p>	<p>Requestor has options to appeal a denial:</p>
<p>(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.</p>	<p>To City Council To</p>
<p>(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.</p>	<p>Circuit Court</p>
<p>(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:</p>	<p>City Council Response:</p>
<p>(a) Reverse the disclosure denial.</p>	<p>Reverse</p>
<p>(b) Issue a written notice to the requesting person upholding the disclosure denial.</p>	<p>Uphold</p>
<p>(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.</p>	<p>Reverse/Uphold</p>
<p>(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.</p>	<p>Under "unusual circumstances," issue one extension of appeal</p>
<p>(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body 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 under subsection (1)(b).</p>	<p>When an appeal is "received"</p> <p>Requestor's right to seek judicial review</p>
<p>(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.</p>	<p>Court will order release of improperly withheld record</p> <p>City has burden to sustain its denial</p>
<p>(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.</p>	<p>Court scheduling</p>

<p>(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).</p> <p>(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, 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 \$1,000.00 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.</p>	<p>Court award of fees, costs to prevailing person</p> <p>Penalties for arbitrary and capricious violation</p>
<p>15.240a Added. Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.</p> <p>Sec. 10a.</p> <p>(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:</p> <p>(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.</p> <p>(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body 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 under this subdivision unless 1 of the following applies:</p> <p>(i) The public body does not provide for appeals under subdivision (a).</p> <p>(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).</p> <p>(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).</p>	<p>Appeal of an Excess Fee:</p> <p>To City Council</p> <p>To Circuit Court</p> <p>City not required to complete request until fee appeal decided</p>

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:	City Council Response:
(a) Waive the fee.	Waive Fee
(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body 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.	Reduce fee and issue certified determination
(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.	Uphold fee and issue certified determination
(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.	Issue one extension of appeal detailing reasons for extension
(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).	When an appeal is "received"
(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.	Court will reduce impermissible fee City has burden to show fee complies with Procedures and Guidelines and FOIA
(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.	Court scheduling
(6) If the requesting person prevails in an action commenced under this section 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 attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).	Court award of fees, costs to prevailing person
(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, 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 \$500.00 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.	Penalties for arbitrary and capricious violation
(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.	Definition of "fee" for this section

<p>15.240b Added. Failure to comply with act; civil fine.</p> <p>Sec. 10b.</p> <p>If the court determines, in an action commenced under this act, that a public body willfully and intentionally failed to comply with this act or otherwise acted in bad faith, the court shall order the public body to pay, in addition to any other award or sanction, a civil fine of not less than \$2,500.00 or more than \$7,500.00 for each occurrence. In determining the amount of the civil fine, the court shall consider the budget of the public body and whether the public body has previously been assessed penalties for violations of this act. The civil fine shall be deposited in the general fund of the state treasury.</p>	<p>Fine for willful and intentional noncompliance</p>
<p>15.241 Amended. Matters required to be published and made available by state agency; form of publications; effect of matter not published and made available; exception; action to compel compliance by state agency; order; attorneys' fees, costs, and disbursements; jurisdiction; definitions.</p> <p>Sec. 11.</p> <p>(1) A state agency shall publish and make available to the public all of the following:</p> <ul style="list-style-type: none"> (a) Final orders or decisions in contested cases and the records on which they were made. (b) Promulgated rules. (c) Other written statements that implement or interpret laws, rules, or policy, including but not limited to guidelines, manuals, and forms with instructions, adopted or used by the agency in the discharge of its functions. <p>(2) Publications may be in pamphlet, loose-leaf, or other appropriate form in printed, mimeographed, or other written matter.</p> <p>(3) Except to the extent that a person has actual and timely notice of the terms thereof, a person is not required to resort to, and shall not be adversely affected by, a matter required to be published and made available, if the matter is not so published and made available.</p> <p>(4) This section does not apply to public records that are exempt from disclosure under section 13.</p> <p>(5) A person may commence an action in the court of claims to compel a state agency to comply with this section. If the court determines that the state agency has failed to comply, the court shall order the state agency to comply and shall award reasonable attorneys' fees, costs, and disbursements to the person commencing the action. The court of claims has exclusive jurisdiction to issue the order.</p> <p>(6) As used in this section, "state agency", "contested case", and "rule" mean "agency", "contested case", and "rule" as those terms are defined in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.</p>	<p>State agencies required to publish and make public certain records</p>

15.243 Exemptions from disclosure; public body as school district or public school academy; withholding of information required by law or in possession of executive office.	Section 13: FOIA Exemptions
<p>Sec. 13.</p> <p>(1) A public body may exempt from disclosure as a public record under this act any of the following:</p> <ul style="list-style-type: none"> (a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy. (b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following: <ul style="list-style-type: none"> (i) Interfere with law enforcement proceedings. (ii) Deprive a person of the right to a fair trial or impartial administrative adjudication. (iii) Constitute an unwarranted invasion of personal privacy. (iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source. (v) Disclose law enforcement investigative techniques or procedures. (vi) Endanger the life or physical safety of law enforcement personnel. (c) A public record that if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure. (d) Records or information specifically described and exempted from disclosure by statute. (e) A public record or information described in this section that is furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the considerations originally giving rise to the exempt nature of the public record remain applicable. 	<p><i>(apply to records or information in records)</i></p> <p>Privacy exemption</p> <p>Law enforcement investigating records</p> <p>Security records of custodial or penal institutions</p> <p>Records exempted by statute</p> <p>Exempt records provided to public office/body</p>

<p>(f) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy if:</p> <p>(i) The information is submitted upon a promise of confidentiality by the public body.</p> <p>(ii) The promise of confidentiality is authorized by the chief administrative officer of the public body or by an elected official at the time the promise is made.</p> <p>(iii) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision does not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit.</p> <p>(g) Information or records subject to the attorney-client privilege.</p> <p>(h) Information or records subject to the physician-patient privilege, the psychologist-patient privilege, the minister, priest, or Christian Science practitioner privilege, or other privilege recognized by statute or court rule.</p> <p>(i) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline for submission of bids or proposals has expired.</p> <p>(j) Appraisals of real property to be acquired by the public body until either of the following occurs:</p> <p>(i) An agreement is entered into.</p> <p>(ii) Three years have elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.</p> <p>(k) Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.</p> <p>(l) Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation, including protected health information, as defined in 45 CFR 160.103.</p> <p>(m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure. This exemption does not constitute an exemption under state law for purposes of section 8(h) of the open meetings act, 1976 PA 267, MCL 15.268. As used in this subdivision, "determination of policy or action" includes a determination relating to collective bargaining, unless the public record is otherwise required to be made available under 1947 PA 336, MCL 423.201 to 423.217.</p>	<p>Trade secrets / commercial / financial information</p> <p>Attorney-client privilege Physician-patient privilege</p> <p>Bids/proposals</p> <p>Appraisals of real property for public body purchase</p> <p>Test answers</p> <p>Individuals medical / psychological evaluations</p> <p>Advisory communications preliminary to final action ("frank communication")</p>
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<p>(n) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, that if disclosed would prejudice a public body's ability to protect the public safety unless the public interest in disclosure under this act outweighs the public interest in nondisclosure in the particular instance.</p>	<p>Law enforcement codes, plans</p>
<p>(o) Information that would reveal the exact location of archaeological sites. The department of history, arts, and libraries may promulgate rules in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide for the disclosure of the location of archaeological sites for purposes relating to the preservation or scientific examination of sites.</p>	<p>Archaeological sites</p>
<p>(p) Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only 1 bidder has met the specifications. This subdivision does not apply after 1 year has elapsed from the time the public body completes the testing.</p>	<p>Testing data of bidder's products</p>
<p>(q) Academic transcripts of an institution of higher education established under section 5, 6, or 7 of article VIII of the state constitution of 1963, if the transcript pertains to a student who is delinquent in the payment of financial obligations to the institution.</p>	<p>College academic transcripts of students with unpaid loans</p>
<p>(r) Records of a campaign committee including a committee that receives money from a state campaign fund.</p>	<p>Campaign committee records</p>
<p>(s) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following:</p>	<p>Law enforcement agency records that:</p>
<p>(i) Identify or provide a means of identifying an informant.</p>	<p>Identify informant</p>
<p>(ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent.</p>	<p>Identify undercover / plain clothes officer</p>
<p>(iii) Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have.</p>	<p>Disclose personal info of officers</p>
<p>(iv) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of active or retired law enforcement officers or agents.</p>	<p>Disclose personal info of officer's family</p>
<p>(v) Disclose operational instructions for law enforcement officers or agents.</p>	<p>Disclose operational instructions</p>
<p>(vi) Reveal the contents of staff manuals provided for law enforcement officers or agents.</p>	<p>Reveal manuals</p>
<p>(vii) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies.</p>	<p>Endanger officers or families or informants</p>
<p>(viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant.</p>	<p>Identify person as law enforcement</p>
<p>(ix) Disclose personnel records of law enforcement agencies.</p>	<p>Disclose personnel records</p>

<p>(x) Identify or provide a means of identifying residences that law enforcement agencies are requested to check in the absence of their owners or tenants.</p>	<p>Identify residences checked when empty</p>
<p>(t) Except as otherwise provided in this subdivision, records and information pertaining to an investigation or a compliance conference conducted by the department under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, before a complaint is issued. This subdivision does not apply to records or information pertaining to 1 or more of the following:</p> <p>(i) The fact that an allegation has been received and an investigation is being conducted, and the date the allegation was received.</p> <p>(ii) The fact that an allegation was received by the department; the fact that the department did not issue a complaint for the allegation; and the fact that the allegation was dismissed.</p>	<p>Public health code investigations</p>
<p>(u) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.</p>	<p>Public body's security plans / procedures</p>
<p>(v) Records or information relating to a civil action in which the requesting party and the public body are parties.</p>	<p>Records related to civil action between public body and requestor (discovery)</p>
<p>(w) Information or records that would disclose the social security number of an individual.</p>	<p>Social Security numbers</p>
<p>(x) Except as otherwise provided in this subdivision, an application for the position of president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, materials submitted with such an application, letters of recommendation or references concerning an applicant, and records or information relating to the process of searching for and selecting an individual for a position described in this subdivision, if the records or information could be used to identify a candidate for the position. However, after 1 or more individuals have been identified as finalists for a position described in this subdivision, this subdivision does not apply to a public record described in this subdivision, except a letter of recommendation or reference, to the extent that the public record relates to an individual identified as a finalist for the position.</p>	<p>Applications for university president</p>
<p>(y) Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.</p>	<p>Security measures re: terrorism, emergency response</p>

<p>(2) A public body shall exempt from disclosure information that, if released, would prevent the public body from complying with 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974. A public body that is a local or intermediate school district or a public school academy shall exempt from disclosure directory information, as defined by 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974, requested for the purpose of surveys, marketing, or solicitation, unless that public body determines that the use is consistent with the educational mission of the public body and beneficial to the affected students. A public body that is a local or intermediate school district or a public school academy may take steps to ensure that directory information disclosed under this subsection shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation. Before disclosing the directory information, a public body that is a local or intermediate school district or a public school academy may require the requester to execute an affidavit stating that directory information provided under this subsection shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.</p> <p>(3) This act does not authorize the withholding of information otherwise required by law to be made available to the public or to a party in a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.</p> <p>(4) Except as otherwise exempt under subsection (1), this act does not authorize the withholding of a public record in the possession of the executive office of the governor or lieutenant governor, or an employee of either executive office, if the public record is transferred to the executive office of the governor or lieutenant governor, or an employee of either executive office, after a request for the public record has been received by a state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of government that is subject to this act.</p>	<p>Family Educational Rights and Privacy Act of 1974</p> <p>Information required to be public under Administrative Procedures Act</p> <p>State agency public records not protected by possession of Executive Office</p>
<p>15.243a Salary records of employee or other official of institution of higher education, school district, intermediate school district, or community college available to public on request.</p> <p>Sec. 13a.</p> <p>Notwithstanding section 13, an institution of higher education established under section 5, 6, or 7 of article 8 of the state constitution of 1963; a school district as defined in section 6 of Act No. 451 of the Public Acts of 1976, being section 380.6 of the Michigan Compiled Laws; an intermediate school district as defined in section 4 of Act No. 451 of the Public Acts of 1976, being section 380.4 of the Michigan Compiled Laws; or a community college established under Act No. 331 of the Public Acts of 1966, as amended, being sections 389.1 to 389.195 of the Michigan Compiled Laws shall upon request make available to the public the salary records of an employee or other official of the institution of higher education, school district, intermediate school district, or community college.</p>	<p>Salary records of college / school district employee or official are public</p>

<p>15.244 Separation of exempt and nonexempt material; design of public record; description of material exempted.</p> <p>Sec. 14.</p> <p>(1) If a public record contains material which is not exempt under section 13, as well as material which is exempt from disclosure under section 13, the public body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.</p> <p>(2) When designing a public record, a public body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.</p>	<p>Public information must be separated from exempt information</p> <p>Records must be designed to allow for redaction</p> <p>Describe exempt info</p>
<p>15.245 Repeal of MCL 24.221, 24.222, and 24.223.</p> <p>Sec. 15.</p> <p>Sections 21, 22 and 23 of Act No. 306 of the Public Acts of 1969, as amended, being sections 24.221, 24.222 and 24.223 of the Michigan Compiled Laws, are repealed.</p>	
<p>15.246 Effective date.</p> <p>Sec. 16.</p> <p>This act shall take effect 90 days after being signed by the governor.</p>	<p><i>(2015 amendments take effect July 1, 2015)</i></p>

Date: August 23, 2019
To: Bruce J. Smith, City Administrator
From: Frank Schulte, Director of Public Services
Nicole Gerhart, Recreation Supervisor
Subject: Proposed park pass changes

RECEIVED
AUG 26 2019
CITY OF GROSSE POINTE WOODS
CLERK'S DEPARTMENT

The City of Grosse Pointe Woods Community Center oversees the issuing of resident park passes ' the Lake Front Park.

Over the past five years, the following changes have improved the park pass procedures:

December of 2015

- The dates of the park pass season were changed from May – April to a calendar year and the office began processing application in December.
- The age requirement of the park passes increased from six years of age to eight years of age and older.
- Changed the rental times of the pavilions and gazebos from half days to whole days
Limit the non-resident guests allowed in the park on peak days (weekends)
- Guest punches
 - Eliminated summer/winter punches and changed the number of guest punches to 15 for the entire year.
 - Each pass allows one guest per weekday without a punch, May 1 to September 30.
 - From October 1 to April 30, each pass allows one guest per day without a punch.
- Group Permits (one per household per year) changed to 6 per day
 - 25 non-residents per group permit, equaling a maximum of 150 non-residents a day
- Picnics Permits (using punches for non-residents)
 - Picnic permits (uses punches for non-resident guests) must be turned in at the Community Center least 7 days in advance to pre-approve large groups

January of 2018

- Resident photos were linked to park passes, thus when scanned in the system the photo would appear on a monitor allowing attendant to verify the identity of pass holder.

January of 2019

- Resident photos were printed on the park passes.
- The Community Center started to receive monthly reports from various department to keep the park pass database as accurate as possible. This allows the Community Center to deactivate park passes for those who move out of Grosse Pointe Woods.
 - Accessing Department provides a monthly report of the households sold, and includes the names of the new homeowners.
 - Building Department provides a monthly report of the rental properties with the tenants' names. If the rental property is not in compliance with the city ordinance (ex: no certificate of occupancy or expired certificate) the tenants are not able to receive park passes.
 - City Clerks Department provides the monthly qualified voter file of the Grosse Pointe Woods voters who moved or as marked deceased.

City of Grosse Pointe Woods
Parks and Recreation

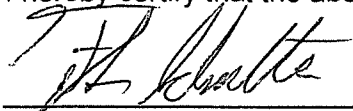
In order to keep with the forward momentum of improving the park pass procedures we recommend the following:

1. Issue the park passes in three-year cycles (ex. January 2020 – December 2023).
2. Lost park passes are replaced through adult application only at the cost of \$20. Stolen park passes may be replace free of charge if a police report is provided. Damaged passes may be turned in for a new pass free of charge.
3. Eliminate the guest punches.
4. Change the guest privileges to:
 - Residents under 18 years of age one guest daily
 - Residents 18 and over two guests daily
5. Allow each pavilion, gazebo, and tent rental 25 non-resident guests.
6. Group Permits (one per household per year), keep at 6 per day
 - o Change the number of non-residents from 25 per group permit to 20 non-residents per group permit.
7. Eliminate picnic permits due to the elimination of guest punches.

We believe the suggested procedures will improve the residents experience with the park pass application process.

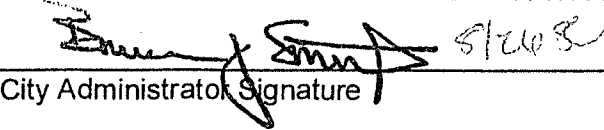
Department Certification:

I hereby certify that the above items are necessary for the proper operation of this Department.



Department Head Signature

APPROVED FOR COUNCIL CONSIDERATION:



City Administrator Signature



CITY OF GROSSE POINTE WOODS

Office of the Treasurer/Comptroller

Memorandum



RECEIVED

SEP 27 2019

CITY OF GROSSE POINTE WOODS
CLERK'S DEPARTMENT

DATE: September 26, 2019

TO: Mayor Novitke and City Council

FROM: Cathrene Behrens, Treasurer/Comptroller

SUBJECT: DTE Street Light Project Funding

On July 1, 2019 the City Council approved the agreement between the city and DTE to authorize the DTE Street Light LED Conversion project. Detroit Edison is currently in the process of these upgrades citywide and additionally at City owned parking lots which include: Mack at Torrey, Newcastle, Lochmoor, Hollywood and Hampton.

During the fiscal budget process the council approved a budgeted amount of \$150,000, due to the unknown cost at budget time for the parking lot portion of this project. The City has received the final invoice for the parking lot upgrade project and the total cost is \$113,384, the figure stated in the agreement. This lighting is being paid for from the parking fund because 100% of these lights are located in City owned lots and they are being converted from their existing gas status to the LED which is far more cost efficient.

During the fiscal budget process staff budgeted funding in the amount of \$203,454 in the municipal improvement fund, through a transfer from the general fund. This amount was originally budgeted to fund the parking lot light upgrade and an initial pre-payment through Comerica Bank due to discussion which had taken place about the possibility of financing this option through the bank. Since that time, the parking lot lighting expense has been transitioned over to the parking fund.

After review of the estimated year-end budget numbers (pre-audit) for fiscal year ending June 30, 2019, I am requesting that the City authorize the payment in full of the DTE Street Light Conversion project with a transfer from the general fund balance into the municipal improvement fund. The final invoice for the street light conversion is \$459,317, the figure stated in the agreement. We have an adopted budgeted amount of \$203,454 in the municipal improvement fund so a transfer of \$255,863 from the general fund balance would be necessary to cover the invoice total.

The most recent fund balance analysis that I provided to the City Council (9/19/2019) shows that our current projected fund balance percentage for fiscal year ending 2020 is at 33.01%. The allocation of this \$255,863 will negatively affect this percentage by **-1.71%**; the new percentage would be 31.3% should this amendment is approved.

I believe that this allocation of funds would be in the best interest of the City and will forego any interest charges that we would have paid for a commercial loan.

I am respectfully requesting that the City Council authorize a budget amendment in the amount of \$255,863 from the general fund budget line 101-000-699.000, Prior Year Fund Balance, into the municipal improvement budget line 401-901-977.202, Equipment – Major Street.

I would also request that the City Council authorize administration to pay the attached invoices upon 100% completion of the project projected for November 30, 2019, with the completion fully verified by DPS Director Schulte and City Administrator Smith.

Thank you.

Department Certification:



Cathrene Behrens
Treasurer/Comptroller

APPROVED FOR COUNCIL CONSIDERATION:


Lisa K. Hathaway
Acting City Administrator Signature

DTE

RECEIVED

SEP 20 2019

Monday, September 16, 2019

Bruce Smith
CITY OF GROSSE PTE WOODS
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

Project ID# DTE-19-68781

RE: Project Funds Reserved

Project Location: Ref. to ESRI for Locations, DETROIT, MI

Dear Bruce Smith,

We are pleased to inform you that the DTE Energy Efficiency Program for Business has received your Reservation Application. After reviewing your Application, we have reserved up to \$30,577.00 * for your project until 11/30/2019.

The incentive amount reserved includes the following:

Measure:	Measure Quantity
(S-02D) 2019 58W LED replacing 175W MV	3
(S-05D) 2019 136W LED replacing 400W MV	1
(S-08D) 2019 39W LED replacing 100W HPS	106
(S-10D) 2019 58W LED replacing 100W HPS	1070
(S-14D) 2019 136W LED replacing 250W HPS	294

This letter ensures that we will process your Application for payment provided that after final review, your project remains eligible for incentives, is completed within the reservation time period and is submitted within 60 days of the project completion or by Nov. 30, 2019, whichever is first, with all appropriate documentation. Please reference the Project ID# given above when contacting the Program or providing information related to this reservation of funds.

*Actual incentives paid will be based on the final qualification amount calculated after the final review. Reserved funds are not transferable to other projects, facilities and/or customers. Please note that a reservation of funds is not a guarantee of project eligibility or level of incentive and any incentive paid will be subject to Program terms and conditions. Project timing and availability of funds reserved under limited-time specials or bonuses may vary depending on the terms of each offer. Incentives are eligible only for the Program year in which they were reserved and may not carry-over into the following year. The Program Team will be conducting inspections periodically throughout the Application process and may contact you to schedule an inspection.



Monday, September 16, 2019

We appreciate your interest in the DTE Energy Efficiency Program for Business and your help in achieving energy savings at your facility and in the State of Michigan. This program and associated incentives have successfully influenced thousands of commercial and industrial customers to implement energy savings projects. Your efforts will reduce your energy consumption for years to come. If you have any questions, call the Program Team at 866.796.0512 (option 3), or email us at saveenergy@dteenergy.com.

Sincerely,

**The DTE Energy Efficiency Program for Business Team
P.O. Box 11289
Detroit, MI 48211**



DTE Electric Company
1 Energy Plz
DETROIT MI 48226-1221
USA

INVOICE 90302931

Bill-To Number: 1000225
CITY OF GROSSE POINTE WOODS 20025 MACK PLAZA DR GROSSE POINTE WOODS MI 48236-2343
Ship-To Party: 1000225
CITY OF GROSSE POINTE WOODS 20025 MACK PLAZA DR GROSSE POINTE WOODS MI 48236-2343

Information	
Invoice Number:	90302931
Invoice Date:	July 18, 2019
Transaction Date:	July 18, 2019
Payment Terms:	Net 120 Days
Work Order Number:	100054007389
Customer Ref Number:	PO#19-45458
Due Date:	November 15, 2019
Total Due:	\$113,384.00
Payment Options	
<ul style="list-style-type: none">● Mail check payments using the coupon attached● Wire Instructions: Send the Invoice Number, company name of DTE Electric Company and the bank name of JP Morgan Chase to ABA 021000021, Account Number 000000001102823● ACH Instructions: Send the Invoice Number, company name of DTE Electric Company and the bank name of JP Morgan Chase to ABA 072000326, Account Number 000000001102823	

Explanation:

CIAC TO INSTALL (20) 39 WATT STOCK ACORN FIXTURES ON (20) SPECIAL ORDER POSTS.
LOCATION: CITY PARKING LOTS, MACK AT TORREY, NEWCASTLE, LOCHMOOR, HOLLYWOOD AND HAMPTON.
PO#19-45458

Item	Material Description	Plant	Quantity	UOM	Unit Price	Net Amount
10	STREET LIGHTING CIAC	2201	1	EA	\$113,384.00/1 EA	\$113,384.00
Sub Total:						\$113,384.00
Total Taxes:						\$0.00
Total Amount:						\$113,384.00

Additional Information:

- Please make any inquiries regarding this bill before the due date
- Please have your invoice number and Bill-To number available when calling about your bill.



DTE Electric Company
1 Energy Plz
DETROIT MI 48226-1221
USA

INVOICE 90303094

Bill-To Number: 1000225
CITY OF GROSSE POINTE WOODS 20025 MACK PLAZA DR GROSSE POINTE WOODS MI 48236-2343
Ship-To Party: 1000225
CITY OF GROSSE POINTE WOODS 20025 MACK PLAZA DR GROSSE POINTE WOODS MI 48236-2343

Information	
Invoice Number:	90303094
Invoice Date:	July 19, 2019
Transaction Date:	July 19, 2019
Payment Terms:	Net 120 Days
Work Order Number:	I00053526983
Customer Ref Number:	PO#-19-45458
Due Date:	November 16, 2019
Total Due:	\$459,317.00
Payment Options	
<ul style="list-style-type: none">● Mail check payments using the coupon attached○ Wire Instructions: Send the Invoice Number, company name of DTE Electric Company and the bank name of JP Morgan Chase to ABA 021000021, Account Number 000000001102823● ACH Instructions: Send the Invoice Number, company name of DTE Electric Company and the bank name of JP Morgan Chase to ABA 072000326, Account Number 000000001102823	

Explanation:

2019 MV CONVERSION (1490) STREETLIGHTS

(3)-175MV TO 58 WATT LEDs
(1)-400MV TO 136 WATT LED
(1070)-100HPS TO 58 WATT LEDs
(294)-250HPS TO 136 WATT LEDs
(6)-175MV TO 72 WATT LEDs
(9)-100HPS TO 72 WATT LEDs
(1)-250HPS TO 58 WATT LED
(106)-100HPS TO 39 WATT LEDs

Item	Material Description	Plant	Quantity	UOM	Unit Price	Net Amount
10	STREET LIGHTING CIAC	2201	1	EA	\$459,317.00/1 EA	\$459,317.00
Sub Total:						\$459,317.00
Total Taxes:						\$0.00
Total Amount:						\$459,317.00

Additional Information:

- Please make any inquiries regarding this bill before the due date
- Please have your invoice number and Bill-To number available when calling about your bill.



CITY OF GROSSE POINTE WOODS

Office of the Treasurer/Comptroller

Memorandum

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SEP 27 2019

CITY OF GROSSE POINTE WOODS
CLERK'S DEPARTMENT

DATE: September 26, 2019
TO: Mayor Novitke and City Council
FROM: Cathrene Behrens, Treasurer/Comptroller
SUBJECT: Administrative Clerk II Position

I am requesting council consideration to post for an Administrative Clerk II. The City Clerk's office recently was approved for a permanent part-time Administrative Clerk II position, with the higher level or Clerk II being the direct result of a higher level of technical ability and skills. In a review of the job descriptions for these two positions (see attached), I have recognized that the Finance Department's current employee is performing her duties at this higher level. The current position is responsible for all received tax payments and serves as the utility billing back-up position. Additionally, with the pending maternity leave of our part-time accountant, she has additionally taken on the function of back-up for our accounts payable duties. This position also provides excellent assistance to our residents and new residents regarding assessing when WCA is not in the office. This particular clerk, like myself, is certified through the State of Michigan as an M-CAT (Michigan Certified Assessing Technician).

The union contract requires that this position be posted for a period not less than seven (7) days for any TPOAM employee to apply for the position. Due to the highly technical nature of this position, it is very skill specific, but any and all candidates would be given consideration.

The additional personnel costs for a fiscal year are reflected in the table listed below:

ADMINISTRATIVE CLERK II PROPOSAL			
Current Rate	18.87	36,796.70	
Proposed Rate	19.46	37,947.00	
Difference		1,150.31	
Additional Payroll Related Costs			
FICA		88.00	
Pension		291.95	
ANNUAL TOTAL		1,530.25	

I am not requesting any additional allocation of funds because I believe that the Finance budget can accommodate this increase without any amendment due to a permanent part-time vacancy we underwent until just recently.

The Administrative Clerk I position that would be vacated is to remain vacant, which is the City's option pursuant to the union contract.

Thank you for your consideration.

A handwritten signature in blue ink, reading "Cathleen Behrens". The signature is fluid and cursive, with the first name "Cathleen" and last name "Behrens" clearly distinguishable.

Treasurer/Comptroller Signature