

CITY OF GRAND LEDGE
Freedom of Information Act Procedures and Guidelines

Effective Date: 23 June 2015
Revision Date: 11 March 2019

The Freedom of Information Act (FOIA), MCL 15.231-15.246, provides for public access to certain public records, permits the charging of prescribed fees and deposits, and provides remedies and penalties for non-compliance. A person has a right to inspect, copy, or receive copies of certain requested public records. The City of Grand Ledge (City) is a public body required to comply with the FOIA. The City is permitted to release some public records and is required not release some public records. The City has established the following Procedures and Guidelines to implement the FOIA effective 01 July 2015. For purposes of these Procedures and Guidelines, terms have the same meaning as defined in the FOIA. A complete copy of the FOIA is available on the Michigan Legislature's website at: www.legislature.mi.gov.

These Procedures and Guidelines (which include a Public Summary and an Itemized Fee Form) are available on the City's website at: www.grand-ledge.com. The City will include this link or a physical copy of these Procedures and Guidelines in all FOIA responses. Paper copies of these Procedures and Guidelines are available upon request at City Hall, 310 Greenwood St., Grand Ledge MI 48837.

Written Public Summary

- How to Submit FOIA Requests
 - A request to inspect, copy, or review a public record must be in writing and should be submitted to the City's FOIA Coordinator and must include the name, address, and contact information (phone number or email address) of the requester.
 - FOIA requests can be sent to:

City of Grand Ledge
FOIA Coordinator
310 Greenwood St.
Grand Ledge, MI 48837
 - FOIA requests sent via email should be sent to:

foia@grand-ledge.com
 - FOIA requests sent via fax should be sent to:

(517) 627-9796
 - A FOIA request must describe the public record in sufficient detail to enable the City to find the requested record. A sample Request Form is appended to these Procedures and Guidelines as Attachment A.
 - A person may subscribe to future issuances of public records created, issued, or disseminated by the City on a regular basis, such as notices of City Council meetings. A subscription is valid for up to six months and may be renewed by the subscriber.
 - In lieu of paper copies, the requestor may stipulate the City provide public records on non-paper physical media, via email, or other electronic format. The City is not required to produce public records on non-paper physical media if the City lacks the necessary technological capability in the particular instance. The City is not required to use non-paper physical media provided by the requestor and, to safeguard the City's information technology systems, shall not do so.
 - A person may request a certified copy of a public record.
- Explanation of Written Responses
 - The City will respond to a written FOIA request within five business days (excluding weekends and legal holidays) after the City receives the written request, unless otherwise agreed to in writing by the requestor. The FOIA defines the date of receipt by the City differently depending upon how the request was delivered to the City (e.g., hand-delivery, regular mail, e-mail, facsimile).

- The City will respond to a FOIA request by doing one of the following:
 - 1) granting the request;
 - 2) denying the request;
 - 3) granting the request in part and denying the request in part; or
 - 4) extending for not more than ten business days the period during which the City will respond to the request.
- If a requestor asks for information available on the City's website, the City will notify the requestor in its response where the records may be found on its website. The City will provide paper copies of public records available on its website upon request, but may charge a fee, as explained in Section II and on the detailed fee itemization form.
- The City will provide reasonable facilities for a requestor to inspect public records during the City's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which requestors may inspect public records to protect the records from loss, alteration, mutilation, or destruction, or to prevent undue interference with the City's normal operations.
- If the City denies a FOIA request in whole or in part, the City will include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate stating the public record does not exist under the name given by the requestor or by another name reasonably known to the City. A sample Certificate of Non-Existence of Public Record is appended as Attachment B. If the City separates an exempt public record from disclosure, the City will describe generally the material exempt unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.
- Deposit Requirements
 - Where the City estimates the fee for responding to a request will exceed \$50.00, the City may require a good-faith deposit from the requestor before providing the requested records. A good-faith deposit shall not exceed one-half of the total estimated fee and shall include a detailed itemization of estimated fee amounts. The City will include with its request for a good-faith deposit, a non-binding, reasonably accurate, best efforts estimate of the timeframe within which the City will provide the requested public records.
 - The City may require a deposit of up to 100% of the estimated fee for a FOIA request if ALL the following conditions are met:
 - 1) The requestor previously requested public records from the City, and
 - 2) The City provided the requested public records on a timely basis, and
 - 3) The City was not paid in full for the total estimated fee for the previous request.
 - If the City does not receive the requested deposit by the date specified by the City in the deposit notice, the City will consider the request abandoned. The specified date will be forty-eight days after the notice is sent.
- Fee Calculations
 - The FOIA permits the City to charge six fee components:
 - 1) Labor costs of searching for, locating, and examining public records;
 - 2) Labor costs of separating or deleting exempt information from non-exempt information;
 - 3) Labor costs to duplicate or publish requested public records;
 - 4) Actual costs of paper copies (not to exceed \$0.10 per sheet for standard 8½" by 11" or 8½" by 14" sheets of paper);

- 5) Actual costs of non-paper physical media (e.g., flash drive, CD) if requested and if the City has the technological capability to comply;
 - 6) Actual costs of postal delivery.
- More detailed information about the City's fee calculations, including fee reductions for untimely responses, is available in the Procedures and Guidelines, and in Attachment C, Detailed Itemization of Fee Amounts Form. The FOIA Coordinator will require payment be made in full for the allowable fees before the requested records are made available.
- Fee Waivers
 - 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 a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.
- Discounts
 - Under the following circumstances, the City shall search for and furnish a copy of a public record without charge for the first \$20.00 of the fee:
 - 1) If an individual who is entitled to information under the FOIA:
 - a. Submits an affidavit stating the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and
 - b. Has not previously received discounted copies of public records from the City twice during the same calendar year.
 - 2) If a nonprofit corporation formally designated by the State of Michigan 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, submits a request that meets all of the following requirements:
 - a. Is made directly on behalf of the organization or its clients;
 - b. 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; and
 - c. Is accompanied by documentation of its designation by the state, if requested by the City.
- Avenues for Challenge and Appeal
 - Challenge to Request Denial. If the City fails to respond to a FOIA request or makes a final determination to deny all or a portion of a request, the requesting person may submit an appeal to the City Council or may commence an action in Eaton County Circuit Court. See the FOIA Procedures and Guidelines for a more detailed explanation of the procedures and timelines for a request denial appeal.
 - Challenge to Fee. If the City requires a fee the requestor believes exceeds the amount permitted under the FOIA or the City's publicly available procedures and guidelines, the requesting person may commence an action in Eaton County Circuit Court. See the FOIA Procedures and Guidelines for a more detailed explanation of the procedures and timelines for a fee appeal.

Procedures & Guidelines

A. Requests

1. All “persons,” except those persons incarcerated in state or local correctional facilities, are entitled to submit a FOIA request to the City. A “person” is defined for purposes of the FOIA to mean “an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity.”
2. A FOIA request is a written request to inspect, copy, or receive copies of a public record. A request must describe the public record in sufficient detail to enable the City to find the requested record. The City suggests requestors use the sample Request Form appended as Attachment A.
3. FOIA requests must be in writing. If, however, a person makes an oral request for information available on the City’s website and if the employee to whom the request is directed knows the information is available on the City’s website, that employee must inform the requesting person the information is available on the City’s website.
4. The City’s FOIA Coordinator is responsible to process FOIA requests. FOIA requests should be sent to the City’s FOIA Coordinator.

- o FOIA requests can be sent to:

City of Grand Ledge
FOIA Coordinator
310 Greenwood St.
Grand Ledge, MI 48837

- o FOIA requests sent via email should be sent to:

foia@grand-ledge.com

- o FOIA requests sent via fax should be sent to:

(517) 627-9796

If an employee of the City receives a written request to inspect, copy, or receive copies of a public record, the employee should promptly forward the request to the City’s FOIA Coordinator. A requestor is not required to use the City’s sample Request Form, or to include the word “FOIA” in the request. Therefore, all written requests to inspect, copy, or receive copies of public records should be promptly forwarded to the FOIA Coordinator for review.

5. 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.
6. A person may subscribe to future issuances of public records created, issued, or disseminated on a regular basis, such as notices or agendas of City Council meetings. In all other respects, if the requested public record does not exist as of the date requested, the City has no obligation under the FOIA to create the requested record or to provide a copy if created at a later date. A subscription is valid for up to six months and may be renewed by the subscriber.
7. The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record to the requestor.

B. Responses.

1. Unless otherwise agreed to in writing by the person making the request, the City must respond to a written request under the FOIA within five business days (excluding weekends and legal holidays) after the City receives the request by doing one of the following:
 - a. Granting the request;
 - b. Denying the request;
 - c. Granting the request in part and denying the request in part; or
- 5) Extending for not more than ten business days the period during which the City will respond to the request.

2. If the City denies a FOIA request in whole or in part, the City will include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate stating the public record does not exist under the name given by the requestor or by another name reasonably known to the City. A sample Certificate of Non-Existence of Public Record is appended as Attachment B.
 - a. Exemptions to disclosure are set forth in Section 13 of the FOIA, MCL 15.243, which is available on the Michigan Legislature's website at www.legislature.mi.gov.
 - b. If the City separates an exempt public record from disclosure, the City will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.
3. The date for responding to a FOIA request depends upon the manner in which the request was delivered. A request sent by mail or delivered by hand is received, for purposes of the FOIA, on the day it arrives at the City. A request sent by e-mail, fax, or other electronic means is received, for purposes of the FOIA, one business day after the date on which it was electronically transmitted. If a request is sent by email and is diverted to the spam or junk folder, the request is not received until one day after the date it is discovered in the spam or junk folder. The FOIA Coordinator shall include in the City's records both the time a written request was delivered to its spam or junk folder and the time the City first became aware of the request. The City shall review the FOIA Coordinator's spam or junk folder at least once every five days (excluding weekends and legal holidays).
4. If the City fully grants a request, the City will provide copies of, or an opportunity to inspect, all the public records requested, upon payment of the appropriate fee (if any). No pages will be left out and nothing will be redacted.
5. The City will provide reasonable facilities for a requestor to inspect public records during the City's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which requestors may inspect public records to protect the records from loss, alteration, mutilation, or destruction, or to prevent undue interference with the City's normal operations.
6. The FOIA identifies numerous specific exemptions to disclosure. If a request includes information exempt from disclosure, the City will provide a written response and list the reason(s) why it will not disclose the record(s) or portions of the record(s). The City will include a link to, or a copy of, these Written Procedures and Guidelines (including the Public Summary and Attachments) with each denial.
7. If the City denies a portion of a request, it means it will disclose some records or parts of records, but will not disclose some records or parts of records. The City will provide copies of, or an opportunity to inspect, the non-exempt records, but will withhold or redact exempt information (which may consist of entire documents, pages, or information on a page). The City will include in the written notice of partial denial, an explanation of the basis for the partial denial and, if applicable, a certificate stating the public record does not exist under the name given by the requestor or by another name reasonably known to the City. A sample Certificate of Non-Existence of Public Record is appended as Attachment B. If the City separates an exempt public record from disclosure, the City will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption. The City will include a link to, or copy of, these Written Procedures and Guidelines (including the Public Summary and Attachments) with each denial.
8. Failure of the City to respond to a FOIA request within the prescribed timelines constitutes denial of the request. The fee the City is permitted to charge will be reduced by 5% per day, up to a 50% reduction, if the failure to timely respond was willful or intentional, or if the request included language described in the FOIA as readily conveying a FOIA request. (See Section D. Fees).
9. The FOIA does not require the City to create any records, or to make compilations, summaries, or reports of existing records. If a request seeks records that do not exist, the City will certify no records responsive to the request exist under the name or description provided in the request or another name known to the City. (See sample Certificate of Non-Existence of Public Record appended as Attachment B).
10. If a FOIA request includes information available on the City's website, the City will notify the requestor in its response where the records may be found. If a requestor seeks paper copies of information available on the website, the City may charge the fees noted below and on the detailed fee itemization form, except there will be no charge for separating exempt from nonexempt material.

11. In lieu of paper copies, the requestor may stipulate the City provide public records on non-paper physical media, via email, or other electronic format. The City is not required to produce public records on non-paper physical media if the City lacks the necessary technological capability in the particular instance. The City is not required to use non-paper physical media provided by the requestor and, to safeguard the City's information technology systems, shall not do so.

C. Deposit Requirements

1. Where the City estimates the fee for responding to a request will exceed \$50.00, the City may require a good-faith deposit from the requestor before providing the requested records. A good-faith deposit shall not exceed one-half of the total estimated fee and shall include a detailed itemization of estimated fee amounts. The City will include with its request for a good-faith deposit, a non-binding, reasonably accurate, best efforts estimate of the timeframe within which the City will provide the requested public records.
2. The City may require a deposit of up to 100% of the estimated fee for a FOIA request if ALL the following conditions are met:
 - a. The requestor previously requested public records from the City, and
 - b. The City provided the requested public records on a timely basis, and
 - c. The City was not paid in full for the total estimated fee for the previous request.
3. If the City does not receive the requested deposit by the date specified by the City in the deposit notice, the City will consider the request abandoned. The specified date will be forty-eight days after the notice is sent.

D. Fees

1. The City shall charge a fee for the cost to search, examine, review, and delete/separate/redact exempt from non-exempt information unless failure to charge a fee would result in unreasonably high costs to the City. In determining whether such costs are "unreasonably high," the City will consider, on a case-by-case basis, the estimated costs given the volume and complexity of the FOIA request relative to the usual or typical costs incurred by the City in responding to FOIA requests.
2. The City will calculate fees using the detailed fee itemization form appended to these Guidelines and Procedures as Attachment C. The City charges the following fees:
 - a. Labor costs incurred for searching for, locating, and examining public records, calculated in fifteen-minute increments (rounded down) and not exceeding the hourly rate of the lowest-paid employee capable of searching for, locating, and examining the public records. The City will not charge overtime unless requested by the requestor in writing, approved by the City, and included on the fee itemization form. The hourly rate of the lowest-paid employee capable of searching for, locating, and examining particular records may vary depending upon the nature of the records sought and the corresponding qualifications or authorizations required to search for, locate, or examine the requested records. The City will note all charges on the fee itemization form.
 - b. Labor costs for separating and deleting exempt information from non-exempt information, calculated in fifteen-minute increments (rounded down) and not exceeding the hourly rate of the lowest-paid employee capable of separating and deleting exempt information from non-exempt information. The City will not charge overtime unless requested by the requestor in writing, approved by the City, and included on the fee itemization form. The hourly rate of the lowest-paid employee capable of separating and deleting exempt information from non-exempt information may vary depending upon the nature of the records sought and the corresponding qualifications or authorizations required to separate and delete exempt information from non-exempt information. If the City's FOIA Coordinator determines, on a case-by-case basis, no employee of the City is capable of separating and deleting exempt information non-exempt information, the City may engage a contracted services provider and charge labor costs, calculated in fifteen-minute increments (rounded down) at a rate not exceeding six times the state minimum wage. The City will note all charges on the fee itemization form.
 - c. Costs for non-paper physical media when the requestor stipulates records be produced on non-paper physical media (e.g., on a flash drive or CD) if the City has the technological capabilities to comply with the request for production on non-paper physical media. The City may charge the actual and most reasonably economical cost of the requested non-paper physical media. The City will note all charges on the fee itemization form.

- d. Actual cost of duplication for paper records (not to exceed \$0.10 per sheet for standard 8½" by 11" or 8½" by 14" sheets of paper). The City will charge the actual cost of duplication for non-standard-sized sheets of paper and may exceed \$0.10 cents per sheet. The City shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available. The City will note all charges on the fee itemization form.
 - e. Actual labor costs for duplication or publication not exceeding the hourly rate of the lowest-paid employee capable of duplicating or publishing the records. The hourly rate of the lowest-paid employee capable of duplicating or publishing records may vary depending on the nature of the records sought. Duplication or publication fees are calculated in fifteen-minute increments (rounded down). The City will note all charges on the fee itemization form.
 - f. Postal delivery costs of the least expensive form of postal delivery. If a requestor asks for expedited mailing, and if the City agrees to provide expedited mailing, the actual costs of the expedited mailing may be charged. The City will note all charges on the fee itemization form.
 - g. Fringe benefit costs, added to the labor charges described above, at the actual cost of the City employee's fringe benefits, up to 50% of the labor costs. The City will note all charges on the fee itemization form.
 - h. Overtime wages if requested in writing by the requestor and approved by the City. The City will note all charges on the fee itemization form.
3. The City shall list each of the fee components described above on the fee itemization form and provide a completed copy of the fee itemization form with its response to the FOIA request. A copy of the fee itemization form is appended to these Written Procedures and Guidelines as Attachment C.
 4. If the FOIA Coordinator does not respond to a written request within the timeframes required by the FOIA, the City will reduce the charges for labor costs otherwise permitted under the FOIA and these Procedure and Guidelines by 5% for each day the City exceeds the time permitted for a response to the request, up to a maximum 50% reduction, if either of the following applies:
 - a. The late response was willful and intentional, or
 - b. The written request included language conveying 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 the FOIA, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.

If a fee reduction is required, the City will fully note the fee reduction on the fee itemization form.

5. The FOIA Coordinator will require payment be made in full for the allowable fees before the City makes the requested records available.
6. The City may conduct a search for public records, or may furnish copies of public records, without charge or at a reduced charge if the City determines, in its discretion, a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.
7. The City shall conduct a search for public records and provide a copy of non-exempt public records without charge for the first \$20.00 of the fee, under the following circumstances:
 - 1) If an individual who is entitled to information under the FOIA:
 - a. Submits an affidavit stating the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and
 - b. Has not previously received discounted copies of public records from the City twice during the same calendar year.

- 2) If a nonprofit corporation formally designated by the State of Michigan 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, submits a request that meets all of the following requirements:
 - a. Is made directly on behalf of the organization or its clients;
 - b. 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; and
 - c. Is accompanied by documentation of its designation by the state, if requested by the City.
- E. Appeals. A requestor may appeal any denial of records or any fee charged for public records.
1. If the City denies a request for records, the requestor may, within 180 days of the denial, either:
 - a. Appeal to the City Council; or
 - i. The appeal must specifically state the word “appeal” and include the reason(s) the denial should be reversed.
 - ii. An appeal is not “received” until the first regularly scheduled City Council meeting after the appeal is submitted.
 - iii. Within ten business days after receiving the appeal, the City Council will do one of the following:
 1. Reverse the denial;
 2. Uphold the denial;
 3. Reverse the denial in part and uphold the denial, in part; or
 4. Extend the time for response by not more than ten business days.
 - iv. If the City Council fails to respond in a timely manner to the written appeal, or upholds all or a portion of the denial, the requestor may seek judicial review by commencing an action in Eaton County Circuit Court.
 - b. Commence an action in Eaton County Circuit Court. A requestor is not required to submit an appeal to the City Council before commencing an action in Eaton County Circuit Court to challenge a denial. If the Eaton County Circuit Court determines the requested record is not exempt from disclosure, the court will order the City to cease withholding or to produce all or a portion of the public record(s) determined to have been wrongfully withheld. If the court determines a denial was arbitrary and capricious, willful and intentional, or made in bad faith, the court will order the City to pay a civil fine to the State and punitive damages to the requestor. 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 in Eaton County Circuit Court, the court shall also require the City to pay the requestor’s reasonable attorneys’ fees, costs, and disbursements. If the requestor or the City prevails in part, the court may, in its discretion, award the City all or an appropriate portion of reasonable attorneys’ fees, costs, and disbursements.
 2. If the requestor believes the fee (defined to include a deposit) exceeds the amount permitted under the FOIA or these Procedures and Guidelines, the requesting person may, within 45 days after receiving notice of the required fee, commence an action in Eaton County Circuit Court.
 - a. If the court determines the fee exceeds the amount permitted under the FOIA or these Procedures and Guidelines, the court will reduce the fee to the permissible amount (if any).
 - b. 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.
 - c. If the court determines the City arbitrarily and capriciously violated FOIA by charging an excessive fee, or acted in bad faith, the court will order the City to pay a civil fine to the State and punitive damages to the requestor.

F. Questions. Any questions about these Procedures and Guidelines should be directed to the City's FOIA Coordinator.

G. Attachments.

1. "A" – Sample FOIA Request Form
2. "B" – Sample Certificate of Non-Existence of Public Record
3. "C" – Standard Form for Detailed Itemization of Fee Amounts

**ATTACHMENT A
SAMPLE FOIA REQUEST FORM**

[date]

FOIA COORDINATOR
CITY OF GRAND LEDGE
310 GREENWOOD ST.
GRAND LEDGE MI 48837

Re: Freedom of Information Act Request

Dear FOIA Coordinator:

I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, [to inspect][to copy][to obtain copies of] the following public records:

[INSERT DESCRIPTION OF RECORDS SOUGHT]

OPTIONAL: Please provide a copy of the requested public records on [INSERT DESCRIPTION OF DESIRED NON-PAPER PHYSICAL MEDIUM, SUCH AS CD, FLASHDRIVE].

OPTIONAL: Please waive or reduce the fee to search for or furnish copies of the requested public records on grounds that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.

OPTIONAL: Please furnished the requested records without charge for the first \$20.00 of the fee because (A) I am receiving public assistance [INSERT SPECIFIC DESCRIPTION] or am unable to pay the fee because of indigence; (B) I am not making this request in conjunction with outside parties in exchange for payment or other remuneration; and (C) I have not previously received discounted copies of public records from the [PUBLIC BODY] twice during this same calendar year.

OPTIONAL: Please furnished the requested records without charge for the first \$20.00 of the fee because (A) this request is made directly on behalf of a nonprofit corporation formally designated by the State of Michigan 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, or on behalf of its clients; (B) this request 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; and(C) this request is accompanied by documentation of designation by the state.

OPTIONAL: I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.* to subscribe for up to six months to the following future issuances of public records created, issued, or disseminated by [PUBLIC BODY] on a regular basis: [INSERT SPECIFIC DESCRIPTION].

Please contact me if you have any questions.

Sincerely,
[REQUESTOR NAME]
[REQUESTOR ADDRESS]
[REQUESTOR EMAIL]
[REQUESTOR PHONE NUMBER]

ATTACHMENT B
SAMPLE CERTIFICATE OF NON-EXISTENCE OF PUBLIC RECORD

[date]

[REQUESTOR'S NAME]
REQUESTOR'S ADDRESS]

Re: Freedom of Information Act Request Dated _____, 20__

Dear Mr./Ms. _____:

The [NAME OF PUBLIC BODY] is in receipt of your letter dated _____, 20__, regarding a request under the Michigan Freedom of Information Act ("FOIA"). Your letter was received on [INSERT STATUTORY RECEIPT DATE]. You requested [INSERT DESCRIPTION OF RECORDS SOUGHT].

I hereby certify, pursuant to Section 5(4)(b) of the FOIA, that your FOIA request is denied because, to the best of my knowledge, information and belief, no public records exist as of [INSERT STATUTORY RECEIPT DATE], under the name(s) set forth in your request as detailed below, nor under another name reasonably known to the City. MCL 15.235(4)(b).

**RIGHT TO APPEAL DISCLOSURE DENIAL
AND RECOVER ATTORNEYS FEES AND COSTS**

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

- (1) Submit to the "head of the public body" (the Governing Council) a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial; or
- (2) Commence an action in the circuit court to compel the public body's disclosure of the public records.

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 section 10 of the FOIA, 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 that kept or maintained the public record as part of its public function.

If the circuit court determines in an action commenced under section 10 of the FOIA that the City arbitrarily and capriciously violated the FOIA by refusal or delay in disclosing or providing copies of a public record, or that the City willfully and intentionally failed to comply with the FOIA or otherwise acted in bad faith, the court shall award, in addition to any actual or compensatory damages, punitive damages as prescribed in the FOIA 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.

A full explanation of your right to seek either appeal or judicial review is set forth in Section 10 of the FOIA, MCL 15.240.

A copy of the City's FOIA Procedures and Guidelines is available on the City's website at www.grand-ledge.com.

Very truly yours,

By: _____

FOIA Coordinator
City of Grand Ledge

ATTACHMENT C
Standard Form for Detailed Itemization of Fee Amounts

Fee Itemization Form

		Estimate	Actual
Labor Costs – Searching, Locating, and Examining	_____ hours x \$ _____		
	_____ hours x \$ _____		
	_____ hours x \$ _____		
Labor Costs – Separating and Deleting Exempt Information	_____ hours x \$ _____		
	_____ hours x \$ _____		
	_____ hours x \$ _____		
Duplication Costs – Non- Paper Physical Media	USB: _____ drives x \$ _____		
	CD: _____ disks x \$ _____		
Duplication Costs – Paper	B&W: _____ pages x \$ _____		
	Color: _____ pages x \$ _____		
Labor Costs – Duplication	_____ hours x \$ _____		
	_____ hours x \$ _____		
	_____ hours x \$ _____		
Mailing – (actual costs)			
Sub-total			
Waivers and Reductions	Indigent or Non-Profit: \$20.00		
	Late response: Sub-total _____ x 5% x _____ days late		
	Public Interest: _____		
Total			
Deposit (½ estimate)			