

**CITY OF INKSTER
WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES
AND GUIDELINES**

It is the policy of the City of Inkster (“the City”) that, consistent with Michigan’s Freedom of Information Act (“FOIA” or “the Act”), all persons, excepting those incarcerated, 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 regarding FOIA requests is to comply with State law in all respects, and to respond to all such requests in a consistent, fair, and even-handed manner, irrespective of who makes such a request.

Consistent with the Act, 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 the City Clerk’s Office and on the City’s website, www.cityofinkster.com.

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 must contain the requestor’s (1) full name, (2) address written in compliance with United States Postal Service standards, and (3) valid, operable telephone number or email address. A request from an entity (e.g., corporation, limited liability company) must be made by the entity’s duly authorized representative (e.g., agent, registrant), who must also provide his or her full name, USPS-compliant address, and valid, operable telephone number or email address.

- of
- 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 writing (letter, fax, email, etc.).
 - 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 the City Clerk's Office and at the City's website, www.cityofinkster.com.
 - Written requests may be delivered to the City Hall in person or by mail:

City of Inkster
Attn: FOIA Coordinator
26215 Trowbridge St.
Inkster, MI 48141

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

- Within five (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 ten (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 \$50.00, 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 fifty (50) percent of the total estimated fee. When the City requests the deposit, it will provide you a nonbinding 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 one-hundred (100) percent 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 one hundred-five (105) percent 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 one-hundred (100) percent 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.
 - If a good-faith deposit is not received within forty-eight (48) days after the City requests the deposit, the request is considered abandoned. After the forty-eight (48) day period lapses, the requestor must file a new request and the process restarts.

4. How does the City calculate FOIA processing fees?

The Act 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 nonpaper 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 fifteen (15) minute increments, with all partial time increments rounded down. If the time involved is less than fifteen (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 fifty (50) percent 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, which is six (6) times the state minimum hourly wage. A labor cost will not be charged for the search, examination, review, and deletion and separation of exempt from 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.

Nonpaper Copies on Physical Media

- The cost for records provided on nonpaper 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 nonpaper media.
- This cost will be charged only if the City has the technological capability necessary to provide the public record in the requested nonpaper 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 \$0.10 per sheet of paper.

- Copies for nonstandard sized sheets will paper 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 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.cityofinkster.com.

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; and
- Is accompanied by documentation of its designation by the state, if requested by the public body.

6. 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 Mayor by filing a written appeal of the denial with the Office of the Mayor. 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.cityofinkster.com.

Within ten (10) business days of receiving the appeal, the Mayor 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.

Irrespective of whether you submitted an appeal of a denial to the Mayor, you may file a civil action in Third Circuit Court within one hundred-eight (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 Mayor by filing a written appeal for a fee reduction to the Office of the Mayor. 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 Clerk’s Office and on the City’s website, www.cityofinkster.com.

Within ten (10) business days after receiving the appeal, the Mayor will respond in writing by:

- Waiving the fee;
- Reducing the fee and issue a written determination indicating 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 not more than ten (10) business days the period during which Mayor will respond to the written appeal. Within forty-five (45) days after receiving notice of the Mayor’s determination of the

Third processing fee appeal, you may commence a civil action in Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of fifty (50) percent or more of the total fee, the court may award all or an appropriate amount of reasonable attorneys' fees, costs, and disbursements.

award 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 \$500.00.