

**VEVAY TOWNSHIP
WRITTEN PUBLIC SUMMARY**

A. How to Submit Written Requests

A written request to inspect, copy, or review a public record should be submitted to the township's FOIA Coordinator.

- FOIA requests can be sent via U.S. Mail to:

JoAnne Kean
Vevay Township
FOIA Coordinator
780 Eden Road
Mason, Michigan 48854

- FOIA requests sent via email should be sent to: foia@vevaytownship.org
- FOIA requests sent via fax should be faxed to: 517.676.6655

A request from a person, other than an individual who qualifies as indigent under section 4(2)(a) of MCL 15.234, must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address.

Indigent Individuals are not required to provide name, address, and contact information.

A request must describe the public record in sufficient detail to enable the township 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 township on a regular basis, such as notices of board meetings. A subscription is valid for up to 6 months and may be renewed by the subscriber.

In lieu of paper copies, the requestor may stipulate that the township provide non-exempt public records on non-paper physical media, electronically mailed, or otherwise electronically provided. The township is not required to produce non-exempt public records on non-paper physical media if the township lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. The township is not required to use non-paper physical media *provided by the requestor* and, to safeguard the township's information technology infrastructure, shall not do so. A person may request a certified copy of a public record.

B. Explanation of Written Responses

The township will respond to a written request under the FOIA within 5 business days (excluding weekends and legal holidays) after the township receives the written request, unless otherwise agreed to in writing by the requestor. The FOIA defines the date of receipt by the township differently depending upon how the request was delivered to the township (e.g., hand-delivery, regular mail, e-mail, facsimile).

If a request is sent by email and is diverted to the township spam or junk-mail folder, the request is not received until 1 day after the date it is discovered in the spam or junk mail folder. The FOIA Coordinator shall include in the township's records both the time that a written request was delivered to its spam or junk mail folder and the time that the township first became aware of that request.

The township will respond to a request by doing one of the following: (a) granting the request; (b) issuing a written notice denying the request; (c) granting the request in part and issuing a written notice denying the request in part; or (d) issuing a notice extending for not more than 10 business days the period during which the township will respond to the request. The township shall not issue more than 1 notice of extension for a particular request.

If a requestor asks for information that is available on the township's website, the township will notify the requestor in its response where the records may be found on its website. Paper copies of public records available on the township's website will be made available upon request, but a fee may be charged as explained in Section II and on the detailed fee itemization form.

The township will provide reasonable facilities for a requestor to inspect non-exempt public records. The facilities will be available during the township's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which records may be inspected to protect the township's records from loss, alteration, mutilation, or destruction, or to prevent undue interference with the township's normal operations.

If a request is denied in whole or in part, the township will include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the township. A sample Certificate of Non-Existence of Public Record is appended as Attachment B. If a public record or information is separated and exempt from disclosure (redacted), the township will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of exemption.

C. Deposit Requirement

Where the township estimates that the fee authorized under the FOIA and these FOIA Procedures and Guidelines for responding to a request will exceed Fifty Dollars (\$50.00), the township may require a good-faith deposit from the requestor before providing the requested records. A good-faith deposit shall not exceed one-half (1/2) of the total estimated fee and

shall include a detailed itemization of estimated fee amounts. The FOIA Coordinator will provide the requestor with a detailed itemization of the allowable fees estimated to be incurred by the township to process the request. The township will include with its request for good-faith deposit a best efforts estimate of the time frame within which the township will provide the requested public records. The timeframe estimate is not binding on the township but will be made in good faith and the township will strive to be reasonable accurate.

If a deposit that is required under subsection (8) or (11) of MCL 15.234 is not received by the township within 45 days from receipt by the requesting person of the notice that a deposit is required, and if the requesting person has not filed an appeal of the deposit amount pursuant to section 10a, the request shall be considered “Abandoned” by the requesting person and the public body is no longer required to fulfill the request. Notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of transmission. Notice of a deposit requirement under subsection (8) or (11) must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent.

If a requestor previously requested public records from the township, and if the township made the requested public records available on a timely basis but was not paid in full the total estimated fee for that previous request, the township may, to the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

D. Fee Calculations

The FOIA permits the township to charge six fee components: (a) labor costs of searching for, locating, and examining public records; (b) labor costs of separating or deleting (redacting) exempt information from non-exempt information; (c) labor costs to duplicate or publish requested public records; (d) actual costs of paper copies (not to exceed 10 cents per sheet for standard 8-1/2 by 14 sheets of paper); (e) actual costs of non-paper physical media (e.g., flash drive, CD) if requested and if the township has the technological capability to comply; and (f) actual costs of postal delivery. For more detailed information about the township’s fee calculations, including fee reductions for untimely responses, see Section II.D of the Procedures and Guidelines and **Attachment C**, Detailed Itemization of Fee Amounts Form. The FOIA Coordinator will require that payment be made in full for the allowable fees before the requested records are made available.

1. **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 township determines 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.
2. **Discounts.** Under the following circumstances, a public record search shall be made by the township and a copy of a non-exempt public record shall be furnished without charge for the first \$20.00 of the fee:

- a. If an individual who is entitled to information under the FOIA:
 - Submits an affidavit stating that the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating that the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and
 - That individual has not previously received discounted copies of public records from the township twice during the same calendar year.
- b. 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:
 - 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 township.

E. Avenues for Challenge and Appeal

1. **Challenge to Record Denial.** If the township 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 township's Board of Trustees or may commence an action in the circuit court for the county in which the public record or the township's office is located. See Section II.E of these FOIA Procedures and Guidelines for a more detailed explanation of the procedures and timelines for appealing a record denial.
2. **Challenge to Fee.** If the township requires a fee that requestor believes exceeds the amount permitted under the FOIA or the township's publicly available procedures and guidelines, the requesting person may commence an action in the circuit court for the county in which the public record or the township's office is located. See Section II.E of the FOIA Procedures and Guidelines for a more detailed explanation of the procedures and timelines for a fee appeal.

6/10/19