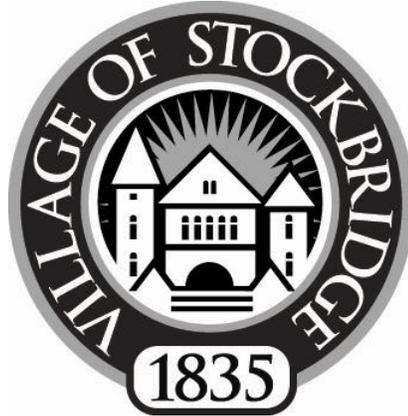


# VILLAGE OF STOCKBRIDGE



## FREEDOM OF INFORMATION ACT RECORDS REQUEST PACKET

### **Instructions:**

1. Please review enclosed FOIA Policy. A FOIA Request Form is provided as Attachment A for your convenience.
2. A Cost Worksheet is provided as Attachment B. The Cost Worksheet will be completed by the FOIA Coordinator upon completing your request.
3. If you are requesting a Regularly Published Record Please include Worksheet C.
4. Please return your completed FOIA Request Form(s) and the Cost Worksheet to the Village of Stockbridge Office.



**VILLAGE OF STOCKBRIDGE**  
210 Wood Street, PO Box 155  
Telephone: 517.851.7435 Fax 517.772.6222

## **FREEDOM OF INFORMATION ACT POLICY**

*This policy was established pursuant to Resolution No. 07-04-6 adopted by the Village of Stockbridge on April 2, 2007. The policy identifies the procedures followed when processing a request in accordance with Act No. 442 of the Public Acts of 1976, as amended (the "Act").*

### **SECTION I. DEFINITIONS**

**Act:** The Michigan Freedom of Information Act, Act No. 442 of The Public Acts of 1976, as amended.

**FOIA Coordinator:** The individual, designated by Resolution 07-04-5 of the Village Council, who is responsible for accepting and processing requests for public records as outlined in this policy and the Act, and who is responsible for approving denials of requests, or that individual's designee as provided.

**Person:** An individual, corporation, organization or other legal entity, as modified by the Act.

**Public Body:** The Village of Stockbridge and its duly constituted departments, commissions, boards or committees.

**Public Record:** A writing which is 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 and as otherwise defined by the Act.

**Unusual Circumstances:** Entails the need to search for, collect, or appropriately examine or review a voluminous amount of public records and/or the need to collect public records from numerous locations apart from the processing office.

*Where not otherwise defined, the words and phrases contained in this policy shall have the meaning given to them, by the Act.*

### **SECTION 2: RIGHT TO RECORDS**

A person has the right to submit a written request for public record(s) from the Village and its departments. The request must sufficiently describe the public record to enable the FOIA Coordinator to identify the requested public record.

A person has the right to inspect a public record, unless exempted by law or court order. Original public records will not be released from the Village office where the public records are secured. A person may request copies of a public record subject to the cost schedule outlined in Section 4.

A person has the right to subscribe to future issuances of regularly published public records as outlined in Section 3 of the Act for a period of six months or less. This request may be renewed.

Upon request, a person will be provided with a reasonable opportunity to examine the public records provided by the public body. Persons with special needs should contact the FOIA Coordinator to insure that arrangements for special needs or reasonable facilities are prepared.

### **SECTION 3: RIGHTS AND OBLIGATIONS OF THE PUBLIC BODY**

The FOIA Coordinator shall provide reasonable facilities and opportunities for person(s) to inspect public records. To implement this Section, the FOIA Coordinator may prepare and submit to the Village Council for its approval rules to regulate the time and manner in which records are reviewed to protect the records and to prevent excessive interference with the public body's normal operations.

The FOIA Coordinator shall provide a certified copy of a public record if a person requests the same in writing.

Neither the public body nor the FOIA Coordinator is obligated to create a record, list, compilation, or summary of information which does not already exist. This exemption includes analyzing, compiling, or summarizing existing information into a new format. All public records shall be retained per the Village's approved Retention Schedule. Neither the public body nor the FOIA Coordinator are obligated to provide answers to oral or written questions.

The FOIA Coordinator shall provide copies of any public record as provided for in the Act and shall retain a copy of all written requests on file for a period of not less than one (1) year. The FOIA Coordinator will follow the provisions of Section 4 of this policy.

### **SECTION 4: PROVISIONS FOR COPYING PUBLIC RECORDS**

The Village of Stockbridge shall adopt, by resolution, a schedule of fees for providing copies of public records. All FOIA requests submitted pursuant to the Act shall be subject to the fees and charges adopted by the Village Council. Postage and handling shall also be charged as applicable and shall include the exact postage, as well as, the cost for envelopes or other containers used for mailing copies of the public records requested.

The FOIA Coordinator shall charge a fee for the labor involved with searching for, examining, and reviewing a public record as permitted by the Act. In determining whether to charge a fee for labor, the FOIA Coordinator shall consider the anticipated cost to the Village, the need for a devoted staff member to adequately respond to the particular request, and similar factors. The estimated labor charges that are involved will be included on the FOIA Worksheet (See Attachment B). Where total fees and charges are reasonably anticipated to exceed Fifty (\$50.00) Dollars, the public body is further authorized to require that fifty (50%) percent of the estimated fees and charges be paid in advance of the performance of the work as authorized by the Act. The balance must be paid prior to the release of the public record copies. The FOIA Coordinator shall not charge additional fees for certification of any copies. Charges for labor costs shall be determined by the using the wages of the lowest paid, full-time public body employee capable of retrieving the records requested.

The Village of Stockbridge has limited in-house capabilities for copying photographs, audio or videotapes, microforms, maps or plans. If a person requests that copies be made of these or large documents which must be copied off-site, the FOIA Coordinator will determine and assess those costs. If an employee of the public body is required to deliver and/or pick up the public records and/or copies of public records, the labor hours spent and applicable mileage (at Village rates) will also be applied to the charges to the person(s) requesting the public records.

Copy fees and mailing charges for future issuances of regularly published public records will be arranged through the FOIA Coordinator. A person can request that a public record, which is regularly published, be sent to them or they may be called for pick up of the public record for a period of time, not to exceed six (6) months, unless extended. The FOIA Coordinator must sign the request form to confirm that the public record is one that is regularly published.

The Village requires that an escrow deposit of Twenty-five (\$25.00) Dollars be paid when a request for copies of regularly published public records is made to the FOIA Coordinator. The Village will charge against the escrow for the costs of copying and postage as outlined in Section 44. There will be no labor charges since this must be a public record that is routinely developed. An account sheet for the number of copies and costs for mailing will be maintained by the FOIA Coordinator. If the escrow deposit is reduced to One (\$1.00) Dollar or less prior to the expiration of the request, the FOIA Coordinator will contact the person for an additional deposit or termination of the request (See, Attachment C).

## **SECTION 5: PROCEDURES OF THE PUBLIC BODY IN PROCESSING A FOIA REQUEST**

After a person has made a written request for a public record in accordance with the Act, the FOIA Coordinator shall respond within five (5) business days in one of four (4) ways:

### **1) Grant the request as follows:**

- a. If the request indicates that the person desires to inspect the public records, the FOIA Coordinator shall contact the person to arrange for inspection at a reasonable time.
- b. If the request indicates that the person wishes to have copies of a public record prepared and/or mailed, the FOIA Coordinator shall prepare a FOIA Worksheet (if one has not already been submitted) to the requesting party. If the cost exceeds \$50.00 a fifty (50%) percent payment of the anticipated charges and fees must be paid prior to processing.
- c. The FOIA Coordinator shall respond by providing, either by mail or for pick-up, a FOIA worksheet outlining the actual costs of the request to be paid to the Village of Stockbridge and will provide the public records requested.

### **2) Issue written notice denying the request or portion of the request. The notice shall include:**

- a. an explanation as to why the requested public record is exempt from disclosure in accordance with the Act, or
- b. an explanation that the requested public record does not exist under the name given by the person or another name reasonably known to the public body, or
- c. an explanation or general description of information which had to be separated or deleted from the public record pursuant to Section 6 of this Policy.
- d. an explanation of the person's right to appeal the denial to the Village Council and/or seek judicial review in accordance with the Act and as outlined in Section 7 of this Policy.

### **3) Issue a written notice extending the request response time by ten (10) business days.**

### **4) Issue a written request for clarification of the request for public records. Such notice, if sent, shall not be interpreted as a denial of the request for purposes of the Act or this Policy.**

## **SECTION 6: PROCEDURES FOR SEPARATION OF RECORDS**

If a request is made for an existing public record that includes information which is exempt from disclosure under the Act and information which is not exempt, the FOIA Coordinator must separate the material and make the non-exempt material available for examination and/or copying. Additionally, the FOIA Coordinator is directed to generally describe the material which had to be

separated, unless doing so would reveal the contents of the exempt information and thus defeat the purpose of the exemption. The labor cost associated with such procedures shall be treated in accordance with Section 4.

## **SECTION 7: APPEALS**

In accordance with the Act, where a person's request for a public record is denied, in whole or in part, the person shall be entitled to file a written appeal the decision in accordance with the following process:

- 1) The person shall be advised by the FOIA Coordinator of the right to file a written appeal to the Village Council.
- 2) Where a written appeal is received by the Village in accordance with the Act, the Village Council shall either:
  - a. place the appeal on the agenda for the next regularly scheduled meeting where unusual circumstances are found to exist; or
  - b. consider and decide the appeal at the meeting at which it was received; or
  - c. direct that a special meeting to consider the appeal be scheduled. In its consideration of any appeal, the Village Council shall review the materials submitted by the appellant, any written comments received from the FOIA Coordinator, and such other information, as the Village Council deems necessary.
- 3) The Village Council may deliberate and take one of the following actions in response to the filing of an appeal:
  - a. Reverse the disclosure denial.
  - b. Issue a written notice to the requesting person affirming the disclosure denial.
  - c. Reverse the disclosure denial in part and issue a written notice to the requesting person affirming the denial in part.
- 4) Circuit Court Action:
  - a. If the Village 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 an action in circuit court.
  - b. A requester may also seek judicial review of the nondisclosure without seeking an appeal first.
  - c. The action must be commenced within 180 days of the final denial.





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**FOIA COST WORKSHEET: ATTACHMENT B**

Except for labor costs, if any, no fee will be charged to simply inspect a public record. The fees and costs outlined below are being provided in response to your written request for a copy of a public record as passed by Resolution 07-04-6 of the Village Council and as outlined in the Village FOIA Policy.

**DATE FOIA REQUEST WAS RECEIVED:** \_\_\_\_\_

**PUBLIC RECORD(S) REQUESTED:** \_\_\_\_\_

**1. TOTAL COPYING COSTS AS ITEMIZED BELOW:**

Cost per copy .25 x Number of copies \_\_\_\_\_ = \$ \_\_\_\_\_  
Cost per computer disk \_\_\_\_\_ x Number of disks \_\_\_\_\_ = \$ \_\_\_\_\_  
Cost per label \_\_\_\_\_ x Number of labels \_\_\_\_\_ = \$ \_\_\_\_\_

**2. TOTAL MAILING COSTS AS ITEMIZED BELOW:**

Postage costs: envelope size \_\_\_\_\_ Ounces \_\_\_\_\_ = \$ \_\_\_\_\_

**3. ESTIMATED LABOR COSTS AS ITEMIZED BELOW:**

*A labor fee may be charged for the research, examination, review and (if applicable) the deletion and separation of exempt from non-exempt information as provided in the Village of Stockbridge FOIA Policy.*

Estimated Labor Hours \_\_\_\_\_ x \$ \_\_\_\_\_ = \$ \_\_\_\_\_

**TOTAL COSTS DUE TO THE VILLAGE OF STOCKBRIDGE** \$ \_\_\_\_\_

*Please mail or deliver the below portion and payment to the Village of Stockbridge, 134 E. Main Street, PO Box 155, Stockbridge, MI 49285. Checks may be made payable to the Village of Stockbridge.*

I, \_\_\_\_\_, have made a FOIA request to the Village of Stockbridge. Based on the Village of Stockbridge's approved FOIA Policy, I am submitting payment in the amount of \$ \_\_\_\_\_ as required, and confirm that the public records requested have been released to me. If the amount due exceeds \$50.00 I understand that 50% of the total due must be paid prior to the release of the public records and the remaining balance is due upon receipt of the public records requested.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



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**FOIA REGULARLY PUBLISHED RECORD REQUEST WORKSHEET: ATTACHMENT C**

Under Section 4 of the Village FOIA Policy, a person can request that a regularly published public record be mailed or made available for pick-up for a specified period of time, not to exceed six (6) months, unless extended by request. The FOIA Coordinator must sign the request form to confirm that the public record is one regularly published in order for this worksheet to be validated. If the record is not one that is regularly published, the requesting party will be notified.

The Village requires that an escrow deposit of twenty-five (\$25.00) dollars be paid when this request is made to the FOIA Coordinator. The Village will charge against that escrow deposit for the costs of copying and postage as outlined under Section 4 of the FOIA Policy. There will be no labor charges. An account sheet of the number of copies and costs for mailing will be maintained by the FOIA Coordinator. If the escrow deposit is reduced to one (\$1.00) dollar or less prior to the expiration of the term of the FOIA request, the FOIA Coordinator will contact the person for an additional deposit or termination of the request.

**Public Record Requested:** \_\_\_\_\_

**Time Period Requested** (not to exceed 6 months): Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

**Time Period Extension Request:** I \_\_\_\_\_ request the regularly published public record be made available to me for a time period which exceeds 6 months. I understand this request must be approved by the FOIA Coordinator and a response granting or denying the request will be issued.

**Method of Delivery:**

Mailing Address: \_\_\_\_\_

OR

Contact me when available by Phone: \_\_\_\_\_ or Email: \_\_\_\_\_

*Please mail or deliver the below portion and payment to the Village of Stockbridge, 134 E. Main Street, PO Box 155, Stockbridge, MI 49285. Checks may be made payable to the Village of Stockbridge.*

I, \_\_\_\_\_, have read, understand and agree to the terms outlined above and have made a FOIA request to the Village of Stockbridge. Based on the Village of Stockbridge's approved FOIA Policy, I am submitting an escrow deposit of twenty-five (\$25.00) dollars.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**OFFICE USE ONLY:**

The public record requested above is regularly published by the Village of Stockbridge. The Village has received the escrow deposit of \$25.00 and agrees to provide copies of the public record as requested for the period listed above or until the request is terminated due to lack of escrow funds for copying and postage charges as described above.

**FOIA Coordinator:** \_\_\_\_\_ **Date:** \_\_\_\_\_