

**VILLAGE OF ONEKAMA
SUMMARY OF FOIA PROCEDURES AND GUIDELINES**

The FOIA Procedures and Guidelines adopted by the Village under the Freedom of Information Act, MCL 15.231 et seq., are summarized below.

I. Submitting a FOIA Request

A Request for public records must be submitted to the Village Clerk, the official who has been designated as the Village's FOIA Coordinator. The request must be made in writing and may:

- A. Be submitted in person or by mail (effective on receipt) or by electronic means (effective one business day after the electronic submission is made, provided however, that where a request by email is delivered to the spam or junk mail files, delivery shall be deemed to be the day after the Village first becomes aware of the request);
- B. Ask that the records be made available for viewing or that copies be provided;
- C. Ask that paper copies be provided; or,
- D. Stipulate that the records be provided on non-paper, physical media, be provided by electronic mail, or otherwise provided by electronic means.

II. Response by the Village

Unless otherwise agreed to in writing by the requesting person, the Village must respond to the request within five business days of receipt by doing one of the following:

- A. Grant the request by providing the records, as requested;
- B. Issue to the requesting person a written notice denying the request;
- C. Grant the request in part by producing certain of the requested documents and issue to the requesting person a written notice denying the request in part; or,
- D. Issue a one-time notice extending the time period within which the Village must respond to the request for not more than ten business days.

III. Requested Review of Records

Facilities will be made available during the Village's normal business hours for the inspection of requested records. Pencil and paper will be made available for note taking, provided however, that no notations or writing of any kind are allowed to be made on the original records themselves. A Village official shall be present during the inspection of original records, and no original records are allowed to be removed from the inspection area.

IV. Requested Copies of Records

The Village will review the available records and will provide to the requesting person copies of the requested records unless the records do not exist, are not in the Village's possession, or are exempt from production under FOIA. The requesting person may be charged a Fee. The Fee for paper copies of public records will be the total incremental cost of necessary duplication or publication, including applicable labor costs in accordance with Section 4 of FOIA, being MCL 15.234. The cost of paper copies shall be:

- A. Calculated as a total cost per sheet of paper;
- B. Itemized and noted as to the cost per sheet and the number of sheets provided; and,
- C. Not more than ten cents per sheet of paper for copies made on 8 ½ by 11 paper or 8 ½ by 14 paper and shall be made by the most economically available means, including double- sided printing.

The Fee shall also include the actual cost of mailing, if any, for sending the copies in a reasonably economical and justifiable manner which may include a charge for the least expensive form of postal mail delivery confirmation. If the Village estimates a fee to process a FOIA request will be greater than fifty dollars, the Village may require a good faith deposit from the requestor before providing the public records, in accordance with Section 4 (8) of the FOIA, being MCL 15.234 (8).

V. Waiver of Fee

The Fee may be waived by the FOIA Coordinator based on a determination that providing the requested records primarily benefits the general public. The Fee for copies of public records shall be without charge for the first \$ 20.00 for each request by an individual, entitled to FOIA information, who;

- A. State in an affidavit that he or she is indigent and receiving specific public assistance, and includes a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration; or,
- B. Is not receiving specific public assistance and submits an affidavit stating facts showing inability to pay the Fee because he or she is indigent and includes a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

VI. Avenues for Challenge and Appeal

If the Village FOIA Coordinator makes a final decision to deny all or a portion of a request, the requesting person may:

- A. Submit to the Village Council a written appeal which contains the word “appeal” and which states the reasons why the denial of, or failure to honor, the request for records must be reversed; or,
- B. Commence, within 180 days of the Village’s final decision, a civil action under Section 10 of FOIA in the Manistee Circuit Court to compel the Village to provide the requested documents.

If the Village FOIA Coordinator requires a Fee that exceeds the amount permitted by the Procedures and Guidelines or by FOIA, the requesting person may:

- A. Submit to the Village Council a written appeal which contains the word “appeal” and which identifies how the Fee exceeds the allowable amount; or,
- B. Commence a civil action under Section 10 of FOIA in the Manistee Circuit Court within 45 days of either:
 - (1) Receiving the notice of the required Fee, if no appeal is taken to the Council; or,
 - (2) Receiving the notice of a determination of an appeal taken to the Council.

VII. Notice of Right to Receive Attorneys’ Fees and Damages

If your FOIA request is denied in whole or in part and you take a timely appeal to the Manistee Circuit Court under Section 10 of FOIA, you have the right as provided under Section 10 of FOIA to receive attorneys’ fees and damages, if, after judicial review, the Court determines that the Village has not complied with Section 5 of FOIA and orders disclosure of all or a portion of a requested public record.