County: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

1 -

Kewee	naw		_ County
5095	Fourth Stre	et	
Eagle	River, MI	49950	
Phone:	906-337-22	29	

Freedom of Information	Act Request Detailed	Cost Itemization
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Date:	Prepared for Request No.:	Dat	e Request Received	l:
	being charged in compliance with Se 15.234, according to the county's FO			
1. Labor Cost for Copy	ying / Duplication			
making digital copies, or tran	tly associated with duplication of publication sferring digital public records to be given to t or other electronic means as stipulated by	the requestor on non-paper physical		
	he hourly wage of the county's lowest-paid of the his particular instance, regardless of whether		To figure the number of increments, take	
commissioners (for example	d and charged inminute time increm le: 15-minutes or more); all partial time incre an one increment, there is no charge.	ents as set by the county board of ments must be rounded down. If the	the number of minutes:, divide byminute	
Hourly Wage Charged: \$		Charge per increment: \$	increments, and round down.	
Hourly Wage with Fringe B Multiply the hourly wage by the difference of the hourly wage hourly wage for a total per hourly wage for a total pe	he percentage multiplier:% e) and add to the	OR Charge per increment: \$	Number of increments x =	1. Labor Cost
records in conjunction with re because failure to do so wi beyond the normal or usua	e: tly associated with the necessary searching seciving and fulfilling a granted written reque ill result in unreasonably high costs to th amount for those services compared to request in this particular instance, spe	est. This fee is being charged e county that are excessive and the county's usual FOIA requests,		
	ore than the hourly wage of its lowest-paid of the public records in this particular instance, regular forms the labor.		To figure the number of increments, take	
These costs will be estimated all partial time increments mu	d and charged inminute time incremust be rounded down. If the number of minuter	ents (must be 15-minutes or more); es is less than 15, there is no charge.	the number of minutes:, divide by	
Hourly Wage Charged: \$OR		Charge per increment: \$	minute increments, and	
Hourly Wage with Fringe B Multiply the hourly wage by ti	he percentage multiplier:%	<u>OR</u>	round down. Enter below:	
(up to 50% of the hourly wag- hourly wage for a total per ho		Charge per increment: \$	Number of increments	2. Labor Cost
Overtime rate charged a	s stipulated by Requestor (overtime is not u	sed to calculate the fringe benefit cost)	x=	\$

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):		
(Fill this out if using a county employee. If contracted, use No. 3b instead).		
The county will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.		
This fee is being charged because failure to do so will result in unreasonably high costs to the county that are excessive and beyond the normal or usual amount for those services compared to the county's usual FOIA requests, because of the nature of the request in this particular instance, specifically:		
This is the cost of labor of a county employee, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the county's lowest-paid employee capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged inminute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge. Hourly Wage Charged: \$ Charge per increment: \$ OR Hourly Wage with Fringe Benefit Cost: \$ OR	To figure the number of increments, take the number of minutes:, divide byminute increments, and round down. Enter below: Number of	3a.
Multiply the hourly wage by the percentage multiplier:%	increments	Labor Cost
(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate. Charge per increment: \$	x=	\$
Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)		
3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting): (Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.) The county will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession. This fee is being charged because failure to do so will result in unreasonably high costs to the county that are excessive and beyond the normal or usual amount for those services compared to the county's usual FOIA requests, because of the nature of the request in this particular instance, specifically: As this county does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a contractor (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate	To figure the number of increments, take the number of minutes:, divide byminute increments, and round down to:	
of (currently \$8.15). Name of contracted person or firm:	increments. Enter below:	
These costs will be estimated and charged inminute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.	Number of increments	3b. Labor Cost
Hourly Cost Charged: \$ Charge per increment: \$	x=	\$

4. Copying / Duplication Cost:		
Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).	Number of	
No more than the <u>actual</u> cost of a sheet of paper, <u>up to maximum 10 cents per sheet</u> for:	Sheets:	Costs:
 Letter (8 ½ x 11-inch, single and double-sided): cents per sheet Legal (8 ½ x 14-inch, single and double-sided): cents per sheet 	x= x=	\$ \$
No more than the <u>actual</u> cost of a sheet of paper for <u>other</u> paper sizes:		
Other paper sizes (single and double-sided): cents / dollars per sheet	x=	\$
Actual and most reasonably economical cost of non-paper physical digital media:	No. of Items:	
Circle applicable: Disc / Tape / Drive / Other Digital Medium Cost per Item:	x=	\$
The cost of paper copies must be calculated as a total cost per <u>sheet</u> of paper. The fee cannot exceed 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A county <u>must</u> utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.		4. Total Copy Cost \$
5. <u>Mailing</u> Cost:		
The county will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.		
 The county may charge for the <u>least expensive form</u> of postal delivery confirmation. The county cannot charge more for expedited shipping or insurance unless specifically requested by the requestor.* 	Number of Envelopes or Packages:	Costs:
Actual Cost of Envelope or Packaging: \$	x=	\$
Actual Cost of Postage: \$ per stamp \$ per pound \$ per package	x = x = x =	\$ \$
Actual Cost (least expensive) Postal Delivery Confirmation: \$	x=	\$
*Expedited Shipping or Insurance as Requested: \$	x=	\$
* Requestor has requested expedited shipping or insurance		5. Total Mailing Cost

6a. Copying/Duplicating Cost for Records Already on County's Website:		
If the public body has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the county will provide the public records in the specified format and may charge copying		
costs to provide those copies.	Number of	
No more than the <u>actual</u> cost of a sheet of paper, <u>up to maximum 10 cents per sheet</u> for:	Sheets:	Costs:
 Letter (8 ½ x 11-inch, single and double-sided): cents per sheet Legal (8 ½ x 14-inch, single and double-sided): cents per sheet 	x=	\$ \$
No more than the <u>actual</u> cost of a sheet of paper for <u>other</u> paper sizes:		
Other paper sizes (single and double-sided): cents / dollars per sheet	x=	\$
Actual and most reasonably economical cost of non-paper physical digital media:	No. of Items:	
Circle applicable: Disc / Tape / Drive / Other Digital Medium Cost per Item:	x=	\$
Requestor has stipulated that some / all of the requested records that are already available on the county's website be provided in a paper or non-paper physical digital medium.		6a. Web Copy Cost
		\$
Charge per increment: \$	To figure the number of increments, take the number of minutes: divide byminute increments, and round down. Enter below: Number of increments x =	6b. Web Labor Cost
6c. Mailing Cost for Records Already on County's Website:	Number:	Costs:
Actual Cost of Envelope or Packaging: \$	x=	\$
Actual Cost of Postage: \$ per stamp / per pound / per package	x=	\$
Actual Cost (least expensive) Postal Delivery Confirmation: \$ *Expedited Shipping or Insurance as Requested: \$	x= x=	\$ \$
* Requestor has requested expedited shipping or insurance		6c. Web Mailing Cost

Estimated Time Frame to Provide Records:	Bill 2. Labo 3a. Labo 3b. Contract Labo	Ouplication Cost: 5. Mailing Cost: ords on Website: ords on Website:	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Waiver: Public Interest A search for a public record may be conducted or copies of public reduced charge if the county determines that a waiver or reductio searching for or furnishing copies of the public record can be considered by the public. All fees are waived OR	on of the fee is in the public interest because	Subtotal Fees After Waiver:	\$
Discount: Indigence A public record search must be made and a copy of a public record first \$20.00 of the fee for each request by an individual who is entited the fee for each request by an individual who is entited the fee for each request by an individual who is entited the first search of the fee for each request by an individual is indigent and rectly an individual is indigent and rectly an individual is individual in the requestor is ineligible for the discount, the public body shall inform the individual is following apply: (i) The individual has previously received discounted copic body twice during that calendar year, OR (ii) The individual requests the information in conjunction providing payment or other remuneration to the individual require a statement by the requestor in the affidavit that the with outside parties in exchange for payment or other remuneration.	itled to information under this act and who: seiving specific public assistance, OR to pay the cost because of indigence. orm the requestor specifically of the reason incligible for this fee reduction if ANY of the ies of public records from the same public with outside parties who are offering or I to make the request. A public body may he request is not being made in conjunction	Subtotal Fees After Discount (subtract \$20):	\$
Discount: Nonprofit Organization A public record search must be made and a copy of a public record first \$20.00 of the fee for each request by a nonprofit organization activities under subtitle C of the federal Developmental Disabilities the federal Protection and Advocacy for Individuals with Mental Illne following requirements: (i) Is made directly on behalf of the organization or its clied (ii) Is made for a reason wholly consistent with the mission under section 931 of the Michigan Mental Health Code, 1 (iii) Is accompanied by documentation of its designation by	formally designated by the state to carry out Assistance and Bill of Rights Act of 2000 and ess Act, if the request meets ALL of the ents. on and provisions of those laws 974 PA 258, MCL 330.1931.	Subtotal Fees After Discount (subtract \$20):	S

Deposit: Good Faith The county may require a good-faith deposit before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. Percent of Deposit:%	Date Paid:	Deposit Amount Required:
Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full After a county has granted and fulfilled a written request from an individual under this act, if the county has not been paid in full the total amount of fees for the copies of public records that the county made available to the individual as a result of that written request, the county may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply: (a) The final fee for the prior written request was not more than 105% of the estimated fee. (b) The public records made available contained the information being sought in the prior written request and are still in the county's possession. (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. (d) Ninety (90) days have passed since the county notified the individual in writing that the public records were available for pickup or mailing. (e) The individual is unable to show proof of prior payment to the county. (f) The county calculates a detailed itemization, as required under MCL 15.234, that is the basis for		Percent
the current written request's increased estimated fee deposit. A county can no longer require an increased estimated fee deposit from an individual if ANY of the following apply: (a) The individual is able to show proof of prior payment in full to the county, OR (b) The county is subsequently paid in full for the applicable prior written request, OR (c) Three hundred sixty-five (365) days have passed since the individual made the written request for	Date Paid:	Deposit Required:% Deposit Required:
Late Response Labor Costs Reduction If the county does not respond to a written request in a timely manner as required under MCL 15.235(2), the county must do the following: (a) Reduce the charges for labor costs otherwise permitted by 5% for each day the county exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies: (i) The late response was willful and intentional, OR (ii) The written request included language that conveyed 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 for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.	Number of Days Over Required Response Time: Multiply by 5% = Total Percent Reduction:	Total Labor Costs \$ Minus Reduction \$ = Reduced Total Labor Costs \$
The Public Summary of the county's FOIA Procedures and Guidelines is available free of charge from: Website: Email: Phone: Address: Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed	Date Paid:	Total Balance Due:

(Form created by Michigan Townships Association, April 2015)

County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

	Keweenaw	County
	5095 Fourth	Street
	Eagle River	MI 49950
Phone:	906-337-2229	

Request Form Note: Requestors are not required to use this form. The county may complete one for recordkeeping if not used.

FOIA Request for Public Records Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: Date Received:	Check if received via: Email E		
(Please Print or Type)	Date <u>discovered</u> in junk/spam	folder:	
Name	Р	hone	
Firm/Organization	F	ах	
Street	E	mail	
City	State Z	p	·
Request for:	rd inspection Subscrip	otion to record issued	on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own cop☐ Deliver on digital media provided by the county:	es onsite Mail to addre	ss above 🔲 Ema	il to address above
Note: The county is not required to provide records in a digital technological capability to do so.	format or on digital media if the	county does not alre	ady have the
Describe the public record(s) as specifically as possible. Y	ou may use this form or attach	additional sheets:	

Consent to Non-Statutory E I have requested a copy of records or a subscription to records or the Information Act, Public Act 442 of 1976, MCL 15.231, et seq. I unders after receiving it, and that response may include taking a 10-business response time for this request until: (month, day,	tand that the county must respond day extension. However, I hereby	rsuant to the Michigan I to this request within t	ive (5) business days
Requestor's Signature			Date

Records Located on Website If the county directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (separate exempt information from non-exempt information). If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the county must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the county must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website. If the county has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the county must provide the public records in the specified format (if the county has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format. Request for Copies/Duplication of Records on County Website I hereby stipulate that, even if some or all of the records are located on a county website, I am requesting that the county make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply. Requestor's Signature Date Overtime Labor Costs Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form. Consent to Overtime Labor Costs I hereby agree and stipulate to the county using overtime wages in calculating the following labor costs as itemized in the following categories: 1. Labor to copy/duplicate 2. Labor to locate 3a. Labor to redact 3b. Contract labor to redact 6b. Labor to copy/duplicate records already on county's website Requestor's Signature Date Request for Discount: Indigence A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by an individual who is entitled to information under this act and who: 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence. If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if ANY of the following apply: (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year. (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration

to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Office Use:	☐ Affidavit Received	☐ Eligible for Discount	☐ Ineligible for [Discount
I am submitting an affidavit and requesting that I receive th	e discount for indigence f	or this FOIA request:		Date:
Requestor's Signature:				
Request for Discount: Nonprofit Organization				

A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:

(i) is made directly on behalf of the organization of its clients.	
(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental He	ealth Code.
1974 PA 258, MCL 330.1931.	•
(iii) Is accompanied by documentation of its designation by the state, if requested by the county.	
Office Use: Documentation of State Designation Received Eligible for Discount Ineligible for	or Discount
I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made Date I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made	ate:
directly on behalf of the organization or its clients and 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:	
Requestor's Signature:	
(Created by Michigan Townships Association, April 2015)	

County: Keep original and
provide copy, along with
Public Summary, to
requestor at no chame

	Keweenaw	_ County	
	5095 Fourth Street		
	Eagle River, MI 499	50	
Phone:	006_337_2220		

Extension Form

Notice to Extend Response Time for FOIA Request Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: Date Received:	Date delivered to junk/spa	Email Fax Other Electronic Method m folder:	
(Please Print or Type)	Date <u>discovered</u> in junk/sp	pam folder:	
Name	··· ·	Phone	
Firm/Organization		Fax	
Street		Email	
City	State	Zip	
Request for: ☐ Copy ☐ Certified copy ☐ Record Delivery Method: ☐ Will pick up ☐ Will make own copi ☐ Deliver on digital media provided by the county:	es onsite Mail to add	cription to record issued on regular basis dress above	
Record(s) You Requested: (Listed here or see attached copy	of original request)		
We are extending the date to respond to your FOIA request for no more than 10 business days, until (month, day, year). Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact at			
Estimated Time Frame to Provide Records:(days or date) The time frame estimate is nonbinding upon the county, but the county is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act. Reason for Extension:			
☐ 1. The county needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the county must:			
☐ 2. The county needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the county office. Specifically, the county must coordinate documents from the following locations:			
T 2 Other /describe\t			
3. Other (describe):			
Signature of FOIA Coordinator:		Date:	



County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

	Keweenaw	_ County
	5095 Fourth Street	
	Eagle River, MI 49	950
Phone: _	906-337-2229	

Denial Form

Notice of Denial of FOIA Request Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: Date Date of This Notice: (Please Print or Type)	uest No.: Date Received: Check if received via: _ Email _ Fax _ Other Electronic Method of This Notice: Date delivered to junk/spam folder: Date discovered in junk/spam folder:			
Name		Phone		
Firm/Organization		Fax		
Street		Email	_	
City		State Zip		
Request for:	Certified copy Record in	spection Subscription to re	ecord issued on regular basis	
Delivery Method: ☐ Will pick up☐ Deliver on digital media provided	☐ Will make own copies o by the county:	msite Mail to address above	☐ Email to address above	
Record(s) You Requested: (Listed	here or see attached copy of o	riginal request)		
☐ All OR ☐ Part of your reque questions regarding this denial, con	st for records has been denied. act	Please refer to this form for an exp	lanation. If you have any	
	Reason f	or Denial:		
☐ 1. Exempt from Disclosure: The because:	is item is exempt from disclosur	e under FOIA Section 13, Subsecti	on(insert number),	
☐ 2. Record Does Not Exist: This item does not exist under the name provided in your request or by another name reasonably known to the county. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record:				
3. Redaction: A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection (insert number), because:				
A brief description of the information that had to be separated or deleted:				
Notice of Requestor's Right to Seek Judicial Review You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the county board of commissioners or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the county has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)				
Signature of FOIA Coordinator: (Created by Michigan Townships Associated)	iation, April 2015)		Date:	

FREEDOM OF INFORMATION ACT (EXCERPT) Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

- (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:
 - (a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
 - (b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.
- (2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:
 - (a) Reverse the disclosure denial.
 - (b) Issue a written notice to the requesting person upholding the disclosure denial.
 - (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
 - (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.
- (3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body 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 a civil action under subsection (1)(b).
- (4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.
- (5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.
- (6) 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 this section, 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 under subsection (7).
- (7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 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.

History: 1976, Act 442, Eff. Apr. 13, 1977; -- Am. 1978, Act 329, Imd. Eff. July 11, 1978; -- Am. 1996, Act 553, Eff. Mar. 31, 1997; -- Am. 2014, Act 563, Eff. July 1, 2015

County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

(Created by Michigan Townships Association, April 2015)

	Кеwеепаw	County
	5095 Fourth Stree	<u> </u>
	Eagle River, MI	
Phone:	006_337_2220	

Denial Appeal Form

FOIA Appeal Form—To Appeal a Denial of Records Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: Date of This Notice: (Please Print or Type)	Date Received:	Check if received via: Date <u>delivered</u> to junk/spantate <u>discovered</u> in junk/s	am folder:	Other Electronic Method
Name			Phone	
Firm/Organization			Fax	
Street			Email	
City		State	Zip	
Delivery Method: ☐ Will	☐ Certified copy ☐ Recorpick up ☐ Will make own copicorovided by the county:	es onsite		d issued on regular basis Email to address above
Record(s) You Requested: (Li	sted here or see attached copy of original	inal request)		
The appeal must identify the rea	Reaso ason(s) for the denial. You may use thi	n(s) for Appeal: s form or attach additional sh	eets:	
Requestor's Signature:			11 1841 1811	Date:
The county must provide a resp	Cour onse within 10 business days after rec	nty Response: eiving this appeal, including a	a determination or	taking one 10-day extension.
County Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until(month, day, year). Only one extension may be taken per FOIA appeal. Unusual circumstances warranting extension:				
If you have any questions regard	ding this extension, contact:			
County Determination: Denial Reversed Denial Upheld Denial Reversed in Part and Upheld in Part The following previously denied records will be released:				
commissioners or to commence withheld from disclosure. If, after	n 10 of the Michigan Freedom of In e an action in the Circuit Court to cor er judicial review, the court determines tion of a public record, you have the ri	npel disclosure of the reques that the county has not com	, to appeal this o sted records if you plied with MCL 15	u believe they were wrongfully 5.235 in making this denial and
Signature of FOIA Coordinato	r:			Date:

FREEDOM OF INFORMATION ACT (EXCERPT) Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

- (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:
 - (a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
 - (b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.
- (2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:
 - (a) Reverse the disclosure denial.
 - (b) Issue a written notice to the requesting person upholding the disclosure denial.
 - (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
 - (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.
- (3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body 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 a civil action under subsection (1)(b).
- (4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.
- (5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.
- (6) 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 this section, 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 under subsection (7).
- (7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 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.

History: 1976, Act 442, Eff. Apr. 13, 1977; -- Am. 1978, Act 329, Imd. Eff. July 11, 1978; -- Am. 1996, Act 553, Eff. Mar. 31, 1997; -- Am. 2014, Act 563, Eff. July 1, 2015.

County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Keweenaw

5095 Fourth Street

Eagle River, MI 49950

Phone: 906-337-2229

Fee Appeal Form

County

FOIA Appeal Form—To Appeal an Excess Fee Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: Date Received: Date of This Notice: (Please Print or Type)	Check if received via:		
Name	Phone		
Firm/Organization	Fax		
Street	Email		
City	State Zip		
Request for: ☐ Copy ☐ Certified copy ☐ Record in Delivery Method: ☐ Will pick up ☐ Will make own copies ons ☐ Deliver on digital media provided by the county:	ite Mail to address above Email to address above		
Record(s) You Requested: (Listed here or see attached copy of original copy of original copy of the co	inal request)		
The appeal must specifically identify how the required fee(s) exceed to	n(s) for Appeal: he amount permitted. You may use this form or attach additional sheets:		
Requestor's Signature:	Date:		
County Response: The county must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.			
County Extension: We are extending the date to respond to your FO (month, day, year). Only one extension may be taken per FOIA appear Unusual circumstances warranting extension:			
If you have any questions regarding this extension, contact:			
County Determination: ☐ Fee Waived ☐ Fee Reduced	☐ Fee Upheld		
Written basis for county determination:			
Notice of Requestor's Right to Seek Judicial Review You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the county's written Procedures and Guidelines to the county board of commissioners or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the county board of commissioners. If a civil action is commenced in court, the county is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the county required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. (See back of this form for additional information on your rights.)			
Signature of FOIA Coordinator: (Created by Michigan Townships Association, April 2015)	Date:		

FREEDOM OF INFORMATION ACT (EXCERPT) Act 442 of 1976

15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 15.234. Sec. 10a.

- (1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:
- (a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.
- (b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:
- (i) The public body does not provide for appeals under subdivision (a).
- (ii) The head of the public body failed to respond to a written appeal as required under subsection (2).
- (iii) The head of the public body issued a determination to a written appeal as required under subsection (2),
- (2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:
- (a) Waive the fee.
- (b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.
- (c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.
- (d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.
- (3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).
- (4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.
- (5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.
- (6) 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. The award shall be assessed against the public body liable for damages under subsection (7).
- (7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any 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.
- (8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

History: Add. 2014, Act 563, Eff. July 1, 2015