



# CITY OF NEGAUNEE

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319 West Case Street, Negaunee, Michigan 49866, Phone: 906-475-7700 ext. 11 Fax: 906-475-0178

## City of Negaunee Freedom of Information Act Policy and Guidelines

### A. Appointment of FOIA Coordinator.

In accordance with section 6 of the FOIA, MCL 15.236, the City has appointed a FOIA Coordinator. The name of the FOIA Coordinator is available from the City Manager's Office.

### B. Submission of FOIA Request.

FOIA requests to the City of Negaunee can be sent by email or mail to:

#### CITY DOCUMENTS

Email: [cmsecretary@cityofnegaunee.com](mailto:cmsecretary@cityofnegaunee.com)

City of Negaunee  
Attn: FOIA Coordinator/City Documents  
319 W. Case St.  
PO Box 70  
Negaunee, MI. 49866

#### POLICE DOCUMENTS

Email: [police@cityofnegaunee.com](mailto:police@cityofnegaunee.com)

City of Negaunee Police Department  
Attn: FOIA Coordinator/Police Documents  
319 W. Case St.  
PO Box 70  
Negaunee, MI. 49866

Requests should be submitted on the form below and include a name, phone number, and mailing address and description of the incident(s).

"Request for Information Form"

*Note: If you are serving a sentence of imprisonment in a local, state or federal correctional facility you are not entitled to submit a request for a public record.*

### C. Immediately Forward FOIA Request.

Any employee of the City who receives a written request for a public record must immediately forward that request to the FOIA Coordinator. If a City employee receives a written request for a public record that is delivered to a spam or junk-mail folder, the employee must record the date and time the written request is delivered to the spam or junk-mail folder and date and time the employee

first becomes aware of the written request. The employee must forward those dates and times to the FOIA Coordinator with the written request.

## **D. Request Response Time.**

The City may extend the time for responding by an additional 10 business days by notifying the requesting person in writing of the reason for the extension and the new due date. MCL 15.235(2)(d) and (6) Due to the short statutory time period within which the Department must issue a written notice in response to the FOIA request, it is imperative that there be no delay in complying with the City procedures and guidelines.

## **E. Response to a FOIA Request.**

The City will provide copies of these procedures and guidelines and a summary of these procedures and guidelines with each written response or provide a link to an on line version of these documents. If a request is denied, in full or in part, the City will provide the requester an explanation of the basis of the denial under the FOIA, and give notice to the requester of his or her remedial rights. MCL 15.235(4)

## **F. Notification of FOIA Request.**

Upon receipt of a FOIA request, the City's FOIA Coordinator will email or fax the office or offices that might possess records responsive to the FOIA request.

## **G. Assessment of Fees for a FOIA Request.**

The FOIA permits the City to charge a fee for the search, retrieval, examination, review, and separation and deletion of exempt from nonexempt material, but only if the failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of these unreasonably high costs. MCL 15.234(1) and (3)

The following fee guidelines for calculating labor and material costs incurred in processing FOIA requests are established pursuant to MCL 15.234(3):

1. Fees will be uniform and not dependent upon the identity of the requesting person.
2. Fees will be itemized using a [itemization of detailed fees](#) will include:
  1. Labor costs for the search, location, and examination of public records will be calculated using the hourly wage of the City's lowest paid employee capable of conducting the search, location, and examination, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.

2. Labor costs for the review of public records and separation and deletion of exempt from nonexempt material will be calculated using the hourly wage of the City's lowest paid employee capable of conducting the review and separation and deletion of exempt from nonexempt material, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
  3. Nonpaper physical media costs will be calculated using the actual and most reasonably economical cost of computer discs, computer tapes, and other digital and similar media provided by the City.
  4. Duplication and publication costs will be calculated using the actual total incremental cost of necessary duplication or publication of a public record, not including labor. The actual and incremental cost, calculated per sheet, shall be charged and will not exceed 10 cents per sheet of paper for letter or legal size paper. The City shall use the most economical means available for making copies, including the use of double-sided printing, if cost-saving and available.
  5. Labor costs for the duplication or publication of public records, including making paper copies, making digital copies, or transferring digital public records to be produced on nonpaper physical media or through electronic means, will be calculated using the hourly wage of the City's lowest paid employee capable of duplicating or publishing the public records, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
  6. Actual costs of mailing using a reasonably economical and justifiable manner.
  7. You are not eligible to receive the \$20.00 waiver 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.
1. No City employee shall stipulate to work overtime or include overtime wages in the labor costs described in these procedures and guidelines.
  2. If a requester submits an affidavit of indigency, the first \$20.00 of a fee will be waived. A requesting person must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.
  3. Labor costs for monitoring an inspection of original records will be calculated using the hourly wage of the City's lowest paid employee capable of monitoring the

inspection. Note: Section 3(3) of the FOIA, MCL 15.233(3), provides, in pertinent part, that "[a] public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction."

4. If a statute authorizes the sale or production of public records to the public for a specified fee or if a fee for production of public records is otherwise set by statute, the City will charge the statutory fee in lieu of a fee calculated using the guidelines set forth above.

## **H. Deposit Requirements.**

If the City estimates a fee to process a FOIA request greater than \$50.00, the City will require a good-faith deposit from the requestor before providing the public records to the requestor. The deposit shall not exceed 1/2 of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by the City regarding the time frame after a deposit is received that it will take the City to provide the public records to the requestor. The time frame estimate is not binding upon the City, but the City shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this City's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

## **I. Appeals of Fees and Disclosure Determinations.**

If the City charges a fee or denies all or part of a request, the requestor may submit to the City Manager a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed.

Whether or not a requester submitted an appeal of a denial to the City Manager, he or she may file a civil action in Marquette County Circuit Court within 180 days after the City's final determination to deny the request.

If the court determines that the public record is of exempt from disclosure, the court will award the appellant reasonable attorney's fees, cost and disbursements. If the court determines that the appellant prevails only in part, the court in its discretion may award all or an appropriate portion of reasonable attorney's fees, costs and disbursements.