

CITY OF CHELSEA FOIA REQUEST FOR PUBLIC RECORDS

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231. et seq.

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

Name: _____

Phone: _____

Firm/Organization: _____

Fax: _____

Address: _____

Email: _____

City: _____ State: _____ Zip: _____

Request for: Copy of Police Records Copy of Non-Police Records Inspection Only Subscription to regularly issued records

Describe the public record(s) as specifically as possible. If you are requesting police records, include an incident number and/or the location and date of the incident. You may use this form or attach additional sheets:

Delivery Method: Will pick up Mail to address above Deliver on digital media provided by the City

Mail to other address: _____

Note: The City is not required to provide records in a digital format or on digital media if the City does not already have the technological capability to do so.

Requestor's Signature

Date

City Employee receiving the request: _____ Date: _____ Time: _____

Received via: Email Fax Other Electronic Method In Person

Date Received by the FOIA Coordinator: _____ Date *delivered* to junk/spam folder: _____

Date *discovered* in junk/spam folder: _____

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

Consent to non-Statutory Extension of City's Response Time

I have requested a copy of records or a subscription to records or the opportunity to inspect records, pursuant to the Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq. I understand that the City must respond to the request within five (5) business days after receiving it and that response may include taking a 10-business day extension.

I hereby agree and stipulate to extend the City's response time for this request until: _____
(month/day/year)

Requestor's Signature

Records Located on Website

If the City 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 City 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 City 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 City 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 City must provide the public records in the specified format (if the City 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 City Website

I hereby stipulate that, even if some or all of the records are located on a City website, I am requesting that the City make copies of those records on the website and deliver them to me in the format I have requested above. I understand that 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 City using overtimes 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 City'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:

- Submits an affidavit stating that the individual is indigent and receiving specific public assistance *or*
- 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. And individual is ineligible for the fee reduction if *any* of the following apply:

- The individual has previously received discounted copies of public records from the same public body twice during that calendar year
- 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.

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request.

Requestor's Signature

Date

Office use: Affidavit Received Eligible for Discount Ineligible for Discount

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:

- 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
- Is accompanied by documentation of its designation by the state, if requested by the City

Office use: Documentation of State Designation Received Eligible for Discount Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made 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

Date

City of Chelsea
Written Public Summary of the City's Freedom of Information Act (FOIA)
Procedures and Guidelines

How to submit a FOIA request to the City of Chelsea

FOIA requests can be submitted by email to: FOIA@city-chelsea.org (please include the term "FOIA" or "FOIA Request" in the subject line), by fax to (734) 475-1811, delivered in person to any City Office staff member, or mailed to:

City of Chelsea
FOIA REQUEST
305 S. Main Street Suite 100
Chelsea, MI 48118

All requests should include a name, phone number, and mailing address of the requestor as well as a sufficiently described public record so as to enable the City to locate it. No specific form is required to submit a written request for public records; however a FOIA Request Form is provided for your convenience. Questions can be directed to the City Clerk's Office at (734) 475-1771 ext. 206 or the Police Clerk's Office at (734) 475-1771 ext. 104.

How to understand the City's written responses to FOIA requests

A City of Chelsea FOIA representative will respond to each FOIA request within 5 business days. If a request is submitted electronically via facsimile, email, or electronic form submission the request is deemed to have been received on the following business day.

The City has several options when responding to written requests for public records. The City will notify the requestor in writing that the request has been granted in whole, the request has been denied in whole, the request has been granted in part and denied in part, or the City can take one 10 business day extension. After 10 business days pass, the City has to respond with one of the other options. The City may also notify you that the records you have requested are available, at no additional costs, on its website.

If the request is granted in whole or granted in part and denied in part, the City can also charge a fee to process the request. Fees are calculated using its procedures and guidelines and you will receive a detailed itemization of the fee. The City may require you to pay a good-faith deposit before it processes your request. After you pay any deposit and final balance due, the City will produce records in its possession that fall within the scope of your request and that legally may be disclosed to the public.

If the request is denied, the City will inform you of the basis for its denial in a written notice. Reasons the City may deny a request include:

- a. You did not describe the records you have requested well enough and the City cannot determine what you are asking for.
- b. The City has determined that it does not have records that respond to your request in its possession.
- c. The records you have requested are exempt from public disclosure.

If all or part of your request is denied, the City will inform you in writing your right to appeal its denial to the City Manager and/or to file a lawsuit against the City.

Deposit requirements

If the City estimates a fee to process a FOIA request to be greater than \$50.00, the City will require a good-faith deposit from you before providing the public records to you. The deposit will 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 you. The time frame estimate is not binding upon the City, but the City will provide the estimate in good faith and strive

to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

Fee calculations

The Michigan FOIA statute permits the City to charge a fee to process FOIA requests. A form containing a detailed itemization of the costs involved will be provided to you. The City may charge for the following costs:

- the costs of labor for the search, location, and examination of public records, rounded down to the nearest 15 minute increment
- the costs of labor for the review of public records and separation and deletion of exempt from nonexempt material, rounded down to the nearest 15 minute increment
- the cost of non-paper physical media, such as CD's, DVD's, Flash Drives, protective mailers, provided by the city at the most reasonably economical costs for non-paper media
- the cost of duplication and publication of public records on standard letter (8 ½ x 11) or legal (8 ½ x 14) paper; duplication shall not exceed ten cents per page, will be the most economical means of copying and may include the use of double-sided printing, if cost-saving and available
- the costs of labor for the duplication or publication of public records, rounded down to the nearest minute
- the actual cost of mailing public records

Avenues for challenge and appeal

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure or if you believe that the fee charged by the City to process your FOIA request exceeds the amount permitted by state law, you may appeal to the City Manager by filing a written appeal. The appeal must be in writing, submitted to the City Manager, specifically states the word "appeal", and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed. The City of Chelsea is not considered to have received a written appeal until the first regularly scheduled City Council board meeting following the submission of the written appeal. An "Appeals" form has been provided for you, but you are not required to use it.

Written appeals can be mailed to:

City of Chelsea
Attn: City Manager
305 S. Main Street Suite 100
Chelsea, MI 48118

Appeals can also be emailed to FOIA@city-chelsea.org (please include the terms "Appeal" or "FOIA Appeal" in the subject line). The City Manager must respond to your appeal within 10 business days of its receipt.

Whether or not you submitted an appeal of a denial to the City Manager, you may file a civil action in Washtenaw County Circuit Court within 180 days after the City's final determination to deny your request. If you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

Within 45 days after receiving notice of the City Manager's determination of the processing fee appeal, you may commence a civil action in Washtenaw County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.