

**City of Marshall – Freedom of Information Act Policy Statement**  
**Adopted January 3, 2011**

The Freedom of Information Act (Public Act 442 of 1976, as amended; MCL §§ 15.231-15.246; hereafter FOIA or “the Act”) makes it the state’s public policy that all persons (except those who are incarcerated) – in order to be able to participate fully in the democratic process – are entitled to full and complete information about government affairs and the official acts of public officials and public employees. The City of Marshall will meet or exceed the requirements of the Act – and will try to provide requesters with copies of or access to public records in a courteous, rapid, and economical manner.

The Deputy City Clerk shall be the City’s FOIA Coordinator. The FOIA Coordinator shall keep a record of all written requests for public records made to the City or its employees or officials, whether or not such requests expressly include the term “FOIA” or similar language, and all responses to those requests. Any City employee or official who receives a written inquiry related to FOIA shall forward it to the FOIA Coordinator. Any employee or official who receives a written request for public records shall document the request, and any response the employee or official makes to the requester, to the FOIA Coordinator.

The FOIA Coordinator shall work with the appropriate City offices to gather information and respond to requests for public records. The City Clerk and City Attorney may also act on behalf of the FOIA Coordinator as needed.

The FOIA Coordinator determines and decides, on behalf of the City, whether a request for public records may be denied under the Act. When the FOIA Coordinator is not available in a timely manner, this responsibility and authority may be delegated to other individuals; the delegation shall be documented, and no person involved in denying a request shall be involved in deciding an appeal of that denial. Any denial of a request shall be provided to the requester in writing, and shall include the information about the right to an appeal to the City Manager, who is designated to consider appeals.

City staff shall provide reasonable opportunities and facilities for persons to inspect or examine public records and take notes or extracts from those records. The City shall take reasonable precautions to protect public records from loss, alteration, mutilation, or destruction – and to prevent excessive and unreasonable interference with the public business of the City. The City reserves the right to ask requesters to put their requests in writing (on paper or electronically) as required by the Act. City staff shall make a standard request form available to the public. The form shall cover a requester’s name, complete address, telephone number, and e-mail or other needed contact information if the request asks for or allows an electronic response.

It is the policy of the City that a waiver of fees for providing public records in the following circumstances is in the public interest, because the City considers that searching for, printing, or furnishing copies of such public records without calculating and charging the costs for doing so primarily benefits the general public:

\* When the requester will accept an electronic version of a public record sent by e-mail, the City will charge no fee for providing the requested public record.

\* When the requester will not or cannot accept an electronic version of a public record sent by e-mail, the City will charge no fee for copying the first ten (10) pages of public records provided to that requester per calendar week.

Also, if a requester submits with the request an affidavit either

\* saying that the requester is receiving public assistance; or

\* stating facts showing the requester is indigent and so cannot pay any permitted costs the Act would permit the City to charge, the City shall waive the first \$20.00 of the fee calculated for that request.

The City shall not charge for the cost of search, examination, review, or deletion/separation of exempt from nonexempt information as provided in Section 14 of the Act unless:

\* failure to charge a fee would result in unreasonably high costs to the City because of the nature of the particular request; and

\* the City specifically identifies the nature of these unreasonably high costs.

Public records that are readily available, whether in electronic or paper format, are presumed not to impose unreasonably high search, examination, review, or deletion/separation costs on the City.

If all or part of a request for public records is not covered by the exceptions or allowances above, the City will charge requesters the actual cost rates and factors for research, compilation, copying, and separation of exempt from non-exempt material as appropriate. These rates and factors are shown, along with costs or charges for disclosure of particular types of public records or information specifically covered by other laws than FOIA, in a schedule attached to this policy statement as Appendix A. The City will review cost rates, factors, and statutory charges periodically.

If the projected fee for a FOIA request is calculated to exceed \$50.00, then the City may require the requester, at the time the request is made, to pay a good-faith deposit of up to half (1/2) of the total fee for the request.

Interested persons may find additional resources related to the Freedom of Information Act at the Michigan Attorney General's website:

<http://www.michigan.gov/ag/>

-or-

[http://www.michigan.gov/ag/0,1607,7-164-17337\\_18160-51242--,00.html](http://www.michigan.gov/ag/0,1607,7-164-17337_18160-51242--,00.html)

**The Policy and Appendix A will be reviewed no later than December 31, 2013.**

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Appendix A: Schedule of Cost Rates, Factors, and Statutory Charges

The City will charge fees as follows for fulfilling requests for public records.

1) Copies: The City will charge no fee for copying or printing the first ten (10) pages of public records provided to a requester per calendar week. For additional pages, the charge shall be **\$0.05 per page copied or printed.**

2) Labor: The City shall not charge for the labor cost of search, examination, review, or deletion/separation of exempt from non-exempt information as provided in Section 14 of the Act unless

\* failure to charge a fee would result in unreasonably high costs to the City because of the nature of the particular request; and

\* the City specifically identifies the nature of these unreasonably high costs.

If the City may charge for labor, and does so, the charge shall be based on the rate of the City's lowest-paid employee capable of doing the work.

3) Mailing: If hard copies of public records are mailed, the actual cost of postage plus the cost of the envelope shall be charged.

4) Materials: Any other materials provided (CDs, diskettes, flash drives, etc.) shall be charged at cost.

5) Other statutes: If another statute specifically authorizes the sale of a public record to the public, or specifically states the amount of the fee for providing a copy of the public record, then the FOIA Coordinator shall so inform the requester. The fee charged in such a case shall be calculated based on that other statute.

Standard fees and cost factors from such statutes are incorporated by reference here, and may also be attached or incorporated verbatim for convenience.

**The Policy and Appendix A will be reviewed no later than December 31, 2013.**