



CITY OF GARDEN CITY WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES

Consistent with Public Act 563 of 2014 amending the Michigan Freedom of Information Act (FOIA), the following is the Written Public Summary of the City's FOIA Procedures and Guidelines relevant to the general public.

1. How do I submit a FOIA request to the City of Garden City?

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City of Garden City must be submitted in writing.
- A request must sufficiently describe a public record so as to enable the City to find it.
- No specific form to submit a written request is required. However a FOIA Request form for your use and convenience is available on the City's website at www.cityofgardencitymi.org
- Written requests can be made in person by delivery to the City Clerk's Office in person or by mail. To ensure a prompt response, mailed requests should have clearly written the term "FOIA" or "FOIA Request" on the outside envelope and be sent to the attention of the FOIA Coordinator.
- A request may also be submitted by e-mail. To ensure a prompt response, e-mail requests should contain the term "FOIA" or "FOIA Request" in the subject line and be sent to clerkdivision@gardencitymi.org

2. What kind of response can I expect to my request?

- Within 5 business days of receipt of a FOIA request the City will issue a response. If a request is received by facsimile or e-mail the request is deemed to have been received on the following business day. The City will respond to your request in one of the following ways:
 - Grant the request.
 - Issue a written notice denying the request.
 - Grant the request in part and issue a written notice denying in part the request.
 - Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond.
 - Issue a written notice indicating that the public record requested is available at no charge on the City's website.
- If the request is granted, or granted in part, the City will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available. If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the City will require a deposit before processing the request.

3. What are the City's fee deposit requirements?

- If the City has made a good faith calculation that the total fee for processing the request exceeds \$50.00, the City will require that you provide a deposit in the amount of 50% of the total estimated fee. When the City requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the City of your deposit.



- If the City receives a request from a person who has not paid the City for copies of public records made in fulfillment of a previously granted written request, the City will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:
 - the final fee for the prior written request is not more than 105% of the estimated fee;
 - the public records made available contained the information sought in the prior written request and remain in the City's possession;
 - the public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
 - 90 days have passed since the City notified the individual in writing that the public records were available for pickup or mailing;
 - the individual is unable to show proof of prior payment to the City; and
 - the City has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The City will not require the 100% estimated fee deposit if any of the following apply:
 - the person making the request is able to show proof of prior payment in full to the City;
 - the City is subsequently paid in full for all applicable prior written requests; or
 - 365 days have passed since the person made the request for which full payment was not remitted to the City.

4. How does the City calculate FOIA processing fees?

- A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless 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 the unreasonably high costs.
- The Michigan FOIA statute permits the City to assess and collect a fee for six designated processing components. The City may charge for the following costs associated with processing a request:
 - Labor costs associated with searching for, locating and examining a requested public record.
 - Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
 - The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media.
 - The cost of duplication or publication, not including labor, of paper copies of public records.
 - Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
 - The cost to mail or send a public record to a requestor.



- Labor Costs
 - All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
 - Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work.
 - Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
- Non-paper Physical Media
 - The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
 - This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- Paper Copies
 - Paper copies of public records made on standard letter (8 1/2 x 11) or legal (8 1/2 x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets will reflect the actual cost of reproduction.
 - The City may provide records using double-sided printing, if cost-saving and available.
- Mailing Costs
 - The cost to mail public records will use a reasonably economical and justified means.
 - The City may charge for the least expensive form of postal delivery confirmation.
 - No cost will be made for expedited shipping or insurance unless requested.

5. How do I qualify for a reduction of the processing fees?

- The City may (at the sole discretion of the FOIA Coordinator) waive or reduce the fee associated with a request when City determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.
- The City will waive the first \$20.00 of the processing fee for a request if you submit an affidavit stating that you are:
 - indigent and receiving specific public assistance; or
 - if not receiving public assistance, stating facts demonstrating an inability to pay because of indigency.
- 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.



- An affidavit is a sworn statement. For your convenience the City has provided an Affidavit of Indigence form for the waiver of FOIA fees on its website.
- The City may waive the first \$20.00 of the fee for a nonprofit organization which meets all of the following conditions:
 - the organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act;
 - the request is made directly on behalf of the organization or its clients;
 - the request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and
 - the request is accompanied by documentation of the organization's designation by the State

6. How may I challenge the denial of a public record or an excessive fee?

- Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may file an appeal of the denial with the Office of the City Manager. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons you are seeking a reversal of the denial.

Within 10 business days of receiving the appeal, the City Manager will respond in writing by:

- reversing the disclosure denial;
- upholding the disclosure denial; or
- reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the City Manager, you may file a civil action in Wayne County Circuit Court within 180 days after the City's final determination to deny your request. Should 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 \$1000.00

- Appeal of an Excessive FOIA Processing Fee

If you believe that the fee charged by the City to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the Office of the City Manager. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the City Manager will respond in writing by:

- waiving the fee;
- reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the City Manager will respond to the written appeal.



Within 45 days after receiving notice of the City Manager's determination of the processing fee appeal, you may commence a civil action in Garden City 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 \$500.00.

Need more details or information?

This is only a summary of the City of Garden City's FOIA Procedures and Guidelines. For more details and information, copies of the City of Garden City's FOIA Procedures and Guidelines are available at no charge at any City office and on the City's website, www.gardencitymi.org.

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

City of Garden City
 6000 Middlebelt Road, Garden City, MI 48135
 Phone: (734) 793-1620 FAX: (734) 793-1621
www.gardencitymi.org



FOIA Worksheet
Freedom of Information Act Request Detailed Cost Itemization

Date: _____ Requestor: _____ Date Request Received: _____

The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the City's FOIA		
1. Labor Cost for Copying / Duplication		
<p>This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.</p> <p>This shall not be more than the hourly wage of the City's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in 15 minute time increments as set by the City board (all partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.)</p>		
<p>Hourly Wage with Fringe Benefit Cost: \$_____ Multiply the hourly wage by the percentage multiplier: (up to 50% of the</p>	<p>Number of increments</p>	<p>1. Labor Cost</p>
	x =	\$
Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)		
	x =	\$
2. Labor Cost to Locate:		
<p>This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of</p>		
<p>The City will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in 15 minute time increments ; all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.</p>		
<p>Hourly Wage with Fringe Benefit Cost: \$_____ Multiply the hourly wage by the</p>	<p>Number of increments</p>	<p>2. Labor Cost</p>
	x =	\$
Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)		
	x =	\$

3a. Employee Labor Cost for Separating Exempt from Non-Exempt		
(Fill this out if using a City employee. If contracted, use No. 3b instead).		
The City 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 City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the		
This is the cost of labor of a City 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 City'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 in 15 minute time increments ; all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.		
Hourly Wage with Fringe Benefit Cost: \$_____	Number of increments	2. Labor Cost
Multiply the hourly wage by the percentage multiplier:		
Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)	x =	\$
	x =	\$
3. Contracted Labor Cost for Separating Exempt from Non-Exempt		
(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)		
The City 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 City that are excessive and beyond the normal or usual amount for those		
As this City 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 of _____ (currently \$8.15).		
These costs will be estimated and charged in 15 minute time increments ; 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
	x =	\$

4. Copying / Duplication Cost:			
<p>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 records, or because the original record is a digital file or database not available for public</p> <ul style="list-style-type: none"> • Letter (8 1/2 x 11-inch, single and double-sided): 10 cents per sheet • Legal (8 1/2 x 14-inch, single and double-sided): 10 cents per sheet • Other paper sizes (single and double-sided): _____ cents / dollars per sheet 		Number of Sheets:	Costs:
		x =	\$
		x =	\$
		x =	\$
Non-Paper Physical Digital Media		No. of Items:	
	<ul style="list-style-type: none"> • Circle applicable: Disc / Tape / Drive / Other Digital Medium Cost per Item: 	x =	\$
			4. Total Copy Cost
			\$
5. Mailing Cost:			
<p>The City will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.</p> <ul style="list-style-type: none"> • The City cannot charge more for expedited shipping or insurance unless requestor.* 		Number of Envelopes or Packages:	Costs:
	Actual Cost of Envelope or Packaging: \$	x =	\$
	Actual Cost of Postage: \$		\$
	Actual Cost (least expensive) Postal Delivery Confirmation: \$		\$
	*Expedited Shipping or Insurance as Requested: \$ _____		\$
* Requestor has requested expedited shipping or insurance			5. Total Mailing
			\$

6a. Copying/Duplicating Cost for Records Already on City 's Website:			
If the public body has included the website address for a record in its written response to the requestor thereafter stipulates that the public record be provided to him or her in a paper physical digital media, the City will provide the public records in the specified format and costs to provide those copies.			
<ul style="list-style-type: none"> • Letter (8 1/2 x 11-inch, single and double-sided): _____ cents per sheet • Legal (8 1/2 x 14-inch, single and double-sided): _____ cents per sheet • Other paper sizes (single and double-sided): _____ cents/ dollars per sheet 	Number of Sheets: <input checked="" type="checkbox"/> _____ = _____ <input checked="" type="checkbox"/> _____ = _____	Costs: \$ _____ \$ _____	
Non-Paper Physical Digital Media		<input checked="" type="checkbox"/> _____ = _____	\$ _____
<ul style="list-style-type: none"> • Circle applicable: Disc / Tape / Drive / Other Digital Medium Cost per Item: _____ 	No. of Items:	<input checked="" type="checkbox"/> _____ = _____	\$ _____
Requestor has stipulated that some/ all of the requested records that are already City's website be provided in a paper or non-paper physical digital medium.			6a. Web Copy Cost
6b. Labor Cost for Copying/Duplicating Records Already on City 's			
This shall not be more than the hourly wage of the City's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in 15 minute time increments (i.e.: 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 with Fringe Benefit Cost: \$ _____	(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.	Number of increments	
Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)		<input checked="" type="checkbox"/> _____ = _____	\$ _____
		<input checked="" type="checkbox"/> _____ = _____	\$ _____
			6b. Web Labor Cost
6c. Mailing Cost for Records Already on City 's Website:		Number:	Costs:
Actual Cost of Envelope or Packaging: \$ _____		<input checked="" type="checkbox"/> _____ = _____	\$ _____
Actual Cost of Postage: \$ _____			\$ _____
Actual Cost (least expensive) Postal Delivery Confirmation: *Expedited Shipping or Insurance as Requested:			\$ _____
* Requestor has requested expedited shipping or insurance			\$ _____
			6c. Web Mailing Cost

Subtotal Fees Before Waivers, Discounts or Deposits:		1. Labor Cost for Copying:	\$
		2. Labor Cost to Locate:	\$
		3a. Labor Cost to Redact:	\$
		3b. Contract Labor Cost to Redact:	\$
		4. Copying/Duplication Cost:	\$
		5. Mailing Cost:	\$
		6a. Copying/Duplication of Records on Website:	\$
		6b. Labor Cost for Copying Records on Website:	\$
		Mailing Costs for Records on Website:	\$
		Subtotal Fees:	\$
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p style="text-align: center;">Cost estimate Bill</p> </div>			
<p>Waiver: Public Interest</p> <p>A search for a public record may be conducted or public records may be furnished without a reduced charge if the City determines that a waiver or reduction of the fee is in the public interest. Searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.</p> <p style="text-align: center;"><u>All fees are waived</u> OR <u>All fees are reduced</u></p>		Subtotal Fees After Waiver:	\$
<p>Discount: Indigence</p> <p>A public record search must be made and a copy record must be furnished without charge first \$20.00 of the fee for each request by an individual who is entitled to information under the following requirements:</p> <p>1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance;</p> <p>2) If not receiving public assistance, stating facts showing inability to pay the cost because of financial hardship.</p> <p>If a requestor is ineligible for the discount, the public body shall inform the requestor for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if ANY of the following apply:</p> <p>(i) The individual has previously received discounted copies of public records from the public body twice during that calendar year, OR</p> <p>(ii) The individual requests the information in conjunction with outside parties providing payment or other remuneration to the individual to make the request. A requestor must provide a statement by the requestor in the affidavit that the request is not being made in exchange for payment or other remuneration.</p> <p style="text-align: center;">Eligible for Indigence Discount</p>		Subtotal Fees After Discount (subtract \$20):	\$
<p>Discount: Nonprofit Organization</p> <p>A public record search must be made and a copy record must be furnished without charge first \$20.00 of the fee for each request by a nonprofit organization formally designated by the state under subtitle C of the federal Developmental Disabilities Assistance and Bill of the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets the following requirements:</p> <p>(i) Is made directly on behalf of the organization or its clients.</p> <p>(ii) Is made for a reason wholly consistent with the mission and provisions of the Act under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1021.</p> <p>(iii) Is accompanied by documentation of its designation by the state, if requested by the City.</p> <p style="text-align: center;">Eligible for Nonprofit Discount</p>		Subtotal Fees After Discount (subtract \$20):	\$

<p>Deposit: Good Faith</p> <p>The City may require a good-faith deposit in either its initial response or a subsequent providing the public records to the requestor if the entire fee estimate or charge authorized 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.</p>	<p>Date Paid:</p>	<p>Deposit Amount Required:</p> <p>\$</p>
<p>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full</p> <p>After a City has granted and fulfilled a written request from an individual under this act, if the City has not been paid in full the total amount of fees for the copies of public records that the City made available to the individual as a result of that written request, the City may require an increased estimated fee deposit of up to 100% of the estimated fee before it that individual if ALL of the following apply:</p> <p>(a) The final fee for the prior written request was not more than 105% of the estimated fee.</p> <p>(b) The public records made available contained the information being sought in the prior written request and are still in the City's possession.</p> <p>(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.</p> <p>(d) Ninety (90) days have passed since the City notified the individual in writing that the public records were available for pickup or mailing.</p> <p>(e) The individual is unable to show proof of prior payment to the City.</p> <p>(f) The City calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>A City can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the City, OR</p> <p>(b) The City is subsequently paid in full for the applicable prior written request,</p>	<p>Date Paid:</p>	<p>Deposit Required:</p> <p>\$</p>
<p>Late Response Labor Costs Reduction</p> <p>If the City does not respond to a written request in a timely manner as required under MCL 15.235(2), the City must do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted by 5% for each day the City exceeds the time permitted for a response to the request, with a maximum 50% reduction , if EITHER of the following applies:</p> <p>(i) The late response was willful and intentional, OR</p> <p>(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.</p>	<p>Number of Days Over Required Response Time:</p> <p>Multiply by 5%</p> <p>= Total Percent Reduction:</p>	<p>Total Labor Costs</p> <p>\$</p> <p>Minus Reduction</p> <p>\$</p> <p>= Reduced Total Labor Costs</p> <p>\$</p>
<p>The Public Summary of the City's FOIA Procedures and Guidelines is available free of charge from our website www.gardencitymi.org or at our offices during our business hours: Middlebelt Rd., Garden City, MI 48135</p> <p style="text-align: center;">Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered</p>	<p>Date Paid:</p>	<p>Total Balance Due:</p> <p>\$</p>