

Exeter Township
Monroe County, Michigan
Public Summary of FOIA Procedures and Guidelines

**It is the public policy of this state that all persons
(except those persons incarcerated in state or local correctional facilities)
are entitled to full and complete information regarding the affairs of government and
the official acts of those who represent them as public officials and public employees.**

The people shall be informed so that they may fully participate in the democratic process.

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of the Township's FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of the Township's FOIA Procedures and Guidelines. For more details and information, copies of the Township's FOIA Procedures and Guidelines are available at no charge at Township office.

1. How do I submit a FOIA request to the Township?

- A request must sufficiently describe a public record so as to enable the Township to find it.
- Please include the words "FOIA" or "FOIA Request" in the request to assist the Township in providing a prompt response.
- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Township may be submitted on the Township's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.
 - Any verbal request will be documented by the Township on the Township's FOIA Request Form.
 - No specific form to submit a written request is required. However a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the Township's website at <http://exetertwp.com>, and at the Exeter Twp. Hall.
- Written requests may be delivered to the Township Hall in person or by mail:
Exeter Twp. Hall, 6158 Scofield Rd., Maybree, MI 48159
- Requests may be faxed to: (734) 587-7220. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.
- Requests may be emailed to: exetersuper@exetertwp.com. To ensure a prompt response, email requests should contain the term "FOIA" or "FOIA Request" in the subject line.

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

- Within 5 business days after receiving a FOIA request the Township will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. The Township 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 Township needs an additional 10 business days to respond, or
 - Issue a written notice indicating that the public record requested is available at no charge on the Township's website
- If the request is granted, or granted in part, the Township 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 Township will require a deposit before processing the request.

3. What are the Township's deposit requirements?

- If the Township has made a good faith calculation that the total fee for processing the request will exceed \$50.00, the Township will require that you provide a deposit in the amount of 50% of the total estimated fee. When the Township requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request after you have paid your deposit.
- If the Township receives a request from a person who has not paid the Township for copies of public records made in fulfillment of a previously granted written request, the Township 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 Township's possession;
 - The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the Township to provide the records;
 - Ninety (90) days have passed since the Township 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 Township; and
 - The Township has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.

- The Township 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 Township;
 - The Township is subsequently paid in full for all applicable prior written requests; or
 - Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

4. How does the Township calculate FOIA processing fees?

The Michigan FOIA statute permits the Township to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Township.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Township.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
- 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. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid Township 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. Township may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.

- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage)

A labor cost will not be charged for the 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 Township. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the Township's usual FOIA requests, because of the nature of the request in the particular instance. The Township must specifically identify the nature of the unreasonably high costs in writing.

Copying and Duplication

The Township must use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

Non-paper Copies on 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 be charged only if the Township 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 ½ x 11) or legal (8 ½ 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.

Mailing Costs

- The cost to mail public records will use a reasonably economical and justified means.
- The Township may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless you request it.

Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The township board may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

5. How do I qualify for an indigence discount on the fee?

The Township will discount the first \$20.00 of fees 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 indigence.

You are not eligible to receive the \$20.00 discount if you:

- Have previously received discounted copies of public records from the Township 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 sworn statement. For your convenience, the Township has provided an Affidavit of Indigence for the waiver of FOIA fees on the back of the Township FOIA Request Form, which is available on the Township's website: www._____.

6. May a nonprofit organization receive a discount on the fee?

A nonprofit organization advocating for developmentally disabled or mentally ill individuals that is formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, may receive a \$20.00 discount if the request meets all of the following requirements in the Act:

- 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 public body.

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 appeal to the Township Board by filing a written appeal of the denial with the office of the Township Supervisor (or "clerk" or "FOIA Coordinator," etc.).

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. You may use the Township FOIA Appeal Form (To Appeal a Denial of Records), which is available on the Township's website: www._____.

The Township Board is not considered to have received a written appeal until the first regularly scheduled Township Board meeting following submission of the written appeal. Within 10 business days of receiving the appeal the Township Board 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 Township Board, you may file a civil action in _____ County Circuit Court within 180 days after the Township'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 Township 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.

Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by the Township to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the Township Board by filing a written appeal for a fee reduction to the office of the Township Supervisor (or "clerk" or "FOIA Coordinator," etc.).

The appeal must specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. You may use the Township FOIA Appeal Form (To Appeal an Excess Fee), which is available at the Township Hall and on the Township's website: www._____.

The Township Board is not considered to have received a written appeal until the first regularly scheduled Township Board meeting following submission of the written appeal. Within 10 business days after receiving the appeal, the Township Board 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 Township Board will respond to the written appeal.

Within 45 days after receiving notice of the Township Board's determination of the processing fee appeal, you may commence a civil action in _____ 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 Township acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.

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Exeter Township
Regular Board Meeting
June 16, 2015

Supervisor Baltrip called meeting to order with the Pledge of Allegiance at 7:00 p.m.

Roll Call: Boggs, L. Kernyo, T. Kernyo, Baltrip, Iott present.

Agenda accepted as presented.

First Public Comment:

- None

Minutes from May 19 Regular Board Meeting were accepted as presented.
Minutes from May 27 Special Workshop were accepted as corrected.

Motion: T. Kernyo 2nd Boggs to accept Minutes from May 27 Special Workshop as corrected. Carried.

Correspondence

- Municipal Zoning and Planning Seminar.

Treasurer's Report

- Attached.
- Request from Village of Maybee to print tax bills.

Motion: L. Kernyo 2nd Boggs to approve the Treasurer to print the Village of Maybee Summer Tax Bills for \$1 per bill. Carried.

- The township's summer tax bills should be printed and mailed by end of June.

Supervisor's Report

- Crushed concrete was applied on various roads by MCRC at no cost to the township.
- Robert Hamilton with Mannik & Smith would like to give a presentation for township planning services at the July board meeting.

Fire Chief's Report

- May 19 – June 15: 12 calls for a total of 81 year-to-date.
- Firefighter Matt Strimpel was informed that he did pass Firefighter I & II training. An error was found in the States grading of his test.

Building Official's Report

- Month of May: 8 permits written, no new homes with \$942.50 in fees collected.
- Year-to-date: 41 permits written, 1 new home with \$10,991.50 in fees collected.

Planning Commission Report:

- Meeting was held June 2.
- Reviewed and discussed Residential Accessory Buildings and chickens/small farm animals in Residential areas.

Ordinance Officer Report:

- Month of May: 8 complaints with a total of 46 year-to-date.

Exeter Historical Society Report:

- Working on final details for the Black Powder Skirmish @ Carleton Sportsman's Club.
- Electricity to McGowan School is progressing.

Unapproved
June 16, 2015

*approved
BP*

- Fundraiser held on May 20 at Anson's was a success.

Unfinished Business:

- Water District #7 Public Hearing Thursday, June 18, 7pm @ Carleton Sportsman's Club.
- Township Truck Route Ordinance: MCRC and Township available to meet on June 24 regarding S. Stony Creek Road. Awaiting response from Stoneco as to meeting date availability.

New Business:

- State required FOIA Documents.

Motion: Iott 2nd T. Kernyo to adopt the following documents provided by the Michigan Townships Association to assure Exeter Township compliance and implementation of Michigan Freedom of Information Act changes that become effective on July 1, 2015. Township FOIA Procedures and Guidelines, Public Summary of Township FOIA Policies and Guidelines, FOIA Detailed Cost Itemization Form, Forms to handle various types of requests: Request for Public Records, Notice to Extend Response Time, Notice of Denial, Detailed Cost Itemization Form, Appeal of Denial of Records and Appeal of Excess Fee Form. Carried.

- Employee Handbook Adoption.

Motion: T. Kernyo 2nd L. Kernyo to adopt the Exeter Township Employee Handbook as corrected. Handbook to be distributed to all active employees. Carried.

- Township Karst Ordinance:

Motion: Boggs 2nd L. Kernyo to have Senator Dale Zorn seek an opinion from the Attorney General as to whether Exeter Township has authority to develop a "Karst Ordinance" that prohibits disposal wells used for fracking fluid and other hazardous substances from being located in sensitive Karst Regions of our township. Carried.

Second Public Comment

- Article about fracking water being cleaned.
- Water Development Fund payments.

Motion: L. Kernyo 2nd Boggs to approve payment of the bills. Carried.

Supervisor Baltrip adjourned meeting at 7:47 pm without objection.

Billie Iott, Clerk



Exeter Township

POLICY AND PROCEDURE FOR THE PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS IN LIEU OF CUSTOMARY BUSINESS HOURS

- 1) Requests for public inspection and copying of public records may be made verbally and/or in writing.
- 2) Said requests may be directed to the township official and/or authorized individual responsible for said public records.
- 3) Any requests made pursuant to Michigan's Freedom of Information Act, shall be made to the FOIA coordinator and shall be subject to the statutory requirements of FOIA.
- 4) If verbal request is made, the responding township official and/or authorized individual shall prepare a checklist of items/records requested to be copied and/or inspected. Said listing shall be presented to the requesting party on the date set for inspection or copying.
- 5) The responding township official and/or authorized individual may require the requesting party to counter sign the check list to indicate compliance with the verbal request.
- 6) The responding township official and/or authorized individual shall be responsible for the production of the requested copies.
- 7) The requesting party shall be billed for the copies and preparation time, if applicable, pursuant to the schedule of charges established by the Township Board.
- 8) If the request is for inspection of public record, the responding township official and/or authorized individual shall respond in a timely manner, not to exceed 5 business days, from the date of said request. Said response shall indicate the date, time and place when said public inspection of the requested public records shall take place.
- 9) The establishment of the date and time of the public inspection of the requested public records shall be in the discretion of the responding township official and/or authorized individual. The place designated for the requested inspection shall be the Township Hall or the location where said public records are officially retained.
- 10) The responding township official and/or authorized individual shall allow such inspection during regular township office hours, Monday – Thursday 10am – 4pm, hours of corresponding department as listed below or by appointment.

Supervisor – Thursday 10am - 4pm

Clerk – Wednesday 10am – 4pm

Treasurer – Monday & Tuesday 10am – 4pm

Assessing – Wednesday 10am – 4pm

Building - Tuesday & Thursday 6pm - 8pm

Ordinance Officer – Tuesday 10am – 4pm

Offered by T. Kernyo Support Boggs

Roll Call: T. Kernyo Y, Boggs Y, Iott Y,

Queen Y, L. Kernyo Y. Carried

Adopted: 2-21-2017

Billie Iott

Clerk