

**CITY OF GROSSE POINTE FARMS  
WAYNE COUNTY, MICHIGAN**

**WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES**

Pursuant to the Michigan Freedom of Information Act (FOIA), MCL 15.231 et. seq., as amended by Act 442 of the Michigan Public Acts of 2014, this document is the Written Public Summary of the City of Grosse Pointe Farms' FOIA Procedures and Guidelines.

**1. How do I submit a FOIA request to the City of Grosse Pointe Farms?**

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City of Grosse Pointe Farms in the performance of an official function 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.grossepointefarms.org](http://www.grossepointefarms.org).
- Written requests may be submitted in person or by mail to 90 Kerby Road, Grosse Pointe Farms, Michigan 48236.
- Written requests also may be submitted by facsimile at (313) 885-0917 for non-Public Safety records and (313) 885-0698 for Public Safety records.
- Written requests also may 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 [dkozicki@grossepointefarms.org](mailto:dkozicki@grossepointefarms.org) for non-public safety records or [kbigam@gpfdps.com](mailto:kbigam@gpfdps.com) for public safety records.

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

**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 5-business day response deadline may be extended by written agreement. The City will respond to your request in one of the following ways:
  - The City may grant the request.
  - The City may issue a written notice denying the request.
  - The City may grant the request in part and issue a written notice denying the request in part.
  - The City may issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond.
  - The City may issue a written notice indicating that the public record requested is available at no charge on the City's website.
  - The City may seek clarification or amendment of the request. Any clarification or amendment will be deemed a new request.
- 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 \$50.00, 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 likely will exceed \$50.00, the City will require that you provide a deposit in the amount of one-half (50%) of the total estimated processing 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 an individual 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 in the full amount (100%) of the estimated processing fee before it begins to search for the public record for any subsequent written request from such individual when all of the following conditions exist:
  - the final fee for the prior written request was 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 individual 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 individual made the request for which full payment was not remitted to the City.

### **4. How does the City calculate FOIA processing fees?**

- Consistent with statutory requirements under FOIA, 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.
- In those instances in which a processing fee is appropriate under FOIA, the 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 exempt information (not to be disclosed) from nonexempt 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 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.
    - 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 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.
- The City will waive the fee for an nonprofit organization which meets all of the following conditions:
  - the organization is designated by the State to carry out activities under the federal 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 Michigan 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 request for a public record or an excessive fee?**

- Appeal of a Denial of a Request for a Public Record  
 If you believe that all or a portion of a public record has been improperly withheld from disclosure 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
- reversing the disclosure denial in part and upholding 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 Circuit Court within 180 days after the City's final determination to deny your request. Should you prevail in the civil action the court may 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, you may be entitled to further relief.

- 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 issuing a written determination indicating the specific basis that supports the remaining fee;
- upholding the fee and issuing 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 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 an 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, you may be entitled to further relief.

**Need more details or information?**

This is only a summary of the City of Grosse Pointe Farms' FOIA Procedures and Guidelines. For more details and information, copies of the City of Grosse Pointe Farms' FOIA Procedures and Guidelines are available at no charge at City Hall and on the City's website, [www.grossepointefarms.org](http://www.grossepointefarms.org).