

CITY OF FARMINGTON

FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES

Section 1: General Policies

The Farmington City Clerk is hereby designated as the FOIA Coordinator but is authorized to designate other City staff to act on his or her behalf to accept and process written requests for the City's public records and to approve denials in whole or in part.

A written request made by fax, email, or other electronic transmission is not considered received by the City's FOIA Coordinator until one business day after the electronic transmission is made. If a written request is sent by email and delivered to a City spam or junk-mail folder, the request is not considered received until one day after the City first becomes aware of the written request. The City shall note in its records both the time a written request is delivered to its spam or junk-mail folder and the time the City first becomes aware of that request.

The City is not required under the Act to make a compilation, summary, or report of information, nor is it required to create a new public record, except to the extent required for the furnishing of copies or edited copies of an already existing public record. Neither the FOIA Coordinator nor other City employees are required to answer questions or interrogatories contained in requests for public records, or regarding the substantive content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the City on file for a period of no less than one year.

The City shall establish, maintain, and make these Procedures and Guidelines and its Written Public Summary publicly available without charge. The City maintains an official internet presence and posts and maintains these Procedures and Guidelines and the Written Public Summary on its website at www.farmgov.com, and shall include a direct website link to these documents in lieu of providing paper copies in its responses to written requests. Free paper copies shall also be provided upon request by visitors at City Hall.

The City adopts the standard Detailed Cost Itemization Form set forth in Appendix A of these Procedures and Guidelines for the itemization of any fee amount in its responses to written requests.

Section 2: Requesting a Public Record

No specific form is required to submit a request for a public record. A person desiring to inspect, copy, or receive copies of a public record shall submit a written request that describes a public record sufficiently to enable City personnel to find the public record.

A request from a person, other than an individual who qualifies as indigent, must include the requesting person's complete name, address, and contact information. If the request is made by a person other than an individual, such as a corporation, partnership, firm, or organization, the

request must include the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards, and contact information must include a valid telephone number or email address.

Written requests may be submitted in person, by mail, by fax, or by email to City Hall. Any employee of the City who receives a request for a public record shall promptly forward that request to the FOIA Coordinator.

A person may stipulate that public records be provided on nonpaper physical media, emailed, or otherwise electronically provided to him or her in lieu of paper copies. This requirement does not apply if the City lacks the technological capability necessary to provide records on the particular nonpaper physical media stipulated in the particular instance.

A person has a right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription is valid for up to six months, at the request of the subscriber, and is renewable.

An individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state, or in a federal correctional facility, is excluded from the definition of a person and is not entitled to submit a request for a public record.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, the City shall respond to a request for a public record within five business days after the City receives the request by granting the request; issuing a written notice denying the request; granting the request in part and issuing a written notice denying the request in part; or issuing a notice extending for not more than 10 business days the period during which the City shall respond to the request. The City shall not issue more than one notice of extension for a particular request, and any notice of extension must specify the reasons for the extension and the date by which the City will grant, deny, or grant in part and deny in part the request.

A person making a request may stipulate that the City's response be emailed, delivered by fax, or delivered by first-class mail. This requirement does not apply if the City lacks the technological capability to provide an emailed response.

A written notice denying a request in whole or in part constitutes a final determination to deny the request and must contain an explanation of the basis under the Act or other statute for the determination that the public record, or portion thereof, is exempt from disclosure; a certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the City, if that is the reason for denial; a description of a public record or information on a public record that is separated or deleted, if a separation or deletion is made; a full explanation of the requesting person's right to submit to the City Council a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal, or seek judicial review of the denial in the Oakland County Circuit Court; and notice of the right to receive

attorneys' fees and damages if, after judicial review, the court determines that the City has not complied with response requirements and orders disclosure of all or a portion of a public record.

The FOIA Coordinator or his or her designee responsible for the denial of the request shall sign every written notice of denial.

The City shall furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and reasonable facilities for making memoranda or abstracts from its public records during usual business hours. The FOIA Coordinator may make reasonable rules necessary to protect City public records from loss, unauthorized alteration, mutilation, or destruction, and to prevent excessive and unreasonable interference with the discharge of the City's functions. The custodian of a public record shall, upon written request, furnish a requesting person a certified copy of a public record.

Section 4: Fee Deposits

If the entire fee estimate exceeds \$50.00, based on a good-faith calculation of the total fee, the City may require a good-faith deposit from the person requesting information before providing the public records. The deposit must not exceed one-half of the total estimated fee and must include the Detailed Cost Itemization Form. The deposit notice must contain a good-faith, nonbinding best-efforts estimate regarding the time frame it will take to fulfill the request once the deposit is received and the date 48 days after transmission by which the deposit must be received to avoid abandonment.

If a deposit is not received by the City within 45 days from receipt by the requesting person of the notice that a deposit is required, and if the requesting person has not filed an appeal of the deposit amount, the request shall be considered abandoned by the requesting person and the City is no longer required to fulfill the request. Notice of a deposit requirement is considered received three days after it is sent, regardless of the means of transmission.

After the City has granted and fulfilled a written request from an individual under the Act, if the City has not been paid in full the total lawful amount for the copies made available to the individual, the City may require a deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if all of the following statutory conditions apply: 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 being 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 timeframe estimate; 90 days have passed since the FOIA Coordinator 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 FOIA Coordinator calculates a Detailed Cost Itemization Form that is the basis for the current written request's increased estimated fee deposit.

The City shall no longer require an increased estimated fee deposit from an individual if the individual is able to show proof of prior payment in full to the City; the City is subsequently paid in full for the applicable prior written request; or 365 days have passed since the individual made

the written request for which full payment was not remitted to the City. A deposit required by the City under the Act is a fee.

Section 5: Calculation of Fees

The total fee charged by the City shall not exceed the sum of the six allowable components set forth below:

First, the City may charge that portion of labor costs directly associated with the necessary searching for, locating, and examining of public records in conjunction with receiving and fulfilling a granted written request. The City shall not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance, regardless of who actually performs the labor, estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. A fee shall not be charged for this labor 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 these unreasonably high costs. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests.

Second, the City may charge that portion of labor costs, including necessary review, if any, directly associated with the separating and deleting of exempt information from nonexempt information. For services performed by an employee of the City, the City shall not charge more than the hourly wage of its lowest-paid employee capable of separating and deleting exempt information in the particular instance, regardless of whether that person is available or who actually performs the labor, calculated in increments of 15 minutes or more with partial increments rounded down. If the FOIA Coordinator determines on a case-by-case basis that the City does not employ a person capable of separating and deleting exempt information in the particular instance, the City may treat necessary contracted labor costs used for redaction in the same manner as employee labor costs, provided it clearly notes the name of the contracted person or firm on the Detailed Cost Itemization Form, with total costs capped at an amount equal to six times the state minimum hourly wage rate, and billed in 15-minute increments rounded down. The City shall not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the public record in question and the redacted version is still in the City's possession. A fee shall not be charged 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 these unreasonably high costs. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests.

Third, for public records provided to the requester on any form of nonpaper physical media, the City may charge the actual and most reasonably economical cost of the nonpaper physical media. This charge does not apply if the City lacks the technological capability necessary to provide records on the particular media stipulated in the particular instance.

Fourth, for paper copies of public records provided to the requester, the City may charge the actual total incremental cost of necessary duplication or publication, not including labor. The cost of

paper copies shall be calculated as a total cost per sheet of paper and itemized in a manner that expresses both the cost per sheet and the number of sheets provided, capped at 10 cents per sheet for 8.5-by-11-inch or 8.5-by-14-inch paper, utilizing the most economical means available including double-sided printing if cost-saving and available.

Fifth, the City may charge the cost of labor directly associated with duplication or publication, including making paper copies, digital copies, or transferring digital public records to nonpaper physical media or through the internet or other electronic means as stipulated by the requester. The City shall not charge more than the hourly wage of its lowest-paid employee capable of necessary duplication or publication in the particular instance, regardless of who actually performs the work. Labor costs under this component may be estimated and charged in time increments of the City's choosing, which the City establishes as one-minute increments, with all partial time increments rounded down.

Sixth, the City may charge the actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner. The City shall not charge more for expedited shipping or insurance unless specifically stipulated by the requester, but may otherwise charge for the least expensive form of postal delivery confirmation when mailing public records.

When calculating labor costs for search, redaction, or duplication, fee components shall be itemized in a manner that expresses both the hourly wage and the number of hours charged. The City may also add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used on the Detailed Cost Itemization Form. Subject to the 50% limitation, the City shall not charge more than the actual cost of fringe benefits, and overtime wages shall not be used in calculating the cost of fringe benefits. Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requester and clearly noted on the Detailed Cost Itemization Form.

Because 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 charges for the separation and deletion of exempt information. Labor costs associated with searching for, locating, and examining records available on the website may only be charged if the search labor is necessary and the failure to charge would result in unreasonably high costs to the City in the particular instance, with the specific nature of those unreasonably high costs identified. If the FOIA Coordinator knows or has reason to know that all or a portion of the requested information is available on the City's website, the City shall notify the requester in its written response and include, to the degree practicable, the specific webpage address where the information is available. On the Detailed Cost Itemization Form, the City shall separate the requested public records that are available on its website from those that are not available on the website and shall inform the requester of the additional charge to receive copies of records available on the website. If the City has included the website address in its written response and the requester thereafter stipulates that the public record be provided in paper format or nonpaper physical media, the City shall provide the records in the specified format, but may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

If the City does not respond to a written request in a timely manner as required, the City shall 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 the late response was willful and intentional, or the written request included language that conveyed a request for information within the first 250 words of the body of a letter, fax, email, or 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, on the front of an envelope, or in the subject line. If a charge reduction is required, the City shall fully note the charge reduction on the Detailed Cost Itemization Form.

Fee limitations do not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee is otherwise specifically provided by an act or statute.

Section 6: Statutory Fee Waivers and Reductions

A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by either an indigent individual or a designated protection and advocacy agency.

An individual who is entitled to information 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 indigency, is entitled to the discount. If the requester is eligible for the discount, the City shall fully note the discount on the Detailed Cost Itemization Form. If the requester is ineligible, the City shall inform the requester specifically of the reason for ineligibility in the written response. An individual is ineligible if the individual has previously received discounted copies from the City twice during that calendar year, or if the individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to make the request.

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, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, is entitled to a discount of the first \$20.00 of the fee for each request if the request 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 the Mental Health Code; and is accompanied by documentation of its designation by the state, if requested by the City.

Section 7: Appeal of a Denial of a Public Record

If the City makes a final determination to deny all or a portion of a request, the requesting person may either submit to the City Council, as the head of the public body, a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial; or commence a civil action in the Oakland County Circuit Court to compel disclosure of the public records within 180 days after the City's final determination to deny the request.

The City Council is not considered to have received a written appeal until the first regularly scheduled meeting of the City Council following submission of the written appeal. Within 10 business days after receiving the appeal, the City Council shall do one of the following: reverse the disclosure denial; issue a written notice upholding the disclosure denial; reverse the disclosure denial in part and issue a written notice upholding the denial in part; or, under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the City Council shall respond. The City Council shall not issue more than one notice of extension for a particular written appeal.

Section 8: Appeal of an Excessive Fee or Good-Faith Deposit

If the City requires a fee or good-faith deposit that exceeds the amount permitted under these Procedures and Guidelines or the Act, the requesting person may, within 45 days of receiving notice of the fee or deposit, submit to the City Council a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted. The City Council is not considered to have received a written appeal until the first regularly scheduled meeting of the City Council following submission of the appeal. Within 10 business days after receiving the appeal, the City Council shall do one of the following: waive the fee; reduce the fee and issue a written determination indicating the specific basis that supports the remaining fee, including a certification from the City Council that the statements are accurate and that the reduced fee complies with these Procedures and Guidelines and statutory standards; uphold the fee and issue a written determination indicating the specific basis that supports the required fee, including a certification from the City Council that the statements are accurate and that the fee complies with these Procedures and Guidelines and statutory standards; or, in unusual circumstances, issue a notice extending for not more than 10 business days the period during which the City Council must respond, including a detailed reason why the extension is necessary. The City Council shall not issue more than one notice of extension for a particular fee appeal.

If the City Council fails to respond to a written appeal, or if the City Council upholds all or a portion of the fee or deposit, the requesting person may seek judicial review by commencing a civil action in the Oakland County Circuit Court to compel disclosure of the public records within 45 days after the City Council's determination to uphold all or a portion of the fee or deposit or 45 days after the City Council was required to issue its determination if it fails to respond to the written appeal.

Section 9: Conflict with Prior FOIA Policies; Effective Date

These Procedures and Guidelines supersede and replace all previous FOIA policies promulgated by the Farmington City Council or City administration. To the extent that any provision of these Procedures and Guidelines conflicts with the Act, the provisions of the statute shall control. Only the City Council is authorized to amend these Procedures and Guidelines. These Procedures and Guidelines are effective as of September 21, 2026.

APPENDIX A

CITY OF FARMINGTON

DETAILED COST ITEMIZATION

Request / Tracking Number: _____

Requestor Name: _____

Date Issued: _____

1. Labor Cost: Searching, Locating, and Examining Public Records

Charged only if failure to charge would result in unreasonably high costs to the City because of the nature of the request in this particular instance, identified in the written response, if applicable.

- Hourly wage of lowest-paid capable employee: \$ _____
- Fringe benefit multiplier added (*actual cost up to 50%, no overtime*): _____ %
- [] Overtime wage rate (*if agreed to in writing*): \$ _____
- Total hourly rate: \$ _____
- Rate per 15-minute increment (*hourly rate ÷ 4*): \$ _____
- Number of **full** 15-min increments (*partial increments rounded down*): _____
- Total hours charged (*number of full 15-minute increments ÷ 4*): _____
- Section 1 Subtotal** (*hourly rate x hours charged*): \$ _____

2. Labor Cost: Separating and Deleting Exempt Information (Redaction)

Charged only if failure to charge would result in unreasonably high costs to the City because of the nature of the request in this particular instance, identified in the written response, if applicable.
No charge permitted if previously redacted and retained.

A. City Employee Labor:

- Hourly wage of lowest-paid capable employee: \$ _____

- Fringe benefit multiplier added (*actual cost up to 50%, no overtime*): _____ %
- [] Overtime wage rate (*if agreed to in writing*): \$ _____
- Total hourly rate: \$ _____
- Rate per 15-minute increment (*hourly rate ÷ 4*) \$ _____
- Number of **full** 15-min increments (*partial increments rounded down*): _____
- Total hours charged (*number of full 15-minute increments ÷ 4*): _____
- Employee Redaction Subtotal (hourly rate x hours charged):* \$ _____

B. Contracted Labor:

*Permitted **only if** the City does not employ a person capable of separating and deleting exempt information as determined by the FOIA coordinator on a case-by-case basis; capped at six times the state minimum hourly wage.*

- Name of contracted person or firm: _____
- Contracted hourly wage¹ \$ _____
- Rate per 15-minute increment (*hourly rate ÷ 4*) \$ _____
- Number of **full** 15-min increments (*partial increments rounded down*): _____
- Total hours charged (*number of full 15-minute increments ÷ 4*): _____
- *Contracted Redaction Subtotal (hourly rate x hours charged):* \$ _____
- Section 2 Subtotal:* \$ _____

3. Nonpaper Physical Media Costs

Actual and most reasonably economical cost of media stipulated by requestor.

- Type of media: _____
- Actual cost per unit (\$____) x Quantity (____): \$ _____

¹ Capped at six times Michigan's minimum wage.
Michigan's minimum wage is \$13.73 through 2026.

Section 3 Subtotal:

\$ _____

4. Duplication / Material Costs for Paper Copies

Actual incremental cost per sheet; capped at \$0.10/sheet for 8.5x11 or 8.5x14 paper; utilizing the most economical means available (e.g., double-sided printing).

- Cost per sheet (\$____) x Quantity (____): **\$ _____**

Section 4 Subtotal:

\$ _____

5. Labor Cost: Duplication or Publication

Includes making paper copies, digital copies, or electronic transfer.

- Hourly wage of lowest-paid capable employee: **\$ _____**
- Fringe benefit multiplier % added (*actual cost up to 50%, no overtime*): _____
- [] Overtime wage rate agreed to in writing by requestor: **\$ _____**
- Total hourly rate: **\$ _____**
- The City's chosen time increment: one minute
- Rate per 1-minute increment (*hourly rate ÷ 60*): **\$ _____**
- Number of **full** 1-min increments (*partial increments rounded down*): _____
- Total hours charged (*number of **full** 1-minute increments ÷ 60*): _____

Section 5 Subtotal (*hourly rate x hours charged*):

\$ _____

6. Actual Mailing Costs

Actual cost of sending records in a reasonably economical and justifiable manner.

- Actual postage / packaging (including least expensive delivery confirmation): **\$ _____**
- [] Expedited shipping or insurance if agreed to in writing by requester: **\$ _____**

Section 6 Subtotal:

\$ _____

7. Separation of Website-Accessible Records

Records available on the City's website are separated below from records not available online. If copies are requested in an alternative physical or paper format:

☐ Records NOT available on website (included in Sections 1–6 above)

☐ Records available on website provided in alternative format stipulated by requestor:

Description of records / Web address: _____

Additional charge for copies of records available on website: \$ _____

Section 7 Subtotal: \$ _____

8. Subtotal of Base Fees

- Total Fee Components (Sum of Sections 1 through 7): \$ _____

9. Statutory Reductions and Fee Waivers

☐ Untimely Response Labor Reduction:
(5% per day late applied to total labor costs)

Total chargeable labor costs x (days late x 5% (*capped at 50%*)) - \$ _____

☐ **Indigence Fee Reduction:**

(*Affidavit provided; maximum statutory waiver*): **-\$20.00**

☐ **Designated Protection & Advocacy Organization Fee Reduction:**

(*Statutory waiver for designated agency*): **-\$20.00**

Total Reductions / Waivers: **-\$ _____**

10. Total Fee and Deposit Calculation

- **FINAL TOTAL FEE:** \$ _____

- **Good-Faith Deposit Required (up to 50% if total exceeds \$50.00):** \$ _____

• **TOTAL REMAINING BALANCE DUE:** \$ _____