

PUBLIC SUMMARY

It is the public policy of this state that all persons 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, Public Act 442 of 1976 (FOIA), this document serves as the Written Public Summary of the City of Farmington's FOIA Procedures and Guidelines relevant to the general public. This is only a summary of the City's FOIA Procedures and Guidelines. For more details and information, copies of the City's complete FOIA Procedures and Guidelines are available at no charge at City Hall and on the City's website at www.farmgov.com/foia.

To submit a FOIA request to the City, a request must sufficiently describe a public record so as to enable the City to find it. Please include the words FOIA or FOIA Request in the request to assist the City in providing a prompt response. Requests to inspect or obtain copies of public records prepared, owned, used, possessed, or retained by the City may be submitted in writing via letter, fax, or email. A valid written FOIA request must contain the requester's complete name, a standard USPS-compliant mailing address, and contact information, such as a phone number or email address. Written requests may be delivered to City Hall in person or by mail to 23600 Liberty Street, Farmington, MI 48335. Requests may be faxed to 248-473-7278 and should contain the term FOIA on the cover page. Requests may be emailed to the central intake address at foia@farmgov.com with FOIA in the subject line.

Within five business days after receiving a FOIA request, the City 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 City will respond to your request by granting the request, issuing a written notice denying the request, granting the request in part and issuing a written notice denying in part the request, or issuing a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond. Any extension notice will include the reason for the delay and a firm calendar date for fulfillment. The City may also 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.

If the City has made a good faith calculation that the total fee for processing the request will exceed \$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 with a non-binding best-efforts estimate of how long it will take to process the request after you have paid your deposit. If you fail to pay the required deposit within 48 days of the City sending the notice, your request will be considered legally abandoned, provided that you have not filed an appeal of the deposit amount with the City Council. The deposit notice will include an exact calendar deadline and a warning regarding abandonment.

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, provided that 90 days or more have passed since the City notified the individual in writing that the records were available for pickup or mailing. The City must deliver a detailed itemization alongside any demand for this 100% penalty deposit.

The FOIA statute permits the City to charge labor costs associated with searching for, locating, examining, separating, and deleting exempt information when failure to charge a fee will result in unreasonably high costs to the City. The City may also charge for the cost of computer discs, tapes, paper copies, copying labor, and physical mailing costs.

All labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work, regardless of who actually performs the work. Labor costs may include a multiplier up to 50% to cover the actual cost of fringe benefits. Overtime wages will not be included unless explicitly agreed to in writing by the requester. Outside contractors will only be used for separating exempt information if the City lacks capable staff, and their rates will not exceed six times the state minimum hourly wage. Copying labor is billed in one-minute increments, while search, review, and redaction labor are mandated by statute to be billed in fifteen-minute increments. The cost of mailing public records will reflect actual physical postal expenses, completely separate from the administrative time staff spend preparing the mail.

The City uses a standard detailed itemization to calculate FOIA charges, which is provided to the requester. The form breaks down charges into distinct categories:

- Category 1 calculates search and examination labor by taking the employee's base wage, adding the percentage multiplier for fringe benefits, and dividing by four to establish a 15-minute increment rate.
- Category 2 calculates employee redaction labor using the same fringe benefit inclusion and 15-minute increment structure.
- Category 3 calculates contracted redaction labor strictly utilizing an hourly rate capped at six times the state minimum wage, divided into 15-minute increments.
- Category 4 itemizes physical media costs.
- Category 5 calculates paper copying costs at a rate not to exceed 10 cents per page.
- Category 6 calculates copying and digital transfer labor by taking the base wage, applying the fringe benefit percentage, and dividing by sixty to establish a one-minute increment rate.

- Category 7 tallies actual physical postage costs. Finally, the form contains a section to subtract applicable waivers and good-faith deposits, as well as a section to document an explicit agreement to pay overtime wages. If the City responds late, a 5% daily penalty will be calculated against the allowable labor costs and subtracted from the total.

The cost of the search for and copying of a public record may be waived or reduced if the City determines it is in the public interest. Additionally, the City will discount the first \$20.00 of fees if you submit an affidavit, including unsworn declarations under penalty of perjury, stating that you are indigent. However, an individual is ineligible for the \$20.00 fee discount if they have previously received discounted copies from the City twice during the calendar year, or if the request is made in connection with other persons who are offering or providing payment. A nonprofit organization advocating for developmentally disabled or mentally ill individuals may receive a complete and total fee waiver if the request meets the strict criteria outlined in the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 or the Protection and Advocacy for Individuals with Mental Illness Act.

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 City Council by filing a written appeal stating the word “appeal.” The City Council is considered to have received the appeal at the first regularly scheduled meeting following submission of the appeal. Within 10 business days of receiving the appeal, the City Council will make its determination. You may also file a civil action in the Oakland County Circuit Court within 180 days of the City's final determination. If you prevail in an appeal of a denial in circuit court, you are entitled to reasonable attorneys' fees, costs, and disbursements, or an appropriate portion thereof if you prevail only in part. If the court determines that the City arbitrarily and capriciously violated the act by refusing or delaying disclosure, you may be awarded \$1,000.00 in punitive damages, and the court must order the City to pay a \$1,000.00 civil fine to the state treasury. If the court determines that the City willfully and intentionally failed to comply with the act or acted in bad faith, it must order the City to pay a civil fine of between \$2,500.00 and \$7,500.00 for each violation.

If you believe that the processing fee or good-faith deposit charged for a request exceeds the amount permitted by state law, you must first appeal to the City Council. If unsatisfied with the outcome, you may commence a civil action in the Oakland County Circuit Court within 45 days of the City Council's response to the appeal.