

Freedom of Information Act

Procedures and Guidelines

Section 1: General Policies

The City Council, acting pursuant to the authority at MCL 15.236, designates the Clerk as the FOIA Coordinator. He or she 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 approve denials.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a City spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall record both the time and date the request was delivered to the spam or junk-mail folder and the time and date the FOIA Coordinator first became aware of the request.

The FOIA Coordinator shall review City spam and junk-mail folders on a regular basis, which shall be no less than once a week as a matter of City administrative procedure, while ensuring strict compliance with the statutory baseline requiring review at least once every 30 days. The FOIA Coordinator shall work with City Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect City systems from computer attacks which may be embedded in an electronic FOIA request.

The City is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator, nor other City staff, is obligated to provide answers to questions contained in requests for public records or regarding the 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 at least one year.

The City will make these Procedures and Guidelines and the Written Public Summary publicly available without charge.

This Procedures and Guidelines document and the City's Written Public Summary will be maintained on the City's website at www.farmgov.com, so a link to those documents will be provided in lieu of providing paper copies of those documents.

Section 2: Requesting a Public Record

No specific form to submit a request for a public record is required.

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. If the request is made by an entity, it must include the contact information of the entity's individual agent. Any request lacking these mandatory elements is invalid, does not trigger statutory timelines, and will not be processed until the required information is provided.

A request must sufficiently describe a public record so as to enable City personnel to identify and find the requested public record. Verbal requests for records may be answered as a matter of routine customer service, but such inquiries do not trigger the statutory obligations, strict timelines, or administrative appeal mechanisms of the Michigan Freedom of Information Act.

Written requests for public records may be submitted in person or by mail to City Hall. Requests may also be submitted electronically by fax and email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed, or otherwise provided to him or her in digital form in lieu of paper copies. The City will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued, or disseminated by the City on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

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. The FOIA Coordinator will deny all such requests.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, the City will issue a response within five business days of receipt of a FOIA request. If a request is received by fax, email, or other electronic transmission, the request is deemed to have been received on the following business day.

The City will respond to a 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 written notice indicating that the public record requested is available at no charge on the City's website. Alternatively, 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. Any notice of extension must include the reason for the delay and a firm calendar date by which the final response will be provided. Only one such extension is permitted.

A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requester free of charge with the response to a written request for public records via a link to these documents on the City's website in lieu of paper copies.

If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If the cost of processing a FOIA request is expected to exceed \$50, the City will require a good-faith deposit of no more than 50% of the total estimated cost before processing the request. If the requester has not paid in full for a previously granted request, the City will require a good-faith deposit of 100% of the estimated processing fee before processing the request, in strict accordance with the criteria outlined in Section 4.

In making the request for a good-faith deposit, the FOIA Coordinator shall provide the requester with a detailed itemization of the allowable costs estimated to be incurred by the City to process the request and also provide a non-binding best-efforts estimate of how long it will take the City to provide the records to the requester. The time period begins from the date the City receives payment of the deposit.

If the request is denied or denied in part, the FOIA Coordinator will issue a written denial which shall provide an explanation as to why a requested public record is exempt from disclosure, or a certificate, after a diligent search, that the requested records do not exist under the name(s) provided by the requester or any other name reasonably known to the City.

The written denial will also include an explanation or description of the requested record—or information within it—that has been separated or deleted.

Finally, the denial will explain the person's right to submit an appeal of the denial to the City Council or to seek judicial review in the Oakland County Circuit Court. The denial will inform the requester of the right to be awarded reasonable attorneys' fees, costs, and disbursements if the requester prevails in the action, or an appropriate portion of reasonable attorneys' fees, costs, and disbursements if the requester prevails only in part, at the discretion of the court. The denial will also inform the requester of the right to receive, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 if the court determines that the City has arbitrarily and capriciously violated the FOIA statute by refusal or delay in disclosing or providing copies of a public record. Additionally, the notice will state that if the court finds an arbitrary and capricious violation, it must order the City to pay a civil fine of \$1,000.00 to the state treasury, and 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 not less than \$2,500.00 or more than \$7,500.00 for each violation.

The notice of denial shall be signed by the FOIA Coordinator or the Coordinator's designee.

If a request does not sufficiently describe a public record, the FOIA Coordinator may seek clarification or amendment of the request by the person making the request. If there is a request to inspect public records, the City shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect City records from loss, alteration, mutilation, or destruction, and to prevent excessive interference with normal City operations.

If there is a request for certified copies, the FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4: Fee Deposits

If the fee for processing a request is expected to exceed \$50.00 based on a good-faith calculation, the requester will be asked to provide a deposit not exceeding one-half of the total estimated fees.

If a requester fails to pay the required good-faith deposit within 48 days of when the City sends the notice, the request is considered abandoned, provided that no formal appeal of the deposit amount has been filed with the City Council. Every deposit notice must include an exact calendar deadline for the deposit and an explicit warning regarding this abandonment consequence.

If a request for public records is from a person who has not paid the City in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request. This requires that 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 within the time frame estimated by the City, ninety days or more have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing, and the individual is unable to show proof of prior payment to the City.

To mandate this 100% deposit, the FOIA Coordinator must calculate a detailed itemization that is the basis for the current written request's increased estimated fee deposit and must deliver that detailed itemization alongside the demand for the deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if 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 the applicable prior written request, or three hundred sixty-five days have passed since the person made the request for which full payment was not remitted to the City.

Section 5: Calculation of Fees

A fee may be charged for the labor cost of copying and duplication.

A fee will not be charged for the labor cost of search, examination, review, and the deletion and separation of exempt from non-exempt 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. Costs for the search, examination, review, and deletion and separation of exempt from non-exempt information are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the costs of the City's usual FOIA requests, not compared to the City's operating budget.

The factors used to determine an unreasonably high cost include the volume of the public record requested, the amount of time spent searching and reviewing, whether records are from multiple departments, available staffing, and similar operational factors.

The City may charge 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. These labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down, as mandated by statute.

The City may also charge labor costs associated with reviewing a record to separate and delete information exempt from disclosure when failure to charge a fee will result in unreasonably high costs. These labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down, as mandated by statute. However, the City cannot charge labor costs for separating exempt information if the City has previously redacted that identical record and the redacted version remains in the City's possession.

The City may charge for 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 City may charge for the cost of copying or duplication, not including labor, of paper copies of public records. 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, will be estimated and charged in one-minute increments, with all partial time increments rounded down.

The actual physical costs to mail or send a public record to a requester, such as postage and packaging materials, will be calculated entirely separately from administrative duplication labor so that staff do not bill for time spent mailing documents.

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 the work. Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.

The City may add a multiplier 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. If a requester demands physical copies of documents that are already publicly available on the City's website, the City is prohibited from adding the fringe benefit multiplier to the associated duplication labor costs.

Overtime wages will not be included in labor costs unless explicitly agreed to in writing by the requester, and this voluntary agreement must be formally documented on the detailed itemization. Overtime costs will not be used to calculate the fringe benefit cost.

Outside contractors can only be utilized for the separation and deletion of exempt information, and only when the City lacks an employee capable of performing the task. Contracted labor costs will be charged at an hourly rate not to exceed six times the state minimum hourly wage and charged

in 15-minute increments, with all partial time increments rounded down. When an outside contractor is utilized to perform redaction services, the name of the contracted person or firm must be clearly and explicitly noted on the detailed itemization.

The cost to provide records on non-paper physical media when requested will be based on 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 format. The City will procure any non-paper media and will not accept media from the requester in order to ensure the integrity of the City's technology infrastructure. Paper copies of public records made on standard letter- or legal-sized paper will be at the actual cost to the City but will not exceed 10 cents per sheet of paper. Copies for non-standard-sized sheets of paper will reflect the actual cost of reproduction. The City will provide records using double-sided printing if there are cost-saving measures available.

The cost to mail records to a requester will be based on the actual cost to mail public records using a reasonably economical and justified means. The City may charge for the least expensive form of postal delivery confirmation. No charge will be assessed for expedited shipping or insurance unless specified by the requester.

If the FOIA Coordinator does not respond to a written request in a timely manner, the City will reduce the allowable labor costs by 5% for each day the City exceeds the time permitted under FOIA up to a 50% maximum reduction. This reduction only applies if the City's late response was willful and intentional, or if the written request conveyed a request for information within the first 250 words of the body of a letter, facsimile, email, or attachment, or if the written request included recognizable abbreviations for the Freedom of Information Act (e.g., FOIA) on the front of an envelope or subject line. The charge reduction will be fully noted in the detailed itemization and calculated strictly against allowable labor components.

Section 6: 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 benefiting the general public. The City Council may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

Section 7: Discounted and Waived Fees

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are indigent and receiving specific public assistance, or if not receiving public assistance, stating facts demonstrating an inability to pay because of indigence. An affidavit includes both formal sworn statements and unsworn declarations signed under penalty of perjury.

An individual is not eligible to receive the waiver if he or she has previously received discounted copies of public records from the City twice during the calendar year, or if the requester requests information in connection with other persons who are offering or providing payment to make the

request. A nonprofit organization advocating for developmentally disabled or mentally ill individuals will receive a complete and total fee waiver if it 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, or the Protection and Advocacy for Individuals with Mental Illness Act. To receive this total waiver, the request must be made directly on behalf of the organization or its clients, must be made for a reason wholly consistent with the mission and provisions of those laws, and must be accompanied by documentation of its designation by the state if requested by the City.

Section 8: Appeal of a Denial of a Public Record

When a requester believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the City Council by filing an appeal of the denial with the City. The appeal must be in writing, specifically state the word "appeal," and identify the reason or reasons the requester is seeking a reversal of the denial. 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 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. Under unusual circumstances, the City Council may issue a notice extending for not more than 10 business days the period during which it shall respond to the written appeal. The City Council shall not issue more than one notice of extension for a particular written appeal.

If the City Council fails to respond to a written appeal, or if the City Council upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in the Oakland County Circuit Court. Whether or not a requester submitted an appeal of a denial to the City Council, he or she may file a civil action in Oakland County Circuit Court within 180 days after the City's final determination to deny the request.

Section 9: Appeal of an Excessive FOIA Processing Fee or Good-Faith Deposit

If a requester believes that the fee or good-faith deposit charged by the City to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the City Council by submitting a written appeal for a fee or deposit reduction to the City. The appeal must be in writing, specifically state the word "appeal," and identify how the required fee or deposit exceeds the amount permitted. 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 respond in writing by waiving the fee or deposit, reducing the fee or deposit and issuing a written determination indicating the specific basis that supports the remaining fee or deposit, upholding the fee or deposit and issuing a written determination indicating the specific basis that supports the required fee or deposit, or issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the City Council will respond to the written appeal. The City Council shall not issue more than one notice of extension for a particular written appeal.

Where the City Council reduces or upholds the fee or deposit, the determination must include a certification from the City Council that the statements in the determination are accurate and that the reduced fee or deposit amount complies with the City's publicly available Procedures and Guidelines and Section 4 of the FOIA.

Within 45 days after receiving notice of the City Council's determination to uphold the fee or deposit in whole or in part, the requesting person may commence a civil action in the Oakland County Circuit Court for a fee or deposit reduction. If a civil action is commenced against the City for an excess fee or deposit, the City is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee or deposit dispute. An action shall not be filed in circuit court unless the City does not provide for appeals of fees and deposits, the City Council failed to respond to a written appeal as required, or the City Council issued a determination upholding the fee in whole or in part.

Section 10: Conflict with Prior FOIA Procedures and Guidelines; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by the City Council or the City Administration, these Procedures and Guidelines are controlling. To the extent that any provision of these Procedures and Guidelines pertaining to the release of public records is found to be in conflict with any statute, the applicable statute shall control. Only the City Council is authorized to modify this policy and all previous policies adopted by the City to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute. These FOIA Procedures and Guidelines become effective August 1, 2026, and incorporate modern legislative amendments.