

MISSAUKEE COUNTY ROAD COMMISSION

FREEDOM OF INFORMATION ACT POLICY

(As Revised 7/1/15)

The policy of the Board of Missaukee County Road Commissioners (MCRC) shall be to provide all persons (except those incarcerated) information regarding the affairs of the MCRC as required by the Freedom of Information Act (FOIA) Public Act 442 of the Public Acts of 1976 MCL 15.231 Et. Seq.

All requests must be made in writing. No specific form is required to submit a request but the request must sufficiently describe the public record so as to enable the Road Commission personnel to identify and find the requested record. Requests may be submitted in person, by mail, by fax or by email. FOIA requests received by facsimile copy, electronic mail or by other electronic means, is deemed received the first business day following its transmission. The request must sufficiently describe the information to be provided. If a request is directed to the Road Commission's junk mail folder or spam filter, the request is not considered to have been received until one (1) business day after the Road Commission actually becomes aware of the request. The timeline for responding would not begin to run until that point.

Coordinator: The FOIA coordinator is the office manager of the Missaukee County Road Commission or his/her designate. The FOIA coordinator shall provide records, has the authority to issue notices extending response times, or deny requests in whole or in part, on behalf of the MCRC as required by the FOIA.

Response: Within five (5) business days the FOIA coordinator, designee or authorized staff will:

- Grant the request
- Grant the request in part and deny part of the request
- Issue a notice indicating that the public record requested is available at no charge on the Road Commission's website
- Deny the request
- Issue a notice extending for not more than ten (10) business days the period during which the Road Commission shall respond to the request, which shall specify the reasons for the extension. Not more than one (1) notice of extension will be made for a particular request.
- In the situation where the expected cost of granting the request is expected to exceed \$50.00, a notice to provide 50% of the cost prior to granting the request will be sent.
- A deposit of 100% will be required for individuals who have not paid for previous FOIA requests

Denial: Notice to deny a request in whole, or part, by the FOIA coordinator shall contain an explanation for the grounds under FOIA or other statute for the determination that the public record or portion of the public record is exempt from disclosure, if that is the reason for denying all or part of the request. A specific request can be properly denied only if it falls within one of the statutory exemptions listed in the FOIA. If an exemption is used to deny a request, the specific statutory citation for the exemption will be listed with a copy of the statutory exemption highlighting the specific exemption attached. All denials will also include a description of the denied record and any records separated or deleted from the material provided, and an explanation of the requestor's right to appeal and/or a certificate verifying that the attached record does not exist under the name given by the requestor or by another name reasonably known to the Road Commission.

Filing of Requests: Copies of all written FOIA requests and response letters will be kept on file at the Road Commission for a period of one (1) year following their issuance.

Fees: In accordance with the FOIA, the Road Commission will charge fees for reproducing requested records; this shall include actual mailing cost, duplication or publication cost including labor and fringe benefits (no more than 50% of labor), the cost of the search, examination review and the cost of separation of exempt from non-exempt information. A good

faith deposit may be required where charges are expected to exceed fifty dollars (\$50). The deposit cannot exceed half of the total expected fee. The first \$20 of the fee shall be waived for each request of an individual who is entitled to information under this Act and who submits an "Affidavit of Indigency" stating they are receiving public assistance or have facts showing inability to pay.

Labor: Wage and benefits (maximum 50% of labor) of lowest paid employee capable of searching for, locating, and examining public records, charged in 15 minute increments, with all partial time increments rounded down. No overtime will be charged.

Reproduction: \$.10/sheet (8.5x11 and 8.5x14), 2 sided where applicable. Actual costs for other paper sizes.

Non-paper Physical Media: Actual and most reasonable costs of disks, flash drives, other electronic media (as long as the Road Commission possesses the necessary technology to provide them in the media requested)

Mailing: Actual costs using the least expensive method unless requested otherwise

Other: Actual charge for maps, plans, etc.

There will be no charge or a reduced charge if the search, inspection and copying is determined to primarily benefit the general public as determined by the MCRC.

Fees must be paid in full to the MCRC prior to delivery of the copied documents.

If documents are posted on the website, the Road Commission may include a website link instead of actual copies in the written response.

Inspection of Records: A requesting person who is granted a right to inspect a requested public record or records shall be furnished a reasonable opportunity for inspection and examination of such records together with reasonable facilities for making memoranda or abstracts from the same during usual business hours. Such inspections or examinations shall be conducted by the requesting person in the presence of a representative of the Road Commission and under such conditions as the Road Commission representative might require in order to protect its public records and to prevent excessive or unreasonable interference with the discharge of public functions.

Appeals to Board of Road Commissioners: If a person who was denied in whole or in part a FOIA request appeals that determination to the Road Commissioners in a timely manner, the Board of Road Commissioners shall consider such appeal at its first regularly scheduled meeting following the submission of the written appeal. At such meeting, or within ten (10) days of such meeting, the Board of Road Commissioners shall do one (1) of the following:

- Reverse the disclosure denial
- Issue a written notice to the requesting person upholding the disclosure denial
- Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part
- Under unusual circumstances, issue a notice extending for not more than ten (10) business days the period during which the Board of Road Commissioners shall respond to the written appeal. The Board of Road Commissioners shall not issue more than one (1) notice of extension for a particular written appeal.

If the Board of Road Commissioners in whole or in part upholds the disclosure denial, the person may seek judicial review as provided under FOIA.

MISSAUKEE COUNTY ROAD COMMISSION

NOTICE OF FREEDOM OF INFORMATION ACT RESPONSE

Date Request Received: _____ Request Received Via: ☐ U.S. Mail ☐ Fax ☐ Email ☐ In Person

Name & Address of Requestor: _____

Public Record(s) Requested: _____

Request is ☐ Granted ☐ Denied (Explanation Attached) ☐ Granted in part and denied in part (Explanation attached)

☐ Available on the MCRC website at: www.mcrc-roads.com

☐ Response period extended up to an additional 10 business days

Explanation: _____

Fees incurred in responding to request:

_____ hrs at \$ _____ \$ _____

Fringe benefits \$ _____

_____ copies at \$.10 per page \$ _____

Postage (actual cost) \$ _____

Other: _____ \$ _____

Total Costs \$ _____

☐ First \$20 of fee waived (Affidavit of public assistance or indigence submitted & accepted)

☐ A deposit of \$ _____ must be received by the MCRC prior to the Road Commission's response. Please remit to:
Missaukee County Road Commission
P.O. Box A
Lake City, MI 49651

Deposit received on: _____

Balance received on: _____

Representative, Missaukee County Road Comm.

Printed Name

AFFIDAVIT OF INDIGENCY FOR COPIES OF PUBLIC RECORDS
UNDER THE FREEDOM OF INFORMATION ACT, P.A. 553 OF 1997 AS AMENDED

State of Michigan)
) ss
County of Missaukee)

The undersigned requests a copy of the following record(s) from the Missaukee County Road Commission of Missaukee County, Michigan:

Describe Record(s) Desired:

Pursuant to Section 4(1) of the Freedom of Information Act, the undersigned being first duly sworn deposes and says: (Fill out either A or B)

☐ A. On this date I am receiving public assistance as referred to in the Freedom of Information Act

☐ B. I am not receiving public assistance as referred to in the Freedom of Information Act, but I am unable to pay the cost of the copies of records which I have requested and in support of my assertion I show and swear the following facts are true:

1. That I have no funds with which to pay for the copies except \$_____
2. That I own no property, real or personal, which could be sold to raise funds with which to pay for the copies except _____
3. That I do (), do not (), have a spouse who is dependent upon me for support
4. That I do (), do not (), have minor children dependent upon me for support (No. of children _____)
5. That I owe child support payments in the amount of \$_____ per week to the Friend of the Court and an arrearage of \$_____
6. All of my assets do (), do not () exceed my liabilities. If liabilities exceed assets, they do so by \$_____

Date: _____ Signed: _____

Subscribed and sworn to before me this ____ day of _____, _____
Notary Public _____ County, Michigan

My Commission Expires: _____