

**CENTERVILLE TOWNSHIP
(LEELANAU COUNTY)
CEDAR, MICHIGAN 49621**

SUPERVISOR

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CLERK

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RESOLUTION 2010-04 dated June 9, 2010,

amended as RESOLUTION 2016-07 dated March 9, 2016

further amended as RESOLUTION 2019-07 dated June 12, 2019

Freedom of Information Act Policy

Freedom of Information Act Policy

The Michigan Freedom of Information Act (FOIA) provides that most Township records are public information, and that each Township shall have a written Freedom of Information Act policy. The following policy is to comply with the Michigan Freedom of Information Act.

1. FOIA requests shall be in writing and preferably on the form adopted by this Policy and attached.
 - a. FOIA requests must contain the requestor's:
 1. Complete name
 2. Address written in compliance with the United States Postal Service standards
 3. Telephone number or E-mail address
 - b. Requestors who are not individuals must provide the above information for the company's agent who is an individual.
 - c. A request that does not contain this information may be denied as invalid
2. Time: Upon receipt of a FOIA request, the request shall be date stamped and times calculated for response.
3. The individual receiving the written request, after recording the date received on the request, shall promptly make an initial determination concerning the request.
 - a. All requests for the following shall be referred to the FOIA Coordinator (Clerk) within one business day of receipt:
 1. If the information is believed to be available on the Township's web site, where practicable and to the best ability of the coordinator should notify the requestor immediately.

Amended – June 12, 2019

- b. For requests where there is any question as to whether the requested record or material is available or should be released the coordinator should notify the requestor that the request is under review. Requests that may require review include but are not limited to the following:
 1. Personnel records.
 2. Request for any policy or procedure.
 3. Request from an attorney that may be pre-litigation.
 4. Requests that may need to be denied.
 - c. All other requests shall be responded to by the individual departments within five business days of receipt of the request (six business days if the request is received by fax). Copies of all requests and their disposition shall be furnished to the Township Clerk.
4. All personal and private information shall be redacted from the materials being furnished prior to their release. The redacted information includes, but is not limited to: driver's license number, street address, date of birth, social security number, and telephone number. This information shall be redacted to protect the individual's right to privacy, as such information may be required for some Township processes, but is furnished with the expectation that only the Township shall have the right to access and use it. Under some circumstances the FOIA Coordinator (Clerk) may determine that some of this redacted information can be furnished, but only upon written request, or by order of a court of competent jurisdiction.
 5. Requests submitted shall be date stamped upon receipt. The department head shall review the request, and issue a written notice to the requesting party within the time proscribed, doing one of the following:
 - a. Granting the request;
 - b. Denying the request;
 - c. Granting the request in part and denying the request in part;
 - d. Extending for not more than ten business days the period during which the public body shall respond to the request. Only one notice of extension for a particular request may be issued.
 6. The Township Clerk shall keep written requests on file for one year.
 7. Failure to respond to the request constitutes denial.
 8. Response to FOIA requests shall contain the statutory language as set forth in the notice attached.
 9. Inspection. The Township shall furnish the requesting person with a reasonable opportunity for inspection and examination of Township public records and furnish reasonable facilities for making memoranda or abstracts from public records available during usual business hours.
 10. Any person examining public records shall bring to the examination only an erasable pencil with which to make notes or lists, etc. No pens or indelible writing instruments are allowed. No notes or writing of any kind shall be made on the documents themselves. In the event the inspection is of original Township records, the Township shall provide a monitor to ensure protection of the public records. In order to defray the cost to the Township of having the records review monitored by Township personnel, a fee shall be paid to the Township for personnel time as provided in 11 (b) of this Policy.
 11. Charge for Records. Except as otherwise provided by statute or ordinance, the Township shall charge

and receive a fee for public records search, for inspection of public Township records, and for providing a copy of public records according to the following schedule.

- a. Copies of documents at the rate of ten cents (\$.10) per page for 8 1/2 x 11 inch paper; copies of photographs and other documents at actual charges for copying.
 - b. Personnel time, including search, examination, review and the deletion and separation of exempt from non-exempt information, shall be for the actual time spent calculated on the hourly wage of the lowest paid Township employee in the department where the records are kept who is capable of retrieving the information necessary to comply with the request under this Act.
12. The Township Treasurer shall have the administrative authority to require that 50% all charges associated with the processing of a FOIA request be paid in full before releasing any public records if the charge is estimated to be over \$50.00.
- a. If a deposit of 50% of the estimated costs is not received by the Township within 48 days after notice that a deposit is required is sent by the Township, and if the requestor has not filed an appeal of the deposit amount, then the Township will consider the request abandoned and the Township is no longer required to fulfill the request.
 - b. If a FOIA request has been considered abandoned by the Township, a new FOIA request will be required to obtain the requested records.
13. Fees may be reduced or waived by the Township Clerk if the waiver or reduction is in the public interest because the request will primarily benefit the general public.
14. Fees may be waived up to the first \$20 for each individual entitled, if the individual is on public assistance. Fees may be waived upon a showing of other factors showing inability to pay. All such requests shall be in writing and shall be sworn to by the person requesting the waiver.
15. Decisions made by the Township Clerk under this Policy may be appealed to the Township Supervisor. Decisions of the Township Supervisor may be appealed to Township Board. Decisions of Township Board may be appealed to any court of competent jurisdiction.

Issued as the official policy of the Township of Centerville the 9th day of June 2010, subsequently amended on the 9th day of March 2016, and now amended on June 12, 2019.

Motion by Schwantes to adopt Resolution 2019- 07 to amend the Centerville Township Freedom of Information Act Policy and Fee Schedule.

Seconded by: Pleva

Vote: Schwantes Yes Wurm Yes Pleva Yes Hubbell Yes Schaub Yes

This policy is available on the Township web site.

Motion by Schwantes to adopt Resolution 2010-04 to establish a new Freedom of Information Act Policy and Fee schedule. Seconded by Pleva. Motion carried 4-0. Peplinski absent.

Amendment to FOIA Policy:

Motion by Pleva to adopt Resolution 2016-07 to amend the Freedom of Information Act Policy and Fee Schedule. Seconded by Peplinski. Motion carried, 4-0, Wurm absent.

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CEDAR, MICHIGAN 49621

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CENTERVILLE TOWNSHIP
FOIA INVOICE

For processing FOIA Request dated:

Copy fee: _____ pages @ \$.10 per page\$ _____
 Incremental cost of search @ \$15.00 per hour.....\$ _____
 Overtime labor costs (if authorized)\$ _____
 Postage\$ _____
 TOTAL AMOUNT DUE* \$ _____

50% of all charges associated with processing a FOIA request must be paid in full before releasing any public records if the charge is estimated to be over \$50.00. If a deposit of 50% of the estimated costs is not received by the Township within 48 days after the notice that a deposit is required is sent by the Township, and if the requestor has not filed and appeal of the deposit amount, then the Township will consider the request abandoned and the Township is no longer required to fulfill the request.

Please make checks payable to Centerville Township and mail to:
 Centerville Township Clerk, 7076 S. Lake Shore Dr., Cedar, MI 49621.

*If an individual submits an affidavit stating that he or she is receiving public assistance or is able to state facts showing inability to pay fees because of indigence, a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request.

Per Township Resolution amended 2016-07, dated March 9, 2016

Per Township Resolution amended 2019-07, dated June 12, 2019