

FOIA Request for Public Records

[illegible]

Consent to Non-Statutory Extension of Village's Response Time

I have requested a copy of records or a subscription to records or the opportunity to inspect records, pursuant to the Michigan Freedom of Information Act, Public Records Act 442 of 1976, MCL 15.231, et seq. I understand that the Village must respond to this request within five (5) business days after receiving it, and that response may include taking a 10-business day extension.

Requestors Signature_____ **Date**_____

Michigan's FOIA fees are based on labor costs for search, review, and duplication, plus the actual cost of materials like paper or media

. The hourly wage is based on the lowest-paid employee capable of the task, with a fringe benefit multiplier of up to 50%. There are specific fees for standard paper copies, which cannot exceed 0.10 per page for 8.5x11 or 8.5x14 paper. A deposit of up to half the estimated fee may be required for requests over 50 , and indigent individuals can get the first 20 of the fee waived by submitting an Affidavit of Indigence.

AFFIDAVIT OF INDIGENCY

- I. General Information The Village of Rothbury charges fees for processing public records requests consistent with the Michigan Freedom of Information Act (FOIA), 1976 PA 442, MCL 15.231 et seq. MCL 15.234 provides for a waiver of the first \$20.00 of the fee if the requester submits an affidavit stating he or she is indigent and receiving public assistance, or if not receiving public assistance, stating facts showing an inability to pay the cost due to indigence. A requester is not eligible for this waiver if (1) the individual has previously received discounted copies of public records under MCL 15.234 from The Village of Rothbury twice during the same calendar year or (2) the individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request.

Return To: Village of Rothbury

Email: clerk@villageofrothbury.com

FAX: 231-893-4454

Mail:

Village of Rothbury

7804 S Michigan Ave

Rothbury, MI 49452

II. Requestor's Information

Name of Requestor _____

Are you receiving public assistance? Yes No

If you are not receiving public assistance and are still unable to pay the fee related to request, please explain why.

Are you making this request for records in conjunction with any outside parties who are offering or providing you payment or other remuneration to make the request? Yes No

I swear or affirm, under penalty of perjury, that the information contained in this affidavit is true and correct to the best of my information, knowledge, and belief.

Requestor's Signature _____ **Date** _____

III. Notary Use Only

Signed and sworn before me in: _____ County

State of Michigan

Date _____

Notary's Signature _____

Notary's Stamp

Freedom of Information Act Detailed Itemization of Fees

Requestor's name and address:	
Fee calculation	Amount
1. Labor costs* to search, locate, and examine: ____ Hours x \$ _____ (hourly wage) x ____% (multiplier for fringe benefits, not to exceed 50% or actual cost of fringe benefits)	\$
2. Labor costs* for review and separation of exempt from non-exempt material: ____ Hours x \$ _____ (hourly wage) x ____% (multiplier for fringe benefits, not to exceed 50% or actual cost of fringe benefits)	\$
3. Nonpaper physical media: Describe (e.g. CD's, DVD's, flash drive, etc) and list actual costs.	\$
4. Duplication and publication: Describe (copying, scanning, etc) \$ _____ (cost per page) x _____ number of pages	\$
5. Labor costs* to duplicate or publish: ____ Hours x \$ _____ (hourly wage) x ____% (multiplier for fringe benefits, not to exceed 50% or actual cost of fringe benefits)	\$
6. Mailing: Describe and list actual costs.	\$
Less waiver for indigent persons (\$20.00)**	
Less reduction for untimely response: \$ _____ subtotal x 5% reduction per day x _____ days	\$
Make check payable to State of Michigan and mail to:	Total fee: \$
If the total fee is more than \$50.00, you will be asked to pay a deposit of one-half of the amount of the total fee. The total fee and deposit are estimates, and your final costs may vary from these amounts.	Deposit: \$
Part or all of the documents requested are available online at:	
If you prefer to have copies of these documents sent to you, please forward payment to the Department for processing.	\$
Balance to be paid:	\$

*Labor costs will be calculated using the lowest paid Department employee capable of each task. If more than one hourly rate is used, they will be listed on other copies of this form.

**You must submit an affidavit of indigency to qualify for this fee waiver.

FREEDOM OF INFORMATION ACT

(EXCERPT) Act 442 of 1976 15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages. Sec. 10. (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option: (a) Submit to 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. (b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request. (2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following: (a) Reverse the disclosure denial. (b) Issue a written notice to the requesting person upholding the disclosure denial. (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part. (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal. (3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body 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 under subsection (1)(b). (4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court. (5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest

practicable date and expedited in every way. (6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7). (7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function. History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015