

# Harbor Transit Multi-Modal Transportation System

Keep original and provide copy, along with Procedures and Guidelines and Public Summary to requestor at no charge, if not on web site.  
Finance & Compliance Director

**Request Form**  
*Note: Requestors are not required to use this form. Harbor Transit may complete one for recordkeeping if not used.*

## FOIA Request for Public Records

**Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.**

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method

Date delivered to junk/spam folder: \_\_\_\_\_

(Please Print or Type)

Date discovered in junk/spam folder: \_\_\_\_\_

|                    |        |      |
|--------------------|--------|------|
| Name:              | Phone: |      |
| Firm/Organization: | Fax:   |      |
| Street:            | Email: |      |
| City:              | State: | Zip: |

**Request for:**  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis

**Delivery Method:**  Will pick up  Mail to address above  Email to address above

Deliver on digital media provided by Harbor Transit: \_\_\_\_\_

**Describe the public record(s) as specifically as possible.** You may use this form or attach additional sheets.

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### Consent to Non-Statutory Extension of Harbor Transit'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 Act 442 of 1976, MCL 15.231, et seq. I understand that Harbor Transit must respond to this request within five (5) business days after receiving it, and that response may include taking a 10-business day extension. However, I hereby agree and stipulate to extend Harbor Transit's response time for this request until: (month, day, and year) \_\_\_\_\_.

|                                     |                    |
|-------------------------------------|--------------------|
| <b>Requestor's Signature:</b> _____ | <b>Date:</b> _____ |
|-------------------------------------|--------------------|

### Records Located on Website *(Complete both sides)*

If Harbor Transit directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (separate exempt information from non-exempt information).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, Harbor Transit must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, Harbor Transit must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If Harbor Transit has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, Harbor Transit must provide the public records in the specified format (if Harbor Transit has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

**Request for Copies/Duplication of Records on Harbor Transit's Website**

I hereby stipulate that, even if some or all of the records are located on Harbor Transit's website, I am requesting that Harbor Transit make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

|                               |              |
|-------------------------------|--------------|
| <b>Requestor's Signature:</b> | <b>Date:</b> |
|-------------------------------|--------------|

**Overtime Labor Costs**

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

**Consent to Overtime Labor Costs**

I hereby agree and stipulate to Harbor Transit using overtime wages in calculating the following labor costs as itemized in the following categories:

1.  Labor to copy/duplicate    2.  Labor to locate    3a.  Labor to redact    3b.  Contract labor to redact  
 6b.  Labor to copy/duplicate records already on Harbor Transit's website

|                               |              |
|-------------------------------|--------------|
| <b>Requestor's Signature:</b> | <b>Date:</b> |
|-------------------------------|--------------|

**Request for Discount: Indigence**

A public record search **must** be made and a copy of a public record must be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**  
 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,
- (ii) 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. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

**Office Use:**  Affidavit Received     Eligible for Discount     Ineligible for Discount

|  |              |
|--|--------------|
| I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request: | <b>Date:</b> |
| <b>Requestor's Signature:</b>  |              |

**Request for Discount: Nonprofit Organization**

A public record search **must** be made and a copy of a public record **must be furnished without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by Harbor Transit.

**Office Use:**  Documentation of State Designation Received     Eligible for Discount     Ineligible for Discount

|   |              |
|---|--------------|
| I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931: | <b>Date:</b> |
| <b>Requestor's Signature:</b>   |              |

Keep original and provide copy, along with Procedures and Guidelines and Public Summary to requestor at no charge, if not on web site.  
Finance/Compliance Director

Notice to Extend Response Time for FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: \_\_\_\_\_ Date Received: \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method

Date delivered to junk/spam folder: \_\_\_\_\_

(Please Print or Type)

Date discovered in junk/spam folder: \_\_\_\_\_

|                    |             |
|--------------------|-------------|
| Name:              | Phone:      |
| Firm/Organization: | Fax:        |
| Street:            | Email:      |
| City:              | State: Zip: |

Request for:  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis

Delivery Method:  Will pick up  Mail to address above  Email to address above

Deliver on digital media provided by Harbor Transit: \_\_\_\_\_

Record(s) You Requested: (Listed here or see attached copy of original request) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We are extending the date to respond to your FOIA request for no more than 10 business days, until \_\_\_\_\_ (month, day, year). Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact the FOIA Coordinator at (616) 847-3477 ext. 106.

Estimated Time Frame to Provide Records: \_\_\_\_\_ (days or date)

The time frame estimate is nonbinding upon Harbor Transit, but Harbor Transit is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

Reason for Extension:

1. If Harbor Transit needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, Harbor Transit must:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If Harbor Transit needs to collect, the requested public records from numerous field offices, facilities, or other establishments that are located apart from the Harbor Transit office. Specifically, Harbor Transit must coordinate documents from the following locations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Other (describe): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**[This page left blank on purpose.]**

Keep original and provide copy, along with Procedures and Guidelines and Public Summary to requestor at no charge, if not on web site.

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: \_\_\_\_\_ Date Received: \_\_\_\_\_ Check if received via: [ ] Email [ ] Fax [ ] Other Electronic Method

Date delivered to junk/spam folder: \_\_\_\_\_

(Please Print or Type)

Date discovered in junk/spam folder: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_
Firm/Organization: \_\_\_\_\_ Fax: \_\_\_\_\_
Street: \_\_\_\_\_ Email: \_\_\_\_\_
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Request for: [ ] Copy [ ] Certified copy [ ] Record inspection [ ] Subscription to record issued on regular basis

Delivery Method: [ ] Will pick up [ ] Mail to address above [ ] Email to address above

[ ] Deliver on digital media provided by Harbor Transit: \_\_\_\_\_

Record(s) You Requested: (Listed here or see attached copy of original request)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] All OR [ ] Part of your request for records has been denied. Refer to this form for an explanation. If you have any questions regarding this denial, contact the FOIA Coordinator at 616-842-3220 ext. 6.

Reason for Denial:

[ ] 1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection \_\_\_\_\_ (insert number) because:

\_\_\_\_\_  
\_\_\_\_\_

[ ] 2. Record Does Not Exist: This item does not exist under the name provided in your request or by another name reasonably known to Harbor Transit. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record:

\_\_\_\_\_  
\_\_\_\_\_

[ ] 3. Redaction: A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection \_\_\_\_\_ (insert number), because:

\_\_\_\_\_  
\_\_\_\_\_

A brief description of the information that had to be separated or deleted:

\_\_\_\_\_  
\_\_\_\_\_

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to Harbor Transit's Director or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that Harbor Transit has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator:

Date:

**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

Keep original and provide copy, along with Procedures and Guidelines and Public Summary to requestor at no charge, if not on web site.

### FOIA Appeal Form—To Appeal a Denial of Records

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: \_\_\_\_\_ Date Received: \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method

Date delivered to junk/spam folder: \_\_\_\_\_

(Please Print or Type)

Date discovered in junk/spam folder: \_\_\_\_\_

|                    |             |
|--------------------|-------------|
| Name:              | Phone:      |
| Firm/Organization: | Fax:        |
| Street:            | Email:      |
| City:              | State: Zip: |

Request for:  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis

Delivery Method:  Will pick up  Mail to address above  Email to address above

Deliver on digital media provided by Harbor Transit: \_\_\_\_\_

Record(s) You Requested: (Listed here or see attached copy of original request)

\_\_\_\_\_  
\_\_\_\_\_

#### Reason(s) for Appeal:

The appeal must identify the reason(s) for the denial. You may use this form or attach additional sheets:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requestor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

#### Harbor Transit Response:

Harbor Transit must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

Harbor Transit Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until

(month, day, and year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension:

If you have any questions regarding this extension, contact the FOIA Coordinator Dana Appel at (616) 842-3220 ext. 106.

#### Harbor Transit Determination:

Denial Reversed  Denial Upheld  Denial Reversed in Part and Upheld in Part

The following previously denied records will be released:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that Harbor Transit has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator:

Date:

## 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.



Keep original and provide copy, along with Procedures and Guidelines and Public Summary to requestor at no charge, if not on web

FOIA Appeal Form—To Appeal an Excess Fee

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: \_\_\_\_\_ Date Received: \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method

Date delivered to junk/spam folder: \_\_\_\_\_

(Please Print or Type)

Date discovered in junk/spam folder: \_\_\_\_\_

Form with fields: Name, Phone, Firm/Organization, Fax, Street, Email, City, State, Zip

Request for:  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis

Delivery Method:  Will pick up  Mail to address above  Email to address above

Deliver on digital media provided by Harbor Transit: \_\_\_\_\_

Record(s) You Requested: (Listed here or see attached copy of original request)

\_\_\_\_\_

Reason(s) for Appeal:

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requestor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Harbor Transit Response:

Harbor Transit must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

Harbor Transit Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until \_\_\_\_\_ (month, day, and year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: \_\_\_\_\_

If you have any questions regarding this extension, contact the FOIA Coordinator at (616) 842-3220 ext. 106.

Harbor Transit Determination:  Fee Waived  Fee Reduced  Fee Upheld

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Written basis for Harbor Transit determination:

Notice of Requestor's Right to Seek Judicial Review

If you believe the fee exceeds the amount permitted under Harbor Transit Procedures and Guidelines or FOIA statute, you are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the Harbor Transit Director. If a civil action is commenced in court, Harbor Transit is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that Harbor Transit required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator:

Date:

**FREEDOM OF INFORMATION ACT (EXCERPT)**  
**Act 442 of 1976**

**15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.**

**Sec. 10a.**

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. 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).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. 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. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. 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 the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, 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 charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any 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.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

**History:** Add. 2014, Act 563, Eff. July 1, 2015

Keep original and provide copy, along with Procedures and Guidelines and Public Summary to requestor at no charge, if not on web site.

## Harbor Transit Multi-Modal Transportation System

Itemization Form

### FOIA Fee Itemization Form (Eff. 7-1-2015)

#### Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

| Component   | Cost Calculations  | Total |
|---|--|-------|
| <b>1. Labor Costs- Search, Location and Examination of Records*</b> | Enter the hourly wage of lowest paid employee capable of performing the search, location and Examination<br>$\$ \underline{\hspace{1cm}}$ per hour<br><br>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)<br>$\underline{\hspace{1cm}}\%$<br><br>Multiply the hourly wage times the fringe benefit multiplier<br>$\$ \underline{\hspace{1cm}} \times 1.\underline{\hspace{1cm}} = \$ \underline{\hspace{1cm}}$<br><br>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment<br>$\$ \underline{\hspace{1cm}} / 4 = \$ \underline{\hspace{1cm}}$  |       |
|   | Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate<br>$\underline{\hspace{1cm}} \times \$ \underline{\hspace{1cm}} = \$ \underline{\hspace{1cm}}$  |       |
| <b>2. Employee Labor Costs-Redaction*</b>                           | If performed by the public body's employee:<br><br>Enter the hourly wage of lowest paid employee capable of performing the reaction<br>$\$ \underline{\hspace{1cm}}$ per hour<br><br>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)<br>$\underline{\hspace{1cm}}\%$<br><br>Multiply the hourly wage times the fringe benefit multiplier<br>$\$ \underline{\hspace{1cm}} \times 1.\underline{\hspace{1cm}} = \$ \underline{\hspace{1cm}}$<br><br>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)<br>$\$ \underline{\hspace{1cm}} + \underline{\hspace{1cm}} = \$ \underline{\hspace{1cm}}$<br><br>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment<br>$\$ \underline{\hspace{1cm}} / 4 = \$ \underline{\hspace{1cm}}$ |       |
|   | Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate<br>$\underline{\hspace{1cm}} \times \$ \underline{\hspace{1cm}} = \$ \underline{\hspace{1cm}}$  |       |
| <b>2. Contracted Labor Costs- Redaction*</b>                        | If performed by Contracted Labor (Only permitted if the public body does not employ a person capable of redacting the records as determined by the FOIA Coordinator):<br><br>Name of person or firm contracted:<br>_____<br><br>Enter the hourly rate charged by the contractor (may not exceed six (6) times the State minimum wage (i.e. \$8.15 x 6=\$48.90)<br>$\$ \underline{\hspace{1cm}}$ per hour   |       |
|   |  |       |

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|---|---|----------|
|   | <p>Divide the hourly rate by four (4) to determine the charge per fifteen (15) minute increment<br/> <math>\\$ \underline{\quad} / 4 = \\$ \underline{\quad}</math></p>   |          |
|   | <p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate<br/> <math>\underline{\quad} \times \\$ \underline{\quad} = \\$ \underline{\quad}</math></p>  | \$ _____ |
| <b>3. Non-Paper Physical Media</b>  | <p>Actual and most reasonably economical cost of:</p> <p>Flash Drives \$ _____ x number used _____ = \$ _____</p> <p>Computer Discs \$ _____ x number used _____ = \$ _____</p> <p>Other Media \$ _____ x number used _____ = \$ _____</p>  | \$ _____ |
| <b>4. Paper Copies</b>  | <p>Actual total incremental cost of duplication (not including labor) up to a <u>maximum of 10 cents per page</u>:</p> <p>Letter paper (8 1/2" x 11")<br/> number of sheets _____ x \$0. _____ = \$ _____</p> <p>Legal paper (8 1/2" x 14")<br/> number of sheets _____ x \$0. _____ = \$ _____</p> <p>Actual cost of other types of paper:</p> <p>Type of Paper: _____<br/> number of sheets _____ x \$ _____ = \$ _____</p> <p>Type of Paper: _____<br/> number of sheets _____ x \$ _____ = \$ _____</p> <p><b>(NOTE: Must print double-sided if available and costs less)</b></p>   | \$ _____ |
| <b>5. Labor Cost- Duplication Copying, and transferring records to non-paper physical media</b> | <p>Enter the hourly wage of lowest paid employee capable of performing the duplication, copying, or transferring digital records to non-paper physical media<br/> \$ _____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)<br/> _____ %</p> <p>Multiply the hourly wage times the fringe benefit multiplier<br/> \$ _____ x 1. _____ = \$ _____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)<br/> \$ _____ + _____ = \$ _____</p> <p>Divide the resulting hourly wage by _____ to determine the charge per _____ (.) minute increment<br/> <math>\\$ \underline{\quad} / 4 = \\$ \underline{\quad}</math></p> <p><b>(NOTE: May use any time increment for this category)</b></p> |          |
|   | <p>Number of minute increments (partial time increments must be rounded down) multiplied by the permitted rate<br/> <math>\underline{\quad} \times \\$ \underline{\quad} = \\$ \underline{\quad}</math></p>   | \$ _____ |

|                               |  |           |
|-------------------------------|--|-----------|
| <b>6. Mailing</b>             | Actual cost of mailing records in a reasonable and economical manner:<br><br><div style="text-align: center;">           Cost of mailing: \$ _____<br/>           Cost of least expensive form of postal delivery confirmation:<br/>                                   \$ _____<br/><br/>           Cost of expedited shipping or insurance only if specifically stipulated by the requestor:<br/>                                   \$ _____         </div>               | \$ _____  |
|                               | <b>Subtotal</b>  | \$ _____  |
| <b>Waivers and Reductions</b> | Subtract any Fee Waiver or Reduction:<br>\$20.00 for indigence or nonprofit organization as further described in the Public Body's Procedures and Guidelines.<br><br>Any amount determined by the Public Body due to the search and furnishing of the Public Record determined to be in the public interest. \$ _____<br><br>The reduction amount due to the late response of the Public Body. 5% of fee x ____ days late = _____% reduction<br>(maximum reduction is 50%) | -\$ _____ |
| <b>Deposit</b>                | Subtract any good-faith deposit received: \$ _____   | -\$ _____ |
|                               | <b>Total Due</b>   | \$ _____  |

\*Note: Labor costs for search, location, examination and redaction (categories 1 and 2 on the itemization form) may not be charged unless the failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs.

The Court of Appeals has interpreted this provision to require that the determination be made relative to the usual or typical costs incurred by the public body in responding to FOIA requests. The key factor in determining whether the costs are “unreasonably high” is the extent to which the particular request differs from the usual request. *Bloch v Davison Cmty Schools*, (Mich.App. Apr. 26, 2011), 2011 WL 1564645.