



City of Brighton

Freedom of Information Act: Procedures and Guidelines Effective Date:

A. Appointment of FOIA Coordinator

In accordance with Section 6 of the Freedom of Information Act (FOIA), MCL 15.236, the City of Brighton has appointed the City Clerk as the FOIA coordinator.

B. Submission of FOIA Request

FOIA Requests to the City of Brighton can be submitted by online email or mail to:

Email: brownt@brightoncity.org

Mail: City of Brighton

Attn: FOIA Coordinator

200 N. First Street

Brighton, MI 48116

Requests can also be faxed to 810-227-6420.

Requests must include the requesting person's complete name, address, and contact information. If the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual.

C. Immediately Forward FOIA Request

Any employee who receives a written request for a public record must immediately forward that request to the FOIA coordinator at brownt@brightoncity.org. If a City employee receives an electronic written request for a public record that is delivered to a spam or junk-mail folder, the employee must record the date and time the written request was delivered to the spam or junk-mail folder, and date and time the employee first became aware of the written request. The employee must forward those dates and times to the FOIA coordinator with the written request.

D. Request Response Time

The FOIA coordinator may extend the time for responding by an additional ten business days by notifying the requesting person in writing of the reason for the extension and the new due date (MCL 15.235(2)(d) and (6)). Due to the short statutory time period within which the City must issue a written notice in response to the FOIA request, it is imperative that there be no delay in complying with the procedures and guidelines.

E. Response to a FOIA Request

Only the FOIA coordinator will respond to FOIA requests. The FOIA coordinator will provide copies of these procedures and guidelines, and a summary of these procedures and guidelines with each written response or provide a link to an online version of these documents. If a request is denied, in full or in part, the FOIA coordinator will provide the requester an explanation of the basis of the denial under the FOIA and give notice to the requester of his or her remedial rights (MCL 15.235(4)).

F. Notification of FOIA Request

Upon receipt of a FOIA request, the coordinator will contact the department(s) that might possess records responsive to the FOIA request by email or fax. The contact will include a date the documents are due to the coordinator.

G. Department Response to FOIA Coordinator

The department's response is due to the FOIA Coordinator as soon as possible, but not later than the date provided. If no documents responsive to the request exist, the department must notify the FOIA coordinator that no records will be sent.

H. Assessment of Fees for a FOIA Request

The FOIA permits the coordinator to charge a fee for the search, retrieval, examination, review, and separation and deletion of exempt from non-exempt material, but only if the failure to charge a fee would result in unreasonably high costs to the department because of the nature of the request in the particular instance, and the coordinator identifies these unreasonably high costs (MCL 15.243(1) and (3)).

The following fee guidelines for calculating labor and material costs incurred in processing FOIA requests are established pursuant to MCL 15.234(3):

1. Fees will be the responsibility of the requesting person.
2. Fees will be itemized using the attached detailed itemization will include:
 - A. Labor costs for the search, location, and examination of public records which will be calculated using the hourly wage of the City's lowest paid employee capable of conducting the search, location, and examination, whether or not they are available or perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on the City's payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
 - B. Labor costs for the review of public records and separation and deletion of exempt from nonexempt material which will be calculated using the hourly wage of the City's lowest paid employee capable of conducting the review and separation and deletion of exempt from nonexempt material, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on the City's payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
 - C. Non-paper physical media costs will be calculated using the actual and most reasonably economical cost of computer discs, computer tapes, and other digital and similar media provided by the City.
 - D. Duplication or publication of copies will be calculated using the actual total incremental of necessary duplication or publication of public records including an actual incremental calculated sheet. The cost of paper copies shall not exceed 10 cents per sheet of public records made on 8 ½ x 11-inch or 8 ½ x 14-inch paper. All efforts will be made to utilize the most economical means available for making copies, including the of double-sided printing, if cost-saving.

- E. Labor costs for the duplication or publication of public records, including making paper copies, making digital copies, or transferring digital public records to be produced on non-paper physical media or through electronic means, will be calculated using the hourly wage of the City's lowest paid employee capable of duplicating or publishing the public records, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of one minute with all partial increments rounded down. The hourly wage will be based on the City's payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
 - F. Actual of mailing using an economical justifiable
3. No employee shall stipulate to work overtime or include overtime wages in the labor costs described in these procedures and guidelines.
 4. If a requester submits an affidavit of indigence, the first \$20.00 of a fee will be waived. A requesting person must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration. Other than \$20.00 for cases of indigence, no employee shall waive a fee or any part of a fee without authorization from the FOIA coordinator.
 5. Labor costs for monitoring an inspection of original records will be calculated using the hourly wage of the City's lowest paid employee capable of monitoring the inspection. The hourly wage will be based on the City's payroll records for the applicable fiscal year. Note: Section 3(3) of the FOIA, MCL 15.233(3), provides, in pertinent part, that "[a] public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction."
 6. If a statute authorizes the sale or production of public records to the public for a specified fee or if a fee for production of public records is otherwise set by statute, the FOIA coordinator will charge the statutory fee in lieu of a fee calculated using the guidelines set forth above.

I. Deposit Requirements

If the FOIA coordinator estimates a fee to process a FOIA request greater than \$50.00, a good-faith deposit from the requestor before processing the request will be required. The deposit shall not exceed half of the total estimated fee. Any written notice containing a request for a deposit shall also contain a best effort estimate by the FOIA coordinator regarding the time frame, after a deposit is received, that it will take the FOIA coordinator to provide the public records to the requestor. The time frame estimate is not binding, but the FOIA coordinator shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this City's public policy under Section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

J. Appeals of Fees and Disclosure Determinations

If the FOIA coordinator charges a fee or denies all or part of a request, the requestor may submit to the head of the City of Brighton a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced, or the disclosure determination should be reversed.

K. City Clerk

The City Clerk is available to assist members of the public in navigating the requirements of the Freedom of Information Act and other laws applicable to public records. In addition, the City Clerk can provide

information on participation in public meetings and compliance with the Open Meetings Act. The City Clerk can be contacted at brownt@brightoncity.org.