

**JEFFERSON TOWNSHIP
PUBLIC SUMMARY OF FREEDOM OF INFORMATION ACT (FOIA)
PROCEDURES AND GUIDELINES**

The complete FOIA Procedures and Guidelines are available for no charge at the Township Hall during usual business hours and on the Township's website: www.jeffersontownshiponline.org.

How do I submit a FOIA request to the Township?

Requests to inspect or obtain copies of public records prepared, owned, used, possessed, or retained by the Township in the performance of an official function may be made using the Township's FOIA Request Form or any other written format (letter, fax, email, etc.). The FOIA Request Form is available at the Township Hall during usual business hours and on the Township's website.

- Requests may be delivered to the Township Hall at 24725 Jefferson Center Street.
- Requests may be mailed to P.O. Box 188, Cassopolis, Michigan 49031.
- Requests may be faxed to (269) 445-8274.
- Requests may be emailed to Clerk@JeffersonTownshipOnline.org

Please include "FOIA Request" in the subject line or other conspicuous location to assist the Township in providing a prompt response. A request must describe a public record sufficiently to enable the Township to find it. Upon request, the Township will provide the records by email, non-paper physical media, or other electronic means in lieu of paper copies if the Township has the necessary technological capability.

What kind of response can I expect to my request?

The Township will issue a response within 5 business days of receiving a FOIA request. A request sent by fax or email is deemed received on the following business day. The Township will respond to your request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying the request in part.
- Issue a written notice that the Township needs an additional 10 business days to respond.
- Issue a written notice indicating that the public record requested is available at no charge on the Township's website.

The fees due for a request granted, in whole or in part, must be paid before the public record is provided.

What are the Township's deposit requirements?

If the fee will exceed \$50 based on a good faith calculation, a deposit of 50% of the estimated fee will be required before the Township processes the request. When the Township requests the deposit, it will give you a non-binding best efforts estimate of how long it will take to process the request after you have paid your deposit.

If the Township has not been paid in full for copies of public records made available to you in response

to a written request, the Township will require a deposit of 100% of the estimated fee before it begins a public record search for any subsequent written request from you if certain conditions apply as outlined in the Township's FOIA Procedures and Guidelines.

How does the Township calculate FOIA processing fees?

Copying

- Paper copies made on standard letter (8 ½ x 11) or legal (8 ½ x 14) size paper will not exceed \$.10 per sheet. Copies of non-standard sized sheets will be charged at the actual cost of reproduction.
- The Township must use the most economical method for making copies of public records, including using double-sided printing, if cost saving and available.
- The cost for records provided on non-paper physical media, such as computer discs or other digital media, will be charged at the actual and most reasonably economical cost.
- Copying charges may include the cost for copies of records already on the Township's website if you ask the Township to make copies.

Mailing Costs

- The Township may charge the actual cost to mail public records to a requestor in a reasonably economical and justifiable manner.
- The Township may charge for the least expensive form of postal delivery confirmation.
- The Township will not charge for expedited shipping or insurance unless you request it.

Labor Costs

- Labor costs will be charged at the hourly wage of the lowest-paid Township employee capable of doing the work in the specific fee category, regardless of who actually performs the work, including:
 - Labor costs for making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the internet.
 - Labor costs for searching for, locating, and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Township.
 - Labor costs for review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Township.
 - Labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
 - The Township may add up to 50% to the labor charge to cover or partially cover the cost of fringe benefits, which cannot exceed the actual cost of fringe benefits.
 - Overtime wages will not be included in labor costs unless agreed by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
 - Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage).

How do I qualify for an indigence discount on the fee?

The Township will discount the first \$20 of fees if you submit an affidavit stating that you are indigent and receiving specific public assistance; or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency. The affidavit form is available from the Township or on the Township's website. You are not eligible for the discount if you already received discounted copies of public records from the Township twice during the calendar year; or are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

How may I challenge the denial of a public record or an excessive fee?

Appeal of a Denial of a Public Record - If the Township denies all or a portion of a request, you may appeal the denial to the Township Board by submitting a written appeal to the Township Supervisor. The appeal must specifically state the word “appeal,” and identify the reason(s) you are seeking a reversal of the denial. You may use the FOIA Appeal Form (To Appeal a Denial of Records), which is available at the Township Hall and on the Township’s website.

You may file a civil action in the Cass County Circuit Court within 180 days after the Township's final determination to deny your request. If you prevail in the civil action, the court will award you reasonable attorneys’ fees, costs, and disbursements. If the court determines that the Township acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages of \$1,000, in addition to any actual or compensatory damages.

Appeal of an Excess FOIA Processing Fee - If the fee charged by the Township for your FOIA request exceeds the amount permitted by state law, you must first appeal the fee to the Township Board by submitting a written appeal for a fee reduction to the Township Supervisor. The appeal must specifically state the word “appeal” and identify how the required fee exceeds the amount permitted. You may use the Township FOIA Appeal Form (To Appeal an Excess Fee), which is available at the Township Hall and on the Township’s website.

Within 45 days after receiving notice of the Township Board’s determination on appeal, you may file a civil action for a fee reduction in the Cass County Circuit Court. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or an appropriate proportion of reasonable attorneys’ fees, costs, and disbursements. If the court determines that the Township acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages of \$500, in addition to any actual or compensatory damages.