

Policy Department: Administration

Policy Number: 100-3

Prepared by: Legal counsel

Original Date: July 10, 2007

Revised: June 9, 2015

FREEDOM OF INFORMATION ACT (FOIA)

POLICY FOR FREEDOM OF INFORMATION ACT REQUESTS

Section 1. Scope of Policy.

This policy shall apply to each board, department, commission, council, or agency of Cheboygan County that has not exercised its authority as an elected official or public body, as defined in the FOIA, to establish procedures for promptly and efficiently processing requests for public records under the provisions of the FOIA consistent with the requirements of the Act. Any elected official or public body that desires to establish its own FOIA policy shall file a copy of that policy with the County Clerk. The elected official or public body's policy shall not be effective to exempt the elected official or public body from this policy, until the elected official or public body's policy is approved by the County's civil counsel to assure compliance with the Act.

Section 2. Definitions.

- (a) "FOIA coordinator" means the Cheboygan County Administrator and any elected official of Cheboygan County who has filed a FOIA policy with the County Clerk that has been approved by the County's civil counsel. Any such FOIA Coordinator may designate another individual to act on his or her behalf.
- (b) "Person" means an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity. Person does not include an individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state, or in a federal correctional facility.
- (c) "Public body" means Cheboygan County, or a board, department, commission, council, or agency thereof.
- (d) "Public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software.
- (e) "Unusual circumstances" means any 1 or a combination of the following, but only to the extent necessary for the proper processing of a request:

- (i) The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.
- (ii) The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.
- (f) "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.
- (g) "Written request" means a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means.

Section 3. FOIA Coordinator; Duties.

- (a) The FOIA Coordinator, as defined in this policy, may designate another individual to assist in carrying out the duties specified in this policy and in the FOIA itself.
- (b) The FOIA Coordinator shall be responsible for accepting and processing requests for public records under the FOIA and shall be responsible for approving denials under the FOIA. The FOIA Coordinator shall keep a copy of all written requests for public records on file for no less than one (1) year.
- (c) The FOIA Coordinator shall review the County's spam and junk email folders on a regular basis, which shall be no less than monthly to help ensure that requests for public records are processed in a timely manner.
- (d) The FOIA Coordinator shall provide a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. However, in the event that the FOIA Coordinator determines that it is necessary to protect public records from loss, unauthorized alteration, mutilation, or destruction or if the FOIA Coordinator determines that personal inspection of records by a requesting person will cause excessive and unreasonable interference with the discharge of the functions of the various County departments and agencies, the FOIA Coordinator may determine that only copies of the requested records will be provided and that copies will be prepared in the normal course of business and during normal business hours by County employees.
- (e) The FOIA Coordinator shall make this policy and a written summary of this policy available to the public without charge in response to a written request and upon request by visitors at the County offices.
- (f) If the County maintains an Internet website, this policy and a written summary of

this policy shall be maintained on the County's website at: www.Cheboygancounty.net, so a link to those documents will be provided in lieu of providing paper copies of those documents.

- (g) The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4. Requests for Public Records.

- (a) Except as provided in this section, all requests for public records shall be in writing. Requests transmitted by facsimile, electronic mail, and other electronic means shall be considered written requests and shall be deemed received on the following business day. If the FOIA Coordinator determines in the sole exercise of his or her discretion that a request for a public record is simple and limited in scope, then the FOIA Coordinator may process the request, including providing a copy of the public record, without the request being in writing.
- (b) If a request for public records is received by a County employee other than the FOIA Coordinator, the request shall be date-stamped and immediately forwarded to the FOIA Coordinator.
- (c) If a person makes a verbal, non-written request for a public record believed to be available on the County's website, where practicable and to the best ability of the FOIA Coordinator or employee receiving the request, the person shall be informed of the pertinent website address for the requested public record. If the request is made to an employee, that employee shall immediately notify the FOIA Coordinator of the request and the information provided.
- (d) If an individual makes a verbal, non-written request for a public record and the FOIA Coordinator determines that the request is not simple and limited in scope, then the FOIA Coordinator shall deliver or mail to the person making the request a written form on which the individual can formally submit his or her request.
- (e) All requests for a public record shall describe the public record in sufficient detail to enable the FOIA Coordinator to find the public record.
- (f) A person may subscribe to future issuance of public records that are created, issued, or disseminated on a regular basis. Such a subscription shall be valid for six (6) months, and may be renewed. When a public record covered by a subscription is created, the FOIA Coordinator shall deliver or mail a copy of the public record to the person holding the subscription at the address provided for that purpose.
- (g) A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator shall therefore deny all such requests on that basis.

Section 5. Time Limitations in which to Respond to Request.

Unless the person making the request agrees in writing to a different time period, the FOIA Coordinator shall respond to the request for a public record within five (5)

business days after receiving the request. For written requests made by facsimile, electronic mail, or other electronic transmission, the date of receipt of the request is the day after the electronic transmission is made. The FOIA Coordinator shall respond to the request for a public record by doing one (1) of the following:

- (a) Granting the request.
- (b) Issuing a written notice to the requesting person denying the request.
- (c) Granting the request in part and issuing a written notice to the requesting person denying the request in part.
- (d) Issuing a notice extending for not more than ten (10) business days the period during which he or she will respond to the request. The FOIA Coordinator shall not issue more than one (1) notice of extension for a particular request. Any such notice of extension shall specify the reasons for the extension and the date by which the FOIA Coordinator shall respond to the request in the manner provided in (a) - (c) above, which shall be no more than fifteen (15) days from the date the request was received.
- (e) Issuing a written notice indicating that the public record requested is available at no charge on the County's website.

Section 6. Procedures when Request is Granted.

- (a) If the request is granted, or granted in part, the FOIA Coordinator shall require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.
- (b) The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.
- (c) Except as provided herein, a copy of this policy and a summary of this policy shall be provided to the requestor free of charge in response to a written request for the policy. Provided, however, that if this policy and a summary of this policy are maintained on the County's website at: www.Cheboygancounty.net, a link to this policy and a summary of this policy shall be provided in lieu of providing paper copies of these documents.
- (d) If the cost of processing a FOIA request is \$50 or less, the requester shall be notified of the amount due and where the documents can be obtained.
- (e) If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the FOIA Coordinator shall require a good-faith deposit pursuant to Section 10(b) of this policy before processing the request.
- (f) In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be

incurred by the County to process the request and also provide a best efforts estimate of a time frame it will take the FOIA Coordinator to provide the records to the requestor. The best efforts estimate shall not be binding on the County, but shall be made in good faith and shall strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

Section 7. Records Exempt from Disclosure.

Pursuant to the FOIA the public records specified in Exhibit A, attached hereto and incorporated herein by reference, shall be exempt from disclosure.

Section 8. Denial of Requests for Public Records.

- (a) **Before denying, in whole or in part, a request for a public record, the FOIA Coordinator shall consult with the County's civil counsel. The FOIA Coordinator shall provide the County's civil counsel with whatever information (including a copy of the requested public record) he or she deems necessary to determine whether legal grounds exist to deny, in whole or in part, the request for that public record.**
- (b) If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this policy.
- (c) If the FOIA Coordinator desires to deny the request, in whole or in part, and the County's civil counsel concludes that legal grounds exist to support that denial, then the FOIA Coordinator shall issue a written notice denying the request for the public record. The written denial notice shall contain the following:
 - (i) An explanation of the basis under the FOIA or any other statute for the determination that the public record, or a portion of the public record, is exempt from disclosure, if that is the reason for the denial.
 - (ii) A certificate that the public record does not exist under the name given by or as described by the person making the request or by any other name or description reasonably known to the FOIA Coordinator, if that is the reason for the denial.
 - (iii) If a separation or deletion is made, a description of the public record or information on the public record that is exempt from disclosure and separated or deleted from the disclosed public record as required by the FOIA, unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

- (iv) A full explanation of the requesting person's right to do either of the following:
 - (1) File a written appeal with the County Board of Commissioners, which appeal shall include the word "appeal" in a prominent place on the front page and shall identify the reason or reasons the FOIA Coordinator's denial decision should be reversed.
 - (2) File a lawsuit in circuit court within 180 days after the final decision denying the request which seeks to compel the FOIA Coordinator to disclose the public record requested.
- (v) A notice of the right to receive in a circuit court lawsuit reasonable attorneys' fees, costs, and disbursements if the circuit court determines that the County has not complied with the FOIA and orders disclosure of all or a portion of the public record requested and of the right to receive compensatory damages and \$1,000.00 in punitive damages if the circuit court determines that the County has arbitrarily and capriciously violated the FOIA.

Section 9. Administrative Appeals.

- (a) If the FOIA Coordinator makes a determination to deny all or a portion of a request, the requesting person may submit a written appeal to the County Board of Commissioners.
- (b) The County Board of Commissioners is hereby designated the body vested with authority to hear and decide appeals from decisions by the FOIA Coordinator denying requests for public records under the FOIA.
- (c) Any appeal of the FOIA Coordinator's decision denying a request for a public record must be filed in writing with the County Clerk, must state the word "appeal" in a prominent place on the first page of the documents filed, and must identify the reason or reasons the FOIA Coordinator's denial decision should be reversed. The County FOIA Appeal Form may be used.
- (d) Pursuant to the FOIA, the County Board of Commissioners is not deemed to have received the appeal until the first regularly scheduled meeting of the County Board of Commissioners following submission of the written appeal.
- (e) Within ten (10) days after receiving a written appeal, the County Board of Commissioners shall do one (1) of the following:
 - (i) Reverse the disclosure denial.
 - (ii) Issue a written notice to the person making the disclosure request upholding the disclosure denial.

- (iii) Reverse the disclosure denial in part and issue a written notice to the person making the disclosure request upholding the disclosure denial in part.
- (iv) Under unusual circumstances, issue a notice extending for not more than ten (10) business days the period during which the County Board of Commissioners will respond to the written appeal. The County Board of Commissioners shall not issue more than one (1) notice of extension for a particular written appeal.
- (f) In deciding an appeal the County Board of Commissioners shall consider the disclosure request without regard to the FOIA Coordinator's decision and shall determine whether the requested public record should be disclosed, in whole or in part, or whether the public record, in whole or in part, is exempt from disclosure under the FOIA.
- (g) If the County Board of Commissioners fails to respond to a written appeal or 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 an action in circuit court within 180 days after the County Board of Commissioners's final determination to deny the request.
- (h) Whether or not a requestor submitted an appeal of a denial to the County Board of Commissioners, he or she may file a civil action in the Circuit Court within 180 days after the County's final determination to deny the request.
- (i) If a court that determines a public record is not exempt from disclosure, it shall order the County to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.
- (j) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or County prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.
- (k) If the court determines that the County 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 County 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.

Section 10. Fees.

- (a) The County Board of Commissioners shall adopt by separate resolution a schedule of fees to be charged in connection with a request to inspect, copy, or receive copies of a public record under the FOIA.
- (b) Good-faith Fee Deposits
 - (i) If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor shall be asked to provide a deposit not exceeding one-half of the total estimated fee.
 - (ii) If a request for public records is from a person who has not paid the County in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator shall require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:
 - (1) The final fee for the prior written request is not more than 105% of the estimated fee.
 - (2) The public records made available contained the information sought in the prior written request and remain in the County's possession.
 - (3) The public records were made available to the individual, subject to payment, within the time frame estimated by the County to provide the records.
 - (4) Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing.
 - (5) The individual is unable to show proof of prior payment to the County.
 - (6) The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.
 - (iii) The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:
 - (1) The person making the request is able to show proof of prior payment in full to the County.
 - (2) The County is subsequently paid in full for the applicable prior written request.

(3) Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the County.

- (b) Calculation of Fees. The following costs may be included when calculating the fees associated with processing a FOIA request:
- (i) Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
 - (ii) Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the County.
 - (iii) Labor costs associated with a 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 County.
 - (iv) The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.
 - (v) The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.
 - (vi) The cost to mail or send a public record to a requestor.
- (c) Unreasonably High Costs.
- (i) Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are "unreasonably high" when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the County's usual FOIA requests, not compared to the County's operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011).
 - (ii) The following factors shall be used to determine an unreasonably high cost to the County:
 - (1) The volume of the public record requested.
 - (2) The amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.

- (3) Whether the public records are from more than one County department or whether various County offices are necessary to respond to the request.
 - (4) The available staffing to respond to the request.
 - (5) Any other similar factors identified by the FOIA Coordinator in responding to the particular request.
- (d) **Labor Costs.** When calculating labor costs for the purpose of the FOIA fee these labor costs shall be based on all of the following requirements:
 - (i) All labor costs shall 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 shall be no charge for labor costs.
 - (ii) Labor costs shall be charged at the hourly wage of the lowest-paid County employee capable of doing the work in the specific fee category, regardless of who actually performs the work.
 - (iii) Labor costs shall also include a charge to cover or partially cover the cost of fringe benefits.
 - (iv) The County may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
 - (v) Overtime wages shall not be included in labor costs unless agreed to by the requestor; overtime costs shall also not be used to calculate the fringe benefit cost.
 - (vi) Contracted labor costs shall be charged at an hourly rate equal to six (6) times the state minimum hourly wage.
- (e) **Costs Associated with Non-paper Physical Media.** When an individual requests that the public records be provided on a non-paper physical media, the following requirements shall be met and the following costs shall be included when establishing the FOIA fee:
 - (i) Computer disks, computer tapes or other digital or similar media shall be at the actual and most reasonably economical cost for the non-paper media.
 - (ii) This cost shall only be assessed if the County has the technological capability necessary to provide the public record in the requested non-paper physical media format.

- (iii) The County shall procure any non-paper media and shall not accept media from the requestor in order to ensure integrity of the County's technology infrastructure.
- (f) **Costs of Providing paper Copies.** The cost to provide paper copies of public records shall be based on the following requirements:
 - (i) Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper shall not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper shall reflect the actual cost of reproduction.
 - (ii) The County shall provide copies of public records using double-sided printing, if it is cost-saving and available.
 - (iii) The cost to mail public records to a requestor shall be based on the following requirements:
 - (1) The actual cost to mail public records using a reasonably economical and justified means.
 - (2) The County may charge for the least expensive form of postal delivery confirmation.
 - (3) No cost shall be made for expedited shipping or insurance unless specified by the requestor.
- (g) **Reduced Fee for Failure to Respond to the FOIA Request Timely.** If the FOIA Coordinator does not respond to a written FOIA request in a timely manner, the County shall:
 - (i) Reduce the labor costs by 5% for each day the County exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
 - (1) The County's late response was willful and intentional.
 - (2) The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment.
 - (3) The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.
 - (ii) Fully note the charge reduction in the Detailed Itemization of Costs Form.

(h) **Waiver of FOIA Fees.** The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The County Board of Commissioners may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

(i) **Discounted FOIA Fees.**

(a) **Indigence.**

(1) The FOIA Coordinator shall discount the first \$20.00 of the FOIA fee if the person requesting a public record submits an affidavit stating that they are one (1) of the following:

(A) Indigent and receiving specific public assistance.

(B) If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

(2) An individual is not eligible to receive the discounted fee any of the following apply:

(A) The requestor has previously received discounted copies of public records from the County twice during the calendar year.

(B) The individual requests information in connection with other persons who are offering or providing payment to make the request.

(3) The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

(b) **Nonprofit organization advocating for developmentally disabled or mentally ill individuals.** The FOIA Coordinator shall discount the first \$20.00 of the processing fee for a request from a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:

(1) It is made directly on behalf of the organization or its clients.

(2) It 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.

(3) It is accompanied by documentation of its designation by the state, if requested by the FOIA Coordinator.

- (j) **FOIA Fees Not Applicable for Sale of Public Records.** The fees authorized by this section shall not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by a state statute or by separate resolution or ordinance of the County.

Section 11. Appeal of Excessive Fee Decision.

- (a) If a requestor believes that the fee charged by the County to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the County Board of Commissioners by submitting a written appeal for a fee reduction to the County Clerk.
- (b) The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The County FOIA Appeal Form (To Appeal an Excess Fee) may be used.
- (c) The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board of Commissioners meeting following submission of the written appeal.
- (d) Within 10 business days after receiving the appeal, the County Board of Commissioners will respond in writing by doing one of the following:
- (i) Waiving the fee.
 - (ii) Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee.
 - (iii) Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee.
 - (iv) Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the County Board of Commissioners will respond to the written appeal. The County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.
- (e) Where the County Board of Commissioners reduces or upholds the fee, the determination must include a certification from the County Board of Commissioners that the statements in the determination are accurate and that

the reduced fee amount complies with its publicly available FOIA policy and Section 4 of the FOIA.

- (f) Within 45 days after receiving notice of the County Board of Commissioners's determination of an appeal, the requesting person may commence a civil action in the County Circuit Court for a fee reduction.
- (g) If a civil action is commenced against the County for an excess fee, the County is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.
- (h) An action shall not be filed in circuit court unless one of the following applies:
 - (i) The County does not provide for appeals of fees.
 - (ii) The County Board of Commissioners failed to respond to a written appeal as required.
 - (iii) The County Board of Commissioners issued a determination to a written appeal.
- (i) If a court determines that the County required a fee that exceeds the amount permitted under this FOIA policy or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.
- (j) If the requesting person prevails in court 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 County as damages.
- (k) If the court determines that the County has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the County 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 County.

Section 12. Severability.

If any section, clause, or provision of this policy be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the policy. The County Board of Commissioners hereby declares that it would have passed this policy and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 13. Repeal of Prior FOIA Policy.

Cheboygan County's prior FOIA policy, if any, is hereby repealed in its entirety.

Section 14. Effective Date.

This policy shall become effective July 1, 2015 or the day after this resolution is published on the County's website or posted in a conspicuous location in the County offices.

EXHIBIT A

Public Records Exempt from Disclosure under the Freedom of Information Act

- (a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
- (b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:
 - (i) Interfere with law enforcement proceedings.
 - (ii) Deprive a person of the right to a fair trial or impartial administrative adjudication.
 - (iii) Constitute an unwarranted invasion of personal privacy.
 - (iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.
 - (v) Disclose law enforcement investigative techniques or procedures.
 - (vi) Endanger the life or physical safety of law enforcement personnel.
- (c) A public record that if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.
- (d) Records or information specifically described and exempted from disclosure by statute.
- (e) A public record that is furnished by the public body to a public officer in connection with the performance of the duties of that public officer, if the considerations originally giving rise to the exempt nature of the public record remain applicable.

- (f) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing policy if:
 - (i) The information is submitted upon a promise of confidentiality by the public body.
 - (ii) The promise of confidentiality is authorized by the County Board at the time the promise is made.
 - (iii) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision does not apply to information submitted as a condition of receiving a contract, license, or other benefit.
- (g) Information or records subject to the attorney-client privilege.
- (h) Information or records subject to the physician-patient privilege, the psychologist-patient privilege, the minister, priest, or Christian Science practitioner privilege, or other privilege recognized by statute or court rule.
- (i) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline for submission of bids or proposals has expired.
- (j) Appraisals of real property to be acquired by the public body until either of the following occurs:
 - (i) An agreement is entered into.
 - (ii) Three years have elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.
- (k) Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.
- (l) Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation.
- (m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.

- (n) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, that if disclosed would prejudice a public body's ability to protect the public safety unless the public interest in disclosure under this act outweighs the public interest in nondisclosure in the particular instance.
- (o) Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only 1 bidder has met the specifications. This subdivision does not apply after 1 year has elapsed from the time the public body completes the testing.
- (p) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following:
 - (i) Identify or provide a means of identifying an informant.
 - (ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent.
 - (iii) Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have.
 - (iv) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of active or retired law enforcement officers or agents.
 - (v) Disclose operational instructions for law enforcement officers or agents.
 - (vi) Reveal the contents of staff manuals provided for law enforcement officers or agents.
 - (vii) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies.
 - (viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant.
 - (ix) Disclose personnel records of law enforcement agencies.
 - (x) Identify or provide a means of identifying residences that law enforcement agencies are requested to check in the absence of their owners or tenants.

- (q) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.
- (r) Records or information relating to a civil action in which the requesting party and the public body are parties.
- (s) Information or records that would disclose the social security number of an individual.
- (t) Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.

ATTACHMENTS

Consent to Non-Statutory Extension of County'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 the County 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 the County's response time for this request until: _____ (month, day, _____ year).

(Complete both sides)

Requestor's Signature:

Date

Records Located on Website

If the County 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, the County 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, the County 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 the County 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, the County must provide the public records in the specified format (if the County 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 County Website

I hereby stipulate that, even if some or all of the records are located on a County website, I am requesting that the County 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.

Requestor's Signature:

Date

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 the County 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 County's website

Requestor's Signature

Date

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:

Date:

Requestor's Signature: _____

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 the County.

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:

Date:

Requestor's Signature: _____

County: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

Cheboygan County
870 South Main Street
Cheboygan, Michigan 49721
Phone: (231) 627-8855

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 of This Notice: _____ 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; Will make own copies onsite; Mail to address above; Email to address above; Deliver on digital media provided by the _____ County

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 _____ at _____

Estimated Time Frame to Provide Records: _____ (days or date)
The time frame estimate is nonbinding upon the County, but the County 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. The County needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the County must:

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

___ 3. Other (describe): _____

Signature of FOIA Coordinator:

Date:

(Created by Michigan Townships Association, April 2015)

County: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

Denial Form

Cheboygan County
870 South Main Street
Cheboygan, Michigan 49721
Phone: (231) 627-8855

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 of This Notice: _____ 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; Will make own copies onsite; Mail to address above; Email to address above; Deliver on digital media provided by the County

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

All OR Part of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact _____ at _____

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 the County. 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 the County Board of Commissioners 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 the County 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: _____

(Created by Michigan Townships Association, April 2015)

County: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

Denial Appeal Form

Cheboygan County
870 South Main Street
Cheboygan, Michigan 49721
Phone: (231) 627-8855

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 of This Notice: _____ Date delivered to junk/spam folder: _____
Date discovered in junk/spam folder: _____

(Please Print or Type)

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; ___ Will make own copies onsite; ___ Mail to address above;
___ Email to address above; ___ Deliver on digital media provided by the
County

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: _____

County Response:

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

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

Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

County 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 County Board of Commissioners 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 the County 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: _____

(Created by Michigan Townships Association, April 2015)

County: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

Cheboygan County
 870 South Main Street
 Cheboygan, Michigan 49721
 Phone: (231) 627-8855

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 of This Notice: _____ **Date delivered to junk/spam folder:** _____
Date discovered in junk/spam folder: _____

(Please Print or Type) _____

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; ___ Will make own copies onsite; ___ Mail to address above; ___ Email to address above; ___ Deliver on digital media provided by the County

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:** _____

County Response:

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

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

Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

County Determination: ___ Fee Waived; ___ Fee Reduced; ___ Fee Upheld

Written basis for County determination: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the County's written Procedures and Guidelines to the County Board of Commissioners or 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 County Board of Commissioners. If a civil action is commenced in court, the County is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the County 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: _____

(Created by Michigan Townships Association, April 2015)

Cheboygan County

Public Summary of FOIA Policy

It is the public policy of this state that all persons (except those persons incarcerated in state or local correctional facilities) are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees. Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of the County's FOIA Policy relevant to the general public. This is only a summary of the County's FOIA Policy. For more details and information, copies of the County's FOIA Policy are available at no charge at the office of the County's FOIA Coordinator and on the County's website: www.Cheboygancounty.net.

1. How do I submit a FOIA request to the County?

A request must sufficiently describe a public record so as to enable the County to find it.

Please include the words "FOIA" or "FOIA Request" in the request to assist the County in providing a prompt response.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the County may be submitted on the County's FOIA Request Form, in any other form of writing (letter, fax, email, etc.).

No specific form to submit a written request is required. However a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the County's website at www.Cheboygancounty.net, and at the County Clerk's office.

Written requests may be delivered to the County Building in person or by mail to the following address: 870 South Main St. Cheboygan Michigan 49721.

Requests may be faxed to: (231) 627-8881. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.

Finally, requests may be emailed to: . To ensure a prompt response, email requests should contain the term "FOIA" or "FOIA Request" in the subject line.

2. What kind of response can I expect to my request?

Within 5 business days after receiving a FOIA request the County will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. The County will respond to your request in one of the following ways:

- \$ Granting the request.
- \$ Issue a written notice denying the request.
- \$ Granting the request in part and issue a written notice denying in part the request.
- \$ Issuing a notice indicating that due to the nature of the request the County needs an additional 10 business days to respond.
- \$ Issuing a written notice indicating that the public record requested is available at no charge on the County's website.

If the request is granted, or granted in part, the County will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available.

If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the County will require a deposit before processing the request.

3. What are the County's deposit requirements?

If the County has made a good faith calculation that the total fee for processing the request will exceed \$50.00, the County will require that you provide a deposit in the amount of 50% of the total estimated fee. When the County requests the deposit, it will provide 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 County receives a request from a person who has not paid the County for copies of public records made in fulfillment of a previously granted written request, the County will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:

- \$ The final fee for the prior written request is not more than 105% of the estimated fee.
- \$ The public records made available contained the information sought in the prior written request and remain in the County's possession.
- \$ The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the County to provide the records.

\$ Ninety (90) days have passed since the County notified the individual in writing that the public records were available for pickup or mailing.

\$ The individual is unable to show proof of prior payment to the County.

\$ The County has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.

However, the County will not require the 100% estimated fee deposit if any of the following apply:

\$ The person making the request is able to show proof of prior payment in full to the County.

\$ The County is subsequently paid in full for all applicable prior written requests.

\$ Three hundred sixty five (365) days have passed since the person made the request for which full payment was not made to the County.

4. How does the County calculate FOIA processing fees?

A. General Fees

The Michigan FOIA statute permits the County to charge for the following costs associated with processing a request:

\$ Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.

\$ Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the County.

\$ Labor costs associated with a 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 County.

\$ The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.

\$ The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.

\$ The cost to mail or send a public record to a requestor.

B. Specific Fees

Labor Costs:

All 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.

Labor costs will be charged at the hourly wage of the lowest-paid County employee capable of doing the work in the specific fee category, regardless of who actually performs work.

Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. County may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.

Overtime wages will not be included in labor costs unless agreed to 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 six (6) times the state minimum hourly wage, which is currently \$48.90.

A labor cost will not be charged for the search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the County.

Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in the particular instance. The County must specifically identify the nature of the unreasonably high costs in writing.

Copying and Duplication:

The County must use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

Non-paper Copies on Physical Media:

The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.

This cost will be charged only if the County has the technological capability necessary to provide the public record in the requested non-paper physical media format.

Paper Copies:

Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper.

Copies for non-standard sized sheets will paper will reflect the actual cost of reproduction.

Mailing Costs:

The cost to mail public records will use a reasonably economical and justified means.

The County may charge for the least expensive form of postal delivery confirmation.

No cost will be made for expedited shipping or insurance unless you request it.

Waiver of Fees:

The cost of searching for and copying a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The Board of Commissioners may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

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

The County will discount the first \$20.00 of fees for a request if you submit an affidavit stating that you are in one (1) of the following categories:

- \$ You are indigent and receiving specific public assistance.
- \$ If you are not receiving public assistance, then you must state facts demonstrating an inability to pay because of indigence.

However, you are not eligible to receive the \$20.00 discount if either of the following apply to you:

- \$ You have previously received discounted copies of public records from the County twice during the calendar year.
- \$ You are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

6. May a nonprofit organization receive a discount on the fee?

A nonprofit organization advocating for developmentally disabled or mentally ill individuals that is formally designated by the state to carry out activities under Subtitle C of the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, may receive a \$20.00 discount if the request meets all of the following requirements in the Act:

- \$ Is made directly on behalf of the organization or its clients.
- \$ 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.
- \$ Is accompanied by documentation of its designation by the state, if requested by FOIA Coordinator.

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

A. Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may appeal to the Board of Commissioners by filing a written appeal of the denial with the County Clerk.

The appeal must be in writing, specifically state the word "appeal," and identify the reason or reasons you are seeking a reversal of the denial. You may use the County FOIA Appeal Form (To Appeal a Denial of Records), which is available on the County's website: www.Cheboygancounty.net.

Within 10 business days of receiving the appeal the Board of Commissioners will respond in writing by doing one (1) of the following:

- \$ Reversing the disclosure denial.
- \$ Upholding the disclosure denial.
- \$ Reverse the disclosure denial in part and uphold the disclosure denial in part.

Regardless of whether you submitted an appeal of a denial to the Board of Commissioners, you may file a civil action in Circuit Court within 180 days after the County'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 County acted arbitrarily and capriciously in refusing to disclose or provide a public record, the Court shall award you damages in the amount of \$1,000.

B. Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by the County to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the Board of Commissioners by filing a written appeal for a fee reduction to the County Clerk.

The appeal must specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. You may use the County FOIA Appeal Form (To Appeal an Excess Fee), which is available at the County Building and on the County's website: www.Chbogancounty.net.

Within 10 business days after receiving the appeal, the Board of Commissioners will respond in writing by doing one (1) of the following:

- \$ Waiving the fee.
- \$ Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee.
- \$ Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee.
- \$ Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Board of Commissioners will respond to the written appeal.

Within 45 days after receiving notice of the Board of Commissioners's determination of the processing fee appeal, you may commence a civil action in Circuit Court for a fee reduction. 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 amount of reasonable attorneys' fees, costs and disbursements. If the Court determines that the County acted arbitrarily and capriciously by charging an excessive fee, the Court may also award you punitive damages in the amount of \$500.

County: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

Cheboygan County
 870 South Main Street
 Cheboygan, Michigan 49721
 Phone: (231) 627-8855

Detailed Cost Itemiza

Freedom of Information Act Request Detailed Cost Itemization

Date: _____ Prepared for Request No.: _____
 Date Request Received: _____

<p>The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the County's FOIA Policy.</p>		
<p>1. Labor Cost for Copying / Duplication</p> <p>This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.</p> <p>This shall not be more than the hourly wage of the County's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in ____-minute time increments as set by the County Board of Commissioners (for example: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.</p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____ OR Hourly Wage with Fringe Benefit Cost: \$ _____ OR Multiply the hourly wage by the percentage multiplier: _____% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate. Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)</p>		<p>To figure the number of increments, take the <i>number of minutes</i>: _____, divide by _____-minute increments, and round down. Enter below:</p> <p>Number of increments 1. Labor Cost x _____ = \$ _____</p>

2. Labor Cost to Locate:

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the County that are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

The County will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in ____-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ _____ Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____ OR

Multiply the hourly wage by the percentage multiplier: _____%

(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:

Number of increments x _____ = 2. Labor Cost \$ _____

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a County employee. If contracted, use No. 3b instead).

The County will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the County that are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

This is the cost of labor of a County employee, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the County's lowest-paid employee capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in ____-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ _____ Charge per increment: \$ _____

OR

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:

Number of increments x _____ = 3a. Labor Cost \$ _____

Hourly Wage with Fringe Benefit Cost: \$ _____ OR
 Multiply the hourly wage by the percentage multiplier: _____%
 (up to 50% of the hourly wage) and add to the
 hourly wage for a total per hour rate. Charge per increment: \$ _____

Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):
 (Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)

The County will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the County that are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

As this County does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a contractor (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of _____ (currently \$8.15).

Name of contracted person or firm: _____

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down to: _____ increments.
 Enter below:

Number of increments
 x _____ =

3b. Labor Cost
 \$ _____

These costs will be estimated and charged in ____-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Cost Charged: \$ _____

Charge per increment: \$ _____

4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 ½ x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8 ½ x 14-inch, single and double-sided): _____ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): _____ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- Circle applicable: Disc/Tape/Drive/Other Digital Medium Cost per Item: _____

The cost of paper copies must be calculated as a total cost per sheet of paper. The fee cannot exceed 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A County must utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of Sheets:		Costs:
x _____ =		\$ _____
x _____ =		\$ _____
x _____ =		\$ _____
No. of Items:		
x _____ =		\$ _____
		4. Total Copy Cost
		\$ _____

5. Mailing Cost:

The County will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The County may charge for the least expensive form of postal delivery confirmation.
- The County cannot charge more for expedited shipping or insurance unless specifically requested by the requestor.*

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp
 \$ _____ per pound
 \$ _____ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

* Requestor has requested expedited shipping or insurance

Number of Envelopes or Packages:

x _____ = \$ _____
 x _____ = \$ _____

Costs:
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
5. Total Mailing Cost
 \$ _____

6a. Copying/Duplicating Cost for Records Already on County's Website:

If the public body 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 non-paper physical digital media, the County will provide the public records in the specified format and may charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): _____ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): _____ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- Circle applicable: Disc/Tape/Drive/Other Digital Medium Cost per Item: _____

Requestor has stipulated that some / all of the requested records that are already available on the County's website be provided in a paper or non-paper physical digital medium.

Number of Sheets:

x _____ = \$ _____
 x _____ = \$ _____
 x _____ = \$ _____
 x _____ = \$ _____

No. of Items:

x _____ = \$ _____

6a. Web Copy Cost
 \$ _____

6b. Labor Cost for Copying/Duplicating Records Already on County's Website:

This shall not be more than the hourly wage of the County's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in ____-minute time increments (i.e.: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ _____ Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____ OR

Multiply the hourly wage by the percentage multiplier: _____%
and add to the hourly wage for a total per hour rate. Charge per increment: \$ _____

The County may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down.
Enter below:

Number of increments _____
x _____ = \$ _____
6b. Web Labor Cost

6c. Mailing Cost for Records Already on County's Website:

Actual Cost of Envelope or Packaging: \$ _____ x _____ = \$ _____

Actual Cost of Postage: \$ _____ per stamp / per pound / per package x _____ = \$ _____

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____ x _____ = \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____ x _____ = \$ _____

* Requestor has requested expedited shipping or insurance

Number: _____
Costs: _____
6c. Web Mailing Cost
\$ _____

Subtotal Fees Before Waivers, Discounts or Deposits:

- 1. Labor Cost for Copying:
- 2. Labor Cost to Locate:

Estimated Time Frame to Provide Records:

_____ (days or date)

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

3a. Labor Cost to Redact: _____

3b. Contract Labor Cost to Redact: _____

4. Copying/Duplication Cost: _____

5. Mailing Cost: _____

6a. Copying/Duplication of Records on Website: _____

6b. Labor Cost for Copying Records on Website: _____

6c. Mailing Costs for Records on Website: _____

Subtotal Fees: _____

Waiver: Public Interest

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the County determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

%

All fees are waived OR All fees are reduced by:

Subtotal Fees
After Waiver:

\$ _____

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.

Subtotal Fees
After Discount
(subtract \$20):

\$ _____

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, OR

(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.

Eligible for Indigence Discount

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 federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal 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 Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the County.

County Eligible for Nonprofit Discount

Subtotal Fees After Discount (subtract \$20):

\$ _____

County Deposit: Good Faith

The County may require a good-faith deposit before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. Percent of Deposit: _____%

Date Paid:

Deposit Amount Required:

\$ _____

Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full

After a County has granted and fulfilled a written request from an individual under this act, if the County has not been paid in full the total amount of fees for the copies of public records that the County made available to the individual as a result of that written request, the County may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:

- (a) The final fee for the prior written request was not more than 105% of the estimated fee.
- (b) The public records made available contained the information being sought in the prior written request and are still in the County's possession.
- (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request.
- (d) Ninety (90) days have passed since the County notified the individual in writing that the public records were available for pickup or mailing.
- (e) The individual is unable to show proof of prior payment to the County.
- (f) The County calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.

A County can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:

- (a) The individual is able to show proof of prior payment in full to the County, OR
- (b) The County is subsequently paid in full for the applicable prior written request, OR
- (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the County.

Percent Deposit Required:

_____ %

Date Paid:

Deposit Required:

\$ _____

Late Response Labor Costs Reduction

If the County does not respond to a written request in a timely manner as required under MCL 15.235(2), the County **must** do the following:

- (a) Reduce the charges for labor costs otherwise permitted by 5% for each day the County exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:

- (i) The late response was willful and intentional, OR

Number of Days Over Required Response Time:

Total Labor Costs

\$ _____

Minus Reduction

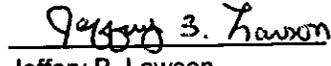
<p>(ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.</p>	<p>Multiply by 5% = Total Percent Reduction: _____</p>	<p>\$ _____ = Reduced Total Labor Costs \$ _____</p>
<p>The Public Summary of the County's FOIA Policy is available free of charge from: Website: _____ Email: _____ Phone: _____ Address: _____</p> <p style="text-align: center;">Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</p>	<p>Date Paid: _____</p>	<p>Total Balance Due: \$ _____</p>

(Form created by Michigan Township Association, April 2015)

 6-9-15

Peter A. Redmond,
Chairperson

Date

 6-9-15

Jeffery B. Lawson,
Administrator

Date

CHEBOYGAN COUNTY
RESOLUTION ESTABLISHING
FREEDOM OF INFORMATION ACT
FEE SCHEDULE

Resolution No. 15-09

WHEREAS, the Michigan Freedom of Information Act (FOIA), being Act 442 of the Public Acts of 1976 as amended, authorizes the County to charge fees for processing requests under the Act;

WHEREAS, the Cheboygan Board of Commissioners has adopted a Resolution establishing a Policy for Freedom of Information Act Requests;

WHEREAS, the Resolution establishing a Policy for Freedom of Information Act Requests requires the Board of Commissioners to adopt by a separate resolution a schedule of fees for processing FOIA requests; and

WHEREAS, the Board of Commissioners desires to establish a schedule of fees for processing FOIA requests in compliance with the Act and the Policy by the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Cheboygan Board of Commissioners hereby establishes the following FOIA fee schedule:

CHEBOYGAN COUNTY
FREEDOM OF INFORMATION ACT
FEE SCHEDULE

The following fees shall be charged by Cheboygan County when processing a FOIA request:

1. Photocopy fees: \$0.05 per letter sized page, \$0.06 per legal sized page, and the actual cost of reproduction for nonstandard paper copies when using the County's photocopy machine. There shall be a limit of one (1) copy for each public record requested.
2. Use of commercial copying service: However, when the most economical means for making copies of the requested public records is utilizing a commercial copying service, then the County shall charge the actual costs paid by the

- County to the commercial copying service for making those copies. When using a commercial copying service the County shall also charge labor fees equal to the hourly wage of the lowest paid County employee capable of taking and retrieving the public records to and from the commercial copying service.
3. Non-paper Physical Media: The County shall charge the actual and most reasonably economical cost for the non-paper media, such as computer disks, computer tapes or other digital or similar media.
 4. Mailing fees: The County shall charge the actual costs paid by the County for mailing the requested public records. The County may charge for the least expensive form of postal delivery confirmation. However, the County shall not charge for expedited shipping or insurance unless specified by the requestor.
 5. Fees for Labor Costs: The County shall charge a fee for labor costs as specified in the County's FOIA policy.
 6. Fees for FOIA subscriptions: The County shall charge a fee equal to the County's actual costs for providing the requested public records, including the cost of paper copies, non-paper physical media, mailing, and labor costs.
 7. Reduced fee: As provided in the County's Policy for Freedom of Information Act Requests, a public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request to an individual who is entitled to information under the FOIA and who submits an affidavit stating that the individual is then receiving public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigence. For purposes of this paragraph, the criteria for indigence shall be the federal poverty income guidelines, which are updated annually by the federal government. In addition, the FOIA Coordinator shall discount the first \$20.00 of the processing fee for a request from a nonprofit organization that meets the requirements specified in the County's FOIA policy.
 8. Good faith deposit: As provided in the County's Policy for Freedom of Information Act Requests, if the fee will exceed \$50.00, the FOIA Coordinator may require the person requesting the public records or series of public records

to pay at the time the request is made a good faith deposit in an amount not to exceed ½ the total fee. In addition, a good faith deposit may be required when the requestor has not paid for prior public records as specified in the County's FOIA policy.

9. Payment requirement: All required fees shall be paid before the public records are mailed or otherwise provided.
10. Publication of notice: A written notice informing the public of the availability of this FOIA fee schedule shall be posted in a conspicuous location at the County FOIA Coordinator's office.
11. Effective date: This fee schedule shall become effective the day following its adoption by the Board of Commissioners.

CHEBOYGAN COUNTY

By: Peter Redmond, Board Chair

By: Mary Ellen Tryban,
Clerk