



CHARTER TOWNSHIP OF WEST BLOOMFIELD FOIA PROCEDURES AND GUIDELINES

PUBLIC SUMMARY

In accordance with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the Charter Township of West Bloomfield provides to the public this Written Public Summary of the Charter Township of West Bloomfield's FOIA Procedures and Guidelines. This is only a summary of the Township FOIA Procedures and Guidelines. The full compilation of FOIA Procedures and Guidelines are available at no charge at the Township offices and are available on the Township's website at:

www.wbtownship.org/government/departments/clerk

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

- No specific form is required to submit a written request to inspect or obtain copies of Township public records. A request may be submitted on the Township's FOIA Request Form or in any other form of writing including, letter, fax, and email. The FOIA Request Form and other FOIA-related forms are available on the Township's website at www.wbtownship.org/government/departments/clerk and in hardcopy at Township Hall 4550 Walnut Lake Road, West Bloomfield, MI 48323.
- A request must sufficiently describe a public record so as to enable the Township to find it.
- Please include the words "FOIA" or "FOIA Request" in the request on the first page to assist the Township in providing a timely response.
- Written requests may be delivered in person or by mail to Township Hall ,4550 Walnut Lake Road, West Bloomfield, MI 48323; faxed to: 248-682-3788 or emailed as follows:

Email addresses or web links for FOIA requests by Department are:

Assessing	foiaassessing1@wbtownship.org http://wbtownship.org/government/departments/clerk/foiaassg1.php
Building	foiabuilding1@wbtownship.org http://wbtownship.org/government/departments/clerk/foiacdd1.php
Clerk	foiaclerk@wbtownship.org http://wbtownship.org/government/departments/clerk/foiaclerk1.php
Code Enforcement	foiacode1@wbtownship.org http://wbtownship.org/government/departments/clerk/foiacode1.php

Development Services	(Zoning, Engineering, and Environmental) foiadevserv1@wbtownship.org http://wbtownship.org/government/departments/clerk/foiadevserv1.php
Police	foiapd1@wbtownship.org http://wbtownship.org/government/departments/clerk/foiapd1.php
Fire	foiafire1@wbtownship.org http://wbtownship.org/government/departments/clerk/foiafire1.php

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

- Within five (5) business days after receiving a FOIA request the Township will issue a response. If a request is received by fax, email, or other electronic submission, the request is deemed to have been received on the following business day. The Township will respond to your request in one of the following ways:
 - (a) Grant the request.
 - (b) Issue a written notice denying the request.
 - (c) Issue a written notice granting the request in part and denying the request in part.
 - (d) Issue a notice indicating that due to the nature of the request, the Township is extending the time to respond by an additional 10 business days for a total of 15 business days.
 - (e) Issue a written notice indicating that the public record requested is available at no charge on the Township's website
- If the request is granted, or granted in part, the Township will ask that payment be made for the allowable costs 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 Township will require a deposit before processing the request.

3. What are the Township's deposit requirements?

- If based on the good faith calculation that the total fee for processing the request will exceed \$50.00, the Township will require that you provide a deposit in the amount of 50% of the total estimated fee. When the Township 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 Township receives a request from a person who has not paid the Township in full for copies of public records made in fulfillment of a previously granted written request, the Township 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:

- (a) The final fee for the prior written request is not more than 105% of the estimated fee.
 - (b) The public records made available contained the information sought in the prior written request and remain in the Township's possession.
 - (c) The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the Township to provide the records.
 - (d) Ninety (90) days have passed since the Township 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 Township.
 - (f) The Township has calculated an estimated detailed itemization that is the basis for the increased fee deposit required.
- The Township will not require the 100% estimated fee deposit if any of the following apply:
 - (a) The person making the request is able to show proof of prior payment in full to the Township.
 - (b) The Township is subsequently paid in full for all applicable prior written requests.
 - (c) Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

4. How does the Township calculate FOIA processing fees?

The FOIA permits the Township to charge for the following costs associated with processing a request:

- 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 Township.
- Labor costs associated with the review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Township
- Labor costs 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. This includes the cost for copies of records available on the Township's website if you ask the Township to make copies.
- Costs for CD, DVD, thumb drives, or other digital or electronic media will be at the actual and most reasonably economical cost of non-physical media.

- The actual cost of providing paper copies of public records, including the cost for making copies of records available on the Township's website.
- The actual cost to mail or send a public record to a requestor.

Labor Costs

- All labor costs will be estimated and charged as allowed in FOIA and the Township's FOIA Procedures and Guidelines.
- A fee will be charged for the labor cost to search, examine, and review records; and for the deletion and separation of exempt from nonexempt information if failure to charge a fee would result in unreasonably high costs to the Township due to the nature of the particular request. The Township will identify the nature of the unreasonably high cost.
- Labor costs will be charged at the hourly wage of the lowest-paid Township employee capable of doing the work regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The Township 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 \$60.60 (6 times the current state minimum hourly wage of \$10.10).

Copying and Duplication

The Township will use the most economical method for making copies of public records as available, including using double-sided printing.

Non-Paper Copies on Physical Media

- The cost for records provided on non-paper physical media, such as CD, DVD, thumb drive, or other digital or electronic media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will be charged only if the Township has the technological capability necessary to provide the public record in the requested non-paper physical media format.

Paper Copies

The cost for duplication of paper copies are set forth in the Duplication and Mailing Rate Schedule that is available at Township Hall or on the website at:

www.wbtownship.org/government/departments/clerk

- Paper copies of public records made on standard letter (8 1/2 x 11) or legal (8 1/2 x 14) sized paper will not exceed \$.10 per sheet of paper.

Mailing Costs

- The actual cost to mail using a reasonably economical means.
- The Township will charge for the least expensive form of postal delivery confirmation.
- No cost will be incurred for expedited shipping or insurance unless requested and paid for by the requestor.

Public records available for free on the Township's website at www.wbtownship.org:

1. Minutes
2. Agendas
3. Televised Meeting Schedule
4. Ordinances
5. All Department's Annual Reports
6. Bids and Proposals
7. Dog License Form
8. Financial Reports and Budgets
9. Oakland County Fee Based Tax Parcel Reports & Maps
10. Permit Application Deadlines
11. Property Tax Information
12. Public Notices (Environmental Commission)
13. SEMCOG Forecast 2040
14. Staff Directories
15. Vacant Property Registration and Inspection Program
16. Water Quality Reports
17. Water Sewer Rates
18. West Bloomfield Master Plan
19. West Bloomfield Municipal Code
20. 2015 Assessor's Notice
21. 2014 Town Center Market Study

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

The cost of the search for and copying of a public record may be discounted or reduced if in the sole judgment of the FOIA Coordinator a discount or reduced fee is in the public interest because it can be considered as primarily benefitting the general public.

The Township will discount the first \$20.00 of a fee for a request if you submit an affidavit stating that you are:

- Indigent and receiving specific public assistance; or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

You are not eligible to receive the \$20.00 discount if you:

- Have previously received discounted copies of public records from the Township twice during the calendar year; or
- Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

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:

- (a) Is made directly on behalf of the organization or its clients.
- (b) 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.
- (c) Is accompanied by documentation of its designation by the State.

If the Requestor qualifies for a fee discount, the Township will note the discount on the Cost Itemization Form.

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

1) 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 Township Board of Trustees by filing a written appeal of the denial via the office of the FOIA Coordinator.

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 Township FOIA Appeal Form **titled:** To Appeal a Denial of Records, which is available at Township Hall or on the Township’s website at:

www.wbtownship.org/government/departments/clerk

A written appeal is not received by the Township Board until the first regularly scheduled meeting of the Board following submission of the written appeal. Within 10 business days of receiving the appeal the Township Board will respond in writing providing notice to the requestor that the Board:

- (a) Reversed the disclosure denial;
- (b) Upheld the disclosure denial;
- (c) Reversed the disclosure denial in part and upheld the disclosure denial in part; or

- (d) Is issuing a notice extending for not more than 10 business days the period during which the Township Board shall respond to the written appeal. The Township Board may not issue more than 1 notice of extension for a particular written appeal.

If the Township Board fails to respond to a written appeal or if it upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requestor may seek judicial review of the nondisclosure by commencing an action in Oakland County Circuit Court pursuant to the provisions of MCL §15.240. Whether or not you submitted an appeal of a denial to the Township Board, you may file a civil action in the Oakland County Circuit Court within 180 days after the Township's final determination to deny your request.

2) Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by the Township to process your FOIA request exceeds the amount permitted by State law, you must first appeal to the Township Board of Trustees by filing a written appeal for a fee reduction via the office of the FOIA Coordinator.

The appeal must be in writing, specifically state the word “appeal”, and identify how the required fee exceeds the amount permitted. You may use the Township FOIA Appeal Form titled: To Appeal an Excess Fee, which is available at the Township Hall and on the Township’s website at:

www.wbtownship.org/government/departments/clerk

A written appeal is not received by the Township Board until the first regularly scheduled meeting of the Board following submission of the written appeal. Within 10 business days of receiving the appeal the Township Board will respond in writing providing notice to the requestor that the Board:

- (a) Waived the fee;
- (b) Reduced the fee and is providing a written determination indicating the specific basis that supports the remaining fee;
- (c) Upheld the fee and is providing a written determination indicating the specific basis that supports the required fee; or
- (d) Is issuing a notice extending for not more than 10 business days the period during which the Township Board shall respond to the written appeal. The Township Board may not issue more than 1 notice of extension for a particular written appeal.

Certification. When the Township Board reduces or upholds a fee on appeal, MCL §15.240a requires the inclusion of a certification from the Township Board that the statements in the determination are accurate and that the reduced fee amount complies with the Township's Procedures and Guidelines, and Section 4 of the FOIA.

Civil action. Within 45 days after receiving notice of the Township Board's response to an appeal, or after the Board's failure to provide a written response to the appeal,

the requestor may seek judicial review in the Oakland County Circuit Court pursuant to the provisions of MCL §15.240a

The Public Summary of the FOIA Procedures and Guidelines took effect June 15, 2015; and was revised and takes effect February 13, 2023.

7923196/2023

