

LOVELLS TOWNSHIP
8405 Twin Bridge R., Grayling, MI 49738

Michigan Freedom of Information Act Policy

PREAMBLE: Statement of Principles

It is the Township's policy, with respect to the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended (MCL 15.231 *et seq.*) (FOIA), to comply with State Law in all respects. All persons, except those incarcerated, 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 employees.

GENERAL POLICIES:

The Township clerk is designated as the FOIA coordinator for Lovells Township. Pursuant to MCL 15.236(3), the clerk may designate another individual to act on his/her behalf to accept and process requests for the township's public records and approve a denial of requests under FOIA.

In the adoption of this policy the Lovells Township Board designates the Clerk as the FOIA Coordinator for Lovells Township.

PROCEDURES:

If a request for a public record is received by facsimile or email, the request is deemed to have been received on the following office day. If a request is sent by email and delivered to a township spam or junk-mail folder, the request is not deemed received until one day after the FOIA coordinator first becomes aware of the request. The FOIA coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA coordinator became aware of the request. The FOIA coordinator shall review township spam and junk-mail folders on a regular basis, which shall be no less than once a month.

A person may request that the public records be provided on a non-paper physical media, emailed or otherwise provided to him/her in digital form in lieu of paper copies. The Township will comply with the request only if it possesses the necessary technological capability and know how to provide records in the requested media format.

Township employees who receive a FOIA request shall note the date of receipt on the request and forward it within one (1) office day to the Township FOIA Coordinator.

A. Upon receipt of a FOIA request, the Township FOIA Coordinator shall

- a. Determine if there is an existing public record that satisfies the request
- b. Determine if any requested records, in whole or in part, are available on the Township's website
- c. Determine if any requested records, in whole or in part, are subject to denial or exempt from disclosure

B. A FOIA request shall be denied

- a. If the requesting person is serving a sentence of imprisonment in a local, state or federal correctional facility
- b. If the requesting person does not describe a public record sufficiently to enable the Public Body to find it
- c. If it requires the Public Body to create a new public record or make a compilation, summary or report of information
- d. If the public record requested does not exist

C. *The Township will respond in one of the following ways*

- a. Grant the request
- b. Issue a written notice denying the request
- c. Grant the request in part and issue a written notice denying the request in part
- d. Issue a written notice indicating that due to the nature of the request the Township needs an additional ten (10) business days to respond for a total of no more than fifteen (15) business days. Only one extension is permitted
- e. Issue a written notice that due to the voluminous amount of material, an opportunity will be made for the requestor to analyze the material and make copies as needed during normal township business hours at the Lovells Township office located at 8405 Twin Bridge Rd., Grayling MI 49738
- f. Issue a written notice indicating that the public record requested is available at no charge on the Township website

D. *Fees*

- a. The Public Body may charge a fee for copying public records for the requesting person or to enable inspection. A fee may also be charged for search, examination, review or redaction of public records
- b. The applicable fees shall be calculated by the Township FOIA Coordinator in accordance with the Township's FOIA Procedures and Guidelines and using the Detailed Cost Itemization Form (available on the Township Website)
- c. If the total projected fee is expected to exceed \$50.00, the Township FOIA Coordinator may require a deposit of not more than fifty (50%) percent of the fee in advance of processing the FOIA request
- d. The Township may refuse to process the request until a deposit is paid
- e. The Township may require payment of fees in full before it delivers the records that have been requested
- f. If a request for public records is 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 FOIA coordinator shall require a deposit of one hundred (100%) percent of the estimated processing fee before beginning to search for a public record for the current written request by the person.

E. *Exceptions to Fees*

- a. The Township will not charge a fee for any request that can be processed in 30 minutes or less
- b. The public records may be provided without charge or reduced charge if the Township determines that a record primarily benefits the general public and it is in the public interest to provide it without charge or with a reduced charge
- c. The first \$20.00 of the total fee for requested records shall be waived in the requesting person submits an Affidavit of Indigence available on the Township website

H. *Appeal*

- a. Appeal of a Denial of a Public Record
 - i. The appeal must be in writing, specifically stating the word "appeal" and identify the reason(s) the requestor is seeking a reversal of the denial. The County FOIA Appeal form (to appeal a denial of records) may be used and can be located on the Township website
 - ii. The Township Board is not considered to have received a written appeal until the first regularly scheduled Township Board meeting following the submission of the written appeal
 - iii. Within ten (10) business days of the Township Board receiving the appeal, the Board will respond by
 - 1. Reversing the disclosure denial
 - 2. Upholding the disclosure denial
 - 3. Reversing the disclosure denial in part and uphold the disclosure denial in part
 - 4. Under unusual circumstances, the Board may issue a notice extending the response period by not more than ten(10) business days. The Township Board shall not issue more than one extension per appeal

- iv. If the Township Board fails to respond or if the Township Board upholds all or part of the disclosure denial; the requesting person may seek a judicial review of the nondisclosure by commencing a civil action in the County Circuit Court
- b. Appeal of an excessive FOIA processing fee
- i. The appeal must be in writing, specifically stating the word “appeal” and identify how the required fee exceeds the amount permitted. The Township FOIA Appeal form (to appeal an excess fee) may be used and can be located on the Township website
 - ii. The Township Board is not considered to have received a written appeal until the first regularly scheduled Township Board meeting following the submission of the written appeal
 - iii. Within ten(10) business days of the Township Board receiving the appeal, the Board will respond by
 - 1 Waiving the fee
 - 2 Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee
 - 3 Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee
 - 4 Reversing the disclosure denial in part and uphold the disclosure denial in part
 - 5 Under unusual circumstances, the Board may issue a notice extending the response period by not more than ten(10) business days. The Township Board shall not issue more than one extension per appeal
 - 6 Where the Township Board reduces or upholds the fee, the determination must include a certification from the Township Board that the statements in the determination are accurate and that the fee amount complies with its publicly available procedures and guidelines and section 4 of the FOIA
 - iv. If the Township Board fails to respond or if the Township Board upholds all or part of the fees; the requesting person may seek a judicial review of the nondisclosure by commencing a civil action in the County Circuit Court

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 Lovells Township Board hereby declares that it would have passed this policy and each part, section, subsections, phrases, sentences and clause irrespective of the fact that anyone or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Richard Wright
Township Supervisor

Janet Dunning
Township Clerk

Board Approved:
December 2025