

**CITY OF SAUGATUCK
FREEDOM OF INFORMATION ACT (FOIA)
PROCEDURES & GUIDELINES**

The following Freedom of Information Act Procedures & Guidelines (“Procedures & Guidelines”) are established pursuant to Resolution No. 150526-A, adopted by the City Council of the City of Saugatuck (“City”) on May 26, 2015. In addition, the City Council shall create, and make publicly available, a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the City and explaining how to understand the City’s written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The City will post the Procedures & Guidelines and the written public summary on the City’s website at www.saugatuckcity.com.

SECTION 1 - DEFINITIONS

- Act: The Michigan Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended.
- FOIA Coordinator: The City Clerk, as designated by the City Council pursuant to Section 6(1) of the Act, and any other individual designated by the City Clerk pursuant to Section 6(3) of the Act to act on the City’s behalf in accepting and processing requests for the City’s public records and in approving a denial under Section 5 of the Act.
- Person: 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 Michigan or any other state, or in a federal correctional facility.
- Public Record: A writing which is prepared, owned, used, in the possession of, or retained by the City in the performance of an official function from the time it is created and as otherwise defined by the Act. Public record does not include computer software.
- City: The City of Saugatuck and its departments, commissions, boards, and committees.
- Unusual Circumstances: The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct records pursuant to a single request or the need to collect public records from numerous locations apart from the office receiving or processing the request.

Where not otherwise defined, the words and phrases contained in this Procedures & Guidelines shall have the meaning given to them, if any, by the Act.

SECTION 2 - RIGHT TO RECORDS

A person has the right to review public record(s) from the City as provided in the Act. The request must be in writing and sufficiently describe the public record to enable the FOIA Coordinator to identify the requested public record.

A person has the right to inspect a public record, or receive copies of a requested public record, unless exempted by law or court order. Upon written request, a person will be provided with a reasonable opportunity to inspect the public records provided by the City. Inspection of public records shall occur only between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, at City Hall, unless otherwise agreed by the FOIA Coordinator in his or her sole discretion. Persons with special needs should contact the FOIA Coordinator beforehand to ensure that arrangements for special needs or reasonable facilities are prepared. The City Council may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. When inspecting public records, a person shall not write on, alter, deface, or otherwise place any mark on a public record. The City shall protect public records from loss, removal, unauthorized alteration, mutilation, or destruction. The City may require the necessary copying of a public record for inspection in certain instances such as to allow for the redaction of exempt information, to protect old or delicate original records, or because the original public record is a digital file or database not available for public inspection. In such instances, the City may require the requesting person to pay fees for such copying prior to inspection.

A person may request that copies of a public record be provided subject to the payment of fees as provided in Section 4 of these Procedures & Guidelines and Section 4 of the Act.

A person has the right to subscribe to future issuances of public records that are created, issued, or disseminated by the City on a regular basis. A subscription shall be valid up to six months, at the request of the subscriber, and shall be renewable.

SECTION 3 – RIGHTS AND OBLIGATIONS OF THE CITY

The City shall process all written requests for a public record from a person. A request must sufficiently describe a public record so as to enable the FOIA Coordinator to identify and find the requested public record. If a verbal request is made for information that a City employee believes is available on its website, the employee shall, where practicable and to the best of the employee's knowledge, inform the requesting party about the City's website address. If a request has not been made in writing, the FOIA Coordinator may, but is not obligated to, have the person complete the request form (see FOIA request form, Attachment A). Except as provided herein, the City will not process a request for public records unless the request is in writing.

The City shall not deliver a copy of a public record or make a public record available to the requesting person until payment of the fees established under Section 4 of these Procedures & Guidelines and Section 4 of the Act. If the City delivers a copy or makes a public record

available and the requesting person has not made payment at the time, the City shall be entitled to collect payment from the requesting person by any legal means.

The FOIA Coordinator will provide a certified copy of a public record if a person so requests in writing.

The Act does not require the City or the FOIA Coordinator to make a compilation, summary, report of information, or create a new public record. Neither the City nor the FOIA Coordinator is obligated to provide answers to oral or written questions. Unless a person requires the City to provide copies to the person, the City may allow for inspection of public records.

The FOIA Coordinator shall keep a copy of all written requests on file for not less than one year.

Whenever copies are made for a requesting party under FOIA, the FOIA Coordinator shall make and keep for its files one extra set of copies thereof, in case it is necessary later to prove exactly which copies were made and given to the requesting party. Such extra set of copies shall be kept by the FOIA Coordinator for at least one (1) year. There shall be no charge or fee to the requesting party for such extra set of copies kept by the FOIA Coordinator.

SECTION 4 – FEES AND DEPOSITS

The City Council shall adopt, by resolution, a schedule of fees for processing FOIA requests and for providing copies of public records in accordance with the Act. All FOIA requests submitted pursuant to the Act shall be subject to the fees adopted by the City Council, except any fees as otherwise provided by law. All fees for responding to written FOIA requests shall be itemized in detail on Attachment B (Detailed Cost Itemization). The City will use the most economical means available for making copies of public records.

The FOIA Coordinator will require that payment be made in full for the allowable fees for processing and responding to a FOIA request before the public record is made available.

The FOIA Coordinator may waive a fee or reduce a fee if it is determined 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.

The City may charge for the following six categories of costs associated with processing a FOIA request:

- 1) Labor costs directly associated with searching for, locating and examining a requested public record, as provided in Section 4(1)(a) of the Act;
- 2) Labor costs directly associated with a review of a record to separate and delete information exempt from disclosure from information which is not exempt from disclosure, as provided in Section 4(1)(b) of the Act;
- 3) The actual and most reasonably economical costs of computer discs, computer tapes, or other digital or similar media, as provided in Section 4(1)(c) of the Act;

- 4) The actual total incremental cost of duplication or publication, not including labor, of paper copies of public records, as provided in Section 4(1)(d) of the Act;
- 5) The cost of labor directly associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requesting person on non-paper physical media or through the Internet or other electronic means as stipulated by the requesting person as provided in Section 4(1)(e) of the Act; and
- 6) The actual cost of mailing for sending a public record in a reasonably economical and justifiable manner as provided in Section 4(1)(f) of the Act.

Labor costs will be calculated based on the following requirements:

- 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 labor charge.
- Charges for labor costs will be determined by using the hourly wages of the lowest paid public body employee capable of performing the work in the particular instance regardless of who actually performed the labor, as provided in the Act.
- Overtime wages will not be included in labor costs unless agreed to by the requesting person and the overtime wages are clearly noted on the Detailed Cost Itemization (Attachment B).
- Labor costs will include a charge to cover or partially cover the cost of fringe benefits. The City may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier on the Detailed Cost Itemization (Attachment B) but in no case shall the City charge more than the actual cost of fringe benefits. If the City includes the website address for a public record in its written response to the requesting person and the requesting person thereafter requests that the public record be provided to him or her in a paper format or non-paper physical media, the City shall provide the public records in the specified format but may use a fringe benefit multiplier greater than 50% not to exceed the actual costs of providing the information in the specified format as provided in Section 4(5) of the Act. Overtime costs will not be used to calculate the fringe benefit cost.
- Any public records available to the general public on the City's website at the time a request is made are exempt from charges for labor costs for separating and deleting of exempt information.
- The City shall not charge for labor directly associated with redaction under Section 14 of the Act if the City knows or has reason to know that it previously redacted the public record in question and the redacted version is still in the City's possession.

The cost to provide paper copies of records will be based on the following requirements:

- The cost of paper copies will be calculated as a total cost per sheet of paper and shall be itemized on Detailed Cost Itemization (Attachment B). The cost of paper copies of public records made on standard letter size (8-1/2 by 11”) or legal size (8-1/2 by 14”) paper will be \$0.10 per sheet of paper. Copies for non-standard or legal size sheets of paper will reflect actual cost of duplication.
- The City shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

The cost to provide records on non-paper physical media when stipulated by the requesting person will be based on the following requirements:

- Computer discs, computer tapes or other digital or similar media will be at actual and most reasonably economical cost for the non-paper media.
- The requirement to provide records on non-paper physical media will not apply if the City lacks the technological capability necessary to provide the public record on the non-paper physical media stipulated in the particular instance.
- In order to ensure the integrity and security of the City’s technological infrastructure, the City will procure any requested non-paper media and will not accept non-paper media from the requesting person.

The cost to mail records to a requesting person will be based on the following requirements:

- The actual cost to mail copies of public records using a reasonably economical and justified means.
- The City will not charge for expedited shipping or insurance unless specifically stipulated by the requesting person but the City may charge the least expensive form of postal delivery confirmation.

The FOIA Coordinator will only charge a fee for the cost involved with searching for, examining, or reviewing a public record, and the deletion and separation of exempt from nonexempt information, when such activities will result in an unreasonably high cost to the City, as determined by the FOIA Coordinator. The fee may include the cost of labor for searching for, examining, or reviewing a public record, and the deletion and separation of exempt from nonexempt information, in response to a request for the inspection of a public record or a request for copies of a public record as permitted by FOIA. In determining what is an unreasonably high cost to the City, the FOIA Coordinator shall consider the following factors on a case-by-case basis:

- Volume of public records requested;
- The time frame for the public records requested;
- Complexity of searching for, examining, reviewing a public record, and the deletion and separation of exempt from non-exempt information;

- The need to search for, examine, and review public records from different departments or offices of the City;
- The anticipated hours of labor;
- The available staffing for responding to the request;
- The extent to which the particular request incurs costs greater than the costs incurred for the typical or usual request received by the City.
- Any other similar factors designated as applicable by the FOIA Coordinator.

A public record search shall be made and a copy shall be furnished without the charge for the first \$20.00 of the fee for each request by either of the following:

- An individual who submits an affidavit stating that the person is indigent and receiving specific public assistance or, if not receiving specific public assistance, stating facts showing an inability to pay the cost because of indigency. If the requesting person is eligible for a requested discount, the FOIA Coordinator shall fully note the discount on the detailed itemization described in the Detailed Cost Itemization (Attachment B). If a requesting person is ineligible for the discount, the FOIA Coordinator shall inform the requesting person specifically of the reason for ineligibility in the FOIA Coordinator's written response. An individual is ineligible for this fee reduction if any of the following apply:
 - The individual has previously received discounted copies of public records from the City twice during that calendar year.
 - 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. The FOIA Coordinator may require a statement by the requesting person in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.
- A nonprofit organization formally designated by the State of Michigan to carry out activities under subtitle C of the 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:
 - 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; and
 - Is accompanied by documentation of its designation by the State of Michigan, if requested by the FOIA Coordinator.

In either the City's initial response or subsequent response to a FOIA request under Section 5(2)(d) of the Act, the City will require a good-faith deposit from the requesting person before providing the public records if the entire fee estimate or charge authorized under Section

4 of the Act exceeds \$50, based on a good-faith calculation of the total fee. The deposit shall not exceed ½ of the total estimated fee, and the City's request for a deposit shall include a detailed itemization on the Detailed Cost Itemization (Attachment B). The City's response shall also contain a best efforts estimate by the City regarding the time frame it will take the City to comply with the Act in providing the public records to the requesting party. If the City does not respond in a timely manner as described in section 5(2) of the Act, it is not relieved from its requirements to provide proper fee calculations and time frame estimates in any tardy responses.

If the City has not been paid in full the total fees for copies of public records that the City has made available to an individual, the City will require a deposit of up to 100% of the estimated fee before the FOIA Coordinator begins a full public record search for any subsequent written request from that individual if all of the following apply:

- The final fee for the prior written request was not more than 105% of the estimated fee.
- The public records made available contained the information being sought in the prior written request and are still in the City's possession.
- The public records were made available to the individual, subject to payment, within the time frame estimate described in the prior request.
- Ninety (90) days have passed since the City 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 City.
- The FOIA Coordinator calculates a detailed itemization on Attachment B (Detailed Cost Itemization) that is the basis of the current written requests' increased fee deposit.

The City will no longer require an increased estimated fee deposit from an individual as provided above if any of the following apply:

- The individual is able to show proof of prior payment in full to the City.
- The City is subsequently paid in full for the applicable prior written request.
- 365 days have passed since the individual made the written request for which full payment was not remitted to the City.

If the City requires a deposit and the deposit is not received by the City within 45 days from the receipt by the requestor of the notice that a deposit is required, and if the requestor has not filed an appeal of the deposit, the request shall be deemed abandoned and the City is not required to fulfill the request. A notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of transmission. Notice of a deposit requirement must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent.

The City has limited in-house capabilities for copying photographs, audio or video tapes, microforms, maps, or plans. If a person requests that copies be made of these or large documents which must be copied off-site, the FOIA Coordinator will determine and assess those costs. If an officer or employee of the City is required to deliver and/or pick up the public records and/or copies of public records, the labor hours spent and applicable mileage (at City rates) will also be applied to the charges of the person(s) requesting the public records.

If the City does not employ a person or firm capable of separating and deleting exempt from non-exempt information, the City may use contracted persons or firms to perform this task. In such case, the City may treat the necessary contract labor costs in the same manner as employee labor costs if the FOIA Coordinator clearly notes the name of the contracted person or firm in Attachment B (Detailed Cost Itemization) provided that the total contracted labor costs will not exceed six (6) times the State of Michigan hourly minimum wage. Contracted persons or firms may include attorneys who are required to separate and delete exempt from non-exempt information.

Charges for labor costs shall be reduced by 5% for each day that the City exceeds the time permitted in responding to a FOIA request under Section 5(2) of the Act, up to a 50% maximum reduction, if either of the following applies:

- The late response was willful and intentional; or
- The written request, 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 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.

If such a reduction is required for a late response, the FOIA Coordinator shall fully note the reduction on Attachment B (Detailed Cost Itemization).

The FOIA Coordinator shall not charge additional fees for certification of any copies.

A person who has subscribed to future issuances of regularly published public records pursuant to Section 3(1) of the Act may request that the public record, be sent to them or they may be called for pickup of the public record provided, however, that copy fees and mailing charges for such public records must be paid before the requested public record is sent or picked up by the person.

SECTION 5 – PROCEDURES OF THE PUBLIC BODY **IN PROCESSING A FOIA REQUEST**

After a person has made a written request for a public record in accordance with the Act, the FOIA Coordinator shall respond within five (5) business days after its receipt. A written request made by facsimile, electronic mail, or other electronic transmission is not considered received by the FOIA Coordinator until one (1) business day after the electronic transmission is made, as provided in the Act. A written request sent by email and delivered to the City’s spam or junk folder is not considered received by the City until one (1) day after it first becomes aware

of the written request. The City will note in its records both the time a written request is delivered to its spam or junk mail folder and the time that it first becomes aware of that request.

A person making a written request for a public record may stipulate that the public records be provided on non-paper physical media, electronically mailed, or otherwise electronically provided to him or her in lieu of paper copies. This requirement shall not apply if the City lacks the technological capability necessary to provide records on the particular non-paper physical media stipulated in the particular instance. If public records are provided on non-paper physical media, electronically mailed or otherwise electronically provided in lieu of paper copies as stipulated by the person making the request, the City may charge more than the 50% fringe benefit multiplier (not to exceed actual cost) as provided in Section 4(5) of the Act.

If a verbal request is made for information that a City employee believes is available on its website, the employee shall, where practicable and to the best of the employee's knowledge, inform the requesting party about the City's website address.

Where a written request is received which does not sufficiently describe the public records requested so as to enable the FOIA Coordinator to identify and find the public record, FOIA Coordinator will notify the requesting person of the need for a clarification. Such notice, if sent, shall not be interpreted as a denial of the request for purposes of the Act or these Procedures & Guidelines. Any clarification will be considered a new FOIA request subject to the timelines described in this Section and the Act.

The FOIA Coordinator will process written requests for a public record by responding within five (5) business days of receipt in one of the following five ways:

- 1) Grant the request.

If the request indicates that the person desires to inspect the public records, the FOIA Coordinator will contact the person to arrange for inspection at a reasonable time during normal office hours.

If the request indicates that the person is requesting copies of a public record, the FOIA Coordinator will forward notification to the requesting person indicating the amount due and where the documents may be released upon payment of the applicable fees. However, if the request is estimated to generate entire fees of \$50 or more, the FOIA Coordinator may require fifty percent (50%) of the estimated charges be deposited in advance of the processing of the request provided, however, that in the request for the deposit, the FOIA Coordinator shall include a detailed itemization of the estimated fees (using Attachment B/Detailed Cost Itemization) and a "best efforts" estimate of a nonbinding time frame for providing the public records. The FOIA Coordinator will not process the request unless and until the deposit is made. The balance of the fees must be paid prior to release of documents.

- 2) Issue a written notice denying the request. The FOIA Coordinator may use the form attached as Attachment D for this purpose. The notice of the denial shall include:

- an explanation as to why the requested public record is exempt from

disclosure in accordance with the Act, or

- a certificate that the requested public record does not exist under the name given by the requesting person or by another name reasonably known to the City, or
 - a description of a public record or information which had to be separated or deleted from the public record pursuant to Section 14 of the Act.
 - In addition to the explanations noted above, the denial shall also include a full explanation of the person's right to appeal the denial to the City Council and to seek judicial review in accordance with Section 10 of the Act.
- 3) Grant the request in part, and issue a written notice denying the request in part. In the latter instance, the public records exempted from disclosure shall be treated as in subsection (2) above.
 - 4) Issue a written notice extending the time in which to respond to the request by ten (10) business days. The FOIA Coordinator may use the form attached as Attachment C for this purpose. The notice will specify the reasons for the extension and the date by which the City will grant the request, deny the request, or grant in part and deny in part the request. The City shall not issue more than one such notice of extension for a particular request.
 - 5) Issue a written notice indicating that all or a portion of a requested public record is available at no charge on the City's website. To the degree practicable, the written response shall include a specific webpage address where the requested information is available. On Attachment B (Detailed Cost Itemization), the FOIA Coordinator shall separate the requested public records that are available on the City's website from those that are not available on the website and shall inform the requesting party of the additional charge to receive copies of the public records that are available on its website. If the City has included the website address for a public record in its written response to the requesting person and the requesting person thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical media, the City shall provide the public records in the specified format but may use a fringe benefit multiplier greater than 50% not to exceed the actual costs of providing the information in the specified format as provided in Section 4(5) of the Act.

Failure to respond to a written request in a timely manner as required by Section 5(2) of the Act constitutes a denial of the request if either of the following apply:

- The failure was willful and intentional; or
- 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 to the Act, on the front of an envelope or in the subject line of an electronic mail, letter, or

facsimile cover page.

A copy of these Procedures & Guidelines and the written public summary of these Procedures & Guidelines shall be furnished free of charge to the requesting party in response to a written FOIA request and upon request by visitors at City Hall or other City offices. In lieu of providing paper copies of the Procedures & Guidelines and the written public summary thereof in response to a written FOIA request, the FOIA Coordinator may include the City website link to the Procedures & Guidelines and the written public summary of the Procedures & Guidelines.

SECTION 6 – PROCEDURES FOR SEPARATION OF RECORDS

If a request is made for an existing public record that includes information which is exempt from disclosure under the Act and information which is not exempt, the FOIA Coordinator must separate the material and make the nonexempt material available for inspection and copying. As provided in Section 4 of these Procedures & Guidelines, the FOIA Coordinator may use contracted persons or firms to separate and delete exempt from non-exempt information if the City does not employ a person or firm capable of performing this task. Additionally, if the separation is readily apparent to a person requesting to inspect or receive copies, the FOIA Coordinator shall generally describe the material exempted unless doing so would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

SECTION 7 – FOIA COORDINATOR

The FOIA Coordinator shall be responsible to accept and process requests for public records and approve denials in accordance with Sections 5(4) and (5) of the Act.

SECTION 8 – APPEALS-DENIALS

In accordance with the Act, where a person's request for a public record is denied, in whole or in part, the person shall be entitled to file a written appeal on the decision in accordance with the following process:

- The person shall be advised by the FOIA Coordinator of the right to file a written appeal to the City Council as “the head of the public body” which shall specifically state the word "appeal" and identify the reason(s) for reversal of the denial. The person making the appeal may use the form attached as Attachment E.
- The City Council is not considered to have received a written appeal until the first regularly scheduled meeting of the City Council following submission of the written appeal.
- In its consideration of any written appeal, the City Council shall review the materials submitted by the appellant, any written comments received from the FOIA Coordinator, any other information as the City Council deems necessary, and within ten (10) business days after receiving the written appeal as provided above, take one of the following actions:
 - reverse the disclosure denial, or

- issue a written notice to the requesting person upholding the disclosure denial, or
- reverse the disclosure denial in part and issue a written notice to the requesting person upholding the denial in part, or
- under unusual circumstances, issue a notice extending for not more than ten (10) business days the period during which the City Council will respond to the written appeal. The City Council shall not issue more than one notice of extension for a particular written appeal.

Whether or not a person has submitted an appeal under this Section, the person may choose to commence an action in the Circuit Court to compel the City's disclosure of public records as provided in Section 10 of the Act.

SECTION 9-APPEALS-FEES

If a requesting person believes that the City is requiring a fee that exceeds the amount permitted under these Procedures & Guidelines or Section 4 of the Act, the requesting person may submit to the City Council as the "head of the public body" a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted. The person making the appeal may use the form attached as Attachment F. The City Council is not considered to have received a written appeal until the first regularly scheduled meeting of the Council following submission of the written appeal.

Within 10 business days after receiving a written appeal challenging fees, the City Council shall do one of the following:

- Waive the fee.
- Reduce the fee and issue a written determination to the requesting person indicating the specific basis under Section 4 of the Act that supports the remaining fee. The determination shall include a certification from the City Council that the statements in the determination are accurate and that the reduced fee amount complies with these Procedures & Guidelines and Section 4 of the Act.
- Uphold the fee and issue a written determination to the requesting person indicating the specific basis under Section 4 of the Act that supports the required fee. The determination shall include a certification from the City Council that the statements in the determination are accurate and that the fee amount complies with these Procedures & Guidelines and Section 4 of the Act.
- Issue a notice extending for not more than 10 business days the period during which the City Council must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The City Council shall not issue more than 1 notice of extension for a particular written appeal.

Within 45 days after receiving notice of the City Council's determination of an appeal regarding fees under this Section or the City Council's failure to act timely on the appeal as

required by Section 10a(2) of the Act, the person who filed the appeal may commence a civil action as provided in Section 10a of the Act. If a civil action is commenced against the City under this Section, the City is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

As used in this Section, “fee” means the total fee or any component of the total fee calculated under Section 4 of the Act, including any deposit.

SECTION 10-INTERPETATION AND EFFECTIVE DATE

These Procedures & Guidelines are intended to fully comply with the Act. In the event of any inadvertent inconsistency between the Act and these Procedures & Guidelines, the Act shall control.

These Procedures & Guidelines shall become effective as of July 1, 2015.

SECTION 11 – FORMS

The following forms attached hereto are incorporated into these Procedures & Guidelines:

Attachment A	FOIA Request for Public Records Form
Attachment B	Detailed Cost Itemization
Attachment C	Notice to Extend Time for a FOIA Request
Attachment D	Notice of Denial of FOIA Request
Attachment E	FOIA Appeal Form-To Appeal of a Denial of Records
Attachment F	FOIA Appeal Form-To Appeal an Excess Fee

The FOIA Coordinator may use the forms in substantially the form attached as Attachments A through F in processing FOIA requests. The FOIA Coordinator may modify the forms attached as Attachments A through F as necessary or appropriate to conform the forms to these Procedures & Guidelines or the Act or to otherwise improve the forms for use by the FOIA Coordinator and the public.