

**IRA TOWNSHIP**  
**PROCEDURES AND GUIDELINES REGARDING**  
**FREEDOM OF INFORMATION ACT**  
**ACCESS TO PUBLIC RECORD REQUEST**

**I. INTRODUCTION**

A person has the right to submit a written request for public record(s) from Ira Township (Township) and its departments. The request must sufficiently describe the public record to enable the Township FOIA coordinator to identify the requested public record(s).

**II. DESIGNATED FOIA COORDINATOR**

The Township supervisor is the designated FOIA coordinator, who will accept and process written requests for public record(s). The supervisor is authorized to approve and deny requests for public documents as permitted by FOIA.

**III. REQUESTER RESPONSIBILITIES UNDER FOIA**

A written FOIA request should be addressed to the Township supervisor or Township FOIA coordinator. The request may be made on the Township's standard form which is available at the Township or on the Township website. The written request must sufficiently describe the public record(s) to enable the FOIA coordinator to identify the requested public record(s). The FOIA coordinator may send a notice requesting clarification of the request. The notice, if sent, shall not be interpreted as a denial of the request.

The request may be mailed or delivered to the Township at 7085 Meldrum Road, Ira, Michigan 48023. A written request made by facsimile, electronic mail, or other electronic transmission is not received by the Township's FOIA coordinator until one (1) business day after the electronic transmission is made. If a written request is sent by electronic mail and delivered to the Township's spam or junk-mail folder, the request is not received until one (1) day after the Township first becomes aware of the written request. The Township will note in its records both the time a written request is delivered to its spam or junk-mail folder and the time the public body first becomes aware of the request.

**IV. TOWNSHIP RESPONSIBILITIES UNDER FOIA**

The Township will respond to a written request for a public record(s) within five (5) business days after the Township receives the request by doing one of the following:

- A. Grant the request;
- B. Issue a written notice to the requesting person denying the request;
- C. Grant the request in part and issue a written notice to the requesting party denying the request in part;
- D. Issue a notice extending for not more than ten (10) business days the period during which the Township shall respond to the request.

If the request indicates that the requestor desires to inspect public record(s), the FOIA coordinator will contact the requestor to arrange for inspection of non-exempt public record(s) at a reasonable time. The inspection or examination of public record(s) shall be conducted by the requesting person in the presence of an employee of the Township and under conditions as the FOIA coordinator might require in order to protect the Township's records and prevent excessive and unreasonable interference with the discharge of the Township's municipal functions.

If the request indicates that the requestor wishes to have copies of public record(s) prepared and/or mailed, the FOIA coordinator shall be responsible for providing copies of non-exempt public record(s), subject to the payment of costs contained in the Township fee schedule.

If the written request is denied, the FOIA coordinator or designee shall issue a written notice denying the request. The notice shall include an explanation as to why the requested public record(s) are exempt from disclosure or any indication that the requested public record does not exist. If a request is made for an existing public record that includes information that is exempt from disclosure under the FOIA, any information that is not exempt, the FOIA coordinator and/or contractor must separate the material and make the non-exempt material available for examination and/or copying. Although the cost incurred in such procedures shall be treated in accordance with the Township's FOIA fee schedule.

## **V. COSTS FOR RESPONDING TO FOIA REQUEST**

Pursuant to the FOIA, the Township Board of Trustees has approved a fee schedule for responding to FOIA requests. The fee schedule is available from the FOIA coordinator and/or the Township website.

**Deposit Requirements.** If the estimated total fee for processing the request exceeds \$50.00, the Township will require a 50% deposit. The Township will not begin processing the request until the deposit is paid.

If the Township receives a request from an individual who has not paid for copies of public records collected for a prior request, the Township will require a deposit of 100% of the estimated total fee before the new request is processed, if all of the following conditions exist:

- the final fee for the prior request was not more than 105% of the estimated fee;

- the public records made available contained the information sought and remain in the Township's possession;

The Township will not require the 100% estimated fee deposit if any of the following applies:

- the individual is able to show proof of full payment for the prior request;
- the individual pays in full the amount due for the prior request; or
- 365 days have passed since the individual made the request that was not paid for.

If the Township does not receive the requested deposit by the date specified by the Township in the deposit notice, the Township will consider the request abandoned. The specified date will be 48 days after the notice is sent. The requestor will be required to file a new FOIA request if they wish to obtain the previously requested records.

## **VI. APPEALS**

If the Township makes a final determination to deny all or a portion of a request, the requesting person may do one of the following at his or her option:

- Submit to the Township Board of Trustees through the Township clerk's office a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
- Commence a civil action in the St. Clair County Circuit Court to compel the Township's disclosure of the public records. The lawsuit must be filed within 180 days after the Township's final determination to deny a request.

Within 10 business days of receiving a written appeal, the Township Board of Trustees shall do one of the following:

- Reverse the disclosure denial.
- Issue a written notice to the requesting person upholding the disclosure denial.
- Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure and denying in part.
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Township Board of Trustees shall respond to the appeal. The Board of Trustees shall not issue more than one notice of extension for a particular written appeal.

The Township Board of Trustees is not considered to have received a written appeal until the first regularly scheduled meeting of the Board of Trustees following submission of the written appeal. If the Board of Trustees fails to respond to a written appeal or if Board of Trustees upholds all or a portion of the disclosure denial that is the subject matter of the appeal, the requesting person may seek judicial review by commencing a civil action in the St. Clair County Circuit Court within 180 days after the Township Board denial.

If the Township requires a fee that exceeds the amount permitted under its Procedures and Guidelines, the requesting person may commence a civil action in the circuit court for the County of St. Clair for a fee reduction. The civil action must be commenced within forty-five (45) days after receiving the notice of the required fee. If a civil action is commenced against the Township for a fee reduction, the Township is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.