



# CITY OF NEGAUNEE

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319 West Case Street, Negaunee, Michigan 49866, Phone: 906-475-7700 ext. 11 Fax: 906-475-0178

## City of Negaunee Written Public Summary of the City's Freedom of Information Act Procedures and Guidelines

### A. How to submit written requests.

FOIA requests to the City of Negaunee can be sent by email or mail to:

**CITY DOCUMENTS:** Email: [cmsecretary@cityofnegaunee.com](mailto:cmsecretary@cityofnegaunee.com)

City of Negaunee  
Attn: FOIA Coordinator  
319 W. Peck St.  
PO Box 70  
Negaunee, MI. 49866

**POLICE DOCUMENTS:** Email: [ldowns@cityofnegaunee.com](mailto:ldowns@cityofnegaunee.com)

City of Negaunee  
Attn: FOIA Coordinator/Police Documents  
319 W. Peck St.  
PO Box 70  
Negaunee, MI. 49866

Requests should include a name, phone number, and mailing address.

*Note: If you are serving a sentence of imprisonment in a local, state or federal correctional facility you are not entitled to submit a request for a public record.*

### B. How to understand the City's written responses to FOIA requests.

The City has several options when responding to written requests for public records. It can grant the FOIA request, deny the request, grant it in part and deny it in part, or take one 10 business day extension. After 10 business days pass, the City has to respond with one of the other options.

If the request is granted or granted in part and denied in part, the City can also charge a fee to process the request. There is no fee for requests that do not require the City to incur costs above the threshold set in its Procedures and Guidelines. Fees are calculated using its procedures and guidelines and you will receive a detailed itemization of the fee. The City may require you to pay a good-faith deposit before it processes your request. After you pay any deposit and final balance due, the City will produce records in its possession that fall within the scope of your request and that legally may be disclosed to the public. The City may also notify you that some of the records you have requested are available on its website.

If the request is denied, the City will inform you of the basis for its denial in a written notice. Reasons the City may deny a request include:

1. You did not describe the records you have requested well enough and the City cannot determine what you are asking for;
2. The City has determined that it does not have records that respond to your request in its possession; or
3. The records you have requested are exempt from public disclosure.

If all or part of your request is denied, the City will inform you of your right to appeal its denial to the City Manager and/or to file a lawsuit against the City in its written response.

### **C. Deposit requirements.**

If the City estimates a fee to process a FOIA request greater than \$50.00, the City will require a good-faith deposit from you before providing the public records. The deposit shall not exceed 1/2 of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by the City regarding the time frame after a deposit is received that it will take the City to provide the public records. The time frame estimate is not binding upon the City, but the City shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

### **D. Fee calculations.**

The FOIA permits the City to charge a fee to process FOIA requests using a form to give you a detailed itemization are costs involved. The City may charge for the following costs:

1. the costs of labor for the search, location, and examination of public records;
2. the costs of labor for the review of public records and separation and deletion of exempt from nonexempt material;
3. the cost of nonpaper physical media;
4. the cost of duplication and publication of public records;
5. the costs of labor for the duplication or publication of public records;
6. the actual cost of mailing public records.

### **E. Avenues for challenge and appeal.**

If the City charges a fee or denies all or part of a request, you may submit to the City Manager a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed. Written appeals may be sent to the email address or mailing address listed above and will be forwarded to the head of the City.

Whether or not a requester submitted an appeal of a denial to the City Manager, he or she may file a civil action in Marquette County Circuit Court within 180 days after the City's final determination to deny the request.

If the court determines that the public record is of exempt from disclosure, the court will award the appellant reasonable attorney's fees, cost and disbursements. If the court determines that the appellant prevails only in part, the court in its discretion may award all or an appropriate portion of reasonable attorney's fees, costs and disbursements.

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

### ○ **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 file an appeal of the denial with the City Manager. 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.

Within 10 business days of receiving the appeal the Manager will respond in writing by:

- reversing the disclosure denial;
- upholding the disclosure denial; or
- reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the Manager, you may file a civil action in Marquette County Circuit Court within 180 days after the City's final determination to deny your request. Should you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1000.00.

### ○ **Appeal of an Excessive FOIA Processing Fee**

If you believe that the fee charged by the City to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the City Manager. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the Manager will respond in writing by:

- waiving the fee;
- reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Mayor will respond to the written appeal.

Within 45 days after receiving notice of the Manager's determination of the processing fee appeal, you may commence a civil action in Marquette County 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 appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.00.