

**TUSCOLA AREA AIRPORT AUTHORITY
WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES AND
GUIDELINES**

Consistent with Public Act 563 of 2014 amending the Michigan Freedom of Information Act (FOIA), the following is the Written Public Summary of the Tuscola Area Airport Authority's FOIA Procedures and Guidelines relevant to the general public.

1. How do I submit a FOIA request to the Tuscola Area Airport Authority?

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Tuscola Area Airport Authority must be submitted in writing.
- A request must sufficiently describe a public record so as to enable the Tuscola Area Airport Authority to find it.
- No specific form to submit a written request is required.
- Written requests can be made in person by delivery to the Tuscola Area Airport Authority office in person or by mail.

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.

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

- Within 5 business days of receipt of a FOIA request the Tuscola Area Airport Authority will issue a response. The Tuscola Area Airport Authority will respond to your request in one of the following ways:
 - Grant the request.
 - Grant the request with redactions.
 - Issue a written notice denying the request.
 - Grant the request in part and issue a written notice denying in part the request.
 - Issue a notice indicating that due to the nature of the request the Tuscola Area Airport Authority needs an additional 10 business days to respond.
- If the request is granted, or granted in part, the Tuscola Area Airport Authority will ask that payment be made for the allowable fees 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 Tuscola Area Airport Authority will require a deposit before processing the request.

3. What are the Tuscola Area Airport Authority's fee deposit requirements?

- If the Tuscola Area Airport Authority has made a good faith calculation that the total fee for processing the request exceeds \$50.00, the Tuscola Area Airport Authority will require that you provide a deposit in the amount of 50% of the total estimated fee.

When the Tuscola Area Airport Authority requests the deposit it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the Tuscola Area Airport Authority of your deposit.

- If the Tuscola Area Airport Authority receives a request from a person who has not paid the Tuscola Area Airport Authority for copies of public records made in fulfillment of a previously granted written request, the Tuscola Area Airport Authority 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:
 - the final fee for the prior written request is not more than 105% of the estimated fee;
 - the public records made available contained the information sought in the prior written request and remain in the Tuscola Area Airport Authority's possession;
 - the public records were made available to the individual, subject to payment, within the time frame estimated by the Tuscola Area Airport Authority to provide the records;
 - 90 days have passed since the Tuscola Area Airport Authority 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 Tuscola Area Airport Authority; and
 - the Tuscola Area Airport Authority has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The Tuscola Area Airport Authority will not require the 100% estimated fee deposit if any of the following apply:
 - the person making the request is able to show proof of prior payment in full to the Tuscola Area Airport Authority.
 - the Tuscola Area Airport Authority is subsequently paid in full for all applicable prior written requests; or
 - 365 days have passed since the person made the request for which full payment was not remitted to the Tuscola Area Airport Authority.

4. How does the Tuscola Area Airport Authority calculate FOIA processing fees?

- A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the Tuscola Area Airport Authority because of the nature of the request in the particular instance, and the Tuscola Area Airport Authority specifically identifies the nature of the unreasonably high costs.
- The Michigan FOIA statute permits the Tuscola Area Airport Authority to assess and collect a fee for six designated processing components. The Tuscola Area

Airport Authority may charge for the following costs associated with processing a request:

- Labor costs associated with searching for, locating and examining a requested public record.
 - Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
 - The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media.
 - The cost of duplication or publication, not including labor, of paper copies of public records.
 - The cost of mailing or shipping the request to the sender.
 - Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non- paper physical media or through the Internet.
- Labor Costs
- All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
 - Labor costs will be charged at the hourly wage of the lowest-paid Tuscola Area Airport Authority employee capable of doing the work in the specific fee category, regardless of who actually performs work.
 - Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
- Non-paper Physical Media
- The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
 - This cost will only be assessed if the Tuscola Area Airport Authority has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- Paper Copies
- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets will reflect the actual cost of reproduction.
 - The Tuscola Area Airport Authority may provide records using double-sided printing, if cost-saving and available.
- Mailing Costs
- The cost to mail public records will use a reasonably economical and justified means.
 - The Tuscola Area Airport Authority may charge for the least expensive form of postal delivery confirmation.
 - No cost will be made for expedited shipping or insurance unless requested.

5. How do I qualify for a reduction of the processing fees?

- The Tuscola Area Airport Authority may waive or reduce the fee associated with a request when Tuscola Area Airport Authority determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.
- The Tuscola Area Airport Authority will waive the first \$20.00 of the processing 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 indigency.
- You are not eligible to receive the \$20.00 waiver if you:
 - have previously received discounted copies of public records from the Tuscola Area Airport Authority 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.
- An affidavit is sworn statement. For your convenience the Tuscola Area Airport Authority has provided an Affidavit of Indigency form for the waiver of FOIA fees on its website.
- The Tuscola Area Airport Authority will waive the fee for an nonprofit organization which meets all of the following conditions:
 - the organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act;
 - the request is made directly on behalf of the organization or its clients;
 - the request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and
 - the request is accompanied by documentation of the organization's designation by the State

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 Office of the Tuscola Area Airport Authority Board Chairman. 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 Tuscola Area Airport Authority Board Chairman 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 Tuscola Area Airport Authority Board Chairman, you may file a civil action in Tuscola County Circuit Court within 180 days after the Tuscola Area Airport Authority'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 Tuscola Area Airport Authority 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

o Appeal of an Excessive FOIA Processing Fee

If you believe that the fee charged by the Tuscola Area Airport Authority 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 Office of the Tuscola Area Airport Authority Board Chairman. 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 Tuscola Area Airport Authority Board Chairman 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 Tuscola Area Airport Authority Board Chairman will respond to the written appeal.

Within 45 days after receiving notice of the Tuscola Area Airport Authority Board Chairman's determination of the processing fee appeal, you may commence a civil action in Tuscola 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 Tuscola Area Airport Authority acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.00.

Need more details or information?

This is only a summary of the Tuscola Area Airport Authority's FOIA Procedures and Guidelines. For more details and information, copies of the Tuscola Area Airport Authority's FOIA Procedures and Guidelines are available at no charge at the Tuscola Area Airport Authority office

TUSCOLA AREA AIRPORT AUTHORITY

FREEDOM OF INFORMATION ACT PROCEDURES & GUIDELINES

Preamble: Statement of Principles

It is the policy of the Tuscola Area Airport Authority that all persons, *except those who are serving a sentence of imprisonment*, consistent with the Michigan Freedom of Information Act (FOIA), 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. The people shall be informed so that they fully participate in the democratic process.

The Tuscola Area Airport Authority's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The Tuscola Area Airport Authority acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The Tuscola Area Airport Authority acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

The Tuscola Area Airport Authority will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The Tuscola Area Airport Authority's policy is to disclose public records consistent with and in compliance with State law.

Section 1: General Policies

The Tuscola Area Airport Authority Board acting pursuant to the authority at MCL 15.236 designates the Tuscola Area Airport Authority Administrative Assistant as the FOIA Coordinator. He or she is authorized to designate other Tuscola Area Airport Authority staff to act on his or her behalf to accept and process written requests for the Tuscola Area Airport Authority's public records and approve denials.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The Tuscola Area Airport Authority is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other Tuscola Area Airport Authority staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the Tuscola Area Airport Authority on file for a period of at least one year.

Section 2: Requesting a Public Record

A person requesting to inspect or obtain copies of public records prepared, owned, used, possessed or retained by Tuscola Area Airport Authority must do so in writing. The request must sufficiently describe a public record so as to enable Tuscola Area Airport Authority personnel to identify and find the requested public record.

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Written requests for public records may be submitted in person or by mail to any Tuscola Area Airport Authority office. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, electronically mailed or other otherwise provided to him or her in lieu of paper copies. The Tuscola Area Airport Authority will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by the Tuscola Area Airport Authority on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, within 5 business days of receipt of a FOIA request the Tuscola Area Airport Authority will issue a response. The Tuscola Area Airport Authority will respond to the request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicating that due to the nature of the request the Tuscola Area Airport Authority needs an additional 10 business days to respond. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the Tuscola Area Airport Authority's website.

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request. A copy of these Procedures and Guidelines shall be provided to the requestor with the response to a written request for public records.

If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If based on a good faith calculation by the Tuscola Area Airport Authority, the cost of processing a FOIA request is expected to exceed \$50, or if the requestor has not fully paid for a previously granted request, the Tuscola Area Airport Authority will require a good-faith deposit before processing the request. In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the Tuscola Area Airport Authority to process the request and also provide a best efforts estimate of a time frame it will take the Tuscola Area Airport Authority to provide the records to the requestor. The best efforts estimate shall be nonbinding on the Tuscola Area Airport Authority, but will be made in good faith and will strive to be reasonably, accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA guidelines.

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the Tuscola Area Airport Authority; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the office of the Tuscola Area Airport Authority Board Chairman or seek judicial review in the Tuscola County Circuit Court; and
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

The Tuscola Area Airport Authority shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect Tuscola Area Airport Authority records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal Tuscola Area Airport Authority operations.

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4: Fee Deposits

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation by the Tuscola Area Airport Authority, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not fully paid the Tuscola Area Airport Authority for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- the final fee for the prior written request is not more than 105% of the estimated fee;
- the public records made available contained the information sought in the prior written request and remain in the Tuscola Area Airport Authority's possession;
- the public records were made available to the individual, subject to payment, within the time frame estimated by the Tuscola Area Airport Authority to provide the records;
- 90 days have passed since the FOIA Coordinator 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 Tuscola Area Airport Authority; and
- the FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- the person making the request is able to show proof of prior payment in full to the Tuscola Area Airport Authority;
- the Tuscola Area Airport Authority is subsequently paid in full for the applicable prior written request; or
- 365 days have passed since the person made the request for which full payment was not remitted to the Tuscola Area Airport Authority.

Section 5: Calculation of Fees

A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the Tuscola Area Airport Authority because of the nature of the request in the particular instance, and the Tuscola Area Airport Authority specifically identifies the nature of the unreasonably high costs.

The following factors shall be used to determine an unreasonably high cost to the Tuscola Area Airport Authority:

- The particular request incurs costs greater than incurred from the typical or usual request received by the Tuscola Area Airport Authority. *See Bloch v Davison Community Schools, 2011 Mich App Lexis 771, 2011 WL 1564645*
- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- Whether public records from more than one Tuscola Area Airport Authority department or various Tuscola Area Airport Authority offices is necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The Tuscola Area Airport Authority may charge for the following costs associated with processing a FOIA request:

- Labor costs directly associated with searching for, locating and examining a requested public record.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
- The actual cost of computer discs, computer tapes or other digital or similar media.
- The cost of duplication of publication, not including labor, of paper copies of public records.
- The cost of labor associated with duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means.
- The actual cost of mailing or sending a public record.

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.
- Labor costs will be charged at the hourly wage of the lowest-paid Tuscola Area Airport Authority employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The Tuscola Area Airport Authority 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 until agreed to by the request; overtime costs will not be used to calculate the fringe benefit cost.

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the Tuscola Area Airport Authority has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- In order to ensure the integrity and security of the Tuscola Area Airport Authority's technological infrastructure, the Tuscola Area Airport Authority will procure any requested non-paper media and will not accept non-paper media from the requestor

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

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The Tuscola Area Airport Authority may provide records using double-sided printing, if cost-saving and available.

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

- The actual cost to mail public records using a reasonably economical and justified means.
- The Tuscola Area Airport Authority may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless requested.

If the FOIA Coordinator does not respond to a written request in a timely manner, the following shall be required:

- Reduce the labor costs by 5% for each day the Tuscola Area Airport Authority exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
 - The late response was willful and intentional.
 - The written request, within the first 250 words of the body of a letter facsimile, e-mail or e-mail attachment conveyed a request for information.
 - The written request 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 e-mail, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form

Section 6: Waiver of Fees

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

The FOIA Coordinator will waive the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- indigent and receiving specific public assistance; or
- if not receiving public assistance stating facts demonstrating an inability to pay because of indigency.

An individual is not eligible to receive the waiver if:

- the requestor has previously received discounted copies of public records from the Tuscola Area Airport Authority twice during the calendar year; or
- the requestor requests information in connection with other persons who are offering or providing payment to make the request.

An affidavit is a sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

A nonprofit organization designated to by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of

200 and the Protection and Advocacy for Individuals with Mental Illness Act, or their successors, if the request meets all of the following requirements:

- 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, MCL 330.1931;
- is accompanied by documentation of its designation by the State.

Section 7: Appeal of a Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may file an appeal of the denial with the Office of the Board Chairman. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial.

Within 10 business days of receiving the appeal the Board Chairman 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.
- Under unusual circumstances, such as the need to examine or review a voluminous amount of separate and distinct public records or the need to collect the requested records from numerous facilities located apart from the office receiving or processing the request, the Board Chairman may issue not more than 1 notice of extension for not more than 10 business days to respond to the appeal

Whether or not a requestor submitted an appeal of a denial to the Board Chairman, he or she may file a civil action in Tuscola County Circuit Court within 180 days after the Tuscola Area Airport Authority's final determination to deny the request.

If the court determines that the public record is not exempt from disclosure, the court will award the appellant reasonable attorneys' 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 attorneys' fees, costs and disbursements.

If the court determines that the Tuscola Area Airport Authority arbitrarily and capriciously violated the FOIA by refusing or delaying the disclosure of copies of a public record, it shall award the appellant punitive damages in the \$1,000.

If the head of the public body is a board or commission, it is not considered to have received a written appeal of either a denial or a fee amount until its first regularly scheduled meeting following the submission of the appeal. It then has 10 business days to respond to the appeal.

Section 8: Appeal of an Excessive FOIA Processing Fee

If a requestor believes that the fee charged by the Tuscola Area Airport Authority to process a FOIA request exceeds the amount permitted by state law, he or she must first submit a written appeal for a fee reduction to the Office of the Tuscola Area Airport Authority Board Chairman. 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 Tuscola Area Airport Authority Board Chairman will respond in writing by:

- waive the fee;
- reduce the fee and issue a written determination indicating the specific basis that supports the remaining fee, accompanied by a certification by the Board Chairman that the statements in the determination are accurate and the reduced fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA;
- uphold the fee and issue a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee, accompanied by a certification by the Tuscola Area Airport Authority Board Chairman that the statements in the determination are accurate and the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA; or
- issue a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Board Chairman will respond to the written appeal.

Within 45 days after receiving notice of the Tuscola Area Airport Authority Board Chairman's determination of a fee appeal, a requestor may commence a civil action in Tuscola County Circuit Court for a fee reduction. If a civil action is filed appealing the fee, the Tuscola Area Airport Authority is not obligated to process the request for the public record until the Court resolves the fee dispute.

If the court determines that the Tuscola Area Airport Authority required a fee that exceeds the amount permitted, it shall reduce the fee to a permissible amount. If the appellant in the civil action prevails 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 Tuscola Area Airport Authority has acted arbitrarily and capriciously by charging an excessive fee, the court shall also award the appellant punitive damages in the amount of \$500.

Section 9: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by Tuscola Area Airport Authority Board or the Tuscola Area Airport Authority Administration these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the Tuscola Area Airport Authority Commission or the Tuscola Area Airport Authority Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the Tuscola Area Airport Authority Board or the Tuscola Area Airport Authority Administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the Tuscola Area Airport Authority Board of any change to these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

Section 10: Appendix of Tuscola Area Airport Authority FOIA Forms

- Request Form
- Certification Form
- Appeal Form
- Denial Form
- Detailed Itemization of Fees Form
- Waiver of Fee Form

Fee sch

Freedom of Information Act Request Detailed Cost Itemization

Date: _____ Prepared for Request No.: _____ Date Request Received: _____

<p>The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the Airport's FOIA Policies and Guidelines.</p>			
<p>1. Labor Cost for Copying / Duplication</p> <p>This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.</p> <p>This shall not be more than the hourly wage of the Airport's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in 15-minute time increments as set by the Tuscola Area Airport Authority; all partial time increments must be rounded down. <i>If the number of minutes is less than one increment, there is no charge.</i></p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____ OR Hourly Wage with Fringe Benefit Cost: \$ _____ OR Multiply the hourly wage by the percentage multiplier: _____% <i>(up to 50% of the hourly wage)</i> and add to the hourly wage for a total per hour rate. Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>	<p>To figure the number of increments, take the <i>number of minutes</i>: _____, divide by _____-minute increments, and round down. Enter below:</p> <p>Number of increments</p> <p>x _____ =</p>	<p>1. Labor Cost</p> <p>\$ _____</p>	
<p>2. Labor Cost to Locate:</p> <p>This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the Airport that are excessive and beyond the normal or usual amount for those services compared to the Airport's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____</p> <hr/> <p>The Airport will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in 15-minute time increment; all partial time increments must be rounded down. <i>If the number of minutes is less than 15, there is no charge.</i></p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____ OR Hourly Wage with Fringe Benefit Cost: \$ _____ OR Multiply the hourly wage by the percentage multiplier: _____% <i>(up to 50% of the hourly wage)</i> and add to the hourly wage for a total per hour rate. Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>	<p>To figure the number of increments, take the <i>number of minutes</i>: _____, divide by _____-minute increments, and round down. Enter below:</p> <p>Number of increments</p> <p>x _____ =</p>	<p>2. Labor Cost</p> <p>\$ _____</p>	

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a Airport employee. If contracted, use No. 3b instead).

The Airport will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the Airport that are excessive and beyond the normal or usual amount for those services compared to the Airport's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

This is the cost of labor of a **Airport employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **Airport's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in **15-minute time increments** all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ _____

Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____
 Multiply the hourly wage by the percentage multiplier: _____%
(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

OR

Charge per increment: \$ _____

Overtime rate charged as stipulated by Requestor *(overtime is not used to calculate the fringe benefit cost)*

To figure the number of increments, take the *number of minutes*:
 _____, divide by _____-minute increments, and round down.
 Enter below:

Number of increments

3a. Labor Cost

x _____ = \$ _____

3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)

The Airport will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the Airport that are excessive and beyond the normal or usual amount for those services compared to the Airport's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

As this Airport does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of _____ *(currently \$8.15)*.

Name of contracted person or firm: _____

These costs will be estimated and charged in **15-minute time increments**: all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Cost Charged: \$ _____

Charge per increment: \$ _____

To figure the number of increments, take the *number of minutes*:
 _____, divide by _____-minute increments, and round down to:
 _____ increments.
 Enter below:

Number of increments

3b. Labor Cost

x _____ = \$ _____

4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): 10 cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): 10 cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): 10 cents per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- **Circle applicable:** Disc / Tape / Drive / Other Digital Medium Cost per Item: _____

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed** 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A **Airport must** utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of Sheets:	Costs:
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
No. of Items:	
x _____ =	\$ _____
	4. Total Copy Cost
	\$ _____

5. Mailing Cost:

The Airport will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The Airport **may** charge for the least expensive form of postal delivery confirmation.
- The **Airport cannot** charge more for expedited shipping or insurance unless specifically requested by the requestor.*

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp
 \$ _____ per pound
 \$ _____ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

* Requestor has requested expedited shipping or insurance

Number of Envelopes or Packages:	Costs:
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
	5. Total Mailing Cost
	\$ _____

6a. Copying/Duplicating Cost for Records Already on Airport's Website:

If the public body has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the Airport will provide the public records in the specified format and may charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): 10 cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): 10 cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): 10 cents per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- **Circle applicable:** Disc / Tape / Drive / Other Digital Medium Cost per Item: _____

Requestor has stipulated that some / all of the requested records that are already available on the Airport's website be provided in a paper or non-paper physical digital medium.

Number of Sheets:

x _____ = \$ _____
x _____ = \$ _____

Costs:

x _____ = \$ _____

No. of Items:

x _____ = \$ _____

6a. Web Copy Cost

\$ _____

6b. Labor Cost for Copying/Duplicating Records Already on Airport's Website:

This shall not be more than the hourly wage of the Airport's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in 15 minute time increments; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ _____

Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

OR

Multiply the hourly wage by the percentage multiplier: _____% and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

The Airport may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the number of minutes: _____, divide by _____ -minute increments, and round down. Enter below:

Number of increments

6b. Web Labor Cost

x _____ = \$ _____

6c. Mailing Cost for Records Already on Airport's Website:

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp / per pound / per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

* Requestor has requested expedited shipping or insurance

Number:

x _____ = \$ _____

Costs:

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

6c. Web Mailing Cost

\$ _____

Subtotal Fees Before Waivers, Discounts or Deposits:

- Cost estimate
 Bill

- 1. Labor Cost for Copying: \$ _____
- 2. Labor Cost to Locate: \$ _____
- 3a. Labor Cost to Redact: \$ _____
- 3b. Contract Labor Cost to Redact: \$ _____
- 4. Copying/Duplication Cost: \$ _____
- 5. Mailing Cost: \$ _____
- 6a. Copying/Duplication of Records on Website: \$ _____
- 6b. Labor Cost for Copying Records on Website: \$ _____
- 6c. Mailing Costs for Records on Website: \$ _____

Subtotal Fees: \$ _____

Estimated Time Frame to Provide Records:

_____ (days or date)

The time frame estimate is nonbinding upon the Airport, but the Airport is providing the estimate in good faith. Providing an estimated time frame does not relieve the Airport from any of the other requirements of this act.

Waiver: Public Interest

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the Airport determines 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.

- All fees are waived **OR** All fees are reduced by: _____%

Subtotal Fees After Waiver: \$ _____

Discount: Indigence

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, **OR**
- (ii) 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. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

- Eligible for Indigence Discount**

Subtotal Fees After Discount (subtract \$20): \$ _____

Discount: Nonprofit Organization

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization 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 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the Airport.

- Eligible for Nonprofit Discount**

Subtotal Fees After Discount (subtract \$20): \$ _____

<p>Deposit: Good Faith The Airport may require a good-faith deposit in either its initial response or a subsequent response before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. Percent of Deposit: _____%</p>	Date Paid: _____	Deposit Amount Required: \$ _____
<p>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full After the Airport has granted and fulfilled a written request from an individual under this act, if the Airport has not been paid in full the total amount of fees for the copies of public records that the Airport made available to the individual as a result of that written request, the Airport may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:</p> <p>(a) The final fee for the prior written request was not more than 105% of the estimated fee. (b) The public records made available contained the information being sought in the prior written request and are still in the Airport's possession. (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. (d) Ninety (90) days have passed since the Airport 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 Airport. (f) The Airport calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>An Airport can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the Airport, OR (b) The Airport is subsequently paid in full for the applicable prior written request, OR (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the Airport.</p>	Date Paid: _____	Percent Deposit Required: _____% Deposit Required: \$ _____
<p>Late Response Labor Costs Reduction If the Airport does not respond to a written request in a timely manner as required under MCL 15.235(2), the Airport must do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted by 5% for each day the Airport exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:</p> <p>(i) The late response was willful and intentional, OR</p> <p>(ii) 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 for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.</p>	Number of Days Over Required Response Time: _____ Multiply by 5% = Total Percent Reduction: _____	Total Labor Costs \$ _____ Minus Reduction \$ _____ = Reduced Total Labor Costs \$ _____
<p>The Public Summary of the Airport's FOIA Procedures and Guidelines is available free of charge from: Address: 1750 Speirs Road, Caro, MI 48723 Phone: 989-673-4301</p> <p>Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</p>	Date Paid: _____	Total Balance Due: \$ _____

(Form created by Michigan Townships Association, April 2015)