

**WRITTEN PUBLIC SUMMARY OF THE
FREEDOM OF INFORMATION ACT PROCEDURES
AND GUIDELINES**

The Western Townships Utilities Authority ("WTUA") adopts this written public summary pursuant to the requirements of Section 4(4) of the Michigan Freedom of Information Act, 1976 PA 442 ("FOIA") so that the public will understand WTUA's Procedures and Guidelines for processing FOIA requests. This is a summary of the Procedures and Guidelines. A complete copy of the Procedures and Guidelines is available at the Western Townships Utilities Authority located at 40905 Joy Road, Canton, MI 48187, or on the website at www.wtua.org.

A. How Can I Request a Public Record?

- A person (except those persons incarcerated in state, county or federal correctional facilities), may request public records.
- The requestor must send a written request for the public record to WTUA. A request can be made through a letter, in person, or sent by electronic transmission. The requests should be directed to the FOIA Coordinator. The contact information is as follows:
By mail: Aaron Sprague, FOIA Coordinator, 40905 Joy Road, Canton, MI 48187;
By Email: aaron@wtua.org; By Fax: 734-453-3551

- The requestor will not be required to use a specific form or format, but requests must identify the public record sufficiently to allow WTUA to find the requested record.
- WTUA may, but is not required to, respond to a verbal request. However, if WTUA believes the information is available on its website, WTUA will inform the requestor of the website location where practicable and to the best of his or her knowledge.

B. When Can I Expect a Response?

- Unless otherwise agreed to in writing, WTUA will respond or seek a deposit within 5 business days after it receives the request. However, WTUA may extend that time period by 10 business days.
- Please keep in mind that a request sent by e-mail or other electronic means is not considered received until 1 business day after it is transmitted. If the request is sent to a spam or junk mail folder, it is not considered received until 1 day after it is discovered.

C. How Can I Understand the Response?

- If WTUA grants a written request in full, the requestor will receive a notice indicating that it has been granted.
- However, if the request is denied or denied in part, WTUA shall provide any or all the following information, depending upon the reason for the denial:

- A certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to WTUA.
 - A full explanation of the requesting person's right to (1) submit to the head of WTUA a written appeal; or (2) seek judicial review of the denial under Section 10 of the FOIA. (See below for more details).
 - Notice of the right to receive attorneys' fees and damages if a court determines that WTUA has not complied and orders disclosure of all or a portion of a public record.
- If a request is granted in part or granted in full, WTUA will require payment before providing documents.

D. What if I Request Documents Available on the Website?

- If documents are available on the website, to the degree practicable, the response will include a specific webpage address where the requested information is available.
- WTUA will inform the requestor of the additional charge to receive copies of the public records that are available on its website.

E. What Fees Will WTUA Charge?

- The FOIA Coordinator will provide a detailed itemization of costs.
- For labor costs, the fee shall not exceed the sum of the following components:
 - Hourly Wage. WTUA will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records; separating and deleting exempt information from non-exempt information; and for duplication and publication regardless of whether that person is available or who actually performs the labor, except if WTUA does not employ a person capable of separating and deleting exempt information from non-exempt information, it may treat necessary contracted labor costs for that purpose in the same manner as employee labor costs but may not exceed 6 times the State minimum hourly wage.
 - Time Increments: The fee will be charged in 15 minute increments, with all partial time rounded down, except the labor fee for duplication and publication, which shall be charged in one (1) minute increments.
 - Determination of Unreasonably High Labor Costs. The fee for searching for, locating and examining public records and separating exempt information from non-exempt information (including redacting) will not be charged, unless failure to charge a fee would result in unreasonably high costs to WTUA because of the nature of the request in the particular instance, and WTUA specifically identifies the nature of these unreasonably high costs.

- Overtime. Overtime wages shall not be included unless agreed to by the requestor.
- Description of Charge. The detailed itemization will include both the hourly wage and the number of hours charged.
- Fringe Benefit Costs. WTUA may also add up to 50% to the applicable labor charge amount (but may not exceed actual costs) to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used to account for benefits, unless a requestor wants records that are available on the website. In which case, the fringe benefit multiplier can be greater than the 50% limitation.
- For public records provided to the requestor on nonpaper physical media (discs, flash drives, e-mails), WTUA may charge the actual and most reasonably economical cost of the media.
- For paper copies, WTUA may charge the actual total incremental cost of necessary duplication or publication not to exceed \$.10 per page (single or double sided) for 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. WTUA will charge the actual cost of copies made on paper of a different size. WTUA will use double-sided printing, if cost saving and available.
- WTUA may charge the actual cost of mailing and the least expensive form of postal delivery confirmation.

F. Will a Deposit be Required?

- WTUA may require a good-faith deposit of ½ of the estimated fee if the entire fee estimate or charge authorized under the FOIA exceeds \$50.00, based on a good-faith calculation of the total estimated fee.
- WTUA will also provide a best efforts, nonbinding estimate of the time frame it will take WTUA to provide the public records to the requestor.
- If WTUA has granted a prior request but has not been paid in full, WTUA may require a deposit of up to 100% of the estimated fee 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 WTUA's possession.
 - The public records were made available to the individual, subject to payment, within the time frame estimate described Section 4(7) of the FOIA.
 - Ninety days have passed since WTUA notified the individual in writing that the public records were available for pick up or mailing.
 - The individual is unable to show proof of prior payment to WTUA.
 - WTUA calculates a Detailed Itemization that is the basis for the current written request's increased estimated fee deposit.

WTUA shall no longer require an increased estimated fee deposit if **any** of the following apply:

- The individual is able to show proof of prior payment in full to WTUA;
- WTUA is subsequently paid in full for the applicable prior written request; or
- Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to WTUA.

G. Am I Entitled to a Waiver or Reduction of Fees?

- A reduction of the fee by \$20.00 is available to certain individuals who submit an affidavit stating they are indigent and receiving public assistance, or if not receiving public assistance, stating facts showing inability to pay because of indigency. For this reduction to apply, the individual may not have received discounted fees twice during that calendar year and the person may not be requesting on behalf of parties who are paying to make the request.
- A reduction of the fee by \$20.00 is also available to certain non-profit organizations formally carrying out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, and the protection and advocacy for individuals with mental illness act, provided that the request is made on behalf of the organization or its clients, is made for a reason consistent with the laws under Section 931 of the mental health code and is accompanied by documentation of its designation by the state.
- The FOIA Coordinator may reduce or waive the imposition of fees if the FOIA Coordinator 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.
- If WTUA does not respond to a written request in a timely manner as required by the FOIA, WTUA shall reduce the charges for labor costs by 5% for each day WTUA exceeds the time permitted, with a maximum 50% reduction, if the late response was willful and intentional or the written request included specific language as set forth more fully in the Procedures and Guidelines.

H. How Can I Appeal a Decision to Deny All or Part of My Request?

- If a requestor desires to appeal all or part of a decision to deny a request, the requestor must submit to the Board of the Western Townships Utilities Authority ("Board") a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
- The Board is not considered to have received a written appeal until the first regularly scheduled meeting after submission of the written appeal.
- WTUA will respond within 10 business days by reversing the disclosure denial, upholding the denial, revising in part and upholding in part the denial or issuing a 10 business day extension.

I. How Can I Appeal a Determination of the Fee or Deposit Amount?

- The requestor may submit to the Board a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the Procedures and Guidelines or Section 4 of the FOIA.
- The Board is not considered to have received a written appeal until the first regularly scheduled meeting after submission of the written appeal.
- WTUA will respond within 10 business days by waiving the fee, reducing the fee and explaining the basis for the remaining fee, upholding the fee or issuing a 10 business day extension.

J. Can I File a Lawsuit Regarding the Denial of a FOIA Request?

- If the Board fails to respond to a written appeal or if the Board upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requestor may seek judicial review of the nondisclosure by commencing a civil action within 180 days after WTUA's final determination to deny a request. A requestor may also commence a civil action in the circuit court to compel WTUA's disclosure of the public records within 180 days after WTUA's final determination to deny a request. The requestor is not required to appeal the denial to the Board before commencing the civil action.
- If a person prevails in an action regarding the denial of a request, the court shall award reasonable attorneys' fees, costs and disbursements. If the person prevails in part, the court may award all or a portion of the attorneys' fees, costs and disbursements. If the court determines the FOIA was arbitrarily or capriciously violated, the court shall order a civil fine of \$1,000.00 to be paid to the state treasury. The court may also award actual, compensatory or punitive damages.

K. Can I File a Lawsuit Regarding the Fee Charged For a FOIA Request?

- A requestor may commence a civil action in the circuit court for a fee reduction if WTUA (1) failed to respond to a written appeal or (2) issued a determination of a written appeal. This action must be filed within 45 days after receiving notice the determination of an appeal to the Board. The requestor must file an appeal for a fee reduction before commencing a circuit court action.
- If a person prevails in an action by receiving a reduction of 50% or more of the total fee, the court may award all or a portion of the reasonable attorneys' fees. If the court determines FOIA was arbitrarily or capriciously violated, the court shall order a civil fine of \$500.00 to be paid to the state treasury. The court may also award actual, compensatory or punitive damages.

WESTERN TOWNSHIPS UTILITIES AUTHORITY DETAILED ITEMIZATION

LABOR CHARGES	
<p>A. Cost for Searching for, Locating and Examining of Public Records in Conjunction with Receiving and Fulfilling a <u>Granted Written Request</u>.</p> <p>1. Determination of the Hourly wage:</p> <p>The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$ _____</p> <p><input type="checkbox"/> This labor charge includes fringe benefit costs (up 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a percentage multiplier of _____% (hourly wage x percentage multiplier=\$ _____)</p> <p><input type="checkbox"/> This hourly wage is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$ _____ per hour.</p> <p>2. Determination of total time using increments of 15 minutes with partial time rounded down. (So, for 15 minutes, use .25 hours; 30 minutes, use .5 hours; for 45 minutes use .75 hours). _____ hours.</p> <p><input type="checkbox"/> The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to WTUA because of the nature of the request in the particular instance because of the following reasons:</p> <p>_____</p> <p>_____</p>	<p>Hourly wage: \$ _____</p> <p>Total time: _____ hours</p> <p>A. Total Fee (hourly wage x total time): \$ _____</p>
<p>B. Cost for Separating Exempt Information from Non-Exempt, including Redaction of Documents.</p> <p>1. <u>For Employee Labor Costs</u>:</p> <p>a. Determination of the Hourly wage:</p> <p>The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$ _____</p> <p><input type="checkbox"/> This labor charge includes fringe benefit costs (up 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a percentage multiplier of _____% (hourly wage x percentage multiplier =\$ _____)</p> <p><input type="checkbox"/> This fee is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$ _____ per hour.</p> <p>b. Determination of total time using increments of 15 minutes with partial time rounded down. (So, for 15 minutes, use .25 hours; 30 minutes, use .5 hours). _____ hours.</p>	<p>1.a Hourly wage for employees: \$ _____</p> <p>1.b Total time for employees: _____ hours</p> <p>1.c Total Employee labor charge (hourly wage x hours): \$ _____</p>

<p>2. <i>For Contracted Labor Costs:</i></p> <p><input type="checkbox"/> The FOIA Coordinator has determined that WTUA does not employ a person capable of deleting exempt information from non-exempt information in the particular instance and the work is being performed by the following person or firm:</p> <p>_____</p> <p>a. Determination of the Hourly wage:</p> <p>The hourly wage of the contracted labor (not to exceed 6 times the State of Michigan minimum hourly wage): \$ _____</p> <p><input type="checkbox"/> This hourly wage is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$ _____ per hour.</p> <p>b. Determination of total time using increments of 15 minutes with partial time rounded down. (So, for 15 minutes, use .25 hours; 30 minutes, use .5 hours; 45 minutes use .75 hours). _____ hours.</p> <p><input type="checkbox"/> The FOIA Coordinator has determined that failure to charge this fee would result in unreasonably high costs to WTUA because of the nature of the request in the particular instance because of the following reasons:</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>2.a Contracted labor hourly wage: \$ _____</p> <p>2.b Contracted labor hours: _____ hours</p> <p>2.c Total Fee for contracted labor (hourly wage x hours): \$ _____</p>
<p>C. Cost for Duplication and Publication.</p> <p>1. Determination of the Hourly wage:</p> <p>The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$ _____</p> <p><input type="checkbox"/> This labor charge includes fringe benefit costs (up 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a percentage multiplier of _____% (hourly wage x percentage multiplier = \$ _____)</p> <p><input type="checkbox"/> This hourly wage is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$ _____ per hour.</p> <p>2. Determination of total time using increments of one (1) minute with partial time rounded down. _____ hours.</p>	<p>Hourly wage: \$ _____</p> <p>Total time: _____ hours</p> <p>C. Total Fee (hourly wage x hours) \$ _____</p>

Other Actual Costs	
<p>D. Costs for Paper Copies. The actual total incremental cost of necessary duplication and publication using the most economical means available:</p> <p>1. Not to exceed \$.10 per sheet for 8 ½ by 11 or 8 ½ by 14 in paper: \$ _____ per sheet x _____ number of sheets = \$ _____.</p> <p>2. Other paper sizes: \$ _____ per sheet x _____ number of sheets = \$ _____.</p>	<p>D. Total Fee (add totals for all sizes of paper): \$ _____</p>
<p>E. Costs for Nonpaper Physical Media. The actual and most reasonably economical cost of the computer disc, flash drives, computer tape or other similar media: \$ _____ per item x _____ number of items .</p>	<p>E. Total Fee: \$ _____</p>
<p>F. Cost of Mailing:</p> <p>1. The actual cost of mailing: \$ _____</p> <p>2. Fee for the least expensive postal delivery confirmation: \$ _____</p> <p>3. Costs for the envelope or box for mailing \$ _____.</p> <p><input type="checkbox"/> The requestor has stipulated to expedited shipping and/or insurance and those costs are listed above as the actual costs of mailing.</p>	<p>F. Total Fee: (add all 3 costs): \$ _____</p>
Costs for Providing Documents Available on the Website	
<p>G. <input type="checkbox"/> WTUA has notified the requestor in its written response that all or a portion of the requested information is available on its website and the requestor. The following is a detailed itemization of the information that is available on the website:</p> <p>1. <i>Labor Costs – Searching for, locating and examining:</i></p> <p>a. Determination of Hourly wage:</p> <p>The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor. \$ _____</p> <p><input type="checkbox"/> This labor charge includes fringe benefit costs (up 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a multiplier of _____% (hourly wage x percentage multiplier = \$ _____)</p> <p><input type="checkbox"/> This fee is an overtime rate that <u>was agreed to by the requestor</u> in the amount of \$ _____ per hour.</p> <p>b. Determination of total time using increments of 15 minutes with partial time rounded down _____ hours.</p>	<p>1. Total fee (hourly wage x hours): \$ _____</p>

2. Labor Costs: Copying or Duplication:

a. Determination of Hourly wage:

The hourly wage of the lowest paid public employee capable of searching for, locating and examining the public records in this particular instance regardless of who actually performs the labor.

\$ _____

This labor charge includes fringe benefit costs (up 50% of the applicable labor charge but not more than the actual costs of fringe benefits) using the hourly wage identified above and a multiplier of _____% (hourly wage x percentage multiplier = \$ _____)

This hourly wage is an overtime rate that was agreed to by the requestor in the amount of \$ _____ per hour.

b. Determination of total time using increments of ____ minutes with partial time rounded down. _____ hours.

3. The actual total incremental cost of necessary duplication and publication:

a. Not to exceed \$.10 per sheet for 8 ½ by 11 or 8 ½ by 14 in paper:

\$ _____ per sheet x _____ number of sheets = \$ _____.

b. Other paper sizes:

\$ _____ per sheet x _____ number of sheets = _____.

4. Costs for Nonpaper Physical Media

\$ _____ per item x _____ number of items.

5. Cost of Mailing:

a. The actual cost of mailing in a reasonably commercial and justifiable manner: \$ _____

b. The charge for the least expensive postal delivery confirmation: \$ _____

c. Costs for the envelope or box for mailing. \$ _____

The requestor has stipulated to expedited shipping and/or insurance and those costs are listed above as the actual costs of mailing.

2. Total fee (hourly wage x hours):

\$ _____

3. Total cost for paper copies:

\$ _____

4. Total cost for nonpaper physical media:

\$ _____

5. Total cost of Mailing:

\$ _____

G. Total Cost for Providing Documents:

\$ _____

Total Fee:

\$ _____

1. Subtotal Charges: Add Items A – F Above:

2. Subtotal with Website Document Charges from G above if applicable

Total Fee with website records included if applicable

\$ _____.

Waivers or Reductions		
Public Interest Reduction or Waiver. The FOIA Coordinator may reduce or waive the imposition of fees if the FOIA Coordinator 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. <input type="checkbox"/> Fee waiver granted or granted in part for a reduction of \$ _____		Subtract \$ _____
Waiver of Fees of First \$20.00. A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by either of the following: 1. Indigency: Certain individuals who submit an affidavit stating that the individual is indigent or receiving public assistance as stated more fully in the FOIA and WTUA's Procedures and Guidelines. <input type="checkbox"/> FOIA Coordinator Approves the Waiver. 2. Certain Non-Profit Organizations. A non-profit organization formally designated by the state to carry out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, and the protection and advocacy for individuals with mental illness act as stated more fully in FOIA and WTUA's Procedures and Guidelines. <input type="checkbox"/> FOIA Coordinator Approves the Waiver.		Subtract Waiver of Fee: \$ _____
Reduction for Late Response: If WTUA does not respond to a written request in a timely manner, WTUA shall reduce the charges for labor costs by 5% for each day WTUA exceeds the time permitted, with a maximum 50% reduction. However, this reduction only applies (1) if the late response was willful and intentional or (2) the request contained the language required by the FOIA for such reduction (See Procedures and Guidelines). _____ number of days x 5% of labor costs = \$ _____		Subtract \$ _____ of labor changes (up to 50% of labor costs).
Final Total After Any Applicable Reductions or Waivers:		\$ _____
Deposit: <input type="checkbox"/> WTUA requires a deposit of \$ _____ (1/2 of the estimated fee) and this total estimated fee exceeds \$50.00. <input type="checkbox"/> WTUA requires a deposit of \$ _____ (100% of the estimated fee) because this request meets the statutory requirements for failing to pay for prior requests under Section 4(11) of the FOIA.		Deposit Amount: \$ _____ <input type="checkbox"/> Deposit Paid on _____
Total Fee \$ _____ - Deposit Amount \$ _____ = Remaining Fee Due of \$ _____		Total Fee Due: \$ _____
<input type="checkbox"/> Fee Paid on _____		\$ _____