

CITY OF NEW BALTIMORE

PUBLIC SUMMARY OF SPECIFIC PROCEDURES AND GUIDELINES FREEDOM OF INFORMATION ACT

This public summary is prepared by the office of the City Clerk for the City of New Baltimore and it is intended to be a summary of specific procedures and guidelines under the Freedom of Information Act in Michigan. Copies of the specific procedures and guidelines are available through the office of the Clerk and also are posted on the City's website.

In order to assist the public at large, the public summary of procedures is formatted in a question answer format. The City of New Baltimore through the office of the City Clerk is here to help and assist members of the public who wish to receive information through the Freedom of Information Act process. To the extent questions exist, please feel free to contact the office of the City Clerk at (586-725-2151 ext. 108). Often times, both time on behalf of the requesting public and money can be saved by requesting assistance beforehand. Additionally, information often is available on the City's website through documents that are posted on the website such as the City's financial information.

Again, the office of the City Clerk is here to help you and assist you with any questions you may have.

WHO IS ENTITLED TO MAKE A FREEDOM OF INFORMATION ACT REQUEST?

Any member of the public has the right to submit a written request for documents that are not exempt from disclosure from the city and its departments. Excluded only, are persons who are in custody or prison for a violation of the law.

MUST A REQUEST BE MADE IN A PARTICULAR MANNER?

The request must be made in writing. It can be delivered in person, by mail, or by email. It is helpful if it is spelled out that it is a request under the Freedom of Information Act. Otherwise, it may be difficult to determine whether it is actually a Freedom of Information Act request. It is important to try to be as clear and specific as possible so that you get the information you in fact are requesting and you do not end up with a lot of extra information which you intended not to request.

CAN I JUST LOOK AT THE RECORDS?

Yes you may look at the records and the City will provide reasonable facilities where you may look at the records. A person may be present observing on behalf of the City while you look at original records. Original records cannot be altered by the requestor.

WHAT IF SOME OR ALL RECORDS REQUESTED ARE AVAILABLE ON THE CITY'S WEBSITE?

The Clerk's office will make a good faith effort to let you know they are available there, advising you where on the website and if you still want them copied, how much will it cost.

DO I HAVE TO PAY FIRST BEFORE A SEARCH IS MADE FOR MY RECORDS?

Where the City estimates that the cost of the records will exceed \$50.00, the City will require 50% of the estimated fees be paid before the search is completed.

DO I HAVE TO PAY IN FULL TO GET THE RECORDS AFTER THE SEARCH IS COMPLETED?

Yes.

CAN I REQUEST THAT THE CITY MAKE A SUMMARY OF RECORDS OR A SPECIFIC RECORD FOR ME?

The City is not obligated by law to create or make a record in order to fulfill a request only to provide a copy of what already exists.

CAN I RECEIVE SOMETHING IN ELECTRONIC FORM VERSUS PAPER FORM?

Yes. You still will be charged cost associated with searching for locating, reviewing, and copying. You may be charged for the actual copy of a computer disk, memory stick, or other similar device upon which electronic information is placed.

HOW DOES THE CITY CHARGE FOR RECORDS?

The City charges at the hourly rate plus up to 50% based on an hourly calculation of fringe benefit costs, charged at the rate of the lowest paid employee capable of fulfilling your request. Even if a higher compensated employee fulfills the request, the lower rate is charged. In some cases, contract labor must be used rather than City employees. The hourly rate there cannot exceed the actual hourly rate or six times the minimum wage which currently is \$8.50 per hour. The charges occur in increments of ¼ of an hour and are rounded down to the nearest ¼ of an hour. Actual mailing costs and copying costs for paper are also charged.

HOW MUCH TIME DOES THE CITY HAVE TO RESPOND?

The City will respond to your request within five (5) business days either granting the request, denying the request, granting in part and denying in part, or extending the time by ten (10) business days with an explanation of the need for additional time and an estimate of the actual time to complete.

As mentioned above, if it is expected that the cost will exceed \$50.00, a deposit of half the estimated cost is required.

DOES THE CITY KEEP A RECORD OF MY REQUEST?

Yes. The City will maintain your request and the response to it for a period of one year.

WHAT IF I CAN'T PAY?

You may execute an affidavit of indigency. Public records may be made available and copies furnished without charge for the first \$20.00, if you are indigent and receiving public assistance, or otherwise show facts demonstrating an ability to pay costs because of indigency. Only two requests per year may be made claiming indigency. You also may not make this request in conjunction with an outside party who is compensating you.

CAN I APPEAL A DENIAL, OR IF I THINK THE FEE CHARGED EXCEEDS THAT ALLOWED UNDER LAW?

An appeal from a denial or where you believe the fee charged is in excess of that allowed by law is permitted. A document which states "appeal" on it, with the reasons, must be filed with the Clerk's office. A hearing will take place before the City Council.

CAN I TAKE THE CITY TO COURT?

Yes, if you believe your rights are violated under the Act, you may proceed in court with the remedies as provided under the Act.