SUMMARY OF FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES

The Freedom of Information Act, being Mich Public Act 442 of 1976 ("FOIA" or the "Act"), provides for disclosure of public records that are not exempt from disclosure. To fulfill this mandate, the Township adopted "Freedom of Information Act Procedures and Guidelines" (the "Procedures") for handling FOIA requests. This document summarizes the Township's Procedures in accordance with FOIA.

I. Submitting a FOIA Request

You must submit a request for Township public records in writing to the Township's FOIA Coordinator. You may request either (a) to receive a copy of Township records, or (b) to review Township records.

You may submit the FOIA request for records in person, by mail or via electronic means (i.e., fax, e-mail or other electronic means). Requests submitted in person or by mail are deemed received as of the date of receipt. Requests submitted to the Township via electronic means are deemed received by the FOIA Coordinator one business day after the date the electronic transmission is made.

II. Township's Response to a FOIA Request

Once the Township receives your FOIA request, the Township will respond to your request within five business days, unless the Township extends the period to respond to the request by not more than 10 business days, in addition to the original five business days.

In response to a FOIA request, the Township may: (1) grant the request (and provide either a copy of the requested public record or the opportunity to review the record, in accordance with your request); (2) deny the request if no such record exists or the record is exempt pursuant to one of the exemptions under the Act that are applicable to the Township; or (3) grant the request in part and deny the request in part.

If the Township issues a 10-business-day extension to respond to the FOIA request, the Township's written response to a FOIA request will include (1) an estimate as to when the Township expects to provide the requested records to you, and (2) a detailed summary on the estimate of cost to provide the records to you.

Please note that FOIA does not require the Township to make a compilation, summary or report of public records or other information.

III. Reviewing Township Public Records

You may request to review Township public records. If you make such a request, the Township will make facilities available to inspect the requested records during the Township's normal business hours and when the records can reasonably be made available. You must submit a request form describing the requested documents prior to the Township allowing the inspection of the records.

You cannot write on, mark or alter any original Township records that you are reviewing. You will be allowed to have only an erasable pencil with you, if you wish to take notes. No pens or indelible writing instruments are allowed. A Township official will be present during your inspection of Township records if original records are involved; you may be charged a fee to defray the Township's cost of the monitoring service to protect the records from loss, unauthorized alteration, mutilation, or destruction. Original records cannot be removed from the location provided for inspection and note taking.

IV. Requesting Copies of Township Public Records

You may request copies of Township public records. The Township will review the available records and provide you with copies of the records unless the records do not exist, are not in possession of the Township, or exempt from disclosure under FOIA.

V. Calculation and Payment of Fees; Deposit

Under FOIA, the Township may charge a fee for providing you with a copy of a public record, including labor costs, if the failure to charge a fee would result in unreasonably high costs to the Township because of the nature of your request. If the time required to respond to a FOIA request exceeds one-half hour, the request will be deemed to result in unreasonably high costs to the Township. Prior to responding to a request, the Township will provide you with a written estimate of the applicable fees. The Township may require the payment of a deposit or, in certain circumstances, may waive payment of the fee.

A. Calculation of Fee

The Township may charge you a fee for searching, reviewing, redacting, copying and mailing requested public records. The fee will be limited to actual mailing costs, and to the actual incremental cost of duplication, including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt material pursuant to Section 14 of FOIA. The Township will mail the available requested records to you upon payment of the applicable fees. The fees charged by the Township for responding to your request may include:

- a fee for the Township's labor costs directly associated with (1) making copies (including paper or digital copies), (2) searching for, locating, and examining the requested records, and (3) the necessary review of and separation and deletion of exempt material from nonexempt material. You will not be charged for the

redaction of documents if the Township previously redacted the public record in question and the redacted version is still in the Township's possession.

- the Township's actual cost of mailing for sending the records to you. The Township will not send documents via overnight delivery service or expedited shipping (or obtain shipping insurance on such mailing) unless you specifically request such services in writing and agree to pay for such costs.

- the Township's cost to copy the records. The incremental cost of copying the records is 10 cents per 8 1/2″ x 11″ or 8 1/2″ x 14″ sheet of paper. If the Township needs to send the records to a commercial copy center for copying, you will be charged for those costs.

- the Township's actual costs to copy photographs, audio or videotapes, microforms, maps or plans including any costs incurred to have a third-party make such copies. If a Township official or employee is required to deliver and/or pick up the public records and/or copies of public records, you will be charged for the labor hours (calculated in accordance with the Procedures), involved and applicable mileage (at the then-current IRS mileage reimbursement rate).

For labor costs to comply with a request, the Township will charge the hourly wage of its lowest-paid employee capable of performing the necessary task regardless of whether that person is available or who actually performs the labor. The labor charges will be billed in increments of 15 minutes or more and all partial time increments will be rounded downward. The labor charge will include an amount equal to one-half of the applicable hourly wage to cover (or partially cover) the cost of the fringe benefits (if any) for the lowest-paid employee; provided, however, that such amount will not exceed the actual costs of the fringe benefits.

The review and separation of exempt from non-exempt information may be performed by a Township official or employee or, if necessary, outside legal counsel. For services performed by outside legal counsel, the Township may charge the legal counsel's time; the charge will not exceed an amount equal to six times the then-current state minimum hourly wage rate. The charges for such services will be billed in increments of 15 minutes or more and all partial time increments will be rounded downward.

B. Fee Waiver

The Township may waive all or a portion of the fees for the search and copying of records if the Township 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. 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: (a) person submits an affidavit stating that they are indigent and receiving specific public assistance, or (b) if not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

Under the Procedures, you may be ineligible for a fee reduction or waiver if: (a) you previously received discounted copies of public records from the Township twice during the

calendar year; (b) you are making the records request in conjunction with outside parties who are offering or providing payment or other remuneration to you to make the request; or (c) you are a specific type of nonprofit corporation (as provided in FOIA and the Procedures).

C. Deposit

If it is anticipated that a charge will exceed $50.00, you may be required to pay a good-faith deposit prior to the Township fulfilling the request for the records, but the deposit will not exceed one-half of the total anticipated fee. In certain circumstances, the Township may require payment of a deposit equal to 100% of the estimated charge for fulfilling your request for records, if you previously failed to pay the total amount due from a prior FOIA request to the Township.

VI. Rights to Appeal

You can appeal decisions made with respect to the public records that you requested, if the request was denied or denied in part, or the amount of the calculated fee for responding to your request. An appeal from a determination by the FOIA Coordinator or from a decision of the Township Board may be taken to the Circuit Court.

A. Appeal of Denial of Public Records (in whole or in part)

You have the right to submit to the Township Board, a written appeal that specifically states the word "appeal" and identifies the reason or reasons that you assert in support of reversal of the failure of disclosure of the public records that were not disclosed. In the alternative, you have the right to seek judicial review of the denial or nondisclosure.

Under Section 10 of FOIA, you have the right to receive attorney fees and damages, if, after judicial review, the Circuit Court determines that the Township has not complied with Section 5 of FOIA and if the court orders disclosure of all or a portion of a public record that had not been disclosed to you by the Township.

B. Appeal of Calculation of Fee

You may appeal the amount of a fee to the Township Board or the Circuit Court if that fee exceeds the amount permitted under these Procedures and FOIA.

An appeal of the amount of the fee to the Township Board must specifically include the word "appeal" and identify how the required fee exceeds the amount permitted under the Procedures or the Act.

If you file a fee appeal with the Circuit Court, the Township will not complete the processing of the request for the public record at issue until the court resolves the fee dispute.

Within 10 business days after receiving a written appeal of the fee, the Township Board is required to: (1) waive the fee; or (2) reduce the fee and provide written notice as to the basis for the remaining fee; or (3) uphold the fee and provide written notice as to the basis for the fee; or (4) issue a notice extending for not more than 10 business days the period during which the

Township Board will respond to the appeal (the notice will include the reason or reasons why the extension is necessary).

Any appeal will be deemed received as of the date of the first regularly scheduled meeting of the Township Board following submission of the written appeal.

A deposit required to be paid to the Township is considered a fee.

VII. Additional Information; Revisions to Summary and Procedures

Additional information may be found in the Township's Procedures, which may be obtained from the Township at 17431 112th Avenue, Nunica, Michigan 49448, at no charge.

This Summary and the Procedures may also be found on the Township's website at: www.crockery-township.org.

This Summary and the Procedures may be modified from time to time by the Township Board and without notice.

This Summary is effective as of July 1, 2015.