

CRAWFORD COUNTY
POLICY STATEMENT

POLICY SUBJECT: Operational Policy & Guidelines for the
Freedom of Information Act

POLICY NUMBER: June2015

AUTHORIZED BY: Crawford County Board of Commissioners

EFFECTIVE DATE: 6/25/2015

POLICY STATEMENT:

PREAMBLE: It is the county's policy, with respect to the Michigan Freedom of Information Act (FOIA) to comply with State Law in all respects. All persons, except those incarcerated, 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.

GENERAL POLICIES: The statutory County FOIA Coordinator, being the Chairperson of the County Board of Commissioners may, pursuant to MCL 15.236(3), designate another individual to act on his/her behalf in accepting and processing requests for the public body's public records, and in approving a denial of requests under FOIA. The County Board also recognizes the right for the Crawford County Sheriff to appoint a FOIA coordinator to act on his/her behalf.

In the adoption of this policy the Crawford County Board of Commissioners designates the Administrator/Controller as the FOIA Coordinator for Crawford County.

PROCEDURES:

A. Requesting a public record: A FOIA request form is available on the county website. The requesting person shall provide the Public Body with a written request that describes a public record sufficiently to enable the FOIA Coordinator to locate the requested document. The request may be transmitted by facsimile, electronic mail or other electronic means, but if transmitted by such means it will be considered received by the Public Body one (1) day after the transmission has been made.

A person may request that the public records be provided on a non-paper physical media, emailed or otherwise provided to him/her in digital form in lieu of paper copies. The County will comply with the request only if it possesses the necessary technological capability and know how to provide records in the requested media format.

B. All County officers and employees who receive a FOIA request shall note the date of receipt on the request and forward it within one (1) business day to the County FOIA Coordinator.

- C. Upon receipt of a FOIA request, the County FOIA Coordinator shall
- a. Determine if there is an existing public record that satisfies the request
 - b. Determine if any requested records, in whole or in part, are available on the County's website
 - c. Determine if any requested records, in whole or in part, are subject to denial or exempt from disclosure
- D. A FOIA request shall be denied
- a. If the requesting person is serving a sentence of imprisonment in a local, state or federal correctional facility
 - b. If the requesting person does not describe a public record sufficiently to enable the Public Body to find it
 - c. If it requires the Public Body to create a new public record or make a compilation, summary or report of information
 - d. If the public record requested does not exist
- E. The County will respond in one of the following ways
- a. Grant the request
 - b. Issue a written notice denying the request
 - c. Grant the request in part and issue a written notice denying the request in part
 - d. Issue a written notice indicating that due to the nature of the request the County needs an additional 10 business days to respond for a total of no more than 15 business days. Only one extension is permitted
 - e. Issue a written notice that due to the voluminous amount of material, an opportunity will be made for the requestor to analyze the material and make copies as needed during normal county business hours at the Crawford County building located at 200 W. Michigan Ave., Grayling MI 49738
 - f. Issue a written notice indicating that the public record requested is available at no charge on the County's website
- F. Fees
- a. The Public Body may charge a fee for copying public records for the requesting person or to enable inspection. A fee may also be charged for search, examination, review or redaction of public records
 - b. The applicable fees shall be calculated by the County FOIA Coordinator in accordance with the County's FOIA Procedures and Guidelines and using the Detailed Cost Itemization Form (available on the County Website)
 - c. If the total projected fee is expected to exceed \$50.00, the County FOIA Coordinator may require a deposit of not more than ½ of the fee in advance of processing the FOIA request
 - d. The County may refuse to process the request until a deposit is paid
 - e. The County may require payment of fees in full before it delivers the records that have been requested

G. Exceptions to Fees

- a. The county will not charge a fee for any request that can be processed in 30 minutes or less
- b. The public records may be provided without charge or reduced charge if the county determines that a record primarily benefits the general public and it is in the public interest to provide it without charge or with a reduced charge
- c. The first \$20.00 of the total fee for requested records shall be waived if the requesting person submits an Affidavit of Indigence available on the county website

H. Appeal

- a. Appeal of a Denial of a Public Record
 - i. The appeal must be in writing, specifically stating the word “appeal” and identify the reason(s) the requestor is seeking a reversal of the denial. The County FOIA Appeal form (to appeal a denial of records) may be used and can be located on the county website
 - ii. The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board meeting following the submission of the written appeal
 - iii. Within 10 business days of the County Board of Commissioners receiving the appeal, the Board will respond by
 1. Reversing the disclosure denial
 2. Upholding the disclosure denial
 3. Reversing the disclosure denial in part and uphold the disclosure denial in part
 4. Under unusual circumstances, the Board may issue a notice extending the response period by not more than 10 business days. The County Board shall not issue more than one extension per appeal
 - iv. If the County Board fails to respond or if the Commissioners uphold all or part of the disclosure denial; the requesting person may seek a judicial review of the nondisclosure by commencing a civil action in the 46th Circuit Court
- b. Appeal of an excessive FOIA processing fee
 - i. The appeal must be in writing, specifically stating the word “appeal” and identify how the required fee exceeds the amount permitted. The County FOIA Appeal form (to appeal an excess fee) may be used and can be located on the county website
 - ii. The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board meeting following the submission of the written appeal

- iii. Within 10 business days of the County Board of Commissioners receiving the appeal, the Board will respond by
 1. Waiving the fee
 2. Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee
 3. Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee
 4. Reversing the disclosure denial in part and uphold the disclosure denial in part
 5. Under unusual circumstances, the Board may issue a notice extending the response period by not more than 10 business days. The County Board shall not issue more than one extension per appeal
 6. Where the County Board of Commissioners reduces or upholds the fee, the determination must include a certification from the County Board of Commissioners that the statements in the determination are accurate and that the fee amount complies with its publicly available procedures and guidelines and section 4 of the FOIA
- iv. If the County Board fails to respond or if the Commissioners uphold all or part of the fees; the requesting person may seek a judicial review of the nondisclosure by commencing a civil action in the 46th Circuit Court

SEVERABILITY: If any section, clause or provision of this policy be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the policy. The Crawford County Board of Commissioners hereby declares that it would have passed this policy and each part, section, subsections, phrases, sentences and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

David J. Stephenson
Chair
Board of Commissioners

Sandra Moore
Clerk/ROD