



**DOWNTOWN DETROIT BUSINESS IMPROVEMENT ZONE
BOARD OF DIRECTORS**

RESOLUTION 2018-03

Adopt Freedom of Information Act Procedures and Guidelines and
Summary of Procedures and Guidelines

The Downtown Detroit Business Improvement Zone (the "**Zone**") is a public body under the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246 ("**FOIA**").

FOIA establishes requirements for, and regulates disclosure of, the public records of a public body.

Under FOIA, a public body may charge a fee for a public record search for the necessary copying of a public record for inspection or for providing a copy of a public record if it has established, makes publicly available, and follows procedures and guidelines.

The Zone wants to establish procedures and guidelines for the Zone under FOIA.

The Board of Directors of the Zone therefore resolves as follows:

that the following Freedom of Information Act Procedures and Guidelines are hereby adopted for the Zone:

**"FREEDOM OF INFORMATION ACT
PROCEDURES AND GUIDELINES"**

(effective February 8, 2018)

1. **Policy.** (a) The Downtown Detroit Business Improvement Zone (the "**Zone**") shall comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246 ("**FOIA**"), these procedures and guidelines (the "**FOIA Procedures**") and other applicable law.

(b) It is the public policy of the Zone that all persons, except those incarcerated in state or local correctional facilities are entitled to full and complete information regarding the affairs of the Zone and the official acts of the officers of the Zone, consistent with FOIA. The Zone acknowledges that the people of the State of Michigan must be fully informed so that they may fully participate in the democratic process.

(c) The Zone shall make these FOIA Procedures and a Public Summary of these FOIA Procedures (the "**Public Summary**") available upon request without charge and on the Zone's website at:

<http://downtowndetroit.org/business-improvement-zone/governance/foia>

2. **FOIA Coordinator.** (a) Because the chairperson (the "**Chairperson**") of the Board of Directors of the Zone (the "**Board**") is the chief administrative officer of the Zone, the Chairperson is designated as the Zone's FOIA coordinator by FOIA (the "**FOIA Coordinator**").

(b) Because the Zone contracts with Detroit Downtown, Inc. ("DDI") for administrative services, the Director of BIZ Services for DDI (the "**FOIA Designee**") is hereby designated to act on behalf of the FOIA Coordinator in accepting and processing requests for the Zone's public records, and in approving a denial under section 5(4) and (5) of FOIA, MCL 15.235, as authorized by section 6 of FOIA, MCL 15.236.

3. **Request for Public Records.** (a) A request to inspect or for a copy of a public record of the Zone (a "**FOIA Request**") must comply with all of the following:

- (1) be in writing, except as provided in section 3(e);
- (2) sufficiently describe the public record so as to enable it to be identified and found by Zone personnel; and
- (3) include the name or mailing address of the requestor or other information sufficient to contact the requestor and send a response.

(b) While no specific form is required for a FOIA Request, the FOIA Designee may make a FOIA Request form available for use by the Zone and the public.

(c) A FOIA Request may be sent to the Zone in one of the following ways:

- (1) by mail addressed to: FOIA Coordinator
Downtown Detroit Business Improvement
Zone
One Campus Martius, Suite 380
Detroit, MI 48226
- (2) by facsimile sent to: (313) 567-3474
- (3) by email addressed to: info@downtowndetroit.org

(d) If a written request for a public record is sent to the Zone by facsimile, email, or other electronic transmission, the request will be deemed received on the next business day. If a request for a public record is sent by email and delivered to the Zone's spam or junk-mail folder, the request will not be deemed received until one day after the FOIA Designee first becomes aware of the request. The FOIA Designee shall note in records of the Zone both the time that request was delivered to the Zone's spam or junk-mail folder and the time the Zone first became aware of that request. The FOIA Designee shall review the Zone's spam or junk-mail folder at least monthly.

(e) If the FOIA Designee or another officer or employee of the Zone receives a verbal request for information and the request is for information that the FOIA Designee, officer, or employee believes is available on the Zone's website, the FOIA Designee, officer, or employee shall, where practicable and to the best of the FOIA Designee's, officer's, or employee's knowledge, inform the requestor about the Zone's pertinent website address. A verbal request for a public record may be documented by the FOIA Designee or another officer or employee of the Zone using any FOIA Request form made available for use by the FOIA Designee.

(f) A person may request the Zone to provide public records using non-paper physical media, email, or other digital form instead of paper

copies. The Zone will comply with such requests if it has the necessary technological capability to provide the public records in the requested non-paper physical media format.

(g) A person may request as a subscription further issuances of public records of the Zone that are created, issued, or disseminated on a regular basis. A subscription may be for up to six (6) months and may be renewed.

(h) The Zone is not obligated to create a new public record or make a compilation or summary of information that does not already exist. The Zone also is not obligated to answer questions included in a FOIA Request about the content of the public records requested.

(i) An individual serving a sentence of imprisonment in a state or county correctional facility in Michigan or another state, or in a federal correctional facility, is not entitled to make a FOIA Request under FOIA and the FOIA Designee shall deny any such FOIA Request.

4. **Response.** Unless otherwise agreed in writing by the person submitting a FOIA Request, the Zone shall issue a response within five (5) business days of receipt of a FOIA Request. The Zone will respond to a FOIA Request in one of the following ways:

- (1) granting the FOIA Request;
- (2) issuing a written notice denying the FOIA Request;
- (3) granting the FOIA Request in part and issuing a written notice denying in part the FOIA Request;
- (4) issuing a notice indicating that due to the nature of the FOIA Request the Zone needs an additional ten (10) business days to respond for a total of no more than fifteen (15) business days and only one (1) extension permitted;
- (5) issuing a written notice indicating that the public record requested is available at no charge on the Zone's website.

5. **Granting Request.** (a) If a request is granted, or granted in part, the FOIA Designee shall require payment in full for the allowable fees associated with responding to the FOIA Request before the public record is made available. The FOIA Designee shall provide a detailed itemization of the allowable costs incurred to process the FOIA Request to the person making the FOIA Request. The response must include a link to these FOIA Procedures and the Public Summary on the Zone's website.

(b) If the cost of processing a FOIA Request is \$50.00 or less, the FOIA Designee shall notify the requester of the amount due and how to obtain the documents. If the FOIA Designee expects the cost of processing a FOIA Request to exceed \$50.00 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted FOIA Request, the Zone will require a good-faith deposit pursuant to section 10 before processing the FOIA Request.

(c) If requesting a good-faith deposit, the FOIA Designee shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the Zone to process the request and also shall provide a best efforts estimate of the time it will take the Zone to provide the requested records. A best efforts estimate is nonbinding on the Zone, 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 FOIA, MCL 15.231.

6. Denial of Request. (a) If a FOIA Request is denied or denied in part, the FOIA Designee shall issue a notice of denial signed by the FOIA Designee that includes all of the following applicable to the FOIA Request:

- (1) an explanation as to why a requested public record is exempt from disclosure;
- (2) 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 Zone; or
- (3) an explanation or description of the public record or information within a public record that is separated or deleted from the public record.

(b) A notice of denial under section 6(a) also shall include all of the following:

- (1) an explanation of the person's right to submit a written appeal to the Board or seek judicial review in the circuit court for Wayne County; and
- (2) an explanation of the right to receive attorneys' fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of \$1,000.00 if the court determines that the Zone has not complied with section 5 of FOIA, MCL 15.235, and orders disclosure of all or a portion of a public record.

(c) If a FOIA Request does not sufficiently describe a public record, instead of issuing a notice of denial indicating that the request is deficient, the FOIA Designee may seek clarification or amendment of the FOIA Request by the person submitting the FOIA Request. A clarification or amendment of a FOIA Request will be considered a new FOIA Request.

7. Inspection of Records. The Zone shall provide reasonable facilities and opportunities for persons to examine and inspect public records of the Zone during normal business hours. The FOIA Designee may promulgate rules regulating the manner in which records of the Zone may be viewed to protect Zone records from loss, alteration, mutilation, or destruction and to prevent excessive interference with normal Zone operations.

8. Certified Copies. The secretary of the Zone shall, upon written request, provide a certified copy of a public record of the Zone at no additional cost the person requesting the public record.

9. Retention. The FOIA Designee shall retain with the records of the Zone a copy of each FOIA Request received by the Zone for at least one (1) year after receipt.

10. Fee Deposits. (a) If based on a good-faith calculation the Zone estimates the fee for a FOIA Request is expected to \$50.00, the requestor will be asked to pay a deposit of up to 50% of the estimated fee. If a FOIA Request was submitted by a person who has not paid the Zone in full for copies of public records made in fulfillment of a previously granted FOIA Request, the FOIA Designee shall require a deposit of 100% of estimated fee before beginning to search for a public record in response to any subsequent FOIA Request by that person when all of the following conditions exist:

- (1) the final fee for the previous FOIA Request is not more than 105% of the estimated fee;
- (2) the public records made available contained the information sought in the prior FOIA Request and remain in the Zone's possession;
- (3) the public records were made available to the person, subject to payment, within the time frame estimated by the Zone to provide the records;
- (4) ninety (90) days have passed since the FOIA Designee notified the person in writing that the public records were available for pickup or mailing;
- (5) the person is unable to show proof of previous payment to the Zone; and
- (6) the FOIA Designee has calculated a detailed itemization that is the basis for the current FOIA Request's increased estimated fee deposit.

(b) The FOIA Designee shall not require an increased estimated fee deposit if any of the following apply:

- (1) the person making the FOIA Request is able to show proof of previous payment in full to the Zone;
- (2) the Zone is subsequently paid in full for the applicable prior FOIA Request; or
- (3) 365 days have passed since the person made the FOIA Request for which full payment was not remitted to the Zone.

11. **Calculation of Fees.** (a) The Zone may charge a fee for the labor costs of copying or duplication. The Zone shall not charge a fee for the labor costs 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 Zone because of the nature of the request in the particular instance, and the Zone specifically identifies the nature of the unreasonably high costs.

(b) Costs for the search, examination, review, and deletion and separation of exempt from non-exempt information are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the costs of the Zone's usual FOIA Requests (not compared to the Zone's operating budget). The Zone shall use the following factors to determine an unreasonably high cost to the Zone:

- (1) volume of the public record requested;
- (2) amount of time spent to search for, examine, review, and separate exempt from non-exempt information in the record requested;
- (3) whether the public records are related to more than one Zone function or activities;
- (4) staffing available to respond to the FOIA Request; and
- (5) any other similar factors identified by the FOIA Designee when responding to the FOIA Request.

(c) Under FOIA, the Zone may charge for the following costs associated with processing a FOIA Request:

- (1) labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet;
- (2) labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Zone;
- (3) labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Zone;
- (4) the cost of copying or duplication, not including labor, of paper copies of public records, which may include the cost for copies of records already on the Zone's website if copies are requested from the Zone;
- (5) the cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media which may include the cost for copies of records already on the Zone's website if copies are requested from the Zone; and
- (6) the cost to mail or send a public record to a requestor.

(d) The Zone shall calculate labor costs based on the following requirements:

- (1) labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down, and if the time involved is less than 15 minutes, there will be no charge;
- (2) labor costs will be charged at the hourly wage of the lowest-paid Zone personnel capable of doing the work in the specific fee category, regardless of who actually performs work;
- (3) labor costs will also include a charge to cover or partially cover the cost of fringe benefits;
- (4) up to 50% of the applicable labor charge amount may be added to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits;
- (5) overtime wages will not be included in labor costs unless agreed to by the requestor, and overtime costs will not be used to calculate the fringe benefit cost; and
- (6) contracted labor costs will be charged at the hourly rate of \$48.90 (six (6) times the state minimum hourly wage).

(e) The Zone shall base the cost to provide records on non-paper physical media when so requested on the following requirements:

- (1) 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, and this cost will only be assessed if the Zone has the technological capability necessary to provide the public record in the requested non-paper physical media format; and
- (2) the Zone will procure any non-paper media and, to ensure integrity of the Zone's technology infrastructure, and will not accept media from the requestor.

(f) The Zone shall base the cost to provide paper copies of records on the following requirements:

- (1) paper copies of public records made on standard letter-sized (8 ½ x 11 inches) or legal-sized (8 ½ x 14 inches) paper will not exceed \$0.10 per sheet of paper;
- (2) copies for non-standard sized sheets of paper will reflect the actual cost of reproduction; and
- (3) records will be provided using double-sided printing, if it is cost-saving and available.

(g) The Zone shall base the cost to mail records to a requestor on the following requirements:

- (1) the actual cost to mail public records using a reasonably economical and justified means;
- (2) the least expensive form of any postal delivery confirmation; and
- (3) no cost will be included for expedited shipping or insurance unless specified by the requestor.

(h) If the FOIA Designee fails to respond to a FOIA Request in a timely manner, the Zone shall do both of the following:

- (1) reduce the labor costs by 5% for each day the Zone exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
 - (A) the Zone's late response was willful and intentional;
 - (B) the FOIA Request conveyed a request for information within the first 250 words of the body of a letter, facsimile, email, or email attachment, or;
 - (C) 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 email, letter, or facsimile cover page; and
- (2) fully note the charge reduction within a detailed itemization of costs provided to the requestor.

12. **Fee Waivers; Reductions.** The Zone may waive or reduce the cost of the search for and copying of a public record if in the sole judgment of the FOIA Designee a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The Board may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

13. **Discount for Indigence.** (a) The FOIA Designee shall discount the first \$20.00 of the processing fee for a FOIA Request if an individual requesting a public record submits an affidavit (sworn statement) stating that either of the following apply to the person:

- (1) the individual is indigent and receiving specific public assistance; or

(2) the individual is not receiving public assistance, but the person states facts demonstrating an inability to pay due to indigence.

(b) An individual is not eligible to receive the discount under section 13(a) if either of the following apply:

(1) the individual has previously received discounted copies of public records from the Zone twice or more during the calendar year; or

(2) the requestor requests information in connection with other persons who are offering or providing payment to make the request.

(c) The FOIA Designee may make a fee discount affidavit form available for public use.

14. **Advocacy Discount.** The FOIA Designee shall discount the first \$20.00 of the processing fee for a request from a nonprofit organization formally designated by the state of Michigan to carry out activities under subtitle C of the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors (an "**Advocacy Organization**"), if all of the following apply to the request:

(1) the request is made directly on behalf of the Advocacy Organization or its clients;

(2) the request is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, as amended, MCL 330.1931; and

(3) the request is accompanied by documentation of its designation by the state of Michigan, if requested by the FOIA Designee.

15. **Appeal of Denial.** (a) If a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, the requestor may appeal to the Board by filing an appeal of the denial with the FOIA Coordinator. The appeal must be in writing, specifically state the word "appeal", and identify the reason or reasons the requestor seeks reversal of the denial.

(b) The Board is not considered to have received a written appeal until the first regularly-scheduled meeting of the Board after submission of the written appeal. Within ten (10) business days of receiving the appeal the Board shall respond in writing by doing any of the following:

(1) reversing the disclosure denial;

(2) upholding the disclosure denial;

(3) reversing the disclosure denial in part and upholding the disclosure denial in part; or

(4) issuing a notice extending for not more than ten (10) business days the period during which the Board shall respond to the written appeal due to unusual circumstances, with no more than one extension per appeal.

(c) 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 requesting person may seek judicial review of the nondisclosure

by commencing a civil action in the circuit court for Wayne County. Regardless of whether a requestor submitted an appeal of a denial to the Board, the requestor may file a civil action in the circuit court for Wayne County within one hundred and eighty (180) days after the Zone's final determination to deny the request.

(d) If a court that determines a public record is not exempt from disclosure, the court may order the Zone to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

(e) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in court, the court may award reasonable attorneys' fees, costs, and disbursements. If the person or Zone prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

(f) If the court determines that the Zone has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court may order the Zone to pay a civil fine of \$1,000.00, which must be deposited into the general fund of the state of Michigan. The court may award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages will not be assessed against an individual, but must be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

16. **Excessive Fee Appeal.** (a) If a requestor believes that a Fee charged by the Zone to process a FOIA Request exceeds the amount permitted by state law or under these FOIA Procedures, the requestor must first appeal to the Board by submitting a written appeal for a Fee reduction to the FOIA Coordinator. The appeal must be in writing, specifically state the word "appeal" and identify how the required Fee exceeds the amount permitted.

(b) The Board is not considered to have received a written appeal until the first regularly scheduled Board meeting following submission of the written appeal. Within ten (10) business days of receiving the appeal the Board shall respond in writing by doing any of the following:

- (1) waiving the Fee;
- (2) reducing the Fee and issuing a written determination indicating the specific basis supporting the remaining Fee;
- (3) upholding the Fee and issuing a written determination indicating the specific basis supporting the required Fee; or
- (4) issuing a notice extending for not more than ten (10) business days the period during which the Board shall respond to the written appeal due to unusual circumstances, with no more than one extension per appeal.

(c) If the Board reduces or upholds the Fee, the determination must include a certification from the Board that the statements in the determination are accurate and that the reduced Fee amount complies with these FOIA Procedures and section 4 of FOIA, MCL 15.234.

(d) Within forty-five (45) days after receiving notice of the Board's determination of an appeal, the requesting person may commence a civil action in the circuit court for Wayne County for a Fee reduction. If a civil action is commenced against the Zone for an excess Fee, the Zone is not obligated to complete the processing of the FOIA Request at issue until the court resolves the Fee dispute. An action is not permitted in circuit court unless one of the following applies:

- (1) the Zone does not provide for appeals of Fees;
- (2) the Board failed to respond to a written appeal as required;
- (3) the Board issued a determination to a written appeal.

(e) If a court determines that the Zone required a Fee that exceeds the amount permitted under these FOIA Procedures or section 4 of FOIA, MCL 15.234, the court may reduce the Fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

(f) If the requesting person prevails in court by receiving a reduction of 50% or more of the total Fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award will be assessed against the public body liable for damages.

(g) If the court determines that the Zone has arbitrarily and capriciously violated FOIA by charging an excessive Fee, the court may order the Zone to pay a civil fine of \$500.00, which must be deposited in the general fund of the State of Michigan. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the Fee reduction. The fine and any damages will not be assessed against an individual, but instead against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(h) For purposes of this section 16, "**Fee**" means the total fee or any component of the total fee calculated under section 4 of the FOIA, MCL 15.234, including any deposit.

17. **Conflicts.** If these FOIA Procedures conflict with previous FOIA policies, procedures, or guidelines issued by the Zone, these FOIA Procedures will control. If an administrative rule promulgated by the FOIA Designee after the effective date of these FOIA Procedures conflicts with a previous policy, procedure, or guideline issued by the Zone, the administrative rule promulgated by the FOIA Designee will control. If a provision of these FOIA Procedures or any administrative rule promulgated by the FOIA Designee conflict with a Michigan law, the applicable law will control.

18. **Effective Date.** These Procedures are effective beginning on February 8, 2018;

- that the Zone's provider of administrative services shall make the procedures and guidelines available to the public on the Zone's website;
- that the following written public summary of Freedom of Information Act procedures and guidelines is hereby adopted for the Zone:

“WRITTEN PUBLIC SUMMARY OF FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES”

This is a written public summary (the “**Public Summary**”) of the procedures and guidelines (the “**FOIA Procedures**”) established by the Downtown Detroit Business Improvement Zone (the “**Zone**”) to implement the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246 (“**FOIA**”) relevant to the general public and explaining the Zone’s written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The complete FOIA procedures are available on the Zone’s website at:

<http://downtowndetroit.org/business-improvement-zone/governance/foia>

1. How do I submit a request for a public record under FOIA to the Zone?

- a. A request to inspect or obtain copies of a public record prepared, owned, used, possessed, or retained by the Zone (a “**FOIA Request**”) must be written.
- b. A FOIA Request also must describe a public record in a way allowing the Zone to find it.
- c. *Mail.* Send a FOIA Request to the Zone by mail at:
FOIA Coordinator
Downtown Detroit Business Improvement Zone
One Campus Martius, Suite 380
Detroit, MI 48226
- d. *Fax.* Send a FOIA Request to the Zone by facsimile at:
(313) 567-3474
- e. *Email:* Send a FOIA Request to the Zone by email at:
info@downtowndetroit.org
Please include “FOIA” in the subject line of the email.

Note: If you are imprisoned in a local, state, or federal correctional facility, you are not entitled to submit a FOIA Request.

2. When and How will the Zone respond to my request?

- a. The Zone will respond to a FOIA Request within five (5) business days of receipt in one of the following ways:
 - i. granting the FOIA Request;
 - ii. denying the FOIA Request with an explanation;
 - iii. granting the FOIA Request in part and denying the FOIA Request in part with an explanation;
 - iv. indicating that the public record requested is available without charge on the Zone’s website; or
 - v. indicating that the Zone needs up to ten (10) additional business days to respond.
- b. If a FOIA Request is granted completely or partially, the Zone may provide a notice that a payment of a fee deposit is required for

further processing. If a fee deposit is required, the Zone will include in its response a non-binding, best efforts estimate regarding the time and cost for providing the records.

Note: If a FOIA Request by email is filed in a spam or junk mail folder, it will not be considered received until one (1) day after the Zone becomes aware of the request. The Zone will check its spam or junk mail folder at least monthly.

3. What are the Zone's Fee Deposit Requirements?

- a. If the Zone makes a good faith calculation that the total fee for processing a FOIA Request will be more than \$50.00, the Zone will require payment of a fee deposit of equal to 50% of the estimated fee. The Zone will provide a non-binding estimate of the time to respond to a FOIA Request after it receives the fee deposit.
- b. If the Zone requires a fee deposit, it will not process the FOIA Request further until the fee deposit is paid.
- c. If a person submitting a FOIA Request has not paid the final fee for the processing of an earlier FOIA Request and files a new FOIA Request, the Zone may require a payment of a fee deposit equal to 100% of the estimated fees for processing the new FOIA Request before processing the new FOIA Request.

4. How Does the Zone Calculate Fees?

- a. Fees are calculated by adding together the following costs:
 - (i) labor costs for searching for, locating, and examining responsive records;
 - (ii) labor costs for review, separation, and deletion of information exempt from disclosure from information disclosed;
 - (iii) costs for computer discs, drivers, or other non-paper physical media, if used;
 - (iv) costs for duplication or publication, including paper copies and digital copies;
 - (v) costs to mail or spend a public record to the person submitting the FOIA Request
- b. Labor costs will:
 - (i) be estimated and charged in 15 minute increments, with partial time increments rounded down;
 - (ii) be charged at the hourly wage or hourly wage of the lowest paid Zone personnel capable of doing the work in the specific fee category, regardless of the person performing the work; and
 - (iii) include a charge to cover or partially cover the cost of fringe benefits.

- c. For copies provided on non-paper physical media (like computer discs or drives), the Zone will charge the actual and most reasonably economical cost for the non-paper media.
- c. For paper copies the Zone will charge up to \$0.10 per sheet for standard letter (8 1/2 by 11 inches) or legal (8 1/2 by 14 inches) paper copies made and actual costs for other sizes and may use double-sided printing, if it is cost-saving and available.
- d. The Zone will charge the actual cost of mailing public records in a reasonably economical and justifiable way and may charge the least expensive form of postal delivery confirmation. Unless requested, the Zone will not charge for expedited shipping or insurance.

5. How Do I Challenge or Appeal a Denial?

- a. If the Zone denies a FOIA Request in whole or in part, the denial may be appealed to the board of directors of the Zone (the "**Board**"). The appeal must be in writing, include the word "appeal", identify the reason or reasons the denial was improper.
- b. Within ten (10) business days of receiving the appeal, the Board will respond in writing by doing one of the following:
 - (i) reversing the denial;
 - (ii) issuing a written notice upholding the denial;
 - (iii) reversing the denial in part and issuing a written notice upholding the denial in part; or
 - (iv) issue a notice extending the response period for up to ten (10) business days.
- c. The Board is not considered to have received a written appeal until the first regularly-scheduled meeting of the Board after submission of the written appeal.
- d. A person submitting a FOIA Request may commence a civil action in the circuit court for Wayne County within 180 days after the Zone's final determination to deny a request.
- e. If a person submitting a FOIA Request believes that the Zone has required payment of a fee that exceeds the amount permitted the FOIA Procedures, the person may bring an action in the circuit court for Wayne County for a fee reduction forty-five (45) days after receiving the notice of the required fee.

5. What if I have questions?

A person submitting a FOIA Request can contact the Zone with questions about a response, fees, or an appeal can contact the Zone:

Email: info@downtowndetroit.org

Phone: (313) 566-8250;

- that the Zone's provider of administrative services shall make the written public summary of Freedom of Information Act procedures and guidelines available to the public on the Zone's website;
- that the following written Freedom of Information Act Fee Itemization Form is hereby adopted for the Zone:

**Freedom of Information Act
Fee Itemization Form**
(effective February 8, 2018)

Component	Cost Calculations	Total
1. Labor Costs for Search, Location, and Examination of Records*	<p>Enter the hourly wage of lowest paid Zone personnel capable of performing the search, location and examination</p> <p>\$_____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)</p> <p>_____ %</p> <p>Multiply the hourly wage times the fringe benefit multiplier</p> <p>\$_____ x 1._____ = \$_____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> <p>\$_____ + _____ = \$_____</p> <p>Divide the resulting hourly wage by 4 to determine the charge per 15-minute increment</p> <p>\$_____ / 4 = \$_____</p>	
	<p>Number of 15-minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p>_____ x \$_____ = \$_____</p>	\$_____

2A. Zone Personnel Labor Costs for Redaction*	<p>If performed by the Zone's personnel:</p> <p>Enter the hourly wage of lowest paid personnel capable of performing the redaction</p> <p>\$_____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)</p> <p>_____ %</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> <p>\$_____ + _____ = \$_____</p> <p>Divide the resulting hourly wage by 4 to determine the charge per 15-minute increment</p> <p>\$_____ / 4 = \$_____</p>	
	<p>Number of 15-minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p>_____ x \$_____ = \$_____</p>	<p>\$_____</p>
2B. Contracted Labor Costs for Redaction*	<p>If performed by Contracted Labor (only permitted if the Zone does not employ a person capable of redacting the records as determined by the FOIA Coordinator):</p> <p>Name of person or firm contracted:</p> <p>_____</p> <p>Enter the hourly rate charged by the contractor (may not exceed 6 times the state minimum wage in Michigan (\$8.15 x 6 = \$48.90))</p> <p>\$_____ per hour</p> <p>Divide the hourly rate by 4 to determine the charge per 15-minute increment</p> <p>\$_____ / 4 = \$_____</p>	
	<p>Number of 15-minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p>_____ x \$_____ = \$_____</p>	<p>\$_____</p>

3.Non-Paper Physical Media	<p>Actual and most reasonably economical cost of:</p> <p>Flash Drives \$_____ x number used _____ = \$_____</p> <p>Computer Discs \$_____ x number used _____ = \$_____</p> <p>Other Media \$_____ x number used _____ = \$_____</p> <p>\$_____</p>	<p>\$_____</p>
4. Paper Copies	<p>Actual total incremental cost of duplication (not including labor) up to a maximum of \$0.10 cents per page:</p> <p>Letter paper (8 ½" x 11")</p> <p>number of sheets ____ x \$0.____ = \$_____</p> <p>Legal paper (8 ½" x 14")</p> <p>number of sheets ____ x \$0.____ = \$_____</p> <p>Actual cost of other types of paper:</p> <p>Type of Paper: _____</p> <p>number of sheets ____ x \$_____ = \$_____</p> <p>Type of Paper: _____</p> <p>number of sheets ____ x \$_____ = \$_____</p> <p>(Note: Must print double-sided if available and costs less)</p>	<p>\$_____</p>

5. Labor Costs for Duplication, Copying, and Transferring Records to Non-paper Physical Media	<p>Enter the hourly wage of lowest paid Zone personnel capable of performing the duplication, copying, or transferring digital records to non-paper physical media</p> <p>Divide the resulting hourly wage by _____ to determine the charge per _____ () minute increment (NOTE: May use any time increment for this category) \$_____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)</p> <p>_____ %</p> <p>Multiply the hourly wage times the fringe benefit multiplier</p> <p>\$_____ x 1.____ = \$_____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> <p>\$_____ + _____ = \$_____</p> <p>Divide the resulting hourly wage by _____ to determine the charge per _____ () minute increment</p> <p>\$_____ / 4 = \$_____</p> <p>(Note: May use any time increment for this category)</p>	
	<p>Number of ____ minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p>_____ x \$_____ = \$_____</p>	<p>\$_____</p>
6. Mailings	<p>Actual cost of mailing records in a reasonable and economical manner:</p> <p>Cost of mailing: \$_____</p> <p>Cost of least expensive form of postal delivery confirmation:</p> <p>\$_____</p>	<p>\$_____</p>

	Cost of expedited shipping or insurance only if specifically stipulated by the requestor: \$ _____	
	SUBTOTAL	\$ _____
Waivers and Reductions	Subtract any Fee Waiver or Reduction \$20.00 for indigence or nonprofit organization as further described in the Zone's Freedom of Information Act procedures and guidelines. Any amount determined by the Zone due to the search and furnishing of the public record determined to be in the public interest. \$ _____ The reduction amount due to the late response of the Zone. 5% of fee x _____ days late = _____% reduction (maximum reduction is 50%)	 -\$ _____
Fee Deposit	Subtract any good-faith deposit received: \$ _____	-\$ _____
	TOTAL DUE	\$ _____

- that the Zone's provider of administrative services shall make the Freedom of Information Act Fee Itemization Form available to the public on the Zone's website;

Secretary's Certification:

I certify that this resolution was duly adopted by the board of directors of the Downtown Detroit Business Improvement Zone at a properly-noticed open meeting held with a quorum present on February 8, 2018.

By: _____

Mark M. King
Secretary

4829-3563-7329.1