

**Village:** Keep original  
Village Detailed Cost Itemization  
provide copies of both sides of  
each sheet, along with Public  
Summary, to requester at no charge.

Village of Copemish  
16798 First Street  
P.O. Box 179  
Copemish, MI 49625

**Village of Copemish**  
**REQUEST FOR PUBLIC RECORDS**

Michigan Freedom of Information Act 442 of 1976, MCL 15.231, et seq.

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Check if received via:** \_\_\_\_\_ **Email** \_\_\_\_\_ **Fax** \_\_\_\_\_  
**Other Electronic Method** \_\_\_\_\_ **Date delivered to junk/spam folder:** \_\_\_\_\_

**Date** discovered in junk/spam folder: \_\_\_\_\_

(Please Print)

**Name:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Firm/Organization:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City/Township:** \_\_\_\_\_

**State/Zip** \_\_\_\_\_

**Request for:** \_\_\_\_\_ **Copy** \_\_\_\_\_ **Certified copy** \_\_\_\_\_ **Record inspection** \_\_\_\_\_ **Subscription to record issued on regular basis** \_\_\_\_\_

**Delivery Method:** \_\_\_\_\_ **Will pick up** \_\_\_\_\_ **Will make own copies onsite** \_\_\_\_\_ **Mail to address above** \_\_\_\_\_  
\_\_\_\_\_ **Email to address above** \_\_\_\_\_ **Deliver on digital media:** **(Note: The Village is not required to provide records in a digital format or on digital media if the Village does not already have the technological capability to do so.)**

Describe the public record(s) as specifically as possible. You may use this form or attach additional sheets: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Requesting Person's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### **Records Located on Website**

If the Village directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (separate exempt information from non-exempt).

If the FOIA Coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the Village must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the Village must separate the requested public records that are available on its website from those that are not available on the website and must inform the requesting person of the additional charge to receive copies of the public records that are available on its website. If the Village includes the website address for a record in its written response to the requesting person and the requesting person thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the Village must provide the public records in the specified format (if the Village has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

### **Request for Copies/Duplication of Records on Village Website**

I hereby stipulate that, even if some or all of the records are located on a Village website, I am requesting that the Village make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

### **Overtime Labor Costs**

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

### **Consent to Overtime Labor Costs**

I hereby agree and stipulate to the Village using overtime wages in calculating the following labor costs as itemized in the following categories: 1. Labor to copy/duplicate 2. Labor to locate 3a. Labor to redact 3b. Contract labor to redact 6b. Labor to copy/duplicate records already on Village 's website

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

### **Request for Discount: Indigence=**

A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by an individual who is entitled to information under this act and who:

**1)** Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR

**2)** If not receiving public assistance, stating facts showing inability to pay the cost because of indigence. If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if ANY of the following apply:

**(i)** The individual has previously received discounted copies of public records from the same public body twice during that calendar year,

**(ii)** The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

**Office Use:** Affidavit Received Eligible for Discount \_\_\_\_ Ineligible for Discount \_\_\_\_

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:

**Requestor's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

### **Request for Discount: Nonprofit Organization**

A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by a nonprofit 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, if the request meets ALL of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) (ii) 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, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the Village .

**Office Use:** Documentation of State Designation Received \_\_\_\_\_ Eligible for Discount \_\_\_\_\_  
Ineligible for Discount \_\_\_\_\_

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and 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, MCL 330.1931:

**Requestor's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## FOIA WAIVERS, DISCOUNTS AND DEPOSITS – HANDLING OF FEES

The Village may waive or reduce the fees associated with a request when the Village Council determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.

You are not eligible to receive the waiver if you have previously received discounted copies of public records from the Village twice during the calendar year. You are also not eligible to receive a waiver if you are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

\_\_\_\_\_ **All fees are waived OR** \_\_\_\_\_ **All fees are reduced by:** \_\_\_\_\_ %

**Subtotal Fees After Waiver or Reduction:** \$ \_\_\_\_\_

Providing an estimated time frame does not relieve the Village from any of the other requirements of the Freedom of Information Act.

### **Deposit: Good Faith**

The Village may require a good-faith deposit before providing the public records to the requestor if the entire fee estimate or charge exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed ½ of the total estimated fee. **Percent of Deposit:** \_\_\_\_\_ %

**Date Paid:** \_\_\_\_\_ **Deposit Amount Required:** \$ \_\_\_\_\_

**Deposit: Increased** Deposit Due to Previous FOIA Fees Not Paid In Full After a Village has granted and fulfilled a written request from an individual under the Freedom of Information Act, if the Village has not been paid in full the total amount of fees for the copies of public records that the Village made available to the individual as a result of that written request, the Village may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:

- (a) The final fee for the prior written request was not more than 105% of the estimated fee.
- (b) The public records made available contained the information being sought in the prior written request and are still in the Village's possession.
- (c) The public records were made available to the individual, subject to payment, within the time frame estimate included with this form.
- (d) Ninety (90) days have passed since the Village notified the individual in writing that the public records were available for pickup or mailing.
- (e) The individual is unable to show proof of prior payment to the Village.
- (f) The Village calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.

A Village can no longer require an increased estimated fee deposit from an individual if ANY of the following apply: (a) The individual is able to show proof of prior payment in full to the Village , OR (b) The Village is subsequently paid in full for the applicable prior written request, OR (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the Village.

**Office Use: Date Paid:** \_\_\_\_\_ **Percent Deposit Required:** \_\_\_\_\_ %

**Deposit Required: \$** \_\_\_\_\_

**Late Response:** Labor Costs Reduction If the Village does not respond to a written request in a timely manner as required under MCL 15.235(2), the Village must do the following:

(a) Reduce the charges for labor costs otherwise permitted by 5% for each day the Village exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:

- i. The late response was willful and intentional, OR
- ii. The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for “freedom of information”, “information”, “FOIA”, “copy”, or a recognizable misspelling of such, or appropriate 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 electronic mail, letter, or facsimile cover page. Number of Days Over

**Required Response Time:** \_\_\_\_\_ **Multiply by 5% = Total Percent Reduction:**

\_\_\_\_\_ **Total Labor Costs \$** \_\_\_\_\_ **Minus Reduction \$** \_\_\_\_\_ **= Reduced Total Labor Costs \$** \_\_\_\_\_

**Village of Copemish**  
**FOIA EXTENSION REQUEST FOR RESPONSE TIME**

**Records Requested:** (Listed here or see attached copy of original request)

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We are extending the date to respond to your FOIA request for no more than \_\_\_\_ business days, until \_\_\_\_\_ (month, day, year). Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact the Copemish Village Clerk \_\_\_\_\_ at  
**Ph: 231-378-4652 or Email: [clerk@villageofcopemish.com](mailto:clerk@villageofcopemish.com)**

**Estimated Time Frame to Provide Records:** \_\_\_\_\_ (days or date) The time frame estimate is nonbinding upon the Village, but the Village is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act. Reason for Extension: (Listed here or see attached copy of original request)

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## NOTICE OF DENIAL OF FOIA REQUEST

All OR Part of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact Copemish Village Clerk

\_\_\_\_\_ at **Ph: 231-378-4652** or **Email: [clerk@villageofcopemish.com](mailto:clerk@villageofcopemish.com)**

**Reason for Denial:** 1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection \_\_\_\_\_ (insert number), because:

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2. Record Does Not Exist: This item does not exist under the name provided in your request or by another name reasonably known to the Village. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record: \_\_\_\_\_

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3. Redaction: A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection \_\_\_\_\_ (insert number), because:

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4. A brief description of the information that had to be separated or deleted:

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### Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the Village Board to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the Village has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240.

**Signature of FOIA Coordinator/Clerk:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**FREEDOM OF INFORMATION ACT**  
**(EXCERPT) Act 442 of 1976 15. 240.amended**

**Options:** Sec. 10.

**(1)** If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

**(2)** Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

**(3)** A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body 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 under subsection (1)(b).

**(4)** In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

**(5)** An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

**(6)** If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

**(7)** If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall 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 shall not be assessed against an individual but shall 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.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015