MARQUETTE COUNTY ROAD COMMISSION
Freedom of Information Act Policy

Marquette County Road Commission (MCRC) documents and records are available to the public for inspection and/or copying in accordance with the Freedom of Information Act (FOIA) upon receipt of a written request which specifically describes the exact public record(s) desired, unless exempted from disclosure by Section 13 of the Act or other law. Compliance with FOIA does not require that MCRC create new public records, nor make a compilation, summary, or other report of information in order to satisfy a request.

All FOIA requests must be made in writing. Requests made by facsimile copy or electronic mail are acceptable. A FOIA request received by facsimile copy, electronic mail, or by other electronic means, is deemed received the first business day following its transmission. Written requests will be forwarded to the FOIA Coordinator for response.

All fees must be paid in full before the information shall be given or mailed to the requestor.

The Secretary of the Board is the designated FOIA Coordinator. The FOIA Coordinator has the authority to issue notices extending response time, or to deny requests, in whole or in part, on behalf of MCRC.

All denials and non-routine requests should be reviewed by Legal Counsel prior to response. The FOIA Coordinator will keep a copy of all written requests and responses for public records, and all responses, on file for not less than one year from the date of the response.

The FOIA Coordinator will respond in writing to a FOIA request within five (5) business days of receipt, utilizing the Notice of Freedom of Information Act Request Form, with one of the following actions:

1. Grant the request;
2. Deny the request;
3. Grant the request in part and deny the request in part;
4. Issue a notice extending for not more than ten (10) business days the period during which MCRC will respond to the request. The notice will include the reason(s) for the extension and the date by which MCRC will respond to the request.

In the event of a denial of a FOIA request, in whole or in part, the Notice of FOIA Response Form will contain an explanation of the basis under the Act or other statute...
that the public record, or portion of public record, is exempt from disclosure, if that is the reason for denying the request; certification that the record does not exist under the name provided by the requester or under another name reasonably known to MCRC, if that is the reason for denying the request; a description of a public record or information in a public record that is separated or deleted pursuant to Section 14 of the Act, if a separation or deletion is made; and the requesting party's right to appeal or request judicial review of the denial, and to receive attorney's fees and damages in appropriate cases.

In the event of an appeal, the Marquette Board of County Road Commissioners will serve as the governing body responsible for hearing the appeal. Appeals should be submitted in writing addressed to the Chairperson of the Board of County Road Commissioners in care of the FOIA Coordinator. The Board will address the appeal at the next regularly scheduled meeting after the appeal is received and will respond to the appeal within ten (10) days after the Board meeting.

Upon receipt of a written request to review a public record, MCRC will make the record(s) reasonably available for supervised inspection unless the request is denied in whole or in part as provided in this Policy. The records may be inspected at the time of the request if the request is made at a reasonably convenient time during MCRC's normal business hours. If the request falls outside of normal business hours, or is not reasonably convenient, a mutually convenient time will be determined and the records will be made available within five (5) business days of receipt of the request. Notice extending the period for response may be issued as provided in this Policy.

Inspection of public records will be supervised by an MCRC employee to ensure the integrity of the records. Upon completion of the inspection, the employee will provide copies of inspected documents as requested according to the guidelines outlined in this policy. Records must remain in the office where they are being inspected and no unauthorized alteration, defacement, mutilation, destruction or removal is permitted.

Fees will be assessed as allowed by law for the services performed by MCRC employees relating to the processing of FOIA requests as follows:

1. Labor costs for the time spent in the search for, examination of, review of, and deletion and separation of exempt from nonexempt information within, the requested records if the FOIA Coordinator determines that the failure to charge such a fee with regard to a specific request would result in unreasonably high costs to MCRC because of the nature of that request, and the FOIA Coordinator specifically identifies the nature of those unreasonably high costs. (Where the time spent by one or more MCRC employees in performance of such tasks, individually or in the aggregate, exceeds one-half hour such labor costs will be assessed);

2. The actual incremental cost of duplicating the requested records, at the rate of $0.04 per page, plus the cost of labor involved in such duplication of the requested records;

3. Actual mailing costs; and,

4. Such other fees and costs as may be allowed by law.
In calculating the labor costs authorized by this Policy, MCRC will not charge more than the hourly wage of the lowest paid MCRC employee capable of retrieving the information necessary to comply with the request.

Should estimated fees exceed fifty ($50.00) Dollars, a good faith deposit of one-half of the total estimated fee will be required prior to the processing of the FOIA request. Waivers of the deposit and/or a portion of the processing fees may be granted by the FOIA Coordinator. A public record search, and a copy of the public record, will be without charge for the first twenty ($20.00) Dollars of the fee for each request by an eligible individual who submits an affidavit that they are then receiving public assistance or showing inability to pay because of indigency.
1. Name & address of requester: ________________________________

__________________________________

__________________________________

2. Manner in which request was submitted:

☐ U.S. mail ☐ personal delivery

☐ facsimile ☐ e-mail

☐ other electronic means _________________________

3. Date written request received by County Road Commission (if received by facsimile, e-mail, or other electronic means, request will be deemed received on next business day): ______________

4. Public records held by County that are requested:

__________________________________

__________________________________

__________________________________

5. Written request: ☐ Granted

☐ Denied because (include section/subsection if exemption is claimed)

__________________________________

(See Section 9 for appeal rights.)

☐ Granted in part and Denied in part because (include section/subsection if exemption is claimed)

__________________________________

(See Section 9 for appeal rights.)

☐ Response period extended up to an additional 10 business days because additional time is needed to compile requested information.

__________________________________
6. Fee incurred in responding to request:
   _____ hours x $______ hourly wage = $________
   Pages x $0.04 per page $________
   Actual costs for postage $________
   Other $________
   Total Costs $________

☐ First $20 of fee waived (Affidavit of Public Assistance or Indigency submitted or accepted).

☐ Because estimated fee exceeds $50, deposit of one-half the total amount due must be received by the County Road Commission prior to the County Road Commission's response. The deposit of $________ shall be payable by check or money order to the "Marquette County Road Commission." Remit to Marquette County Road Commission, FOIA Coordinator, 1610 North Second Street, Ishpeming, MI 49849, with a copy of this notice.

7. Upon receipt of fees where applicable, requested information:
   ☐ Mailed to (if different than Line 1):

                   ____________________________
                   ____________________________
                   ____________________________

☐ Emailed at requester's direction to ________________
☐ Faxed at requester's direction to ________________
☐ To be paid for and picked up in person at County Road Commission office.

8. Date of Response:
   ☐ Mailed ___________, 201__
   ☐ Emailed ___________, 201__
   ☐ Faxed ___________, 201__
   ☐ Personal delivery ___________, 201__

9. Description of appeal rights due to denial of requested records.

   a. Per Section 5(4)(d)(i) of FOIA, you may submit to the Chairperson of the County Board of Road Commissioners a written appeal that specifically states the word "appeal" and that identifies the reason(s) for the requested reversal of the denial. The appeal should be mailed to the Board Chairperson, care of the FOIA Coordinator, at the County Road Commission's address, Attention: FOIA Board Coordinator.
Appeal. The Board will address the appeal at the next regularly scheduled meeting after the appeal is received and will respond to the appeal within ten (10) days after the Board meeting.

b. Alternately, you may seek judicial review of the denial under Section 10 of FOIA. Such review will be in the circuit court in which you reside or have your principal place of business, or Marquette County. If you prevail in your court action, FOIA Section 10(6) provides: "The court shall award reasonable attorneys' fees, costs, and disbursements." If you or the County prevail in part, "...the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements." Section 10 also provides for payment of damages in certain cases.

By: Lisa Brogan  
Designated FOIA Coordinator  
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Phone: (906) 486-4491, ext. 101