



13551 Myron Avery Drive

Marshall, MI 49068

(269)781-7976 Fax (269)781-4403

Hours: Monday ~ Wednesday, 9 AM to 3:30 PM

November 27, 2023

To: Marshall Township Board

From Paul Anderson, Marshall Township Zoning Administrator

Subject: Glenn Kowalske – FOIA Appeal

- 1) The initial FOIA request was received on October 26, 2023. Under FOIA 15.235 Sec. 5. (1) A written request made by facsimile, electronic mail, or other electronic transmission is not received by a public body's FOIA coordinator until 1 business day after the electronic transmission is made. That would make the first day of the request October 27, 2023.
 - a) On October 26, 2023, Clerk Albaugh submitted a 10-day extension. On October 27, 2023, being the designated person to respond to the FOIA request, I submitted the 10-day extension. All FOIA responses were within the five Business days or the ten business days as required under FOIA.
- 2) Mr. Kowalske seems to be confused regarding who is responsible for the FOIA request. Under FOIA 15.236 (3) An FOIA coordinator may designate another individual to act on his or her behalf in accepting and processing requests for the public body's public records, and in approving a denial under section 5(4) and (5). Clerk Albaugh designated me to answer and respond to all matters concerning Zoning on this FOIA Request. This misunderstanding confuses the request. I am unsure if Mr. Kowalske is emailing me or the clerk as directed so that I can process the FOIA request.
- 3) The reason for the extension was to try to comply with Mr. Kowalske's request, but the request required additional work. Mr. Kowalske requested, **"I would like to review all of the site plans for this solar project, as well as all communications related to the approval, correction, deviation from, the site plan. Also, I am looking for the communications to Nextera/Cereal City on all violations of zoning ordinances or site plan deviations since the site approval."** To comply with **all communications related to the approval, correction, deviation from, the site plan.** The Township will have our IT Department research all emails concerning approval, correction, deviation from the site plan, and violations. This could be a review of hundreds, if not thousands, of emails. Once the email has been identified, it must be printed out and submitted to the Township Attorney for redaction. An email was sent to Mr. Kowalske on November 6, 2023, with a cost estimate for the work to be completed. I have also discussed the estimate of costs with the Township Attorney, and they have agreed with the costs.



13551 Myron Avery Drive
Marshall, MI 49068
(269)781-7976 Fax (269)781-4403
Hours: Monday ~ Wednesday, 9 AM to 3:30 PM

It is important that the board recognizes that when a FOIA request is received in the Township, in most cases, it will have to be sent to a branch of the Township that will have more knowledge of fulfilling the request. Even though that happened from the Township, there is confusion on the requestor's part for not following FOIA 15.236 (3).

The requestor also feels that the Township did not provide the information in 5 days business days, even though a 10-day extension was requested. The return was sent to the requestor on November 6, 2023, within 10 business days.

The other issue is costs that are external to the Township. Those costs can include printing, IT work, and attorney review of documents. 15.234 Fee allows for the Township to charge as described in the FOIA Act. In this case, the cost estimate is a low estimate because of the variables of not knowing how many emails are involved. The board should consider if taxpayers in the Township should share the cost of this FOIA.

Paul Anderson

Paul Anderson
Zoning Administrator

A.1

Paul Anderson

From: Glenn Kowalske <glenn@kowalske.net>
Sent: Friday, October 27, 2023 1:44 PM
To: Paul Anderson; Jeff Albaugh
Cc: David Bosserd; David Bosserd
Subject: RE: Nextera / Cereal City Solar Project - Marshall Township

Importance: High

Follow Up Flag: Follow up
Due By: Thursday, November 2, 2023 8:00 AM
Flag Status: Flagged

Thanks Paul, however my note was to the Clerk and FOIA Coordinator for Marshall Township, Jeff Albaugh.

Jeff,

FREEDOM OF INFORMATION ACT Act 442 of 1976

Section 15.235

Sec. 5.

(7) If a public body issues a notice extending the period for a response to the request, the notice must specify the reasons for the extension and the date by which the public body will do 1 of the following:

- (a) Grant the request.
- (b) Issue a written notice to the requesting person denying the request.
- (c) Grant the request in part and issue a written notice to the requesting person denying the request in part.

Thanks,
Glenn

From: Paul Anderson <paul@marshalltownship.org>
Sent: Friday, October 27, 2023 11:59 AM
To: Glenn Kowalske <glenn@kowalske.net>; Jeff Albaugh <jeff@marshalltownship.org>
Cc: David Bosserd <David@marshalltownship.org>
Subject: RE: Nextera / Cereal City Solar Project - Marshall Township

The Township will be taking the 10-day extension.

Paul Anderson
Marshall Township
Zoning Administrator

A2

13551 Myron Avery Dr.
Marshall, MI 49068
(269) 781-7976 Fax (269) 781-4403
Web Site: www.marshalltownship.org
Email: paul@marshalltownship.org

Office Hours Mon~Wed 9 AM to 3:30 PM and closed a half an hour for lunch. All Payments can be dropped off at the dropbox in the front of the office or paid online (a 3% fee applies)

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and proprietary information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient(s), please contact the sender by reply email and destroy all the original message copies.

 Please consider the environment before printing this email

From: Glenn Kowalske <glenn@kowalske.net>
Sent: Thursday, October 26, 2023 8:26 PM
To: Jeff Albaugh <jeff@marshalltownship.org>
Cc: David Bosserd <David@marshalltownship.org>; Paul Anderson <paul@marshalltownship.org>
Subject: Re: Nextera / Cereal City Solar Project - Marshall Township

Thanks Jeff,

What is the reason for the FOIA extension? The information is very relevant to the very current happenings?

Please explain.

Glenn

Sent from my iPhone

On Oct 26, 2023, at 3:13 PM, Jeff Albaugh <jeff@marshalltownship.org> wrote:

I am referring this to the Zoning Administrator who will respond to you and notifying you of the 10 day response extension. Jeff Albaugh, FOIA Coordinator

[Get Outlook for Android](#)

From: Glenn Kowalske <glenn@kowalske.net>
Sent: Thursday, October 26, 2023 1:28:39 PM
To: Jeff Albaugh <jeff@marshalltownship.org>
Cc: David Bosserd <David@marshalltownship.org>
Subject: Nextera / Cereal City Solar Project - Marshall Township

Hello Jeff,

I would like to review all of the site plans for this solar project, as well as all communications related to the approval, correction, deviation from, the site plan. Also, I am looking for the communications to Nextera/Cereal City on all

A3 END

violations of zoning ordinances or site plan deviations since the site approval. This appears to be no less than 5, but could be more.

I assume these items are all in one place and I can make myself available to review them at the Township Hall during normal office hours.

I would like access to any available electronic documents for the site plan and all modifications beforehand if possible.

Please consider this a FOIA request as necessary.

It appears there is a District Court case involving Marshall Township. Is related to this solar project?

<https://micourt.courts.michigan.gov/case-search/court/D10/case-details?caseId=2023-C238047-ON-01&tenantKey=D10-13-0620755-00-00&searchUrl=%2Fcourt%2FD10%2Fsearch%3FfirstName%3D%26middleName%3D%26lastName%3D%26birthYear%3D0%26caseNumber%3DC238047%26caseYear%3D2023%26caseType%3D%26page%3D1>

Thanks,
Glenn Kowalske, P.E.

Paul Anderson

From: Glenn Kowalske <glenn@kowalske.net>
Sent: Monday, November 6, 2023 9:00 PM
To: Jeff Albaugh
Cc: Paul Anderson; David Bosserd
Subject: RE: FOIA Appeal
Attachments: Kowalske FOIA Return 11-6-23.pdf; RE: Nextera / Cereal City Solar Project - Marshall Township

Importance: High

Jeff,

It is now past the 5 day requirement for my FOIA request. I explained to you that a reason is required for any extension (see attached).

Since the time period has expired, I assume by statute that the FOIA has been denied.

Dave, I am appealing this FOIA to you as the head of the organization for two reasons and expect this to be put on the next Marshall Township Board meeting.

1. This FOIA request should be allowed immediately and a time set for inspection of the requested documents.
2. All of these records are readily available, as the project is still under construction, and oversight, by the Zoning Administrator and Planning Commission. Also, the recent violations are also fresh, as there was recent action on them. In this case, there should be no fee needed to review **readily available records**.

If this FOIA is not processed upon appeal, without fee, you are subject to court action. I do not want to take the Township to court, but this is a serious violation of the State of Michigan FOIA statute and must be dealt with.

Glenn Kowalske, P.E.

From: Paul Anderson <paul@marshalltownship.org>
Sent: Monday, November 6, 2023 5:34 PM
To: Glenn Kowalske <glenn@kowalske.net>
Cc: Jeff Albaugh <jeff@marshalltownship.org>
Subject: FOIA Return

B2 END

Paul Anderson

Marshall Township
Zoning Administrator
13551 Myron Avery Dr.
Marshall, MI 49068

(269) 781-7976 Fax (269) 781-4403

Web Site: www.marshalltownship.org

Email: paul@marshalltownship.org

Office Hours Mon~Wed 9 AM to 3:30 PM and closed a half an hour for lunch. All Payments can be dropped off at the dropbox in the front of the office or paid online (a 3% fee applies)

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and proprietary information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient(s), please contact the sender by reply email and destroy all the original message copies.

 Please consider the environment before printing this email

ci

Paul Anderson

From: Paul Anderson
Sent: Monday, November 6, 2023 5:34 PM
To: Glenn Kowalske
Cc: Jeff Albaugh
Subject: FOIA Return
Attachments: Kowalske FOIA Return 11-6-23.pdf

Paul Anderson

Marshall Township
Zoning Administrator
13551 Myron Avery Dr.
Marshall, MI 49068

(269) 781-7976 Fax (269) 781-4403

Web Site: www.marshalltownship.org

Email: paul@marshalltownship.org

Office Hours Mon~Wed 9 AM to 3:30 PM and closed a half an hour for lunch. All Payments can be dropped off at the dropbox in the front of the office or paid online (a 3% fee applies)

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and proprietary information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient(s), please contact the sender by reply email and destroy all the original message copies.

 Please consider the environment before printing this email

To: Mr. Glenn Kowalske
Re: FOIA Request

Dear Mr. Kowalske,

On October 26, 2023, you sent a FOIA request to Marshall Township requesting a significant amount of information. Under MCL 15.236(3), which states, “An FOIA coordinator may designate another individual to act on his or her behalf in accepting and processing requests for the public body's public records, and in approving a denial under section 5(4) and (5).”, FOIA coordinator Jeff Albaugh designated Paul Anderson to act on his behalf regarding your FOIA request. On October 26, 2023 Jeff Albaugh wrote you an email informing you of said delegation as well as notifying you of the 10-day extension.

On October 27, 2023 you received an email from Paul Anderson informing you that Marshall Township would be taking their 10-day extension per MCL 15.235(2)(d). This letter is to inform you of the cost of gathering all of the information you requested. MCL 15.234 explains what services may be charged and provides guidelines charging those fees. Further, MCL 15.234(14) notes that if a deposit that is required under subsection (8) or (11) is not received within 45 days from the receipt by the requesting person of the notice that a deposit is required, and the requesting person has not filed an appeal of the deposit amount pursuant to section 10a, the request shall be considered abandoned by the requesting person and the public body is no longer required to fulfill the request.

Attached, please find the cost work sheet for your FOIA request. Should you wish to continue with your FOIA request, your deposit is required within 45 days of when you are

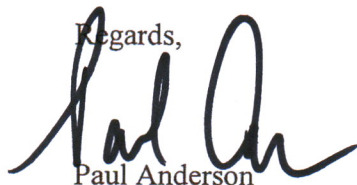
C3

Glenn Kowalske FOIA
November 6, 2023
Page 2 of 2

considered to have received this notification. If you have further questions please reach out to

Paul Anderson.

Regards,

A handwritten signature in black ink, appearing to read "Paul Anderson". The signature is stylized and cursive, with the first name "Paul" and last name "Anderson" clearly visible. It is positioned to the right of the typed name "Paul Anderson".

Paul Anderson

Township: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

Marshall Township, Calhoun County
 13551 Myron Avery Drive
 Marshall, MI 49068
 Phone: 269-781-4403

Detailed Cost Itemization

C4

Freedom of Information Act Request Detailed Cost Itemization

Date: 11-3-23 Prepared for Request No.: _____ Date Request Received: 10-26-23

<p>The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the township's FOIA Policies and Guidelines.</p>			
<p>1. Labor Cost for Copying / Duplication</p> <p>This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.</p> <p>This shall not be more than the hourly wage of the township's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in <u>15</u>-minute time increments as set by the township board (for example: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.</p> <p>Hourly Wage Charged: \$ <u>24.00</u> Charge per increment: \$ <u>6.00</u> <u>OR</u> Hourly Wage with Fringe Benefit Cost: \$ _____ <u>OR</u> Multiply the hourly wage by the percentage multiplier: _____% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate. <input type="checkbox"/> Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:</p> <p>Number of increments</p> <p>x <u>12</u> =</p>	<p>1. Labor Cost</p> <p>\$ 72.00</p>	
<p>2. Labor Cost to Locate:</p> <p>This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the township that are excessive and beyond the normal or usual amount for those services compared to the township's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____ Venture Technologies, IT Work at extracting emails from the server.</p> <p>The township will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in _____-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.</p> <p>Hourly Wage Charged: \$ <u>60.60</u> Charge per increment: \$ <u>15.15</u> <u>OR</u> Hourly Wage with Fringe Benefit Cost: \$ _____ <u>OR</u> Multiply the hourly wage by the percentage multiplier: _____% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate. <input type="checkbox"/> Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:</p> <p>Number of increments</p> <p>x <u>40</u> =</p>	<p>2. Labor Cost</p> <p>\$ 606.00</p>	

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a township employee. If contracted, use No. 3b instead).

The township will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the township that are excessive and beyond the normal or usual amount for those services compared to the township's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

This is the cost of labor of a **township employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **township's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in _____-minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ _____ Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____ OR

Multiply the hourly wage by the percentage multiplier: _____%
(*up to 50% of the hourly wage*) and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the *number of minutes*:
____, divide by _____-minute increments, and round down.
Enter below:

Number of increments
x _____ = \$ _____
3a. Labor Cost

3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)

The township will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the township that are excessive and beyond the normal or usual amount for those services compared to the township's usual FOIA requests, because of the nature of the request in this particular instance, specifically: Redacting emails

As this township does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of _____ (*currently \$9.25*).

Name of contracted person or firm: Baukham, Thall, Seeber, Kaufman & Koches

These costs will be estimated and charged in 15-minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Cost Charged: \$ 60.60 Charge per increment: \$ 15.15

To figure the number of increments, take the *number of minutes*:
____, divide by _____-minute increments, and round down to:
____ increments.
Enter below:

Number of increments
x 16 = \$ 242.40
3b. Labor Cost

4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): 10 cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- **Circle applicable:** Disc / Tape / Drive / Other Digital Medium Cost per Item:

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed** 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A township **must** utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of Sheets:	Costs:
x 750 =	\$ 75.00
x _____ =	\$ _____
x _____ =	\$ _____
No. of Items:	
x _____ =	\$ _____
	4. Total Copy Cost
	\$ _____

5. Mailing Cost:

The township will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The township **may** charge for the least expensive form of postal delivery confirmation.
- The township **cannot** charge more for expedited shipping or insurance unless specifically requested by the requestor.*

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp
 \$ _____ per pound
 \$ _____ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

Number of Envelopes or Packages:	Costs:
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
	5. Total Mailing Cost
	\$ _____

* Requestor has requested expedited shipping or insurance

6a. Copying/Duplicating Cost for Records Already on Township's Website:

If the public body has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the township will provide the public records in the specified format and may charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): _____ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): _____ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- Circle applicable: Disc / Tape / Drive / Other Digital Medium Cost per Item: _____

Requestor has stipulated that some / all of the requested records that are already available on the township's website be provided in a paper or non-paper physical digital medium.

Number of Sheets:

x _____ = \$ _____
 x _____ = \$ _____

Costs:

x _____ = \$ _____

No. of Items:

x _____ = \$ _____

6a. Web Copy Cost

\$ _____

6b. Labor Cost for Copying/Duplicating Records Already on Township's Website:

This shall not be more than the hourly wage of the township's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in _____-minute time increments (i.e.: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ _____

Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____
 Multiply the hourly wage by the percentage multiplier: _____%
 and add to the hourly wage for a total per hour rate.

OR

Charge per increment: \$ _____

The township may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:

Number of increments

6b. Web Labor Cost

x _____ = \$ _____

6c. Mailing Cost for Records Already on Township's Website:

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp / per pound / per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

* Requestor has requested expedited shipping or insurance

Number:

x _____ = \$ _____

Costs:

x _____ = \$ _____

x _____ = \$ _____

x _____ = \$ _____

6c. Web Mailing Cost

\$ _____

<p>Subtotal Fees Before Waivers, Discounts or Deposits:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Estimated Time Frame to Provide Records:</p> <p>_____ (days or date)</p> <p>The time frame estimate is nonbinding upon the township, but the township is providing the estimate in good faith. Providing an estimated time frame does not relieve the township from any of the other requirements of this act.</p> </div>	<div style="border: 1px solid black; padding: 5px;"> <input type="checkbox"/> Cost estimate <input type="checkbox"/> Bill </div>	<p>1. Labor Cost for Copying: _____</p> <p>2. Labor Cost to Locate: \$ 606.00</p> <p>3a. Labor Cost to Redact: \$ 242.60</p> <p>3b. Contract Labor Cost to Redact: _____</p> <p>4. Copying/Duplication Cost: \$ 75.00</p> <p>5. Mailing Cost: _____</p> <p>6a. Copying/Duplication of Records on Website: _____</p> <p>6b. Labor Cost for Copying Records on Website: _____</p> <p>6c. Mailing Costs for Records on Website: _____</p> <p style="text-align: right;">Subtotal Fees: \$ 995.60</p>
<p>Waiver: Public Interest</p> <p>A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge 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.</p> <p style="text-align: center;"> <input type="checkbox"/> All fees are waived <u>OR</u> <input type="checkbox"/> All fees are reduced by: _____% </p>	<p>Subtotal Fees After Waiver:</p>	<p>\$ _____</p>
<p>Discount: Indigence</p> <p>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:</p> <p>1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR</p> <p>2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.</p> <p>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:</p> <p style="margin-left: 40px;">(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, OR</p> <p style="margin-left: 40px;">(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.</p> <p style="text-align: center;"><input type="checkbox"/> Eligible for Indigence Discount</p>	<p>Subtotal Fees After Discount (subtract \$20):</p>	<p>\$ _____</p>
<p>Discount: Nonprofit Organization</p> <p>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 federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:</p> <p style="margin-left: 40px;">(i) Is made directly on behalf of the organization or its clients.</p> <p style="margin-left: 40px;">(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.</p> <p style="margin-left: 40px;">(iii) Is accompanied by documentation of its designation by the state, if requested by the township.</p> <p style="text-align: center;"><input type="checkbox"/> Eligible for Nonprofit Discount</p>	<p>Subtotal Fees After Discount (subtract \$20):</p>	<p>\$ _____</p>

<p>Deposit: Good Faith The township may require a good-faith deposit in either its initial response or a subsequent response before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. Percent of Deposit: _____ % Date by Which Deposit Must be Received: _____ (48 days after this notice was sent)</p>	<p>Date Paid: _____</p>	<p>Deposit Amount Required: \$ 497.80</p>
<p>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full After a township has granted and fulfilled a written request from an individual under this act, if the township has not been paid in full the total amount of fees for the copies of public records that the township made available to the individual as a result of that written request, the township 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:</p> <ul style="list-style-type: none"> (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 township's possession. (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. (d) Ninety (90) days have passed since the township 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 township. (f) The township calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit. <p>A township can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <ul style="list-style-type: none"> (a) The individual is able to show proof of prior payment in full to the township, OR (b) The township 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 township. <p>Date by Which Deposit Must be Received: _____ (48 days after this notice is sent)</p>	<p>Date Paid: _____</p>	<p>Percent Deposit Required: _____ % Deposit Required: \$ _____</p>
<p>Late Response Labor Costs Reduction If the township does not respond to a written request in a timely manner as required under MCL 15.235(2), the township must do the following:</p> <ul style="list-style-type: none"> (a) Reduce the charges for labor costs otherwise permitted by 5% for each day the township exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies: <ul style="list-style-type: none"> (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 for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page. 	<p>Number of Days Over Required Response Time: _____ Multiply by 5% = Total Percent Reduction: _____</p>	<p>Total Labor Costs \$ _____ Minus Reduction \$ _____ = Reduced Total Labor Costs \$ _____</p>
<p>The Public Summary of the township's FOIA Procedures and Guidelines is available free of charge from: Website: <u>marshalltownship.org</u> Email: <u>jeff@marshalltownship.org</u> Phone: <u>269-781-7976</u> Address: <u>1351 Myron Avery Dr. Marshall, MI 49068</u></p> <p style="text-align: center;">Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</p>	<p>Date Paid: _____</p>	<p>Total Balance Due: \$ _____</p>