

GRAND HAVEN CHARTER TOWNSHIP BOARD
TUESDAY, MAY 26, 2015

WORK SESSION – CANCELLED

REGULAR MEETING – 7:00 P.M.

- I. CALL TO ORDER
- II. PLEDGE TO THE FLAG
- III. ROLL CALL
- IV. APPROVAL OF MEETING AGENDA
- V. CONSENT AGENDA
 - 1. Approve May 11, 2015 Regular Board Minutes
 - 2. Approve Payment of Invoices in the amount of \$219,914.12 (*A/P checks of \$114,094.14 and payroll of \$105,819.98*)
 - 3. Approve Construction Bid from Dan Hoe Excavating for Millhouse Bayou Boardwalk (\$59,700)
 - 4. Approve 2015/16 Information Technology Support Agreement with WorkSighted (\$5,686 per month)
- VI. OLD BUSINESS
 - None
- VII. NEW BUSINESS
 - 1. Approve Resolution 15-05-02 – Approve License for Waste Management of West Michigan
 - 2. Approve Resolution 15-02-03 – Approve State Required Amendments to Freedom of Information Act (FOIA) Policies and Guidelines
 - 3. Approve Resolution 15-05-04 – Approve Special Assessment Lighting District Agreement for Brighamwood No. 2
- VIII. REPORTS AND CORRESPONDENCE
 - 1. Correspondence
 - 2. Committee Reports
 - 3. Manager’s Report
 - a. April COPS Report
 - b. April Legal Review
 - 4. Others
- IX. EXTENDED PUBLIC COMMENTS/QUESTIONS ON NON-AGENDA ITEMS ONLY (*LIMITED TO THREE MINUTES, PLEASE.*)
- X. ADJOURNMENT

NOTE: The public will be given an opportunity to comment on any agenda item when the item is brought up for discussion. The supervisor will initiate comment time.

**GRAND HAVEN CHARTER TOWNSHIP BOARD
MONDAY, MAY 11, 2015**

WORKSESSION – 6:30 p.m.

1. Manager Cargo presented a PowerPoint Presentation and a draft of the proposed 2015-18 Strategic Plan.

Without objection, the Board tentatively approved the proposed Strategic Plan and instructed staff to forward the proposed draft of the Plan to the Planning Commission for comment and review.

REGULAR MEETING

I. CALL TO ORDER

Supervisor French called the regular meeting of the Grand Haven Charter Township Board to order at 7:00 p.m.

II. PLEDGE TO THE FLAG

III. ROLL CALL

Board members present: French, Kieft, Behm, Hutchins, Meeusen, and Redick.
Board members absent: Larsen.

Also present was Manager Cargo and Accounting Director Sandoval.

Without objection, the Board appointed Treasurer Kieft as the temporary clerk.

IV. APPROVAL OF MEETING AGENDA

Motion by Trustee Meeusen and seconded by Trustee Hutchins to approve the meeting agenda. **Which motion carried.**

V. APPROVAL OF CONSENT AGENDA

1. Approve April 27, 2015 Regular Board Minutes
2. Approve Payment of Invoices in the amount of \$937,704.23 (A/P checks of \$846,296.43 and payroll of \$91,407.80)

Motion by Treasurer Kieft and seconded by Trustee Meeusen to approve the items listed on the Consent Agenda. **Which motion carried.**

VI. PRESENTATION

North Ottawa Community Hospital (NOCH) President, Shellee Yaklin, and the Township's NOCH Board member, Joy Gaasch, provided a PowerPoint presentation on the hospital operations and plans.

VII. OLD BUSINESS

1. Accounting Director Sandoval reviewed a memorandum on a proposal to contract payroll services noting that staff did not believe that the benefits would justify the costs.

Without objection, the Board instructed staff to table the project and not proceed with any bids for payroll services.

VIII. NEW BUSINESS

1. **Motion** by Supervisor French and seconded by Trustee Hutchins to approve Resolution 15-05-01 that accepts the terms of the Michigan Natural Resources Trust Fund Land Acquisition Project Agreement and authorizes Superintendent Cargo to execute the same. **Which motion carried**, as indicated by the following roll call vote:
Ayes: French, Hutchins, Kieft, Redick, Behm, and Meeusen
Nays:
Absent: Larsen
2. **Motion** by Treasurer Kieft and seconded by Trustee Meeusen to accept the petition for the street paving of Groesbeck Street from Western Avenue west and approximately 520 feet of the private road extending from the end of Groesbeck Street and schedule the 1st public hearing on June 8, 2015. **Which motion carried.**

IX. REPORTS AND CORESPONDENCE

- a. Correspondence was reviewed
- b. Committee Reports
 - i. Trustee Hutchins noted that NORA has developed an 80-acre site plan for the proposed expansion of recreational services. However, the plan is very tentative and that additional cooperation is required with other municipal units and organizations.
- c. Manager's Report
 - i. Superintendent Cargo requested a Public Works and Transportation Committee meeting be scheduled to discuss changes to the Township's radio read meter system and review the cemeteries.
 - ii. Superintendent Cargo noted that staff will be working with the Planning Commission and the Parks and Recreation Committee on a community engagement project regarding the development of the Wolf property and the proposed pathway extension. Supervisor French requested that a Parks and Recreation Committee be scheduled to discuss this and other issues.
 - iii. April Enforcement Report
 - iv. April Building Report
 - v. April DPW Report
 - vi. 1st Quarter Economic Development Report – Trustee Meeusen discussed the location of industrial land for future development.
- d. Others

X. PUBLIC COMMENTS

None.

XI. ADJOURNMENT

Motion by Trustee Hutchins and seconded by Trustee Behm to adjourn the meeting at 7:53 p.m. **Which motion carried.**

Respectfully Submitted,

William Kieft III
Grand Haven Charter Township Temporary Clerk

Karl French
Grand Haven Charter Township Supervisor



GRAND HAVEN CHARTER TOWNSHIP

Manager's Memo

DATE: May 20, 2015
TO: Township Board
FROM: Cargo
RE: Pathway Maintenance – Replace Decking at Millhouse Bayou Boardwalk

Attached, please find an award recommendation letter from Prein and Newhof regarding Dan Hoe Excavating and the proposed repair/maintenance of the Millhouse Bayou boardwalk.

Dan Hoe Excavating was the sole bidder for this project. As you may recall, this is the same contractor that completed the maintenance on (1) the Little Pigeon Creek boardwalk in 2015; (2) the Pottawatomie Park boardwalk in 2015; (3) the Ferris Street boardwalk repairs in 2014; and, (4) the Hofma Preserve floating bridge repair in 2012. Staff are satisfied with the work performed by this contractor.

As staff have previously noted, contractors are very busy and construction prices are being driven higher than the August of 2014 construction estimates utilized in last year's budget process. *(Staff note that the Township directly advertised to over 115 west Michigan contractors. In addition, the project also goes out to Dodge and Builders Exchange, which reaches an even greater network.)*

The engineer's estimate of the construction cost of the project was \$40,250. The low bid from Dan Hoe Excavating is **\$59,700**, which is \$19,450 (*or about 48%*) above estimates. The low bid in 2014 for the repairs/maintenance of the Little Pigeon boardwalk was for \$6.24 per square foot while this bid is for \$10 per square foot.

On a positive note, earlier this Spring Engineer Kieft and GHT staff examined the Mercury Drive pathway adjacent to Pottawattomie Bayou (*i.e., about 1,120 feet*) and determined that this section of pathway should not be resurfaced or replaced in 2015. This will create a FY2015 budget savings of about \$106,400, assuming that the construction cost for the remaining section of the Mercury Drive pathway resurfacing project is bid at or near construction cost estimates.

If the Board continues to support this boardwalk repair/maintenance project, the following motion can be offered:

Move to award the 2015 Non-Motorized Millhouse Bayou Boardwalk Improvement project to Dan Hoe Excavating at a line item construction cost of \$59,700 and instruct staff to prepare the necessary modifications for the June 22nd budget amendments.

If there are any questions or comments prior to the meeting, please contact me.

May 19, 2015
2150207

Mr. Mark Verberkmoes
Grand Haven Charter Township
13300 168th Avenue
Grand Haven, MI 49417

RE: 2015 Non-Motorized Boardwalk Repairs

Dear Mark:

Please find enclosed for your use the bid tabulation for the subject project. Dan Hoe Excavating is low bidder in the amount of \$59,700.00. The engineer's estimate for the project was \$45,000.00. Contractors have indicated that their current workloads are preventing them from taking on additional work. This has resulted in low bidder response and increased costs. Material costs have also increased. Unit prices for the 2014 Lakeshore Drive Boardwalk improvements for removal and replacement of the decking (6,608 sft.) was \$6.24 per square foot compared to \$10.00 per square foot (4,520 sft) in the current bid.

Dan Hoe Excavating completed the Lakeshore Drive-Pigeon Creek boardwalk and observation and the Hofma Park boardwalk repairs previously for the Township. Provided adequate funding is available to complete the project, we recommend awarding the project to Dan Hoe Excavating in the amount of \$59,700.

If you have any questions, please contact our office.

Sincerely,

Prein&Newhof



Kevin S. Kieft, P.E.

KSK/ksk

Enclosures: Bid Tabulation

c: Rich Maike, Dan Hoe Excavating

Prein & Newhof
 Engineers • Surveyors • Environmental • Laboratory
 3355 Evergreen Dr. NE Grand Rapids, MI 49525
 t. (616) 364-8491 f. (616) 364-6955

Bid Tabulation

Owner: Grand Haven Charter Township				1st Dan Hoe Excavating, Inc.	
Project Title: 2015 Non-Motorized Path Repairs, Millhouse Bayou Boardwalk					
Bid Date & Time: May 19, 2015 at 10:00am		Project #: 2150207			
Item No.	Description	Quantity	Unit	Unit Price	Total Amount
1	Remove and Replace wood decking (493 feet total)	4,520	sft.	\$10.00	\$45,200.00
2	Remove and Replace Joists	1	lsum	\$7,000.00	\$7,000.00
3	Traffic Control	1	lsum	\$7,500.00	\$7,500.00
Total Bid				\$59,700.00	

SUPERINTENDENT'S MEMO

DATE: May 21, 2015

TO: Township Board

FROM: Cargo / VerBerkmoes

SUBJECT: Information Technology (IT) Service Contract Renewal with Worksighted

As you may recall, Grand Haven Charter Township has contracted with **Worksighted**, a Holland-based IT support firm since December of 2013 (*i.e., about 18 months*). Staff are satisfied with the service provided by Worksighted and anticipate continuing a contractual relationship with this IT firm.

The attached service agreement with the Worksighted can be summarized as follows:

- ✓ Provides fifty-five (55) hours of monthly support each month;
- ✓ Support hours not utilized in one month will be roll into following months (*e.g., if the one month requires only 45 hours of support, the 10 hours of unused support will be available in the following months*);
- ✓ The monthly cost will be \$5,686 – which equates to about \$103.38 per hour.
- ✓ Any support above the fifty-five (55) hours per month would be charged at a rate of \$120 per hour;
- ✓ If the Township pre-paid the contract cost (*i.e., \$68,232*), the Township would receive a 2% discount (*i.e., \$1,364.64*). (*Staff are recommending a lump sum payment to Worksighted.*)
- ✓ Because the proposed Worksighted support agreement increases their support hours from 40 hours per month to 55 hours per month based upon current support levels, the service contract with Worksighted is about \$1,086 per month (*or about 24%*) higher than current. However, it is noted that this service contract is comparable to the \$64,000 FY 2013 contract with the previous IT firm ... but, with superior results.

Because 6 months of the lump sum payment to Worksighted will be accrued to FY 2016 and because some of the other IT costs are coming in below estimates, this renewal contract may not require a budget amendment.

To proceed forward with the support agreement, the following motion can be offered:

Move to authorize the Township superintendent to complete a support agreement with Worksighted to purchase a 55 hours of support per month at a

cost of \$66,867.36.

If you have any questions or comments, please contact either Cargo or VerBerkmoes at your convenience.



Criterion Network Management

5/21/2015

Submitted to:

Grand Haven Township

RENEWAL

Prepared by:

Michelle Shashaguay

worksighted

616.546.2691

michelle@worksighted.com



Microsoft Partner

Gold Midmarket Solution Provider
Silver Server Platform



Criterion Network Management Contract

Criterion Network Management is a complete IT outsourcing solution designed to manage and support all information systems resources for small and medium-sized businesses. Leveraging the latest IT support technology, our team is able to efficiently and effectively manage IT networks of all size including servers, desktops, laptops, mobile phones, switches, firewalls and more!

WHAT IS COVERED?

Criterion covers **MAINTENANCE** and **SUPPORT** for the following items:

-  Server Hardware & Software
-  PC Hardware & Software
-  Virtual Machines
-  Core Networking & Routing
-  Internet Connectivity
-  Spyware & Virus Removal
-  Data Backups
-  Perimeter Security Device

VALUE-ADDED FEATURES

The key to a successful IT partnership is value. Here is a small sampling of the value-added features Criterion clients receive:

-  Server support and maintenance.
-  PC support and maintenance.
-  Always-on Network Monitoring (LiveState).
-  Simple issue tracking and management (LiveTrack).
-  Scheduled IT strategy sessions with management
-  Remote support via any internet connection (LiveSupport)
-  Vendor management for all IT-related functions (ISP, hardware, software, etc).
-  Reduced rates for installs and premium support time.
-  Extended Hours Support availability (additional fees apply)
-  Extensive Onboarding process with full IT Health Assessment and review.

SUPPORT HOURS:

Criterion provides customers with support during regular business hours (8am – 5pm EST, Monday - Friday) with the exception of critical unplanned outages. Critical support will be performed at an agreed upon scheduled time, Monday – Saturday (excluding holidays).

Support requests made outside of normal business hours will be tracked in LiveTrack (including voice mails and emails) to be addressed at the next available business day.

Extended Hours Support may be added to a Criterion Contract which provides Remote Support during evenings and weekends. Please reference the Extended Hours Support Agreement for additional details.



RATE STRUCTURE:

Service:	Standard Hours	Premium Hours
Support Services	Included in contract *See Additional Notes below	\$180.00 / hour
Install Services	\$120.00 / hour	\$180.00 / hour
Project Implementation	\$125.00 / hour	\$190.00 / hour

EXCEPTIONS:

The following exceptions apply to the items covered under contract.

- New installs or upgrades are not covered by Criterion unless part of a support issue (i.e. server fails and requires redeployment). A separate quote will be provided.
- Third party software must have a valid support contract from software vendor or manufacturer.
- Supported hardware must have a valid service contract from manufacturer.
- Worksighted is not responsible for hardware that is not sized appropriately and requires additional attention. (Example: backup system is too small or lack of disk space on a server).

Additional exceptions specific to your network:

- None

ADDITIONAL NOTES:

- Monthly support hour limit is 55 hours. Any hours exceeding the limit will be invoiced at \$120 per hour.
- If the full 55 hours are not used in one month, the remaining hours will roll over to the following month or months, thereby effectively increasing that month's cap. Banked hours expire at end of contract.



CRITERION PRICING SCHEDULE

We base our Criterion pricing on workstation and server quantities. The following table outlines the current known quantities of all devices to be included on contract:

Criterion Renewal	Qty	Unit Price	Ext. Price
Criterion Network Management IT management and support services.	1	\$5,536.00	\$5536.00
Extended Hours Monthly Support Authorization Extended Hours Support provides access to Worksighted engineers outside of normal business hours.	1	\$150.00	\$150.00

Criterion Monthly Fee:

\$5,686.00

- Monthly
 Pre-Paid 1 Year (2% discount)

APPROVAL AND ACCEPTANCE:

By signing this document, all parties accept this *Criterion Network Management Contract* and the *Fixed Support Agreement*.

Contract start date will be June 1.



GRAND HAVEN TOWNSHIP

 (Name)

 (Title)

 (Signature)

 Date

 (Name)

 (Title)

 (Signature)

 Date



Extended Hours Support Details:

Worksighted Extended Hours Support is designed to provide customers access to our dedicated support team during non-business hours. Our Extended Hours Team will be available at the following times:

- Monday thru Friday - 6PM to 11PM
- Saturday – 9AM to 6PM
- Sunday – 12PM to 6PM

* New requests must be submitted 1 hour prior to close. (Example: requests on Saturday must be submitted before 5PM). Requests made less than hour to close will be addressed the next day.

** Extended Hours Support is not available during observed Holidays.

Initiating Support:

Extended Hours Support must be initiated by the Client Authorized Agent. The authorized agent must be specified in advance. All other issues will be responded to during the next business day.

Client Authorized Agent(s) _____

Support requests can be logged via email, through our LiveTrack portal or by calling the Worksighted support line at 888-978-7768. Requests delivered via phone call will be recorded to voicemail and picked up by an on-call engineer. In all cases a ticket will be opened automatically.

Support Details:

Extended Hours Support covers remote support only. Engineers will not be dispatched onsite during extended hours; however, we will coordinate an engineer to be onsite at the next available window to assist with issues that require an engineer onsite. We do not guarantee resolution of issues. If an issues extends beyond the stated Extended Hours support window, our team will address at the next available support window.

SLA: Response will not exceed one (1) hour.

Rates and Fees:

- **Extended Hours Access for Contract Customers:** \$150/month (will be added to monthly Criterion contract)
- **Hourly Rate:** \$180/hour (1 hour minimum)

EXTENDED HOURS SUPPORT AUTHORIZATION

Please activate Extended Hours Support services on my existing Criterion Contract.

(Signature)

Date



ADDENDUM

This Addendum to the Fixed Network Support Agreement between Worksighted, Inc. ("Worksighted") and Grand Haven Township ("Client") dated May 21, 2015 (the "Addendum") is effective June 1, 2015.

Recitals

- A. On April 26, 2014 Client and Worksighted entered into a Network Support Services Agreement dated April 17, 2014 (the "Agreement").
 - B. Client and Worksighted now wish to amend that Agreement as reflected in this Addendum.
1. **Amendment.** The Agreement is hereby amended as follows:
- The payment terms described in section 2 of Agreement are hereby amended to a sum of \$68,232 payable in 12 equal monthly installments \$5,686.
- The terms described in Section 3 of Agreement are hereby amended to extend the agreement for a period of 12 months based on the effective date of the Addendum.
2. **Acknowledgement.** Client and Worksighted each hereby acknowledge and agree that all other terms and conditions of the Agreement, and all prior addenda or amendments, except as set forth in paragraph 1 above, shall remain in full force and effect. In the event of any conflict between this Addendum and any prior addendum or amendment, this Addendum shall control.

IN WITNESS WHEREOF, we have set forth our hands effective as of the date first set forth above.

WORKSIGHTED, LLC

By: _____

Its: _____

("Client")

By: _____

Its: _____



GRAND HAVEN CHARTER TOWNSHIP

Manager's Memo

DATE: May 21, 2015
TO: Township Board
FROM: Cargo
RE: Waste Management of Michigan - 2015 Waste Hauling License

Attached, please find a proposed resolution authorizing Waste Management of Michigan to operate within GHT.

Their proposed fee is a maximum of \$24.50 per month with a cart, which includes the recycling. The company also offers yard waste at a maximum of \$12.50 per month with a cart. (*This is the same price as was authorized for 2014.*)

A copy of their application and supporting documentation will be available for review at Monday's meeting

To approve the application for Waste Management, the following motion can be offered:

Move to approve Resolution 15-05-02 approving a one-year license agreement with Waste Management of Michigan for waste collection and hauling services in Grand Haven Charter Township.

If there are any questions or comments, please contact me at your convenience.

At a regular meeting of the Township Board of the Charter Township of Grand Haven, Ottawa County, Michigan, held at the Township Hall at 13300 - 168th Avenue, Grand Haven Charter Township, Ottawa County, Michigan, on the 26th day of May, 2015, at 7:00 p.m., local time.

After certain matters of business had been completed, Supervisor French announced that the next order of business was the consideration of a license to operate in the Township for Waste Management of Michigan.

The proposed license agreement was discussed by the members of the Board, and after discussion was completed the following resolution was offered _____ and seconded by _____:

**GRAND HAVEN CHARTER TOWNSHIP
RESOLUTION 15-05-02**

**APPROVING THE LICENSE APPLICATION OF WASTE MANAGEMENT OF
MICHIGAN TO OPERATE WITHIN GRAND HAVEN CHARTER TOWNSHIP
AND THE SCHEDULE OF FEES FOR SERVICE.**

WHEREAS, Grand Haven Charter Township adopted and amended Ordinance No. 334 which provides for the licensing of garbage, trash, and recyclable collectors or haulers; and

WHEREAS, Waste Management of Michigan applied for a license to operate within Grand Haven Charter Township pursuant to said Ordinance; and

WHEREAS, Waste Management of Michigan meets all of the requirements of said Ordinance for operating within the Township, as shown by their license application, which has been reviewed and approved by the Township Superintendent; and

WHEREAS, Waste Management of Michigan provided a schedule of fees to be charged for said services, which is included within said application.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1) The application of Waste Management of Michigan to provide trash and recyclable collection and hauling services pursuant to Ordinance No. 334, as amended, within the Charter Township of Grand Haven is hereby approved until February 1, 2016.
- 2) That the attached schedule of fees, which indicates no increase in the maximum rate that can be charged when compared to the previous application, *except* for a \$1.00 per month increase for plastic bags, is approved until June 1, 2016, at which time a new schedule of rates must be submitted for review and approval by the Township Board. *(Any change of the rates prior to June 1, 2016 must be submitted to the Township Board for approval pursuant to Ordinance No. 334, as amended.)*
- 3) That a copy of this resolution will be forwarded by the Township Clerk to Waste Management of Michigan and that it shall be considered to be a license to operate waste and recyclable collection and hauling within Grand Haven Charter Township until June 1, 2016.

AYES:
NAYS:
ABSENT: .

RESOLUTION DECLARED: Adopted.
ADOPTED ON May 26, 2015

Laurie Larsen
Grand Haven Charter Township Clerk

CERTIFICATE

I, the undersigned, the duly qualified and acting Township Clerk of the Charter Township of Grand Haven, Ottawa County, Michigan, certify that the foregoing is a true and complete copy of the resolution adopted by the Township Board at a regular meeting of the Township Board held on the 26th day of May, 2015. I further certify that public notice of the meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

Laurie Larsen
Grand Haven Charter Township Clerk

At a regular meeting of the Township Board of the Charter Township of Grand Haven, Ottawa County, Michigan, held at the Township Hall at 13300 - 168th Avenue, Grand Haven Charter Township, Ottawa County, Michigan, on the 26th day of May, 2015, at 7:00 p.m., local time.

After certain matters of business had been completed, Supervisor French announced that the next order of business was the consideration of a license to operate in the Township for Waste Management of Michigan.

The proposed license agreement was discussed by the members of the Board, and after discussion was completed the following resolution was offered _____ and seconded by _____:

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RESOLUTION 15-05-02**

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WHEREAS, Waste Management of Michigan meets all of the requirements of said Ordinance for operating within the Township, as shown by their license application, which has been reviewed and approved by the Township Superintendent; and

WHEREAS, Waste Management of Michigan provided a schedule of fees to be charged for said services, which is included within said application.

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- 3) That a copy of this resolution will be forwarded by the Township Clerk to Waste Management of Michigan and that it shall be considered to be a license to operate waste and recyclable collection and hauling within Grand Haven Charter Township until June 1, 2016.

AYES:
NAYS:
ABSENT: .

RESOLUTION DECLARED: Adopted.
ADOPTED ON May 26, 2015

Laurie Larsen
Grand Haven Charter Township Clerk

CERTIFICATE

I, the undersigned, the duly qualified and acting Township Clerk of the Charter Township of Grand Haven, Ottawa County, Michigan, certify that the foregoing is a true and complete copy of the resolution adopted by the Township Board at a regular meeting of the Township Board held on the 26th day of May, 2015. I further certify that public notice of the meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

Laurie Larsen
Grand Haven Charter Township Clerk



SUPERINTENDENT'S MEMO

DATE: May 18, 2015

TO: Township Board

FROM: Bill Cargo

SUBJECT: Freedom of Information Act 2015 Amendments

Michigan's Freedom of Information Act (FOIA) provides the public the right to request to inspect and/or receive copies of public records, and to subscribe to regular issuances of public records (*e.g., Board minutes, Planning Commission agendas, etc.*).

Changes to the Michigan FOIA, which take effect on **July 1st**, include significant new requirements for municipalities and will change how GHT will respond to FOIA requests. Changes of this magnitude are unprecedented in FOIA's nearly forty-year history.

The changes will impact nearly every area of FOIA, including local policies required for FOIA administration, fee categories, methods of fee calculations, good-faith deposits and fee waivers, records available on the Township's website, and the appeals process including significant penalties for failure to comply with FOIA (*e.g., civil fines of up to \$7,500 per violation*).

These new requirements include:

- ✓ Board adopted written "Procedures and Guidelines" to implement the FOI, which will replace the current Section 6.3 of the Township's Administrative Policies and Procedures Manual;
- ✓ A written Public Summary explaining how the township's FOIA process works;
- ✓ Board approved standard fee itemized form (*e.g., FOIA fees must also be separated and charged in 15-minute increment; copying fees for standard copies are capped at 10 cents per page; payment of attorney fees related to certain requests, etc., etc.*); and,
- ✓ Posting the aforementioned policies, guidelines and related documents on the Township's website.

Attached to this memorandum, please find the following documents:

1. **Public Summary of FOIA Procedures and Guidelines**, which will be posted on the Township's web site. (*To gain a basic understanding of the Township's FOIA procedures, staff recommend that all elected officials review this six-page document.*)
2. **Resolution 15-05-02**, which amends the Township's Administrative Policies and Procedures Manual Section 6.3 and contains the written procedures and guidelines

that will be used to process any FOIA requests;

3. **Inspection of Public Records Guidelines**, which details how staff will respond to a request to inspect public documents (*e.g., a resident wants to personally review a specific building inspection file from 1999*);
4. **Request for Public Records Form**, which does not have to be used by the public.
5. **Notice to Extend Response Time Form**
6. **Notice of Denial Form**
7. **Detailed Cost Itemization Form**, which details the fees that can be charged within each of the six fee components.
8. **Appeal of Denial of Records Form**
9. **Appeal of Excess Fee Form**

These policies, guidelines and documents are based upon the model documents prepared by the Michigan Townships Association. Any appeal regarding a denial or fee will be immediately referred to the Township Board that must respond within ten business days (*or the appeal can be heard by the Ottawa Circuit Court*).

It should also be noted that if the Township has not adopted FOIA procedures and guidelines and developed a public summary by the July 1st deadline, GHT would not be able to charge a fee for any FOIA request.

Once approved, the policies, guidelines and documents will be available on the Township's website. A group email will also be created (i.e., FOIA@ght.org) that the public can use to make a FOIA request, which will be forwarded to Cargo (*i.e., the Township's FOIA Coordinator*), Proksa, and DeVerney.

If the Board is comfortable with the policies, guidelines and documents, the following motions can be offered:

Move to approve Resolution 15-05-02, which amends the Township's Administrative Policies and Procedures Manual with regard to Freedom of Information Act (FOIA) requests and instructs staff to complete implementation of the 2015 FOIA amendments by the July 1, 2015 effective date.

Please contact me if you have any questions or comments.



PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES

**It is the public policy of this state that all persons
(*except those persons incarcerated in state or local correctional facilities*)
are entitled to full and complete information regarding the affairs of government and
the official acts of those who represent them as public officials and public employees.**

The people shall be informed so that they may fully participate in the democratic process.

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of the Township's FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of the Township's FOIA Procedures and Guidelines. For more details and information, copies of the Township's FOIA Procedures and Guidelines are available at no charge at any Township office and on the Township's website: www.ght.org.

1. How do I submit a FOIA request to the Township?

- A request must sufficiently describe a public record so as to enable the Township to find the document(s).
- Please include the words "FOIA" or "FOIA Request" in the request to assist the Township in providing a prompt response.
- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Township may be submitted on the Township's FOIA Request Form, in any other form of writing (*e.g., letter, fax, email, etc.*), or by verbal request.
 - ✓ Any verbal request will be documented by the Township on the Township's FOIA Request Form.
 - ✓ No specific form to submit a written request is required. However, a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the Township's website at www.ght.org, and at the administrative offices of the Township, located at 13300 168th Avenue, Grand Haven, Michigan 49417.
- Written requests may be delivered to the Township's administrative in person or by mail.
- Requests may be faxed to: (616) 842-9419. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.
- Requests may be emailed to: FOIA@ght.org. To ensure a prompt response, email requests should contain the term "FOIA" or "FOIA Request" in the subject line.

2. What kind of response can I expect to my request?

- Within 5 business days after receiving a FOIA request the Township will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. The Township will respond to your request in one of the following ways:
 - ✓ Grant the request,
 - ✓ Issue a written notice denying the request,
 - ✓ Grant the request in part and issue a written notice denying in part the request,
 - ✓ Issue a notice indicating that due to the nature of the request the Township needs an additional 10 business days to respond, or
 - ✓ Issue a written notice indicating that the public record requested is available at no charge on the Township's website
- If the request is granted, or granted in part, the Township will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available.
- If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the Township will require a deposit before processing the request.

3. What are the Township's deposit requirements?

- If the Township has made a good faith calculation that the total fee for processing the request will exceed \$50.00, the Township will require that you provide a deposit in the amount of 50% of the total estimated fee. When the Township requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request after you have paid your deposit.
- If the Township receives a request from a person who has not paid the Township for copies of public records made in fulfillment of a previously granted written request, the Township will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when **all** of the following conditions exist:
 - ✓ The final fee for the prior written request is not more than 105% of the estimated fee;
 - ✓ The public records made available contained the information sought in the prior written request and remain in the Township's possession;
 - ✓ The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the Township to provide the records;
 - ✓ Ninety (90) days have passed since the Township notified the individual in writing that the public records were available for pickup or mailing;
 - ✓ The individual is unable to show proof of prior payment to the Township; and
 - ✓ The Township has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.

- The Township will not require the 100% estimated fee deposit if any of the following apply:
 - ✓ The person making the request is able to show proof of prior payment in full to the Township;
 - ✓ The Township is subsequently paid in full for all applicable prior written requests; or
 - ✓ Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

4. How does the Township calculate FOIA processing fees?

The Michigan FOIA statute permits the Township to charge for the following costs associated with processing a request:

- 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.
- 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 Township.
- 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 Township.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
- The cost to mail or send a public record to a requestor.

Labor Costs

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

A labor cost will not be charged for the 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 Township. Costs are unreasonably high when they 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 the particular instance. The Township must specifically identify the nature of the unreasonably high costs in writing.

Copying and Duplication

The Township must use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

Non-paper Copies on Physical Media

- ✓ The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- ✓ This cost will be charged only if the Township has the technological capability necessary to provide the public record in the requested non-paper physical media format.

Paper Copies

- ✓ Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper.
- ✓ Copies for non-standard sized sheets will paper will reflect the actual cost of reproduction.

Mailing Costs

- ✓ The cost to mail public records will use a reasonably economical and justified means.
- ✓ The Township may charge for the least expensive form of postal delivery confirmation.
- ✓ No cost will be made for expedited shipping or insurance unless you request it.

Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The township board may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

5. How do I qualify for an indigence discount on the fee?

The Township will discount the first \$20.00 of fees for a request if you submit an affidavit stating that you are:

- Indigent and receiving specific public assistance; or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

You are **not** eligible to receive the \$20.00 discount if you:

- Have previously received discounted copies of public records from the Township twice during the calendar year; or
- Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

An affidavit is sworn statement. For your convenience, the Township has provided an Affidavit of Indigence for the waiver of FOIA fees on the back of the Township FOIA Request Form, which is available on the Township’s website: www.gh.org.

6. May a nonprofit organization receive a discount on the fee?

A nonprofit organization advocating for developmentally disabled or mentally ill individuals that is 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, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, may receive a \$20.00 discount if the request meets all of the following requirements in the Act:

- Is made directly on behalf of the organization or its clients.
- 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.
- Is accompanied by documentation of its designation by the state, if requested by the public body.

7. How may I challenge the denial of a public record or an excessive fee?

Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may appeal to the Township Board by filing a written appeal of the denial with the office of the Township Superintendent/Manager.

The appeal must be in writing, specifically state the word “appeal,” and identify the reason or reasons you are seeking a reversal of the denial. You may use the Township FOIA Appeal Form (*To Appeal a Denial of Records*), which is available on the Township’s website: www.gh.org.

Within 10 business days of receiving the appeal the Township Board will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the Township Board, you may file a civil action in Ottawa County Circuit Court within 180 days after the Township's final determination to deny your request. If you prevail in the civil action the court will award you reasonable attorneys’ fees, costs and disbursements. If the court determines that the Township acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by the Township to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the Township Board by filing a written appeal for a fee reduction to the office of the Township Superintendent/Manager.

The appeal must specifically state the word “appeal” and identify how the required fee exceeds the amount permitted. You may use the Township FOIA Appeal Form (*To Appeal an Excess Fee*), which is available at the Township Hall and on the Township’s website: www.gho.org.

Within 10 business days after receiving the appeal, the Township Board will respond in writing by:

- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Township Board will respond to the written appeal.

Within 45 days after receiving notice of the Township Board’s determination of the processing fee appeal, you may commence a civil action in Ottawa County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys’ fees, costs and disbursements. If the court determines that the Township acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.

At a regular meeting of the Township Board of Trustees of the Charter Township of Grand Haven, Ottawa County, Michigan, held on the 26th day of May 2015, at 7:00 p.m. The meeting was held at the Township of Grand Haven, 13300 168th Avenue, Grand Haven, Michigan.

PRESENT:

ABSENT:

After certain matters of business had been discussed, Supervisor French announced that the next order of business was the consideration of a resolution to amend Section 6.3 FOIA Procedures and Guidelines of the Grand Haven Charter Township Administrative Policies and Procedures Manual. Following discussion, the following resolution was offered by _____ and supported by _____:

RESOLUTION NO. 15-05-02

WHEREAS, Grand Haven Charter Township has adopted an Administrative Policies and Procedures Manual; and,

WHEREAS, the State of Michigan adopted amendments to the Michigan Freedom of Information Act, which take effect on July 1, 2015; and,

WHEREAS, the Board of Trustees of Grand Haven Charter Township believes that it is in the best interest of the Township to amend Section 6.3 Freedom of Information Act Requests of the Administrative Policies and Procedures Manual to comply with the aforementioned changes.

NOW, THEREFORE, be it resolved that the attached Section 6.3 FOIA Procedures and Guidelines is hereby amended and adopted as part of the Grand Haven Charter Township's Administrative Policies and Procedures Manual, to become effective on July 1, 2015 and which shall read as follows:

“6.3 FOIA PROCEDURES AND GUIDELINES

6.3a PREAMBLE: STATEMENT OF PRINCIPLES

It is the policy of Grand Haven Charter Township that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The Township's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The Township acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The Township acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

Grand Haven Charter Township will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The Township's policy is to disclose public records consistent with and in compliance with State law.

The Township Board has established the following written procedures and guidelines to implement the FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

6.3b GENERAL POLICIES

A. FOIA Coordinator

The Township Board, acting pursuant to the authority at MCL 15.236, designates the Township Superintendent/Manager as the FOIA Coordinator. He or she is authorized to designate other Township staff to act on his or her behalf to accept and process written requests for the Township's public records and approve denials.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The Township is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other Township staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

B. Request Receipt Date

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a Township spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator shall review Township spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with

Township Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect Township systems from computer attacks which may be imbedded in an electronic FOIA request.

C. Request Retention Period

The FOIA Coordinator shall keep a copy of all written requests for public records received by the Township on file for a period of at least one year.

D. Availability of Procedures and Guidelines

The Township will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the Township cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

A copy of this Procedures and Guidelines document and the Township's Written Public Summary must be publicly available by providing free copies both in the Township's response to a written request and upon request by visitors at the Township's office.

This Procedures and Guidelines document and the Township's Written Public Summary will be maintained on the Township's website at: www.ghet.org, so that a link to those documents will be provided in lieu of providing paper copies of those documents.

6.3c REQUESTING A PUBLIC RECORD

No specific form to submit a request for a public record is required. However, the FOIA Coordinator may make available a FOIA Request Form for use by the public. A request must sufficiently describe a public record so as to enable Township personnel to identify and find the requested public record.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Township may be submitted:

1. On the Township's FOIA Request Form
2. In any other form of writing (*e.g., letter, fax, email, etc.*)
3. By verbal request.

A. Written Requests

Written requests for public records may be submitted in person or by mail to any Township office. Requests may also be submitted electronically by fax and email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

B. Verbal Requests

Verbal requests for records may be documented by the Township on the Township's FOIA Request Form.

If a person makes a verbal, non-written request for information believed to be available on the Township's website, where practicable and to the best ability of the employee receiving the request, the requestor shall be informed of the pertinent website address.

C. Record Format

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

D. Subscriptions

A person may subscribe to future issues of public records that are created, issued or disseminated by Grand Haven Charter Township on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

E. Eligibility

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

6.3d PROCESSING A REQUEST

A. Response Time

Unless otherwise agreed to in writing by the person making the request, the Township will issue a response within 5 business days of receipt of a FOIA request. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day.

B. Response Methods

The Township will respond to a request in one of the following ways:

1. Grant the request.
2. Issue a written notice denying the request.

3. Grant the request in part and issue a written notice denying in part the request.
4. Issue a notice indicating that due to the nature of the request the Township needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
5. Issue a written notice indicating that the public record requested is available at no charge on the Township's website.

C. Response Process – Request Granted

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

A copy of the Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records. Because these Procedures and Guidelines and the Written Public Summary are maintained on the Township's website at: www.gh.org, a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

1. Requests \$50 or Less - If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.
2. Requests Exceeding \$50 - If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the Township will require a good-faith deposit pursuant to Section 6.3e of this policy before processing the request.

In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the Township to process the request and also provide a best efforts estimate of a time frame it will take the Township to provide the records to the requestor.

The best efforts estimate shall be nonbinding on the Township, 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 6.3a of the Administrative Policies and Procedures.

D. Response Process – Request Denied

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

1. An explanation as to why a requested public record is exempt from disclosure; or
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 Township; 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; and
4. An explanation of the person's right to submit an appeal of the denial to either the office of the Township Superintendent/Manager or seek judicial review in the Ottawa County Circuit Court;
5. An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
6. The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines previously described.

E. Requests to Inspect Public Records

The Township shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect Township records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal Township operations.

F. Requests for Certified Copies

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

6.3e FEE DEPOSITS

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not paid the Township in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

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

The FOIA Coordinator will not require an **increased** estimated fee deposit if any of the following apply:

1. The person making the request is able to show proof of prior payment in full to the Township;
2. The Township is subsequently paid in full for the applicable prior written request; or
3. Three hundred sixty-five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

6.3f CALCULATION OF FEES

A fee may be charged for the labor cost of copying/duplication.

A fee will **not** be charged for the labor cost 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 Township because of the nature of the request in the particular instance, and the Township specifically identifies the nature of the unreasonably high costs.

A. Unreasonably High Costs

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 (Attorney General Opinion 7083 of 2001) compared to the costs of the township’s usual FOIA requests, not compared to the township’s operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)

The following factors shall be used to determine an unreasonably high cost to the Township:

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 from more than one Township department or whether various Township offices are necessary to respond to the request.
4. The available staffing to respond to the request.
5. Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

B. Allowable Charges

The Michigan FOIA statute permits the Township to charge for the following costs associated with processing a 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 Township.
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 Township.

4. The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
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. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
6. The cost to mail or send a public record to a requestor.
7. Labor costs will be calculated based on the following requirements:
 - a. All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
 - b. Labor costs will be charged at the hourly wage of the lowest-paid Township employee capable of doing the work in the specific fee category, regardless of who actually performs work.
 - c. Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
 - d. The Township may add up to 35% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
 - e. Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
 - f. Contracted labor costs will be charged at the hourly rate of \$48.90 (*6 times the state minimum hourly wage*).

C. Cost Basis – Non-Paper Physical Media

The cost to provide records on non-paper physical media when so requested will be based 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.
2. This cost will only be assessed if the Township has the technological capability necessary to provide the public record in the requested non-paper physical media format.

3. The Township will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the Township's technology infrastructure.

D. Cost Basis – Paper Copies of Records

The cost to provide paper copies of records will be based on the following requirements:

1. Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
2. The Township will provide records using double-sided printing, if it is cost-saving and available.

E. Cost Basis – Mailed Records

The cost to mail records to a requestor will be based on the following requirements:

1. The actual cost to mail public records using a reasonably economical and justified means.
2. The Township may charge for the least expensive form of postal delivery confirmation.
3. No cost will be made for expedited shipping or insurance unless specified by the requestor.

F. Cost Basis – Untimely Response

If the FOIA Coordinator does not respond to a written request in a timely manner, the Township must:

1. Reduce the labor costs by 5% for each day the Township exceeds the time permitted under FOIA up to a 50% maximum reduction, if **any** of the following applies:
 - a. The Township's late response was willful and intentional,
 - b. The written 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.

2. Fully note the charge reduction in the Detailed Itemization of Costs Form.

6.3g WAIVER OF FEES

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public.

6.3h DISCOUNTED FEES

A. Indigence

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

1. Indigent and receiving specific public assistance, or
2. If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

1. The requestor has previously received discounted copies of public records from the Township twice 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.

An affidavit is sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

B. Non-Profit Organization Advocating for Developmentally Disabled or Mentally Ill Individuals

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:

A non-profit 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, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:

1. Is made directly on behalf of the organization or its clients.
2. 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.
3. Is accompanied by documentation of its designation by the state, if requested by the public body.

6.3i APPEAL OF A DENIAL OF A PUBLIC RECORD

A. Filing an Appeal

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the Township Board by filing an appeal of the denial with the office of the Township Supervisor (*or "Clerk" or "FOIA Coordinator," etc.*).

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The Township FOIA Appeal Form (To Appeal a Denial of Records), may be used.

B. Receipt Date of Appeal

The Township Board is not considered to have received a written appeal until the first regularly scheduled Township Board meeting following submission of the written appeal.

C. Board Appeal Response Procedure

Within 10 business days of receiving the appeal the Township Board will respond in writing by:

1. Reversing the disclosure denial;
2. Upholding the disclosure denial; or
3. Reverse the disclosure denial in part and uphold the disclosure denial in part; or
4. Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Township Board shall respond to the written appeal. The Township Board shall not issue more than 1 notice of extension for a particular written appeal.

D. Board Failure to Respond to Appeal

If the Township Board fails to respond to a written appeal, or if the Township 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 Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the Township Board, he or she may file a civil action in Ottawa County Circuit Court within 180 days after the Township's final determination to deny the request.

If a court that determines a public record is not exempt from disclosure, it shall order the Township 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.

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

If the court determines that the Township 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 Township 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.

6.3j APPEAL OF AN EXCESSIVE FOIA PROCESSING FEE

“Fee” means the total fee or any component of the total fee calculated under Section 4 of the FOIA, including any deposit.

A. Filing an Appeal

If a requestor believes that the fee charged by the Township to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the Township Board by submitting a written appeal for a fee reduction to the office of the Township Supervisor (*or “clerk” or “FOIA Coordinator,” etc.*).

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The Township FOIA Appeal Form (To Appeal an Excess Fee) may be used.

B. Receipt Date of Fee Appeal

The Township Board is not considered to have received a written appeal until the first regularly scheduled Township Board meeting following submission of the written appeal.

C. Board Appeal Response Procedure

Within 10 business days after receiving the appeal, the Township Board will respond in writing by:

1. Waiving the fee;
2. Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
3. Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
4. Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Township Board will respond to the written appeal. The Township Board shall not issue more than 1 notice of extension for a particular written appeal.

Where the Township Board reduces or upholds the fee, the determination must include a certification from the Township Board that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 6.3f of the FOIA.

D. Civil Action Following Board Response

Within 45 days after receiving notice of the Township Board's determination of an appeal, the requesting person may commence a civil action in Ottawa County Circuit Court for a fee reduction.

If a civil action is commenced against the Township for an excess fee, the Township is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless *one* of the following applies:

1. The Township does not provide for appeals of fees,
2. The Township Board failed to respond to a written appeal as required, or
3. The Township Board issued a determination to a written appeal.

If a court determines that the Township required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 6.3f of the FOIA, the

court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

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 shall be assessed against the public body liable for damages.

If the court determines that the Township has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the Township to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. 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 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.

6.3k CONFLICT WITH PRIOR FOIA POLICIES AND PROCEDURES; EFFECTIVE DATE

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by Township Board or the Township Administration, these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the Township Board or the Township Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the Township Board or the Township Administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the Township Board of any change these Policies and Guidelines and immediately seek Board approval of the changes.

These FOIA Policies and Guidelines become effective July 1, 2015.

6.3l APPENDIX OF GRAND HAVEN CHARTER TOWNSHIP FOIA FORMS

1. Request for Public Records Form
2. Notice to Extend Response Time Form
3. Notice of Denial Form

4. Detailed Cost Itemization Form
5. Appeal of Denial of Records Form
6. Appeal of Excess Fee Form
7. Inspection of Public Records Guidelines.”

BE IT FURTHER RESOLVED, that all policies, procedures, resolutions in conflict with this resolution and the addendum to the Personnel Policies and Procedures Manual are hereby repealed to the extent of any such conflict.

Ayes: .

Nays:

Absent:

RESOLUTION DECLARED: Adopted.
ADOPTED ON: May 26, 2015

Laurie Larsen, Township Clerk

CERTIFICATE

I, the undersigned, the duly qualified Township Clerk of the Charter Township of Grand Haven, Ottawa County, Michigan, certify that the foregoing is a true and complete copy of the resolution adopted by the Township Board at a regular meeting of the Township Board held on the 26th day of May 2015. I further certify that public notice of the meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

Laurie Larsen, Township Clerk



INSPECTION OF RECORDS

Public Inspection of Records

Upon receiving a verbal request to inspect township records, the Township shall furnish the requesting person with a reasonable opportunity and reasonable facilities for inspection and examination of its public records.

A person shall be allowed to inspect public records during usual business hours, not less than four hours per day. The public does not have unlimited access to Township offices or facilities, and a person may be required to inspect records at a specified counter or table, and in view of Township personnel.

Township officials, appointees, staff or consultants/contractors assisting with inspection of public records shall inform any person inspecting records that only pencils, and no pens or ink, may be used to take notes.

In coordination with the official responsible for the records, the FOIA coordinator shall determine on a case-by-case basis when the township will provide copies of original records, 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.

The FOIA Coordinator is responsible for identifying if records or information requested by the public is stored in digital files or e-mail, even if the public does not specifically request a digital file or e-mail.

A person cannot remove books, records or files from the place the Township has provided for the inspection.

No documents shall be removed from the office of the custodian of those documents without permission of that custodian, except by court order, subpoena or for audit purposes. The official shall be given a receipt listing the records being removed. Documents may be removed from the office of the custodian of those documents with permission of that custodian to accommodate public inspection of those documents.

Copies May Be Required to Enable Public Inspection of Records

In coordination with the official responsible for the records, the FOIA coordinator will determine (*by policy, on a case-by-case basis, or both*) when the Township will provide

copies of original records, 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.

A fee will be charged for copies made to enable public inspection of records, according to the Township's FOIA policy.

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



Request Form
Note: Requestors are not required to use this form. The township may complete one for recordkeeping if not used.

FOIA Request for Public Records

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

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Request No.: _____ **Date Received:** _____ **Check if received via:** Email Fax Other Electronic Method
Date delivered to junk/spam folder: _____
(Please Print or Type) **Date discovered in junk/spam folder:** _____

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 provided by the township: _____

Note: *The township is not required to provide records in a digital format or on digital media if the township 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:

Consent to Non-Statutory Extension of Township's Response Time

I have requested a copy of records or a subscription to records or the opportunity to inspect records, pursuant to the Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq. I understand that the township must respond to this request within five (5) business days after receiving it, and that response may include taking a 10-business day extension. However, I hereby agree and stipulate to extend the township's response time for this request until: _____ (month, day, year).

Requestor's Signature	Date
------------------------------	-------------

(Complete both sides)

Records Located on Website

If the township 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 information*).

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 township 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 township 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 requestor of the additional charge to receive copies of the public records that are available on its website.

If the township 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 other form, including digital media, the township must provide the public records in the specified format (if the township 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 Township Website

I hereby stipulate that, even if some or all of the records are located on a township website, I am requesting that the township 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.

Requestor's 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 township 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 township's website

Requestor's 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:

- 1) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,
- 2) 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:	Date:
Requestor's Signature:	

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:

- 1) Is made directly on behalf of the organization or its clients.
- 2) 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.
- 3) Is accompanied by documentation of its designation by the state, if requested by the township.

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:	Date:
Requestor's Signature:	

Township: Keep original and provide copy, along with Public Summary, to requestor at no charge.

Extension Form



GRAND HAVEN CHARTER TOWNSHIP

13300 168th Ave. • Grand Haven, MI 49417
Phone: 616.842.5988 • Fax: 616.842.9419 • www.gh.township.mi.gov

Notice to Extend Response Time for FOIA Request
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Request No.: _____ **Date Received:** _____ **Check if received via:** Email Fax Other Electronic Method
Date of This Notice: _____ **Date delivered to junk/spam folder:** _____
(Please Print or Type) **Date discovered in junk/spam folder:** _____

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 provided by the township: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

We are extending the date to respond to your FOIA request for no more than 10 business days, until _____ (month, day, year).
Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact _____ at _____

Estimated Time Frame to Provide Records: _____ (days or date)
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 a public body from any of the other requirements of this act.

Reason for Extension:

- 1.** The township needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the township must:

- 2.** The township needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the township office. Specifically, the township must coordinate documents from the following locations:

- 3.** Other (describe): _____

Signature of FOIA Coordinator:	Date:
---------------------------------------	--------------

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



GRAND HAVEN CHARTER TOWNSHIP

13300 168th Ave. • Grand Haven, MI 49417
 Phone: 616.842.5988 • Fax: 616.842.9419 • www.gh.township.mi.gov

Notice of Denial of FOIA Request
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Name		Phone
Firm/Organization		Fax
Street		Email
City	State	Zip

Request No.: _____ **Date Received:** _____ Check if received via: Email Fax Other Electronic Method

Date of This Notice: _____ **Date delivered to junk/spam folder:** _____

(Please Print or Type) **Date discovered in junk/spam folder:** _____

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 provided by the township: _____

Record(s) You Requested: (Listed here or see attached copy of original 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 _____ at _____

Reason for Denial:

1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection _____ (insert number), because: _____

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 township. 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: _____

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: _____

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

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 township board or 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 township 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. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____

Date: _____

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

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

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



Date: _____ Prepared for **Request No.:** _____ Date Request Received: _____

<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 15-minute time increments as set by the township board. All partial time increments must be rounded down. <i>If the number of minutes is less than one increment, there is no charge.</i></p> <p>Hourly Wage with Fringe Benefit Cost: \$ _____ Multiply the hourly wage by the percentage multiplier: 35%</p> <p>Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>	<p>To figure the number of increments, take the <i>number of minutes</i>: _____, divide by <i>15-minute increments</i>, and round down. Enter below:</p> <p>Number of increments</p> <p>x _____ =</p>	<p>1. Labor Cost</p> <p>\$ _____</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: _____</p> <p>_____</p> <p>_____</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 15-minute time increments; all partial time increments must be rounded down. <i>If the number of minutes is less than 15, there is no charge.</i></p> <p>Hourly Wage with Fringe Benefit Cost: \$ _____ OR _____ Multiply the hourly wage by the percentage multiplier: 35%</p> <p>Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>	<p>To figure the number of increments, take the <i>number of minutes</i>: _____, divide by <i>15-minute increments</i>, and round down. Enter below:</p> <p>Number of increments</p> <p>x _____ =</p>	<p>2. Labor Cost</p> <p>\$ _____</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 **15-minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage with Fringe Benefit Cost: \$ _____
 Multiply the hourly wage by the percentage multiplier: **35%**

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 15-minute increments, and round down.* Enter below:

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

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: _____

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 \$8.15.

Name of contracted person or firm: _____

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

Hourly Cost Charged: \$ _____ **Charge per increment:** \$ _____

To figure the number of increments, take the *number of minutes*: _____, *divide by 15-minute increments, and round down to:* _____ *increments.* Enter below:

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

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): **10 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:

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

x _____ = \$ _____

No. of Items:

x _____ = \$ _____

Costs:

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:

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

Costs:

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): **10 cents per sheet**
- Legal (8 1/2 x 14-inch, single and double-sided): **10 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 **fifteen-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 with Fringe Benefit Cost: \$ _____

Multiply the hourly wage by the percentage multiplier: 35%

Charge per increment: \$ _____

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

x _____ = \$ _____

6b. Web Labor Cost

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

\$ _____

Subtotal Fees Before Waivers, Discounts or Deposits:

Cost estimate
 Bill

- 1. Labor Cost for Copying: \$ _____
- 2. Labor Cost to Locate: \$ _____
- 3a. Labor Cost to Redact: \$ _____
- 3b. Contract Labor Cost to Redact: \$ _____
- 4. Copying/Duplication Cost: \$ _____
- 5. Mailing Cost: \$ _____
- 6a. Copying/Duplication of Records on Website: \$ _____
- 6b. Labor Cost for Copying Records on Website: \$ _____
- 6c. Mailing Costs for Records on Website: \$ _____

Estimated Time Frame to Provide Records:
 _____ (days or date)

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.

Subtotal Fees: \$ _____

Waiver: Public Interest

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.

All fees are waived **OR** All fees are reduced by: _____%

Subtotal Fees After Waiver: \$ _____

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, **OR**
- (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.

Eligible for Indigence Discount

Subtotal Fees After Discount (subtract \$20): \$ _____

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 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:

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

Eligible for Nonprofit Discount

Subtotal Fees After Discount (subtract \$20): \$ _____

<p>Deposit: Good Faith The township requires a good-faith deposit <u>before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00</u>, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. Percent of Deposit: _____%</p>	<p>Date Paid: _____</p>	<p>Deposit Amount Required: \$ _____</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 requires 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> <p>(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> <p>A township can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(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>	<p>Date Paid: _____</p>	<p>Percent Deposit Required: _____%</p> <p>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> <p>(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:</p> <p>(i) The late response was willful and intentional, OR</p> <p>(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>	<p>Number of Days Over Required Response Time: _____</p> <p>Multiply by 5% = Total Percent Reduction: _____</p>	<p>Total Labor Costs \$ _____</p> <p>Minus Reduction \$ _____</p> <p>= Reduced Total Labor Costs \$ _____</p>
<p>The Public Summary of the township's FOIA Procedures and Guidelines is available free of charge from: Website: www.ghet.org Email: FOIA@ghet.org Phone: (616) 842-5988 Address: 13300 168th Avenue, Grand Haven, Michigan 49417</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>

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



GRAND HAVEN CHARTER TOWNSHIP

13300 168th Ave. • Grand Haven, MI 49417
Phone: 616.842.5988 • Fax: 616.842.9419 • www.gh.t.org

FOIA Appeal Form—To Appeal an Excess Fee
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Request No.: _____ **Date Received:** _____ **Check if received via:** Email Fax Other Electronic Method
Date of This Notice: _____ **Date delivered to junk/spam folder:** _____
(Please Print or Type) **Date discovered in junk/spam folder:** _____
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 provided by the township: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* _____

Reason(s) for Appeal:

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:

Requestor's Signature: _____ **Date:** _____

Township Response:

The township must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

Township Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until _____
(month, day, year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

Township Determination: Fee Waived Fee Reduced Fee Upheld

Written basis for township determination: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the township's written Procedures and Guidelines to the township board or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the township board. If a civil action is commenced in court, the township is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the township required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____

Date: _____

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 15.234. Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

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

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. 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).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. 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. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. 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 the requesting person prevails in an action commenced under this section 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 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 charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. 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 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.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

History: Add. 2014, Act 563, Eff. July 1, 2015



DIRECTOR OF ASSESSING

DATE: May 5, 2015

TO: Township Board Members

FROM: Denise M. Chalifoux

RE: Special Assessment Lighting Agreement –Brighamwood Subdivision No. 2

The developers of Brighamwood Subdivision No. 2, , Manor Road LLC/John Clapp have signed a Special Assessment Lighting Agreement extending lighting in the second phase of their development..

As you may recall, this agreement process is a method created to streamline the establishment of special assessment districts for the purpose of billing the lot owners for the electricity used to power the streetlights in their subdivision. The developer will pay for the cost of installation as part of their development infrastructure expense.

At this time, the Board needs to make a motion authorizing the signing of this agreement and adopt a resolution establishing the special assessment district. *(Resolution attached)*

If approved the following motion can be made:

Motion to adopt a Resolution 15-05-04 authorizing the operation of street lights and said operational costs billed to the property owner and authorize the Supervisor to sign the Special Assessment Lighting District agreement for Brighamwood Subdivision No. 2.

At a regular meeting of the Township Board of Grand Haven Charter Township, Ottawa County, Michigan, held at the Township Hall at 13300 168th Ave., Grand Haven, Michigan 49417, on May 26, 2015, at 7:00 p.m., local time.

PRESENT:
ABSENT:

The Township Supervisor called the meeting to order. After certain matters of business were concluded, the Supervisor advised that the next order of business was the consideration of a resolution pertaining to the proposed Special Assessment Lighting District No. 15-01 for Brighamwood Subdivision No. 2.

The Supervisor noted that a Special Assessment Lighting District Agreement had been entered into with the owner(s) of all the Property located within the district and that notice of the hearings on necessity and the assessment roll have been waived under the terms of that Agreement.

Discussion followed with respect to the special assessment roll for said special assessment district. After completion of this discussion and certain other business, the following Resolution was offered by Supervisor French and supported by Trustee _____:

RESOLUTION NO. 15-05-04

WHEREAS, by written agreement with all of the property owners within the proposed special assessment district, it was determined that the Township Supervisor should prepare a special assessment roll covering and including the parcels of land described in said Agreement, a copy of which Agreement is incorporated herein and appended to this resolution; and

WHEREAS, the property owner(s) at their expense have installed or will install the necessary lighting equipment; and

WHEREAS, the Township Supervisor has submitted the special assessment roll and his report and certificate in accordance with the instructions specified by this Township Board and filed the same in the office of the Township Clerk; and

WHEREAS, the Township Board did, upon receipt of such items, by agreement accept a waiver of any objections to the special assessment roll; and

WHEREAS, proper notice of said hearing in accordance with the terms and prevision of Act 188, of the Public Acts of 1954, as amended, having been waived; and

WHEREAS, the Township Board did meet at said public meeting to review the special assessment roll, the Agreement, and other matters related to the special assessment roll.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the special assessment roll prepared and submitted by the Grand Haven Charter Township Supervisor, with amendments or corrections made, if any, by this Board, for Special Assessment Lighting District No. 15-01, including the lands described in the Agreement attached hereto as Exhibit A, in the amount of approximately \$564.00 for the purpose of defraying the cost of future electrical usage of street lights to be installed within the lighting district, be and the same is hereby ratified, confirmed and adopted. The Township Clerk is hereby directed to endorse on the assessment roll the fact the roll has been confirmed as of the date of this meeting.

2. That the special assessments contained in said special assessment roll shall be payable in annual installments as set forth in the assessment roll.

3. That the first installment due on said special assessment shall be due on December 1 and then on the same day in each and every year thereafter.

4. That all unpaid installments, prior to their transfer to the Township tax roll as provided in Act 188, shall bear interest, payable annually on each installment due date, at a rate of six (6%) percent per annum from December 1, provided, however, the Township Board reserves the option to adjust this interest rate and, further, that this interest rate shall be adjusted as required by Section 7 of Act 188.

5. That all resolutions in conflict herewith in whole or in part are hereby revoked to the extent of such conflict.

YES:

NO: None.

ABSENT:

RESOLUTION DECLARED ADOPTED.

DATED: May 26, 2015

Laurie Larsen, Township Clerk

CERTIFICATE

I, the undersigned, the duly qualified and acting Township Clerk of the Grand Haven Charter Township, Ottawa County, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Township Board at a regular meeting of the Township Board held on May 26, 2015, do further hereby certify that public notice of said meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Laurie Larsen, Township Clerk

WARRANT

The undersigned, the duly qualified and acting Township Clerk of the Grand Haven Charter Township, Ottawa County, Michigan, does hereby deliver to the Grand Haven Charter Township Treasurer the special assessment roll confirmed by resolution of the Grand Haven Charter Township Board adopted on May 26, 2015, for Special Assessment Lighting District No. 15-01, and does hereby command the Township Treasurer to collect the assessments described therein in accordance with the directions of the Township Board as contained in its resolution dated May 26, 2015, as the same may be amended from time to time. The Township Clerk does hereby further require the Township Treasurer on the 1st day of September following the date when any such assessments in such special assessment roll or any part thereof become due to submit to the Township Board a sworn statement setting forth the names of the persons delinquent, if known, a description of the parcels of land upon which there are delinquent assessments, and the amounts of such delinquency, including accrued interest and penalties computed to September 1 of such year.

Laurie Larsen, Township Clerk

Exhibit A

**SPECIAL ASSESSMENT LIGHTING DISTRICT
AGREEMENT**

WITNESS this agreement-dated _____, between **GRAND HAVEN CHARTER TOWNSHIP**, a Michigan Municipal Corporation, of 13300 168th Ave., Grand Haven, Michigan 49417 (the "Township"), and Manor Road LLC, of 526 Lafayette Street, Grand Haven, MI 49417:

RECITALS

WHEREAS, **Manor Road LLC** is the sole owner of the following described lands and premises located in the Township of Grand Haven, Ottawa County, Michigan, to-wit:

Part of the Southeast Quarter of Section 12, T7N R16W, Grand Haven Township, Ottawa County, Michigan, described as beginning at the East quarter corner of Section 12 and proceeding thence along the East line of Section 12, South 00D 04M 56S West 366.07 feet; thence along the boundary of Brighamwood Subdivision for the following nine courses, North 88E 43M 53S West 346.60 feet; thence South 64D 14M 50S West 123.08 feet; thence North 72D 19M 07S West 175.00 feet; thence South 40D 40M 53S West 165.00 feet; thence South 50D 59M 10S West 67.08 feet; thence South 40D 40M 53S West 195.00 feet; thence South 49D 19M 07S East 320.00 feet; thence South 64D 56M 22S East 232.45 feet; thence South 35D 46M 29S East 208.00 feet; thence leaving the boundary of Brighamwood Subdivision North 88D 18M 19S West 304.96 feet; thence North 37D 05M 01S West 703.33 feet; thence North 00D 04M 56S East 340.00 feet; thence along the East and West quarter line of Section 12, South 88D 45M 53S East 1502.60 feet to the point of beginning. Containing 26 lots and a private park and encompassing 22.218 acres.

To be known as "**Brighamwood Subdivision No. 2**" Lots 24-49 and Manor Road, and Brigham Drive.

WHEREAS, the Township requires that the streets and roads within the above-described property be appropriately lighted with street lights ("street lights") as is shown on the documentation attached as Exhibit A; and

WHEREAS, **Manor Road LLC** is desirous of installing street lights at their sole expense and to consent and agree to the establishment of an assessment district to provide for the future payment for the electricity utilized in the illumination of said street lights.

NOW, THEREFORE, IN CONSIDERATION OF THE AGREEMENTS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. Ownership. **Manor Road LLC** warrants and represents that it/they is/are the sole owner of the Property.
2. Installation. **Manor Road LLC** has/or will install the street lights and/or has paid for the cost of installation.
3. Assessment District. **Manor Road LLC** agrees that this Agreement shall constitute a petition to establish a special assessment lighting district pursuant to Michigan Act 188 of the Public Acts of 1954, as amended, (the "Act"), for the electricity utilized in the illumination of the street lights.
4. Necessity. **Manor Road LLC** acknowledges and accepts the necessity of the street lights for the Property and the requirements of the Township zoning ordinance pertaining thereto and hereby waives a hearing on the determination of such necessity as provided in Section 4(a) of the Act.
5. Assessment Roll. **Manor Road LLC** acknowledges that it/they has/have been provided with a copy of a proposed Assessment Roll and has no objections thereto; and hereby waives a hearing on the Assessment Roll as provided by Section 6 of the Act. **Manor Road LLC** further agrees that the Assessment Roll is appropriate and may be utilized by the Township to assess the Property, and the future owners thereof, for the electricity used by the streetlights.
6. Waiver of Right to Challenge. **Manor Road LLC** on behalf of itself/themselves, and future owners of the Property, waives any right to challenge the Roll and to demand a hearing pursuant to Section 4 of the Act should the estimated future cost of electricity vary by more than ten percent (10%) from the initial estimated cost of \$564.00 yearly.
7. Consent to Allocation. **Manor Road LLC** on behalf of itself/themselves, and future owners of the Property, consent(s) and agree(s) to the Township Board, pursuant to Section 5 of the Act, dividing and allocating the assessment among the lots or any other separate parcels created by a division of the Property as the Township Board shall determine is appropriate.

In the event the Developer selects an upgrade in the style of pole and fixture above the basic pole and utility provided by the utility company, if any, the additional cost and/or replacement of such upgraded pole and fixture shall also be assessed among the lots, as the Township Board shall deem appropriate.

8. Resolution. The Township shall pass an appropriate resolution establishing the special assessment district and approving the special assessment roll.
9. Delinquent Collection. **Manor Road LLC**, on behalf of itself/themselves, and future owners of the Property, consents and agrees to the collection of the assessments, pursuant to Section 10 of the Act, including the addition of a six (6%) percent charge on an

assessment six (6) months, or more, past due as of September 1 of each year; and the placement of a lien in the amount of the assessment and additional charge as of September 1 on the Township tax bill.

- 10. Recording. This agreement shall be recorded with the Ottawa County Register of Deeds and shall bind the heirs, assigns, successors in interest, and personal representatives of the parties hereto, and all future owners of the Property or any portion thereof.
- 11. Allocation of Lighting Costs. The costs of the electricity utilized by the streetlights shall be allocated equally among the lots or parcels within the district regardless of lot size or value. The cost for a twelve-month period shall be determined as of December 31 to be included in the tax bill issued effective December 1 of the same year.

Witnessed by:

Executed by:

Sign: Phyllis Pastor
Print:

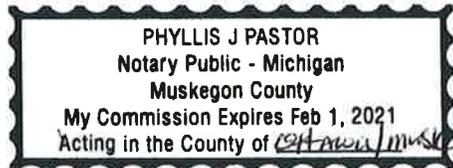
Sign: John P. Clapp
Print: John P. Clapp
Manor Road LLC

Sign: Phyllis Pastor
Print:

STATE OF MICHIGAN)
 : ss
COUNTY OF Ottawa)

The foregoing instrument was acknowledged before me this 4th day of May, by John P. Clapp on behalf of Manor Road LLC its Member.

Sign: Phyllis J Pastor
Print: Phyllis J Pastor, Notary Public
Muskegon County, Michigan
My Commission Expires: Feb 1st - 2021



GRAND HAVEN CHARTER TOWNSHIP,
A Michigan Municipal Corporation,

Sign: _____
Print: _____

Sign: _____
Print: _____

By: _____
Print: Karl French
Its: _____
Print: Supervisor

STATE OF MICHIGAN)
 : ss
COUNTY OF Ottawa)

The foregoing instrument was acknowledged before me this _____ day of _____, by Karl French on behalf of GRAND HAVEN CHARTER TOWNSHIP, a Michigan Municipal Corporation, its Supervisor.

Sign: _____
Print: _____, Notary Public
_____ County, Michigan
My Commission Expires: _____

Prepared by:
Stacey Fedewa
Planning & Zoning Official
Grand Haven Charter Township
13300 168th Avenue
Grand Haven, MI 49417
(616) 842-5988

REPORT OF SUPERVISOR

I, Karl French, Supervisor, of Grand Haven Charter Township, Ottawa County, Michigan, do hereby report that I have prepared this special assessment roll for the Brighamwood Subdivision No. 2, in the amount of \$564.00 for the purpose of defraying the cost of future electrical usage of the street lighting improvements.

Dated: May 26, 2015

Karl French,
Township Supervisor

Attached: Assessment roll

CERTIFICATE

STATE OF MICHIGAN)
COUNTY OF OTTAWA) ss.
CHARTER TOWNSHIP OF GRAND HAVEN)

TO THE TOWNSHIP BOARD OF GRAND HAVEN CHARTER TOWNSHIP:

I do hereby certify and report that the foregoing is the special assessment roll made by me pursuant to a resolution of the Grand Haven Charter Township Board adopted on May 26,2015, for the cost of operating such street lighting improvements as described in the Report of Supervisor attached hereto for Brighamwood Subdivision No. 2, Lighting Special Assessment District. In making such assessment roll I have, according to my best judgment, conformed in all respects to the directions contained in said resolution adopted on May 26,2015, and the statutes of the State of Michigan.

Dated: May 26, 2015

Karl French, Township Supervisor

Subscribed and sworn to before me
this ____ day of May, 2015.

Notary Public, Ottawa County, Michigan
Acting in Ottawa County, Michigan
My commission expires: _____

PARCEL	ASSESSMENT NAME	ASSESSMENT	OWNER	ADDRESS
70-07-12-430-001	15-01, BRIGHAMWOOD #2	21.70	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-002	15-01, BRIGHAMWOOD #2	21.70	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-003	15-01, BRIGHAMWOOD #2	21.70	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-004	15-01, BRIGHAMWOOD #2	21.70	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-005	15-01, BRIGHAMWOOD #2	21.70	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-006	15-01, BRIGHAMWOOD #2	21.70	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-007	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-008	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-009	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-010	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-011	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-012	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-013	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-026	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-430-027	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-431-001	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-431-002	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-431-003	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-431-004	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-431-005	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE

PARCEL	ASSESSMENT NAME	ASSESSMENT	OWNER	ADDRESS
70-07-12-431-006	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-431-007	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-431-008	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-431-009	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-431-010	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
70-07-12-431-011	15-01, BRIGHAMWOOD #2	21.69	MANOR ROAD LLC	526 LAFAYETTE
# OF PARCELS: 26	TOTALS:	564.00		



**AUTHORIZATION FOR CHANGE IN
STANDARD LIGHTING CONTRACT
(COMPANY-OWNED) FORM 547**

Contract Number: 100000364008

Consumers Energy Company is authorized as of 2/1/1978, by the Township of Grand Haven, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the Township of Grand Haven, dated 2/1/1978.

Lighting Type:

General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge

Notification Number(s):

1027058684

Construction Work Order Number(s):

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated 2/1/1978 shall remain in full force and effect.

Township of Grand Haven

By:

(Signature)

(Printed)

Its

(Title)

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the Township of Grand Haven, dated 2/1/1978, in accordance with the Authorization for Change in Standard Lighting Contract dated 2/1/1978,

heretofore submitted to and considered by this commission council board ;and

RESOLVED, further, that the _____ Clerk be and are authorized to execute such authorization for change on the behalf of the Township.

STATE OF MICHIGAN
COUNTY OF Ottawa

I, _____, Clerk of the Township of Grand Haven, do hereby certify that the foregoing resolution was duly adopted by the commission council board of said municipality, at the meeting held on _____.

Dated:

Municipal Customer Type: Township

GENERAL SERVICE UNMETERED LIGHTING RATE GUL, STANDARD HIGH INTENSITY DISCHARGE

<i>Number of Luminaires</i>	<i>Nominal Watts</i>	<i>Luminaire Type</i>	<i>Fixture Type</i>	<i>Fixture Style</i>	<i>Install Remove</i>	<i>Location</i>
1	100	HPS	Post Top	Traditional	Install	Corner of Lot 27 & 28 Manor Rd
1	100	HPS	Post Top	Traditional	Install	Corner of Lot 45 & 46 Manor Rd
1	100	HPS	Post Top	Traditional	Install	Corner of Lot 41 & 42 Manor Rd
1	100	HPS	Post Top	Traditional	Install	Southwest Corner of Manor Rd and 144th Ave



County of Ottawa

Sheriff's Office

Gary A. Rosema
Sheriff

Steven A. Kempker
Under Sheriff

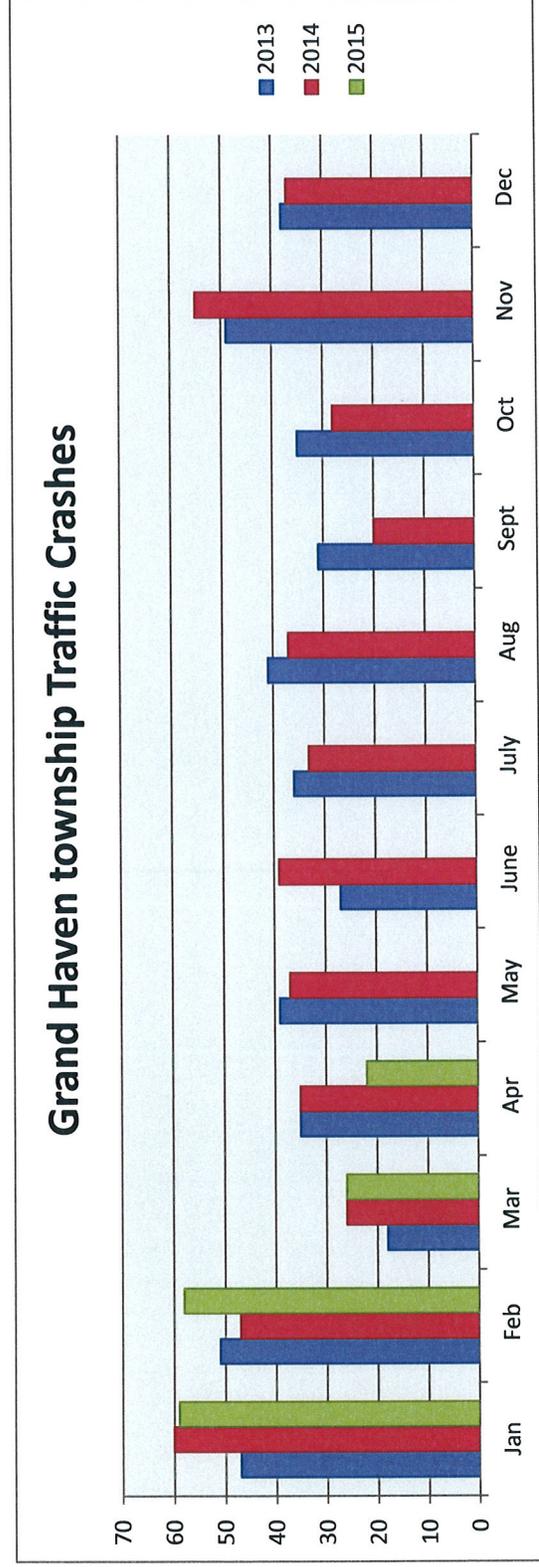


Headquarters/Administration
12220 Fillmore Street
West Olive, Michigan 49460
(616) 738-4000 or (888) 731-1001
Fax: (616) 738-4062

Correctional Facility
12130 Fillmore Street
West Olive, Michigan 49460
(616) 786-4140 or (888) 731-1001
Fax: (616) 738-4099

Traffic Crashes

	January	February	March	April	May	June	July	August	September	October	November	December
2013	47	51	18	35	39	27	36	41	31	35	49	38
2014	60	47	26	35	37	39	33	37	20	28	55	37
2015	59	58	26	22								



Calls of Interest

	January	February	March	April	May	June	July	August	September	October	November	December
B & E's	0	2	2	3								
Larcenies	6	2	6	7								
Shoplifting	6	2	3	2								
FTP fuel	0	1	7	1								
Assist Other	2	5	10	6								
Assaults	1	3	3	1								
Domestic	6	4	7	7								
Animal	14	12	15	17								
Alarms	18	17	21	20								
SOR Check	1	0	1	0								
Traffic	43	40	43	41								
AGP	14	16	18	14								
Suspicious	19	13	31	25								

Comments:

Dep Devries and Grand Haven Twp Fire personnel are planning the upcoming "911 Academy" for local teens. There are still a few spots available if you know of any friend or family that would be interested in attending. This is an excellent program that gives teens a first hand look at Public Services from Fire Fighting, EMS, and Police practical's. Dep Porter is finishing up this springs Hunter's Safety, ORV safety, and Boater's safety programs. He has been working with Local State DNR officers and Ottawa Marine Patrol personnel to provide these services.

Dep Birros's cruiser was retrofitted with a hitch to assist Dep Todd with deploying the safety/speed trailer for this season. The trailer is moved every 3-4 days to different areas of the township. These areas are chosen either by citizen request or the Deputy's to re-educate speed limits where we get a high volume of traffic complaints. Should also be noted that the number of traffic complaints in Grand Haven Township seems to be decreasing from earlier years. In the past we would experience 60-70 complaints on average a month for traffic issues. Since Dep Todd has begun enforcement, those numbers seem to be dropping as his ticket numbers continue to rise. This is a great example of how pro-active enforcement does help reduce overall complaints .