OAKLAND
CONSERVATION
DISTRICT

OAKLAND CONSERVATION DISTRICT

7150 Dixie Hwy #1, Clarkston, MI 48346

Freedom of Information Act

1.0 PURPOSE

Oakland Conservation District will ensure that all persons are granted full and complete information regarding the affairs of the Oakland Conservation District as provided by the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976.

2.0 FOIA COORDINATOR

In accordance with FOIA (MCLA 15.236), the Oakland Conservation District Board of Directors has designated the Chairman of the Board Directors as the FOIA Coordinator who is responsible for accepting and processing FOIA requests, and approving any denials of such requests.

3.0 PROCEDURES

Submitting Requests

3.1 Michigan Freedom of Information Act (FOIA) requests are to be made in writing. A request must include the requesting persons complete name, address, and contact information. If the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. The requesters' address must be written in compliance with U.S. Postal Service addressing standards and the requester's contact information must include a valid telephone number or electronic mail address. Individuals who qualify as indigent under sec. 4(2)(a) are not required to provide this information.

3.2 Requests may be submitted in person, through mail, fax, or email. A request form is attached to this policy. Forms received by electronic submission (email) are considered received one business day after the electronic transmission is made. If the request is submitted by email and the email request is held or quarantined in the District's spam or junk folder, the request shall be deemed received one business day after the District first became aware of the request.

Processing Requests

Adopted June 19, 2019
Revised March 20, 2024

3.3 All staff must promptly forward FOIA requests to the FOIA Coordinator upon receipt. The FOIA Coordinator shall maintain a log of all written requests received, showing the nature and date of the request, determination of disposition, date of disposition and manner of final response to the FOIA request. The FOIA Coordinator shall provide one of the following responses within five (5) business days after the request has been made, unless a single extension of not more than ten (10) business days has been issued.

4.0 GRANT THE REQUEST

Make the records available to the requestor.

5.0 DENY THE REQUEST

Submit a written notice denying the request, stating the reasons for denial, including an explanation of the requestor's right to seek an appeal of the FOIA Coordinator's decision to the District's Board of Directors. Denial may be made because, among other reasons, the record does not exist, it cannot be sufficiently identified from the description contained in the request, or the record is exempt from disclosure.

6.0 GRANT THE REQUEST IN PART AND DENY THE REQUEST IN PART

Grant the request in part and issuing a written notice to the requestor denying the request in part.

7.0 EXTENSION

The FOIA Coordinator may issue a notice extending the response period to no more than ten (10) business days. Only one extension is allowed per request.

8.0 ABANDONED REQUESTS

If a requester does not respond to a request for a deposit within 45 days of the notice of receipt of deposit, and if the requester has not filed an appeal of the deposit amount, the request shall be considered abandoned. The District has no duty to fulfill an abandoned FOIA request and may destroy previously requested public records following applicable state and federal retention schedules. Once a FOIA request is abandoned, a new FOIA request is required to obtain any previously requested public records that have not been destroyed.

9.0 FEES

The FOIA permits the District to charge the requestor a fee for labor costs, copies, mailing and other costs associated with responding to the request for public records. If it takes less than fifteen (15) minutes or less than ten (10) copies to respond to the FOIA request, there shall be no fee. For any requests requiring more than fifteen minutes of staff time or more than ten copies, the following fees are as follows:

9.1 Labor cost to search, locate, examine, separate and duplicate records: The District will

calculate labor costs using the hourly wage of the District's lowest paid employee capable of performing the required task, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in fifteen (15) minute increments. The hourly wage will be based on the District's payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the costs of fringe benefits, not to exceed the actual costs of the benefits.

9.2 Services performed by an outside contractor or legal counsel: In the event that the District uses a contract or outside labor to separate and redact exempt material from non-exempt material, it will identify the name of the person or firm who does the work. In such circumstances, the total labor cost charged will not exceed an amount six (6) times the minimum hourly wage in the State of Michigan.

9.3 Copying charges: Duplication of public records and documents shall be charged at the rate of $0.10 per page.

9.4 Mailing: The District will charge the actual cost of postage or express service, if requested.

9.5 MATERIAL COST

If electronic files are requested and provided, the actual costs of items like CDs, DVDs, flash drives, or other electronic media materials needed to fulfill a request will be charged.

9.5.1 If there is no fee for the request, the record will be sent to the requestor when complete, according to the timelines stated above. If the fee is anticipated to be less than $50.00, the requestor will be notified that the record will be available in accord with the timelines above, and once the applicable payment is received. If the fee is anticipated to be more than $50.00, the requestor will be notified that the request will be processed once a deposit equal to 50% of the anticipated fee is received.

9.5.2 If a person submits an affidavit of indigence, stating they are receiving public assistance or sufficiently states facts showing an inability to pay the applicable fee because of indigency, the first $20.00 of the fee shall be waived.

10.0 EXEMPTIONS TO FOIA REQUESTS

The FOIA Coordinator may exempt from disclosure any records identified as exempt from disclosure in Section 13 of the FOIA:

10.1 That portion of any public record disclosing a person's social security number.
10.2 Information protected under the Family Educational Rights and Privacy Act of 1974.
10.3 Minutes of any closed session meeting, discloser of which is prohibited by the Open Meetings Act.
10.4 Any other public record, information or material, the disclosure of which is prohibited by law.

9.0 APPEAL OF DENIAL

If a person's request for a public record is denied, in whole or in part, the person may file a written appeal. The appeal shall state the word "appeal" and identify the reason or reasons for the reversal of the denial. The FOIA Coordinator will submit the appeal to the District Board of Directors who may reverse or uphold the initial decision, or a combination thereof.

10.0 RECORD RETENTION

The FOIA Coordinator shall maintain all FOIA requests on file for a minimum of one (1) year.

Submitted by Alec Smith, District Administrator

Approval Signature Patrick Martinko, Chairman

Date March 20, 2024

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FOIA Request Form – Oakland Conservation District

Name:	Date:
Address:	
Email:	Phone:

Information Requested: Photocopies or Electronic files?

For Staff Use Only

Request Received by:	Estimated Cost:	Date:
Deposit: $_____	Payment Method: _____	Receipt # _____
Date Information Provided:	Format:	

Labor					
# of Hours:		Hourly Rate:		Total for Labor:	$ _____
Photocopies					
# of Copies:		Cost per Copy:		Total for Copies:	$ _____
Mileage					
# of Miles:		Cost per Mile:		Total for Mileage:	$ _____
Other:					$ _____
				Postage:	$ _____
				Total:	$ _____
				Less Deposit:	$ _____
				Balance Due:	$ _____

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