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**RESOLUTION ADOPTING A  
FREEDOM OF INFORMATION ACT POLICY**

BECAUSE, a 1996 PA 553 requires the CITY OF TRAVERSE CITY (the "City") to designate an individual as the City's Freedom of Information Act ("FOIA") coordinator; and

BECAUSE, the FOIA allows the City to make reasonable rules necessary to protect its public records; now, therefore, be it

RESOLVED, the following FOIA Policy is hereby adopted:

1. Purpose. It is the intent of this policy to provide clear-cut procedures for citizens and City officials in disclosing public records. The intent of this policy is to comply in all respects with the FOIA, but in the unintended event of a conflict, the FOIA shall control and be deemed a part of this policy.

2. FOIA Coordinator. The City Clerk is hereby designated and delegated duties as the FOIA Coordinator. With the exception of Section 4 of this Policy, all City officials and employees receiving document disclosure inquiries shall immediately transfer them to the FOIA Coordinator. All written requests for public records shall be forwarded to the FOIA Coordinator to keep for no less than one year.

3. Procedure. With the exception of information requested described in Section 4 of this Policy, all responses to requests for information under the FOIA shall be forwarded to and reviewed by the FOIA Coordinator prior to granting the request according to the following procedure:

- A. Requests to review and for copies of records under the FOIA shall be in writing.
- B. The request shall be date-stamped by the receiving department.
- C. The request shall immediately be forwarded to the FOIA Coordinator.
- D. The FOIA Coordinator shall distribute the request to all applicable departments, who shall return the information to the FOIA Coordinator.
- E. The FOIA Coordinator shall prepare the response, with review by the City Attorney when appropriate.

4. Exceptions.

- A. Police Department Information. Request for information from the Traverse City Police Department shall be handled pursuant to the Police Department's FOIA Policy and shall be forwarded to the Police Department's designated FOIA Coordinator.
- B. Traverse City Light & Power Department. Requests for information from the Traverse City Light & Power Department ("TCL&P") shall be handled pursuant to TCL&P's FOIA Policy and shall be forwarded to TCL&P's FOIA Coordinator as designated by its Policy.
- C. Routine Information. Requests for information from other departments shall be handled by that department if:
- (1) The request is for records that are routinely provided to the public by that department;
  - (2) The records are readily available;
  - (3) The records are not exempt from disclosure under the FOIA;
  - (4) The records exist at the time of the request;
  - (5) The record is sufficiently described; and
  - (6) No other department would be likely to have the requested records.

The fees described in Section 7 shall be applicable to such requests.

5. Rules to Prevent Excessive and Unreasonable Interference with City Functions.

- A. Records may be personally examined only during normal business hours, i.e., between 8:00 a.m. and 5:00 p.m. on City business days.
- B. City staff shall be given ample opportunity to review files for exempt or privileged records prior to allowing public examination.
- C. City staff may defer a request to personally examine records within the time limits indicated in the FOIA.

6. Rules to Protect Records. To protect records from loss, unauthorized alteration,

mutilation or destruction, each department may adopt rules to protect the records of his or her department. The following are general records' protection rules for all departments:

- A. Records are to remain in the departmental vicinity while being reviewed.
- B. Records are not to be altered in any manner.
- C. Pens are not allowed in record review rooms.
- D. Copies of records are to be made by City staff or its designee, with the exception of microfilmed records. Microfilmed records may be made by the person reviewing the records at the discretion of the FOIA Coordinator.
- E. For documentation purposes, staff shall keep copies of or a list of documents released or copied.
- F. Records may not be removed from binders.
- G. Records within files shall be kept intact and in order.
- H. Copies of City computer records shall be made on computer discs provided by City.
- I. Copies of tapes shall be made on tapes provided by the City.
- J. Records to be copied may be identified by tape flags or "Post-It" notes, by separate written description, or by inserting loose paper between pages.
- K. Copyrighted material shall not be photocopied.

7. Fees.

- A. Copies.
  - 25 cents per page for each of the first five pages
  - 10 cents per page for each page after the first five pages
  - 20 cents for each color copy
  - 25 cents per page for 8 1/2" by 14" or 11" x 17"
  - \$2.00 per page for 24" x 36" prints
  - \$4.00 per page for 30" and larger prints
  - Computer discs - current City cost
  - Tapes - current City cost
  - If duplication requires outside services, actual cost

- B. Faxing. \$1.00 per transmission.
- C. Mailing. Actual mailing, packaging and transportation costs shall be charged.
- D. Labor. The labor cost, including 40% overhead, of the lowest paid employee capable of examining, reviewing and separating the public record requested and deleting and separating exempt from non-exempt material, including attorney fees incurred by the City.
- E. Public Records routinely authorized for sale. Current fee schedule or city cost.
- F. Costs set by Law. Documents which are required to be prepared and sold for a specific fee under Michigan or federal law shall be sold in accordance with the applicable Michigan or federal law.

The FOIA Coordinator is authorized to establish such other fees and charges in situations not covered by this policy. At the time a request is made, the City may require a deposit from the person requesting the public record or series of public records if the fees will exceed \$50.00. The deposit shall not exceed one-half of the total fee for the request.

A copy of a public record shall be furnished without charge for the first \$20.00 of the fee for such request if the individual requesting such information submits an affidavit demonstrating that the individual is receiving public assistance, or if not receiving public assistance, is unable to pay the cost because of indigence.

## 8. Appeals.

A. City Manager. A requesting person before filing an appeal with the Circuit Court pursuant to Section 10 of the FOIA may file a written appeal to the City Manager. The City Manager shall respond to the written appeal not more than 10 business days after receiving a written appeal. The City Manager may take any of the following actions in response to the filing of an appeal:

- a. Reverse the denial.
- b. Issue a written notice to the appellant affirming the denial.
- c. Reverse the denial in part and issue a written notice to the appellant affirming the denial in part.
- d. If necessary due to unusual circumstances, issue a notice extending for not more than 10 business days the period during which the City Manager may respond to the appeal.

9. Exemptions. The FOIA Coordinator is authorized to exempt from disclosure a public record pursuant to Section 13 of the FOIA, and on appeal, the City Manager is authorized to so exempt a public record.

BE IT FURTHER RESOLVED that this policy shall be effective immediately.

I hereby certify that the above Resolution was adopted on October 4, 2010, at a meeting of the Traverse City City Commission held in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan; and hereby supersedes the Policy adopted October 2, 2006.



Debra A. Curtiss, MMC, City Clerk