



# CITY OF ALBION CITY COUNCIL MEETING AGENDA

Meetings: First and Third Mondays – 7:00 p.m.

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

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COUNCIL-MANAGER  
GOVERNMENT

Council members and  
other officials normally in  
attendance.

## AGENDA

### COUNCIL MEETING Monday, December 4, 2017

7:00 P.M.

**Garrett Brown**  
Mayor

**Maurice Barnes, Jr.**  
Council Member  
1<sup>st</sup> Precinct

**Lenn Reid**  
Council Member  
2<sup>nd</sup> Precinct

**Sonya Brown**  
Mayor Pro-Tem  
Council Member  
3<sup>rd</sup> Precinct

**Marcola Lawler**  
Council Member  
4<sup>th</sup> Precinct

**Jeanette Spicer**  
Council Member  
5<sup>th</sup> Precinct

**Andrew French**  
Council Member  
6<sup>th</sup> Precinct

**Sheryl L. Mitchell**  
City Manager

**The Harkness Law Firm**  
Atty Cullen Harkness

**Jill Domingo**  
City Clerk

NOTICE FOR PERSONS WITH  
HEARING IMPAIR-MENTS  
WHO REQUIRE THE USE OF A  
PORTABLE LISTENING DEVICE

Please contact the City  
Clerk's office at  
517.629.5535 and a listening  
device will be provided  
upon notification. If you  
require a signer, please  
notify City Hall at least five  
(5) days prior to the posted  
meeting time.

### PLEASE TURN OFF CELL PHONES DURING MEETING

- I. CALL TO ORDER
- II. MOMENT OF SILENCE TO BE OBSERVED
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. MAYOR AND COUNCIL MEMBER'S COMMENTS
- VI. PUBLIC HEARING
  - A. FY 2018 Budget
- VII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required.)
- VIII. CONSENT CALENDAR (VV) (Items on Consent Calendar are voted on as one unit)
  - A. Approval Budget Study Session Minutes, November 13, 2017
  - B. Approval Special Session Minutes, November 16, 2017
  - C. Approval Regular Session Minutes, November 20, 2017
  - D. Approval Special Session Minutes, November 27, 2017
  - E. Authorization to Close City Hall on Friday, December 15, 2017 from 1pm-5pm for the Employee Holiday Party
- IX. ITEMS FOR INDIVIDUAL DISCUSSION
  - A. Request Approval Reappoint Boards & Commissions
    - Albert Smith. Initial Appointment, ZBA Board, Term to Expire 12-31-2019
    - Frances Valdes, Initial Appointment, Planning Commission, Term to Expire 12-31-2019
    - Eric Lange, Initial Appointment, Albion Trust, Term to Expire 11-7-2019



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- Shaun Wilson-Initial Appointment, Albion Economic Development Corporation, Term to Expire 7-1-2020
  - George Strander, Reappointment, Planning Commission, Term to Expire 12-31-2020
- B. Request Approval Resolution # 2017-48, Final Adoption of the Future Land Use & Zoning Plan (RCV)
- C. Discussion-Ordinance # 2018-01, Medical Marijuana Ordinance
- D. Discussion-List of Replaced City Street Signs
- E. Request Approval Resolution # 2017- 49, A Resolution for 90/10 Health Insurance Opt-Out (RCV)
- F. Email
- a. City Email Addresses
  - b. FOIA Compliance
- G. Request Approval Resolution # 2017-50, A Resolution to Increase the City Manager’s Salary (RCV)
- X. City Manager Report
- XI. Future Agenda Items
- XII. Motion to Excuse Absent Council Member(s)
- XIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.)
- XIV. ADJOURN

**NOTICE OF PUBLIC HEARING  
CITY OF ALBION, MI  
DECEMBER 4, 2017**

The City Council of the City of Albion will hold a Public Hearing on the proposed FY 2018 Annual Municipal Operating Budget for all funds of the City as recommended by the City Manager at the City Council meeting on Monday, December 4, 2017 at 7:00 p.m. in the Council Chamber in the William L. Rieger Building (City Hall, 112 West Cass Street, Albion, Michigan). **The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.**

The proposed FY 2018 budget includes the levy of a general operating millage of 11.9736 mills for General Fund Operations; and the third year levy of a voter approved 3 year renewal in the property tax rate of 1.5 mills for Recreation; and the third year levy of a voter approved 5 year renewal in the property tax rate of 3.0 mills for Street Improvements. Also to be levied is 3.0 mills for Solid Waste. Copies of the proposed budget are available for inspection by the public during regular business hours in the City Clerk's office, 112 West Cass Street, Albion, Michigan and at the Albion District Library, 501 South Superior Street, Albion, Michigan.

Jill Domingo  
City Clerk

[Publication note: The sentence at the end of the first paragraph must be published in 11 point boldface type, per MCL 141.412)

The revenues and expenditures for Fiscal Year 2018, based on a proposed general levy of 11.9736 mills, are appropriated as follows:

GENERAL FUND

101	<b>GENERAL FUND REVENUES</b>	
	Property Tax Related	1,060,000
	Income Tax	1,060,000
	Sales & Use Tax	1,075,000
	Charges for Services	299,065
	All Other	380,223
	<b>Total General Fund Revenues</b>	<b><u>3,874,288</u></b>

**GENERAL FUND APPROPRIATIONS**

101-101	City Council	45,255
101-172	City Manager	141,268
101-209	Assessing	50,050
101-210	Attorney	95,375
101-215	Clerk	132,175
101-226	Human Resources	24,925
101-260	Finance/Treasurer	369,465
101-265	Municipal Building	71,450
101-276	Cemetery	164,494
101-345	Public Safety	2,122,100
101-422	Code Enforcement	207,409
101-442	City Maintenance	60,423
101-444	Tree Trimming	15,615
101-447	Engineering	9,653
101-448	Street Lighting	142,500
101-526	EPA Landfill	8,800
101-775	Parks	213,758
101-776	Rieger Park Pond Project	17,000
101-778	Holland Park Transformation	25,000
101-895	General Appropriation	129,650
	<b>Total General Fund</b>	<b><u>4,046,365</u></b>

Fund #		Revenue	Expenditures
<b>SPECIAL REVENUE FUNDS</b>			
202	Major Street	740,170	697,949
203	Local Street	422,262	406,648
450	Street Improvement	268,300	268,300
367	Sidewalk Program	(3,500)	200,000
452	MDOT Reconstruction Fund	-0-	-0-
208	Recreation	160,665	160,387
226	Solid Waste	221,400	210,358
250	CDBG	120	-
265	Drug Law Enforcement	47,950	54,750
275	Albion Building Authority	37,805	41,630
277	Maple Grove	443,000	412,000
	<b>Total Special Revenue Funds</b>	<b>2,338,172</b>	<b>2,452,022</b>

**DEBT SERVICE FUNDS**

364	GO Bonds	-0-	-0-
	ABA - Maple Grove/Amb-Fire		
369	Bond	133,998	131,103
374	DPW Building Dept	15,000	15,000
363	Energy Bond	180,600	180,600
	<b>Total Debt Service Funds</b>	<b>329,598</b>	<b>326,703</b>

**ENTERPRISE FUNDS**

590	Sewer	1,140,800	1,476,162
591	Water	918,250	1,010,470
	<b>Total Enterprise Funds</b>	<b>2,059,050</b>	<b>2,486,632</b>

**INTERNAL SERVICE FUND**

661	Equipment Fund	268,575	312,778
	<b>Total Internal Service Fund</b>	<b>268,575</b>	<b>312,778</b>

**OTHER FUNDS**

244	EDC	178,400	174,180
246	Business Incubator	127,934	127,727
247	TIFA	139,002	154,126
296	Revolving Loan	4,095	1,626
248	DDA	594,600	585,487
	<b>Total Other Funds</b>	<b>1,044,031</b>	<b>1,043,146</b>

<u>Fund #</u>	<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>
<b>TRUST FUNDS</b>			
711	Cemetery Trust	2,550	30,000

Fund #		Revenue	Expenditures
732	Public Safety Pension Trust	1,321,000	1,320,250
735	Albion Trust	20,500	-
737	Retiree Health Care	300	2,500
	<b>Total Trust Funds</b>	<b>1,344,350</b>	<b>1,352,750</b>
	<b>TOTAL ALL FUNDS</b>	<b>\$ 11,258,064</b>	<b>\$12,020,396</b>

**Also Resolved:** The attached fee schedule supporting revenue estimates within the budget is approved.

**Also Approved:** The City of Albion designates the following depositories for investment of City Funds:

Chemical Bank Shoreline  
1301 N. Eaton Street  
Albion, MI 49224

Comerica Bank  
PO Box 7500  
Detroit, MI 48275

UBS Financial Services, Inc.  
325 N. Old Woodward Avenue  
Suite 200  
Birmingham, MI 48009

Michigan Class Investment Pool  
Administered by MBIA Asset Management  
717 17<sup>th</sup> Street, Suite 1850  
Denver, CO 80202

Huntington Bank  
PO Box 1558  
Columbus, OH 43216

SunTrust Robinson Humphrey  
850 Ridge Lake Blvd, Suite 400  
Memphis, TN 38120

Homestead Savings Bank  
415 S. Superior Street  
Albion, MI 49224

Multi-Bank Securities, Inc.  
1000 Town Center, Ste. 2300  
Southfield, MI 48075-1239

American Federal Credit Union  
718 E. Michigan Avenue  
Jackson, MI 49201

Talmer Bank and Trust  
4505 Cascade Rd, Ste. 200  
Grand Rapids, MI 49546

Oppenheimer & Co, Inc.  
6102 Abbot Road  
East Lansing, MI 48823

The Bank of New York Trust Company  
719 Griswold Street, Suite 930  
Detroit, MI 49226

Stifel, Nicolaus & Company, Inc.  
One Financial Plaza  
501 North Broadway  
St. Louis, MO 63102

Loomis Sayles  
39533 Woodward Ave., Suite 300  
Bloomfield Hills, MI 48304

Calculations as of 11/30/2017

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 ACTIVITY THRU 11/30/17	2017 PROJECTED ACTIVITY	2018 REQUESTED BUDGET	2018 MGR RECOM'D BUDGET	2018 COUNCIL APPR'D BUDGET
Fund: 101 GENERAL FUND								
ESTIMATED REVENUES								
Totals for dept 000-GENERAL		3,501,227	3,415,402	2,907,628	3,478,812	3,517,365	3,577,865	3,577,865
Totals for dept 209-ASSESSING		784	3,000	5	5	0	0	0
Totals for dept 215-CLERK		5,200	100	37	37	100	100	100
Totals for dept 260-FINANCE DEPT AND/OR ABA GENE		431	500	356	350	500	500	500
Totals for dept 276-CEMETERY		74,198	70,000	63,513	60,000	70,000	80,000	80,000
Totals for dept 345-PUBLIC SAFETY		71,082	32,300	56,662	52,528	35,500	35,500	81,773
Totals for dept 422-CODE ENFORCEMENT		111,618	90,000	92,522	93,308	96,300	96,300	96,300
Totals for dept 758-ALBION RIVER/BIKE TRAIL		0	0	221,014	401,200	0	0	0
Totals for dept 775-PARKS		3,312	2,350	2,625	2,625	2,750	2,750	2,750
Totals for dept 778-HOLLAND PARK TRANSFORMATION E		45,875	27,100	84,531	84,531	25,000	25,000	25,000
Totals for dept 930-TRANSFER IN		10,000	10,000	10,000	10,000	10,000	10,000	10,000
TOTAL ESTIMATED REVENUES		3,823,727	3,650,752	3,438,893	4,183,396	3,757,515	3,828,015	3,874,288
APPROPRIATIONS								
Totals for dept 101-CITY COUNCIL		33,858	36,810	32,635	41,460	41,155	41,155	45,255
Totals for dept 172-CITY MANAGER		90,091	107,260	92,428	110,791	127,048	115,598	141,268
Totals for dept 209-ASSESSING		47,944	50,300	42,849	51,050	50,050	50,050	50,050
Totals for dept 210-ATTORNEY		90,764	92,725	82,737	93,025	95,375	95,375	95,375
Totals for dept 215-CLERK		109,557	99,585	75,539	90,030	94,908	94,908	132,175
Totals for dept 226-HUMAN RESOURCES		29,785	20,510	20,067	24,330	24,925	24,925	24,925
Totals for dept 260-FINANCE DEPT AND/OR ABA GENE		251,397	318,225	244,655	318,180	331,745	331,745	369,465
Totals for dept 265-MUNICIPAL BLDG AND/OR 201 N C		68,045	71,915	74,571	96,445	76,324	71,324	71,450
Totals for dept 276-CEMETERY		142,006	160,985	140,556	174,520	163,615	164,415	164,494
Totals for dept 345-PUBLIC SAFETY		1,788,682	1,903,689	1,792,623	2,045,863	2,161,612	2,048,204	2,122,100
Totals for dept 422-CODE ENFORCEMENT		203,504	174,870	132,505	175,847	177,007	177,007	207,409
Totals for dept 442-CITY MAINTENANCE		184,737	209,195	161,569	197,821	60,345	60,345	60,423
Totals for dept 444-TREE TRIMMING		9,479	11,664	13,161	18,202	20,615	15,615	15,615
Totals for dept 447-ENGINEERING		8,736	7,954	10,306	10,886	10,075	9,575	9,653
Totals for dept 448-STREET LIGHTING		0	0	0	0	143,500	142,500	142,500
Totals for dept 526-EPA LANDFILL		11,041	8,000	7,401	8,600	8,800	8,800	8,800
Totals for dept 758-ALBION RIVER/BIKE TRAIL		0	0	222,612	401,200	0	0	0
Totals for dept 775-PARKS		175,249	200,732	178,841	212,222	215,680	213,680	213,758
Totals for dept 776-RIEGER PARK POND PROJECT		0	0	0	0	0	0	17,000
Totals for dept 778-HOLLAND PARK TRANSFORMATION E		45,875	27,100	80,827	84,531	25,000	25,000	25,000
Totals for dept 895-GENERAL APPROPRIATION		197,335	157,600	160,111	190,200	126,850	137,650	129,650
TOTAL APPROPRIATIONS		3,488,085	3,659,119	3,565,993	4,345,203	3,954,629	3,827,871	4,046,365
NET OF REVENUES/APPROPRIATIONS - FUND 101		335,642	(8,367)	(127,100)	(161,807)	(197,114)	144	(172,077)
BEGINNING FUND BALANCE		1,162,258	1,497,901	1,497,901	1,497,901	1,336,094	1,336,094	1,336,094
ENDING FUND BALANCE		1,497,900	1,489,534	1,370,801	1,336,094	1,138,980	1,336,238	1,164,017

28.77%

Calculations as of 11/30/2017

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 ACTIVITY THRU 11/30/17	2017 PROJECTED ACTIVITY	2018 REQUESTED BUDGET	2018 MGR RECOM'D BUDGET	2018 COUNCIL APPR'D BUDGET
Fund: 202 MAJOR STREETS FUND								
ESTIMATED REVENUES								
	TOTAL REVENUE	608,483	677,495	387,522	677,612	740,170	740,170	740,170
	TOTAL ESTIMATED REVENUES	608,483	677,495	387,522	677,612	740,170	740,170	740,170
APPROPRIATIONS								
	TOTAL TRANSFERS-OUT	139,366	123,000	203,000	203,000	193,000	193,000	193,000
	TOTAL EXPENDITURE	361,854	451,900	344,180	473,291	504,106	504,106	504,949
	TOTAL APPROPRIATIONS	501,220	574,900	547,180	676,291	697,106	697,106	697,949
	NET OF REVENUES/APPROPRIATIONS - FUND 202	107,263	102,595	(159,658)	1,321	43,064	43,064	42,221
	BEGINNING FUND BALANCE	352,878	460,143	460,143	460,143	461,464	461,464	461,464
	ENDING FUND BALANCE	460,141	562,738	300,485	461,464	504,528	504,528	503,685
Fund: 203 LOCAL STREETS FUND								
ESTIMATED REVENUES								
	TOTAL TRANSFERS-IN	136,366	120,000	200,000	200,000	190,000	190,000	190,000
	TOTAL REVENUE	197,919	206,125	115,427	207,170	232,262	232,262	232,262
	TOTAL ESTIMATED REVENUES	334,285	326,125	315,427	407,170	422,262	422,262	422,262
APPROPRIATIONS								
	TOTAL TRANSFERS-OUT	3,000	3,000	3,000	3,000	3,000	3,000	3,000
	TOTAL EXPENDITURE	278,436	314,743	320,577	389,046	402,805	402,805	403,648
	TOTAL APPROPRIATIONS	281,436	317,743	323,577	392,046	405,805	405,805	406,648
	NET OF REVENUES/APPROPRIATIONS - FUND 203	52,849	8,382	(8,150)	15,124	16,457	16,457	15,614
	BEGINNING FUND BALANCE	89,486	142,337	142,337	142,337	157,461	157,461	157,461
	ENDING FUND BALANCE	142,335	150,719	134,187	157,461	173,918	173,918	173,075
Fund: 208 RECREATION FUND								
ESTIMATED REVENUES								
	TOTAL REVENUE	170,744	118,970	135,073	141,041	140,665	140,665	160,665
	TOTAL ESTIMATED REVENUES	170,744	118,970	135,073	141,041	140,665	140,665	160,665
APPROPRIATIONS								
	TOTAL EXPENDITURE	144,595	123,411	109,435	137,995	140,387	140,387	160,387
	TOTAL APPROPRIATIONS	144,595	123,411	109,435	137,995	140,387	140,387	160,387
	NET OF REVENUES/APPROPRIATIONS - FUND 208	26,149	(4,441)	25,638	3,046	278	278	278
	BEGINNING FUND BALANCE	31,669	57,819	57,819	57,819	60,865	60,865	60,865
	ENDING FUND BALANCE	57,818	53,378	83,457	60,865	61,143	61,143	61,143
Fund: 226 SOLID WASTE FUND								
ESTIMATED REVENUES								
	TOTAL REVENUE	243,150	213,000	228,865	237,000	221,400	221,400	221,400
	TOTAL ESTIMATED REVENUES	243,150	213,000	228,865	237,000	221,400	221,400	221,400
APPROPRIATIONS								
	TOTAL TRANSFERS-OUT	11,500	25,500	25,500	25,500	25,500	25,500	25,500
	TOTAL EXPENDITURE	153,155	190,275	103,574	173,772	159,992	159,992	184,858
	TOTAL APPROPRIATIONS	164,655	215,775	129,074	199,272	185,492	185,492	210,358
	NET OF REVENUES/APPROPRIATIONS - FUND 226	78,495	(2,775)	99,791	37,728	35,908	35,908	11,042
	BEGINNING FUND BALANCE	39,214	117,706	117,706	117,706	155,434	155,434	155,434
	ENDING FUND BALANCE	117,709	114,931	217,497	155,434	191,342	191,342	166,476
Fund: 244 ECONOMIC DEVELOPMENT FUND								
ESTIMATED REVENUES								
	TOTAL TRANSFERS-IN	43,135	0	0	0	0	0	0
	TOTAL REVENUE	104,293	172,400	126,985	165,989	178,400	178,400	178,400
	TOTAL ESTIMATED REVENUES	147,428	172,400	126,985	165,989	178,400	178,400	178,400
APPROPRIATIONS								
	TOTAL EXPENDITURE	145,319	163,251	107,788	133,743	174,180	174,180	174,180

Calculations as of 11/30/2017

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 ACTIVITY THRU 11/30/17	2017 PROJECTED ACTIVITY	2018 REQUESTED BUDGET	2018 MGR RECOM'D BUDGET	2018 COUNCIL APPR'D BUDGET
Fund: 244 ECONOMIC DEVELOPMENT FUND								
APPROPRIATIONS								
	TOTAL APPROPRIATIONS	145,319	163,251	107,788	133,743	174,180	174,180	174,180
NET OF REVENUES/APPROPRIATIONS - FUND 244								
		2,109	9,149	19,197	32,246	4,220	4,220	4,220
	BEGINNING FUND BALANCE	14,921	17,031	17,031	17,031	49,277	49,277	49,277
	ENDING FUND BALANCE	17,030	26,180	36,228	49,277	53,497	53,497	53,497
Fund: 246 INCUBATOR FUND								
ESTIMATED REVENUES								
	TOTAL TRANSFERS-IN	15,665	6,000	6,000	35,000	0	0	0
	TOTAL REVENUE	122,041	127,090	80,591	80,984	127,934	127,934	127,934
	TOTAL ESTIMATED REVENUES	137,706	133,090	86,591	115,984	127,934	127,934	127,934
APPROPRIATIONS								
	TOTAL EXPENDITURE	148,466	132,474	101,707	130,408	127,727	127,727	127,727
	TOTAL APPROPRIATIONS	148,466	132,474	101,707	130,408	127,727	127,727	127,727
NET OF REVENUES/APPROPRIATIONS - FUND 246								
		(10,760)	616	(15,116)	(14,424)	207	207	207
	BEGINNING FUND BALANCE	26,921	16,163	16,163	16,163	1,739	1,739	1,739
	ENDING FUND BALANCE	16,161	16,779	1,047	1,739	1,946	1,946	1,946
Fund: 247 TIFA FUND								
ESTIMATED REVENUES								
	TOTAL REVENUE	265,436	215,200	94,104	164,887	139,002	139,002	139,002
	TOTAL ESTIMATED REVENUES	265,436	215,200	94,104	164,887	139,002	139,002	139,002
APPROPRIATIONS								
	TOTAL TRANSFERS-OUT	58,800	6,000	6,000	35,000	0	0	0
	TOTAL EXPENDITURE	149,083	193,352	153,218	175,065	154,126	154,126	154,126
	TOTAL APPROPRIATIONS	207,883	199,352	159,218	210,065	154,126	154,126	154,126
NET OF REVENUES/APPROPRIATIONS - FUND 247								
		57,553	15,848	(65,114)	(45,178)	(15,124)	(15,124)	(15,124)
	BEGINNING FUND BALANCE	152,265	209,818	209,818	209,818	164,640	164,640	164,640
	ENDING FUND BALANCE	209,818	225,666	144,704	164,640	149,516	149,516	149,516
Fund: 248 DDA FUND								
ESTIMATED REVENUES								
	TOTAL TRANSFERS-IN	50,000	0	0	0	0	0	0
	TOTAL REVENUE	182,016	10,650	234	264,800	594,600	594,600	594,600
	TOTAL ESTIMATED REVENUES	232,016	10,650	234	264,800	594,600	594,600	594,600
APPROPRIATIONS								
	TOTAL EXPENDITURE	216,456	6,570	4,437	256,671	585,487	585,487	585,487
	TOTAL APPROPRIATIONS	216,456	6,570	4,437	256,671	585,487	585,487	585,487
NET OF REVENUES/APPROPRIATIONS - FUND 248								
		15,560	4,080	(4,203)	8,129	9,113	9,113	9,113
	BEGINNING FUND BALANCE	32,160	47,720	47,720	47,720	55,849	55,849	55,849
	ENDING FUND BALANCE	47,720	51,800	43,517	55,849	64,962	64,962	64,962
Fund: 250 CDBG FUND								
ESTIMATED REVENUES								
	TOTAL REVENUE	1,080	75	18,215	18,229	120	120	120
	TOTAL ESTIMATED REVENUES	1,080	75	18,215	18,229	120	120	120
APPROPRIATIONS								
	TOTAL EXPENDITURE	71,822	0	0	0	0	0	0
	TOTAL APPROPRIATIONS	71,822	0	0	0	0	0	0
NET OF REVENUES/APPROPRIATIONS - FUND 250								
		(70,742)	75	18,215	18,229	120	120	120
	BEGINNING FUND BALANCE	85,707	14,965	14,965	14,965	33,194	33,194	33,194
	ENDING FUND BALANCE	14,965	15,040	33,180	33,194	33,314	33,314	33,314
Fund: 265 DRUG LAW ENFORCEMENT FUND								

Calculations as of 11/30/2017

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 ACTIVITY THRU 11/30/17	2017 PROJECTED ACTIVITY	2018 REQUESTED BUDGET	2018 MGR RECOM'D BUDGET	2018 COUNCIL APPR'D BUDGET
Fund: 265 DRUG LAW ENFORCEMENT FUND								
ESTIMATED REVENUES								
TOTAL REVENUE		52,615	53,929	41,533	52,350	47,950	47,950	47,950
TOTAL ESTIMATED REVENUES		52,615	53,929	41,533	52,350	47,950	47,950	47,950
APPROPRIATIONS								
TOTAL EXPENDITURE		77,997	55,800	90,268	92,271	53,750	54,750	54,750
TOTAL APPROPRIATIONS		77,997	55,800	90,268	92,271	53,750	54,750	54,750
NET OF REVENUES/APPROPRIATIONS - FUND 265		(25,382)	(1,871)	(48,735)	(39,921)	(5,800)	(6,800)	(6,800)
BEGINNING FUND BALANCE		74,263	48,879	48,879	48,879	8,958	8,958	8,958
ENDING FUND BALANCE		48,881	47,008	144	8,958	3,158	2,158	2,158
Fund: 275 ALBION BUILDING AUTHORITY FUND								
ESTIMATED REVENUES								
TOTAL REVENUE		83,925	53,737	68,364	62,936	37,805	37,805	37,805
TOTAL ESTIMATED REVENUES		83,925	53,737	68,364	62,936	37,805	37,805	37,805
APPROPRIATIONS								
TOTAL EXPENDITURE		62,987	55,415	39,722	60,583	41,630	41,630	41,630
TOTAL APPROPRIATIONS		62,987	55,415	39,722	60,583	41,630	41,630	41,630
NET OF REVENUES/APPROPRIATIONS - FUND 275		20,938	(1,678)	28,642	2,353	(3,825)	(3,825)	(3,825)
BEGINNING FUND BALANCE		91,101	112,039	112,039	112,039	114,392	114,392	114,392
ENDING FUND BALANCE		112,039	110,361	140,681	114,392	110,567	110,567	110,567
Fund: 277 ABA SEC 8 MAPLE GROVE								
ESTIMATED REVENUES								
TOTAL REVENUE		455,448	431,208	343,698	442,516	443,000	443,000	443,000
TOTAL ESTIMATED REVENUES		455,448	431,208	343,698	442,516	443,000	443,000	443,000
APPROPRIATIONS								
TOTAL TRANSFERS-OUT		64,963	62,488	62,488	62,488	64,750	64,750	64,750
TOTAL EXPENDITURE		344,265	374,350	271,502	376,525	338,257	347,250	347,250
TOTAL APPROPRIATIONS		409,228	436,838	333,990	439,013	403,007	412,000	412,000
NET OF REVENUES/APPROPRIATIONS - FUND 277		46,220	(5,630)	9,708	3,503	39,993	31,000	31,000
BEGINNING FUND BALANCE		452,911	499,132	499,132	499,132	502,635	502,635	502,635
ENDING FUND BALANCE		499,131	493,502	508,840	502,635	542,628	533,635	533,635
Fund: 296 REVOLVING LOAN FUND								
ESTIMATED REVENUES								
TOTAL REVENUE		12,127	7,320	8,001	8,206	4,095	4,095	4,095
TOTAL ESTIMATED REVENUES		12,127	7,320	8,001	8,206	4,095	4,095	4,095
APPROPRIATIONS								
TOTAL EXPENDITURE		4,927	6,393	5,641	6,409	1,626	1,626	1,626
TOTAL APPROPRIATIONS		4,927	6,393	5,641	6,409	1,626	1,626	1,626
NET OF REVENUES/APPROPRIATIONS - FUND 296		7,200	927	2,360	1,797	2,469	2,469	2,469
BEGINNING FUND BALANCE		678,994	686,194	686,194	686,194	687,991	687,991	687,991
ENDING FUND BALANCE		686,194	687,121	688,554	687,991	690,460	690,460	690,460
Fund: 363 ENERGY/425/GENERATOR BONDS								
ESTIMATED REVENUES								
TOTAL TRANSFERS-IN		184,350	180,600	180,600	180,600	180,600	180,600	180,600
TOTAL ESTIMATED REVENUES		184,350	180,600	180,600	180,600	180,600	180,600	180,600
APPROPRIATIONS								
TOTAL EXPENDITURE		184,350	180,600	180,600	180,600	180,600	180,600	180,600
TOTAL APPROPRIATIONS		184,350	180,600	180,600	180,600	180,600	180,600	180,600
NET OF REVENUES/APPROPRIATIONS - FUND 363		0	0	0	0	0	0	0

Calculations as of 11/30/2017

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 ACTIVITY THRU 11/30/17	2017 PROJECTED ACTIVITY	2018 REQUESTED BUDGET	2018 MGR RECOM'D BUDGET	2018 COUNCIL APPR'D BUDGET
Fund: 363 ENERGY/425/GENERATOR BONDS								
	BEGINNING FUND BALANCE	35,410	35,410	35,410	35,410	35,410	35,410	35,410
	ENDING FUND BALANCE	35,410	35,410	35,410	35,410	35,410	35,410	35,410
Fund: 364 GO BOND FOR WATER PROJECT								
ESTIMATED REVENUES								
	TOTAL REVENUE	157,284	110,400	96,167	89,424	0	0	0
	TOTAL ESTIMATED REVENUES	157,284	110,400	96,167	89,424	0	0	0
APPROPRIATIONS								
	TOTAL EXPENDITURE	135,616	142,912	142,912	142,912	0	0	0
	TOTAL APPROPRIATIONS	135,616	142,912	142,912	142,912	0	0	0
NET OF REVENUES/APPROPRIATIONS - FUND 364								
		21,668	(32,512)	(46,745)	(53,488)	0	0	0
	BEGINNING FUND BALANCE	32,307	53,975	53,975	53,975	487	487	487
	ENDING FUND BALANCE	53,975	21,463	7,230	487	487	487	487
Fund: 367 SIDEWALK PROGRAM FUND								
ESTIMATED REVENUES								
	TOTAL REVENUE	154,083	128,250	138,755	133,904	(3,500)	(3,500)	(3,500)
	TOTAL ESTIMATED REVENUES	154,083	128,250	138,755	133,904	(3,500)	(3,500)	(3,500)
APPROPRIATIONS								
	TOTAL EXPENDITURE	110,407	128,250	450	5,500	200,000	200,000	200,000
	TOTAL APPROPRIATIONS	110,407	128,250	450	5,500	200,000	200,000	200,000
NET OF REVENUES/APPROPRIATIONS - FUND 367								
		43,676	0	138,305	128,404	(203,500)	(203,500)	(203,500)
	BEGINNING FUND BALANCE	266,465	310,140	310,140	310,140	438,544	438,544	438,544
	ENDING FUND BALANCE	310,141	310,140	448,445	438,544	235,044	235,044	235,044
Fund: 369 ALBION BUILDING AUTHORITY BOND								
ESTIMATED REVENUES								
	TOTAL TRANSFERS-IN	106,890	106,560	106,560	106,560	107,772	107,772	107,772
	TOTAL REVENUE	24,963	25,587	25,587	25,587	26,226	26,226	26,226
	TOTAL ESTIMATED REVENUES	131,853	132,147	132,147	132,147	133,998	133,998	133,998
APPROPRIATIONS								
	TOTAL EXPENDITURE	129,491	130,591	130,591	130,591	131,103	131,103	131,103
	TOTAL APPROPRIATIONS	129,491	130,591	130,591	130,591	131,103	131,103	131,103
NET OF REVENUES/APPROPRIATIONS - FUND 369								
		2,362	1,556	1,556	1,556	2,895	2,895	2,895
	BEGINNING FUND BALANCE	21,700	24,062	24,062	24,062	25,618	25,618	25,618
	ENDING FUND BALANCE	24,062	25,618	25,618	25,618	28,513	28,513	28,513
Fund: 374 DPW BUILDING DEBT								
ESTIMATED REVENUES								
	TOTAL TRANSFERS-IN	15,000	15,000	15,000	15,000	15,000	15,000	15,000
	TOTAL ESTIMATED REVENUES	15,000	15,000	15,000	15,000	15,000	15,000	15,000
APPROPRIATIONS								
	TOTAL EXPENDITURE	15,000	15,000	15,000	15,000	15,000	15,000	15,000
	TOTAL APPROPRIATIONS	15,000	15,000	15,000	15,000	15,000	15,000	15,000
NET OF REVENUES/APPROPRIATIONS - FUND 374								
		0	0	0	0	0	0	0
	BEGINNING FUND BALANCE	295	295	295	295	295	295	295
	ENDING FUND BALANCE	295	295	295	295	295	295	295
Fund: 450 STREET IMPROVEMENTS FUND								
ESTIMATED REVENUES								
	TOTAL REVENUE	273,521	202,250	257,997	270,421	268,300	268,300	268,300
	TOTAL ESTIMATED REVENUES	273,521	202,250	257,997	270,421	268,300	268,300	268,300
APPROPRIATIONS								
	TOTAL TRANSFERS-OUT	0	26,000	30,500	30,500	0	0	0

Calculations as of 11/30/2017

GL NUMBER	DESCRIPTION	2016 ACTIVITY	2017 ORIGINAL BUDGET	2017 ACTIVITY THRU 11/30/17	2017 PROJECTED ACTIVITY	2018 REQUESTED BUDGET	2018 MGR RECOM'D BUDGET	2018 COUNCIL APPR'D BUDGET
Fund: 450 STREET IMPROVEMENTS FUND								
APPROPRIATIONS								
	TOTAL EXPENDITURE	182,406	176,250	335,889	437,500	268,300	268,300	268,300
	TOTAL APPROPRIATIONS	182,406	202,250	366,389	468,000	268,300	268,300	268,300
NET OF REVENUES/APPROPRIATIONS - FUND 450								
		91,115	0	(108,392)	(197,579)	0	0	0
	BEGINNING FUND BALANCE	300,049	391,166	391,166	391,166	193,587	193,587	193,587
	ENDING FUND BALANCE	391,164	391,166	282,774	193,587	193,587	193,587	193,587
Fund: 452 MDOT RECONSTRUCTION FUND								
ESTIMATED REVENUES								
	TOTAL TRANSFERS-IN	0	26,000	130,500	130,500	0	0	0
	TOTAL REVENUE	0	1,417,300	0	1,301,717	0	0	0
	TOTAL ESTIMATED REVENUES	0	1,443,300	130,500	1,432,217	0	0	0
APPROPRIATIONS								
	TOTAL EXPENDITURE	0	1,443,300	118,759	1,432,217	0	0	0
	TOTAL APPROPRIATIONS	0	1,443,300	118,759	1,432,217	0	0	0
NET OF REVENUES/APPROPRIATIONS - FUND 452								
		0	0	11,741	0	0	0	0
	BEGINNING FUND BALANCE	141,105	141,105	141,105	141,105	141,105	141,105	141,105
	ENDING FUND BALANCE	141,105	141,105	152,846	141,105	141,105	141,105	141,105
Fund: 590 SEWER FUND								
ESTIMATED REVENUES								
	TOTAL REVENUE	1,818,457	2,667,750	2,050,909	2,720,680	1,140,800	1,140,800	1,140,800
	TOTAL ESTIMATED REVENUES	1,818,457	2,667,750	2,050,909	2,720,680	1,140,800	1,140,800	1,140,800
APPROPRIATIONS								
	TOTAL TRANSFERS-OUT	151,447	148,400	148,400	148,400	148,400	148,400	148,400
	TOTAL EXPENDITURE	1,708,086	2,881,050	2,060,776	2,934,783	1,326,100	1,326,100	1,327,762
	TOTAL APPROPRIATIONS	1,859,533	3,029,450	2,209,176	3,083,183	1,474,500	1,474,500	1,476,162
NET OF REVENUES/APPROPRIATIONS - FUND 590								
		(41,076)	(361,700)	(158,267)	(362,503)	(333,700)	(333,700)	(335,362)
	BEGINNING FUND BALANCE	4,563,364	4,522,289	4,522,289	4,522,289	4,159,786	4,159,786	4,159,786
	ENDING FUND BALANCE	4,522,288	4,160,589	4,364,022	4,159,786	3,826,086	3,826,086	3,824,424
Fund: 591 WATER FUND								
ESTIMATED REVENUES								
	TOTAL REVENUE	973,881	918,300	868,547	917,170	918,250	918,250	918,250
	TOTAL ESTIMATED REVENUES	973,881	918,300	868,547	917,170	918,250	918,250	918,250
APPROPRIATIONS								
	TOTAL TRANSFERS-OUT	11,668	11,450	111,450	111,450	11,450	11,450	11,450
	TOTAL EXPENDITURE	914,510	1,082,350	791,591	976,442	998,626	998,626	999,020
	TOTAL APPROPRIATIONS	926,178	1,093,800	903,041	1,087,892	1,010,076	1,010,076	1,010,470
NET OF REVENUES/APPROPRIATIONS - FUND 591								
		47,703	(175,500)	(34,494)	(170,722)	(91,826)	(91,826)	(92,220)
	BEGINNING FUND BALANCE	5,436,763	5,484,467	5,484,467	5,484,467	5,313,745	5,313,745	5,313,745
	ENDING FUND BALANCE	5,484,466	5,308,967	5,449,973	5,313,745	5,221,919	5,221,919	5,221,525
Fund: 661 EQUIPMENT POOL FUND								
ESTIMATED REVENUES								
	TOTAL REVENUE	301,906	278,725	257,644	296,202	268,575	268,575	268,575
	TOTAL ESTIMATED REVENUES	301,906	278,725	257,644	296,202	268,575	268,575	268,575
APPROPRIATIONS								
	TOTAL TRANSFERS-OUT	18,159	17,850	17,850	17,850	17,850	17,850	17,850
	TOTAL EXPENDITURE	260,819	277,283	209,925	295,273	294,755	294,755	294,928
	TOTAL APPROPRIATIONS	278,978	295,133	227,775	313,123	312,605	312,605	312,778
NET OF REVENUES/APPROPRIATIONS - FUND 661								
		22,928	(16,408)	29,869	(16,921)	(44,030)	(44,030)	(44,203)
	BEGINNING FUND BALANCE	207,704	230,634	230,634	230,634	213,713	213,713	213,713

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Fund: 661	EQUIPMENT POOL FUND							
	ENDING FUND BALANCE	230,632	214,226	260,503	213,713	169,683	169,683	169,510
Fund: 711	CEMETERY TRUST FUND							
	ESTIMATED REVENUES							
	TOTAL REVENUE	3,696	3,000	2,791	2,700	2,550	2,550	2,550
	TOTAL ESTIMATED REVENUES	3,696	3,000	2,791	2,700	2,550	2,550	2,550
	APPROPRIATIONS							
	TOTAL TRANSFERS-OUT	17,000	20,000	20,000	20,000	30,000	30,000	30,000
	TOTAL APPROPRIATIONS	17,000	20,000	20,000	20,000	30,000	30,000	30,000
	NET OF REVENUES/APPROPRIATIONS - FUND 711	(13,304)	(17,000)	(17,209)	(17,300)	(27,450)	(27,450)	(27,450)
	BEGINNING FUND BALANCE	293,547	280,242	280,242	280,242	262,942	262,942	262,942
	ENDING FUND BALANCE	280,243	263,242	263,033	262,942	235,492	235,492	235,492
Fund: 732	PUBLIC SAFETY PENSION TRUST							
	ESTIMATED REVENUES							
	TOTAL REVENUE	1,902,316	1,255,150	1,233,775	1,324,500	1,321,000	1,321,000	1,321,000
	TOTAL ESTIMATED REVENUES	1,902,316	1,255,150	1,233,775	1,324,500	1,321,000	1,321,000	1,321,000
	APPROPRIATIONS							
	TOTAL EXPENDITURE	1,148,199	1,224,250	557,354	1,324,370	1,320,250	1,320,250	1,320,250
	TOTAL APPROPRIATIONS	1,148,199	1,224,250	557,354	1,324,370	1,320,250	1,320,250	1,320,250
	NET OF REVENUES/APPROPRIATIONS - FUND 732	754,117	30,900	676,421	130	750	750	750
	BEGINNING FUND BALANCE	20,474,935	21,276,762	21,276,762	21,276,762	21,276,892	21,276,892	21,276,892
	FUND BALANCE ADJUSTMENTS	47,710	0	0	0	0	0	0
	ENDING FUND BALANCE	21,276,762	21,307,662	21,953,183	21,276,892	21,277,642	21,277,642	21,277,642
Fund: 735	ALBION TRUST							
	ESTIMATED REVENUES							
	TOTAL REVENUE	31,005	23,500	13,853	20,250	20,500	20,500	20,500
	TOTAL ESTIMATED REVENUES	31,005	23,500	13,853	20,250	20,500	20,500	20,500
	APPROPRIATIONS							
	TOTAL TRANSFERS-OUT	50,000	0	0	0	0	0	0
	TOTAL APPROPRIATIONS	50,000	0	0	0	0	0	0
	NET OF REVENUES/APPROPRIATIONS - FUND 735	(18,995)	23,500	13,853	20,250	20,500	20,500	20,500
	BEGINNING FUND BALANCE	1,086,150	1,067,155	1,067,155	1,067,155	1,087,405	1,087,405	1,087,405
	ENDING FUND BALANCE	1,067,155	1,090,655	1,081,008	1,087,405	1,107,905	1,107,905	1,107,905
Fund: 737	RETIREE HEALTH CARE FUND							
	ESTIMATED REVENUES							
	TOTAL REVENUE	333	240	335	325	300	300	300
	TOTAL ESTIMATED REVENUES	333	240	335	325	300	300	300
	APPROPRIATIONS							
	TOTAL EXPENDITURE	2,900	2,750	2,200	2,500	2,500	2,500	2,500
	TOTAL APPROPRIATIONS	2,900	2,750	2,200	2,500	2,500	2,500	2,500
	NET OF REVENUES/APPROPRIATIONS - FUND 737	(2,567)	(2,510)	(1,865)	(2,175)	(2,200)	(2,200)	(2,200)
	BEGINNING FUND BALANCE	50,363	47,796	47,796	47,796	45,621	45,621	45,621
	ENDING FUND BALANCE	47,796	45,286	45,931	45,621	43,421	43,421	43,421
	ESTIMATED REVENUES - ALL FUNDS	8,692,128	9,771,811	7,233,632	10,294,260	7,363,776	7,363,776	7,383,776
	APPROPRIATIONS - ALL FUNDS	7,477,049	10,196,208	6,826,284	10,940,655	7,915,257	7,925,250	7,974,031
	NET OF REVENUES/APPROPRIATIONS - ALL FUNDS	1,215,079	(424,397)	407,348	(646,395)	(551,481)	(561,474)	(590,255)
	BEGINNING FUND BALANCE - ALL FUNDS	35,032,644	36,295,444	36,295,444	36,295,444	35,649,049	35,649,049	35,649,049
	FUND BALANCE ADJUSTMENTS - ALL FUNDS	47,710	0	0	0	0	0	0
	ENDING FUND BALANCE - ALL FUNDS	36,295,433	35,871,047	36,702,792	35,649,049	35,097,568	35,087,575	35,058,794

City of Albion  
Study Session Minutes  
November 13, 2017

I. CALL TO ORDER

Mayor Brown called the meeting to order at 7:00 p.m.

II. ROLL CALL

PRESENT: Council Members Lenn Reid (2), Marcola Lawler (4), Jeanette Spicer (5) and Andrew French (6) and Mayor Brown. Council Members Maurice Barnes (1) and Sonya Brown (3) were absent.

ABSENT: Council Members Maurice Barnes (1) and Sonya Brown (3).

STAFF PRESENT:

Sheryl Mitchell, City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Tom Mead, Finance Director; Scott Kipp, Chief Public Safety and John Tracy, Director Planning, Building & Code Enforcement.

III. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required).

No public comments were received.

IV. ITEMS FOR INDIVIDUAL DISCUSSION

Finance Director Mead gave the following budget update:

A. Fund 208-Recreation

- The most significant change is moving Recreation Director wages to full time (208-780-702) instead of part time
- No changes for total expenses
- Will be a tight budget
- Grants/donations are unknown or uncertain so unless we are aware of a specific grant and/or donation, it is not generally reflected in the budget.
- Conservative revenue numbers
- We currently have two permanent part time employees and the remainder are seasonal depending on what programs are being ran.
- Previously the Recreation Director was working more hours than part time hours, therefore to comply with the Fair Labor Standards Act, he was made a full time employee with benefits.

B. Fund 275-Albion Building Authority

- Most of the revenue for this fund is interest income

- Dept 260-is administrative fees
- Dept 264-EDC Building-In 2018, the tenants occupying this building will be moving so therefore there will be no rental income. The building will be up for sale shortly. The ABA will still pay some utilities until the building sells.
- Dept 265-201 N. Clinton St-A.G. Edwards pays \$1.00 per month rent and \$125.00 per month in lieu of property taxes. They also pay all utilities and expenses. The ABA does pay insurance on the building.
- Dept 270-Per agreement with Albion Department of Public Safety, they will pay expenses for building in lieu of rent
- Dept 271-Fire/Ambulance Building-The rent revenue for this fund come from Albion Department of Public Safety and Huron Valley Ambulance. The amount for Huron Valley Ambulance is estimated. The expenses are the same as last year.
- Dept 273 Food Hub-No revenue although they hope to renovate and rent upstairs apartments. Pays minimal monthly meter fees.
- ABA may have a deficit of \$(3,825.00), however they have fund balance to cover this.
- 309 N. Superior Street property will be on the market soon.

C. Fund 277-Maple Grove Apartments- Rental rates are established by HUD. They have \$443,000 in rental income. They will have \$31,000 remaining after the bond payment and expense are paid.

D. Fund 202-Major Streets

- The State has increased the amount of Act 51 funding paid to local municipalities which has helped this fund significantly.
- Revenues are up and have continued to increase.
- No changes in expenses from last year.
- Anticipating \$43,000 remaining after \$190,000 transfer to local streets
- A small portion of Act 51 money must be spent on non-motorized items such as bike lanes and walking trails.
- This fund is primarily used for maintenance, plowing the roads and repairing potholes of major streets

E. Fund 203-Local Streets

- Act 51 funds for local streets is less than major streets
- We are able to transfer funds from major streets to local streets
- The increase in state funding has been very helpful
- This fund is primarily used for maintenance, plowing the roads and repairing potholes of local streets
- Anticipating \$16,457 remaining that will transfer to local streets fund balance. This helps to build fund balance.

F. Fund 450-Street Improvement Fund

- The street millage money is put into this fund
- We levy 3 mills which is about \$223,000
- Nothing has been planned or approved for street improvements

- Street improvements have previously been rotated by precincts to help road repair throughout the City
- In 2019, MDOT will be looking at funding Irwin Avenue. We are hoping to save some funding from the street improvement fund to help with local match for Irwin Avenue.

G. Fund 452-MDOT Reconstruction

- This fund is used when MDOT is involved in a project
- No activity is anticipated for 2018

H. Personnel & Salaries/Wages

- City Manager Mitchell stated we currently have no mechanism to increase base salaries for management staff. She would like to incorporate either step increases within the salary range or performance based bonuses.
- There is a small change in wage allocation for the EDC/TIFA funds.

I. Fee Schedules

- Increase in balance request form-change \$5.00 to \$10.00 per parcel which would help re-coop cost for staff time
- Cost to be determined for perpetual care for the cemetery
- No other fee changes
- It was asked whether the City regularly reviews the fee schedules and whether we do any sort of comparison with other cities? The fee schedule has only been reviewed previously when things arise.
- We are waiting for recommendations for water and sewer rate increases. Recommended increases in sewer rates will come from the SAW grant report and proposed water rate increases will come from Engineer Mickey Bittner

J. Budget Wrap Up

City Manager Mitchell advised of additional budget considerations as follows:

- Capital Improvement Projects
- 2018 Goals
- Albion Marshall Connector (Estimated \$15,000)
- Cemetery
  - Perpetual Care-Ordinance & Fee Structure
- Municode Update
- Planning Commission
  - \$4,000 Redevelopment Ready Match Requirements
- Charter Revision (Estimated \$60,000-\$100,000)
- Staff Support
  - Clerk/Elections-Full Time Share with Finance Treasury
  - Finance/Treasury-Full Time Share with Clerk/Elections
  - City Manager-Part Time
  - Code Enforcement-Part Time Code Enforcement Officer and Part Time Administrative

- Dalrymple Property Maintenance Costs

Questions/Comments from the Mayor and Council:

- Can a study session be scheduled to discuss staff support
- Check to see if Rieger Park was put into the 2018 budget
- Would like to see MML Training for Council & Boards & Commissions
- Can money be used from the Albion Trust for the Municode Update? No

Comments were received from Council Members Lawler, French, Spicer and Reid and Mayor Brown.

- IV. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).

Comments were received from Mark Lelle, 422 Elizabeth St; John Face, 812 N. Eaton St and John Dunklin, 1203 Second St.

- V. ADJOURNMENT

Spicer moved, Lawler supported, CARRIED, to ADJOURN Study Session. (5-0, vv).

Mayor Brown adjourned the Study Session at 8:20 p.m.

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Date

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Jill Domingo  
City Clerk

City of Albion  
Special Session Minutes  
November 16, 2017

I. CALL TO ORDER

Mayor Brown called the meeting to order at 7:00 p.m.

II. MOMENT OF SILENCE

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Council Members Maurice Barnes (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4) Jeanette Spicer (5), and Andrew French (6) and Mayor Brown.

STAFF PRESENT:

Sheryl Mitchell, City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Tom Mead, Finance Director; Scott Kipp, Chief Public Safety; Jim Lenardson, Director Public Services and John Tracy, Director Planning, Building & Code Enforcement.

V. MAYOR & COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Barnes, Brown and Lawler and Mayor Brown.

VI. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required).

Public comments were received from Eric Tobin, 409 W. Ash St.

VII. ITEMS FOR INDIVIDUAL DISCUSSION

A. Discussion/Approval of Specific MML Training with Council (RCV)

Questions and Comments from the Council Discussion are as follows:

- What types of training are needed?
- Would like to see governance training,; relationship building,; charter interruption issues; roles of mayor in relation to the City Manager
- Due to the training variances, would like to see a training with Attorney Scott Smith and also a training with MML representatives
- Do we have funding in the budget for the training?
- Will also need to establish a time frame for completion
- Would like to see training done as soon as possible

- Per Resolution # 2017-42-passed on October 24, 2017 as part of the City Manager rescinding her resignation, the Council agreed to the following:
  - Put measures in place to create a healthy working environment, including governance training, information sessions and pathways to healing,
  - At a date determined by the City Manager, Mayor, and City Council, as part of the Manager's regular performance review, enter into contract negotiations, and put into her contract plans to create a healthy work environment,
  - Work diligently to meet the needs of our City Manager as outlined in our City Charter.

Comments were received from Council Members Spicer, Reid, Lawler, Brown, Barnes and French and Mayor Brown; City Manager Mitchell and City Attorney Harkness.

**French moved, Brown supported, CARRIED, The City Council will seek training from Attorney Scott Smith and the Michigan Municipal League and will submit their items for discussion to the above consultants in a specified timeframe. (7-0, rcv)**

*Council Member French asked to amend the above motion to include the City Council will approve funding for the training.*

**French moved, Reid supported, CARRIED, to Amend Motion: The City Council will seek training from Attorney Scott Smith and the Michigan Municipal League and will submit their items for discussion to the above consultants in a specified timeframe and the City Council will approve funding for the training.**

*Council Member Brown asked to amend the agenda to include the specific cost of the training will be approved by Council when the numbers have been obtained.*

**Brown moved, French supported, CARRIED, to Amend Motion: The City Council will seek training from Attorney Scott Smith and the Michigan Municipal League and will submit their items for discussion to the above consultants in a specified timeframe and the City Council will approve funding for the training and the specific cost of the training will be approved by Council when the numbers have been obtained. (7-0, rcv)**

City Manager Mitchell asked Council if agenda items B & C could be reversed.

**Barnes moved, Brown supported, CARRIED, to Change Agenda Item B to C and Agenda Item C to B. (7-0, vv)**

B. Request Approval Resolution # 2017-47, A Resolution to Approve Additional Wastewater Treatment Plant Improvements (RCV)

Comments were received from Council Members Brown, Spicer, French and Barnes, Director of Public Services Lenardson; Mayor Brown; Alan Gelderloos, Fleis & Vandenbrink Senior Project Manager; Franklin Holwerda Company Contractor.

French moved, Brown supported, CARRIED, to Approve Resolution # 2017-47, A Resolution to Approve Additional Wastewater Treatment Plant Improvements as presented. (7-0, rcv)

C. Discussion-Code Enforcement Options

Mayor Brown stated he would like to see what can be done to increase the capacity in code enforcement with the City's budget limitations.

City Manager Mitchell stated the following:

- The ability of staff to meet needs and demands of code enforcement
- Limitation of resources
- Identifying blighted properties doesn't have funding to deal with these when they have been identified
- The part-time position would not be a permanent part time position. To satisfy union contracts pertaining to part time staffing, the position would not be for more than 10 months with the hope that it would create an increase in revenue and the position would be made full time.
- Additional revenue may come in the form of the new marijuana facilities licensing; rental certification and increase in code enforcement fines.
- It would cost approximately \$60,000 wages and benefits for a full time position
- The following are job responsibilities for the Director of Planning, Building & Code Enforcement:
  - Planning/Zoning
    - **Residential**
      - New construction of homes
      - Additions
      - Apartments
      - Accessory structures (garage, sheds, fences, etc.)
      - Parking
      - Home Occupation
      - Keeping of chickens
      - Land division and combinations
      - Site plan review
      - Signs
    - **Commercial**
      - Commercial and industrial
      - Use of existing structure and/or property
      - Proposed use of property

- New construction (Taco Bell, Dialysis Center, O'Reily's, Court Yard by Marriot, etc.
- Additions
- Accessory uses (garages, warehouse, storage tanks, fences, etc.)
- Parking
- Landscaping
- Subdivision
- Land division and combinations
- Special use
- Site plan review
- On and off premises signage
- Planning Commission
- Zoning Board of Appeals
- Building Board of Appeals
- **Geographic Information System (GIS)**
  - Zoning maps
  - Utilities
    - City water
    - City Sewer
    - City storm drains
    - Fire hydrants
    - Electricity
    - Natural gas
    - Pipe line
    - Fiber optic
  - Future commercial/industrial land use
  - Residential community information
  - Subdivision
  - City Properties:
    - Vacant land
    - Vacating alleyways
    - Proposed Uses
- **Working with other departments and entities:**
  - Albion Department of Public Safety
  - Department of Public Works
  - City Assessing
  - Albion Economic Development Corporation
  - Calhoun County Treasurer and Land Bank Authority
  - Calhoun County GIS Department
  - Calhoun County Lead Task Force
  - Department of Human Services
  - SAFEBuilt
  - Albion College
- **Code Enforcement**
  - Solid Waste

- Noxious vegetation
  - Property maintenance, commercial & residential
  - Structures in disrepair
  - Substandard rental living conditions complaints
  - Accessory structures in disrepair (garages, sheds, fences, etc.)
  - Unlawful dumping
  - Snow & debris violations
    - Snow covered sidewalks
    - Snow pushed into and across streets
    - Placement of leaves and debris onto R.O.W., gutter pans, streets, etc.
  - Illegal use of structure
  - Demolition
  - Intake of complaints
- **Building:**
    - Intake of permits:
      - Building permits
      - Electrical permits
      - Mechanical permits
      - Plumbing permits
    - Oversight of SAFEBuilt
    - Complaints
- Rental Certification would include approximately 900 properties and would include Albion College properties

Comments were received from Council Members Brown, Spicer, Barnes and Lawler; Mayor Brown and City Manager Mitchell.

- VIII. The City Manager requests for a Closed Session under the Open Meetings Act (Section 15.268 (a), P.A. 267 of 1976, as amended) to consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic evaluation of a public officer, employee, or staff member of individual agent, if the named person requests a closed hearing.

Barnes moved, French supported, CARRIED, to Adjourn to Closed Session. (7-0, rcv)

Mayor Brown adjourned to Closed Session at 8:45 p.m.

Mayor Brown re-opened the Special Session at 10:00 p.m.

- IX. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).

No public comments were received.

X. ADJOURNMENT

**\*\*Councilwoman Brown exited without being excused or asserting privilege at 9:56pm. \*\***

Spicer moved, Reid supported, CARRIED, to ADJOURN Special Council Session. (6-0, vv).

Mayor Brown adjourned the Special Session at 10:01 p.m.

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Date

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Jill Domingo  
City Clerk

City of Albion  
Council Session Minutes  
November 20, 2017

I. CALL TO ORDER

Mayor Brown called the meeting to order at 7:00 p.m.

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Sonya Brown (3), Marcola Lawler (4) Jeanette Spicer (5), and Andrew French (6) and Mayor Brown. Maurice Barnes (1) and Lenn Reid (2) were absent.

ABSENT: Council Members Maurice Barnes (1) and Lenn Reid (2).

STAFF PRESENT:

Sheryl Mitchell, City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Scott Kipp, Chief Public Safety; Stacey Levin, Assistant City Manager and Tom Mead, Finance Director.

V. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Lawler and French and Mayor Brown.

VI. PUBLIC HEARING

A. Public Comments on the Future Land Use & Zoning Plan

Mayor Brown opened the Public Hearing at 7:03 p.m.

No public comments were received.

Mayor Brown closed the Public Hearing at 7:04 p.m.

City Manager Mitchell gave a brief overview of the Future Land Use & Zoning Plan and stated it will go to Planning Commission for approval of edits on November 21, 2017 and back to Council for final adoption on December 4, 2017.

B. Approve Resolution # 2017-46, A Resolution for Suggested Edits to the Future Land Use & Zoning Plan for Albion Planning Commission Consideration

French moved, Lawler supported, CARRIED, to Approve Resolution # 2017-46, A Resolution for Suggested Edits to the Future Land Use & Zoning Plan for Albion Planning Commission Consideration as presented. (5-0, rcv)

VII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required).

No public comments were received.

VIII. CONSENT CALENDAR (VV)

(Items on the Consent Calendar are voted on as one unit)

- A. Approval Special Session Minutes-November 2, 2017
- B. Approval Regular Session Minutes-November 6, 2017
- C. Approval 2018 Meeting Dates
- D. Approval of Albion Aglow Assembly Permit & Activities

French moved, Spicer supported, CARRIED, To Approve Consent Calendar as presented. (5-0, vv)

IX. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval Reappointment Boards & Commissions

- Mike Tymkew, Reappointment, DDA Board, Term to Expire 12-31-2021

French moved, Lawler supported, CARRIED, to Approve Mike Tymkew, Reappointment, DDA Board, Term to Expire 12-31-2021 as presented. (5-0, rcv)

B. Discussion-Update on Dalrymple Site

City Manager Mitchell stated the building has been demolished through the joint efforts of the Calhoun County Land Bank and The Calhoun County Treasurer's Office. The Phase I Environmental is being worked on as part of the cost of the demolition. It is expected to be deeded over to the City in the next 60 days or so.

It is assumed that the City will be covering the property maintenance cost in lieu of payment of the property.

Council Member Spicer asked if there are any plans for the property.

Council Member Brown stated she would like to receive input from Precinct 3 residents as to what they would like to see done with the property.

Council Member French stated the AmeriCorps Vista members have previously done a survey on plans for this site and he will get a copy of the report to Council Member Brown.

C. Request Approval of Memorandum of Understanding for 99 S. Monroe (RCV)

Comments were received from City Manager Mitchell.

French moved, Spicer supported, CARRIED, to Approve Memorandum of Understanding for 99 S. Monroe as presented. (5-0, rcv)

D. Potential Budget Considerations

City Manager Mitchell asked for consideration on the following budget items:

- Albion Marshall Connector \$ 3,000 (for three years)
- Planning Commission/RRR/Zoning \$ 4,000
- Deputy Treasurer/Clerk (Full Time) \$ 65,000
- Code Enforcement (2-part-time positions) \$ 55,000
- City Manager Clerical \$ 24,652
- Salaried Employees-2% Increase \$ 9, 500
- MML Training
- Dalrymple
- Reiger Park-Pond Repair \$ 17,000
- Recreation Center-Cronin Foundation \$ 20,000
- Charter Revision
- MERS (Closed Defined Benefit Retirement Plans)

Total \$ 198, 152

- There are demands for additional staff along with having no back-up for the Clerk or Treasurer. Would like to see a succession plan for these positions.
- These items would be taken from the General Fund fund balance which is currently funded at 34.98%. There is flexibility in the fund balance for some of these initiatives.
- We have been awarded the COPS grant of \$125,000 for three years for one community police officer with a match of \$70,000 for the three year period. A match of \$22,000 will need to be adjusted into the 2018 budget
- Willing to hold off on the part-time administrative position until 1<sup>st</sup> quarter of 2018 to see if workload lessens with the addition of the other additional staff
- Finance Director Mead stated the Closed Defined Retirement Plan is not accepting any new employees so in turn is not receiving any new contributions. The fund is still being paid out to retirees and therefore, the fund is losing any potential investment in earnings. It may be worth looking into a bond to cover the funding for this Plan. The contribution amount for 2018 is \$91,000 and the amount continues to rise each year.

Questions/Comments from Mayor and Council were as follows:

- What fund will the Code Enforcement positions be taken from? *It will be a 50/50 split from General Fund and Solid Waste*
- How many new positions will be created? *One full time and three part time positions.*
- Can these changes be incorporated into the budget for final consideration in time for the Monday, November 27<sup>th</sup> meeting? *Yes they will be added to the budget for the Monday, November 27<sup>th</sup> meeting.*
- The Mayor would like to see an additional \$2,000 be added to the Council's training budget for MML training for Council Members and Boards & Commission members.
- \$22,000 will need to be added for the COPS grant match
- The Mayor stated the Council revision can be taken off the list
- Will the part-time position in the City Manager's office be permanent part-time and will this cause an issue with current union contracts? *The City will need to discuss this with the Union to see what their view on this is.*

*The consensus of the Council is to add all of the above items into the Budget along with \$2,000 for MML Training for Council/Boards & Commissions and the \$22,000 match for the COPS grant for final budget consideration at the November 27<sup>th</sup>, special meeting.*

Comments were received from Council Members French, Brown, Spicer and Lawler; Mayor Brown and City Attorney Harkness.

#### X. City Manager Report

City Manager Mitchell updated the Council on the following items:

- Week of November 20<sup>th</sup>, 2017 – NO WORK NOVEMBER 23<sup>rd</sup> – THANKSGIVING DAY
  - M-99 (Superior St) Closed from Cass St to Mulberry St
  - Michigan Ave Closed from Post Office to Ionia St
  - Cass Street Open
  - Erie Street Open
  - Maintain Access to Business' with Pedestrian Barricades
  - Traffic Signal Work Michigan Avenue
  - Complete Concrete Work
  - Install Trees and Permanent Signs
- Week of November 27<sup>th</sup>, 2017
  - M-99 (Superior St) Closed from Cass St to Mulberry St
  - Michigan Ave Closed from Post Office to Ionia St
  - Cass Street Open
  - Erie Street Open
  - Maintain Access to Business' with Pedestrian Barricades
  - Temporary Asphalt Paving on M-99 (Superior Street)
  - Pavement Markings and Permanent Signs

- Demobilize and remove M-99 Detour from Site for Winter
- Open M-99 and Michigan Avenue to Traffic
- 2018 Construction – 6 weeks to remove temporary asphalt and complete brick installation.
- An Albion Job Fair & Prep Event will be held. The Prep events will be held on November 28<sup>th</sup> at the Charles Snyder Community Center from 1-3 pm; December 6<sup>th</sup> at the Ludington Center from 1-3pm and December 14<sup>th</sup> at Marshall Opportunity High School from 11am-2pm. The Job Fair will be on December 14<sup>th</sup> from 1-3 pm at Marshall Opportunity High School.
- The Albion Branch NAACP will hold a parent network kick-off event on November 28<sup>th</sup>, from 6-8pm at Harrington Elementary School
- Michigan Municipal League is offering a specialized training entitled, “You Won! Now What?” for newly elected officials.
- City Manager will be on vacation beginning Tuesday, November 21<sup>st</sup> and returning on Monday, November 27<sup>th</sup>.

#### XI. Future Agenda Items

- Council Member Spicer asked for a list of City street replacement signs be added to the next agenda.
- Council Member Spicer asked for an update on the Rural Health Care Grant for an urgent care/afterhours facility.
- City Attorney Harkness asked for a discussion on medical marijuana be added to the next agenda.
- City Attorney Harkness asked for the 90/10 opt-out Resolution be added to the next agenda.
- Mayor Brown asked for Council protocol and safety be added to the next agenda
- Mayor Brown asked for a 6:00 p.m. Study Session prior to the December 4<sup>th</sup> Council Meeting to discuss City/Council email be added to the next agenda.

Comments were received from Alfredia Dysart-Drake, 1016 S. Superior St and Council Member French.

#### XII. Motion to Excuse Absent Council Member (s) (VV)

French moved, Lawler supported, CARRIED, to Excuse absent Council Members Maurice Barnes (1) and Lenn Reid (2). (5-0, vv)

#### XIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).

Comments were received from Stacey Levin, Assistant City Manager; Wayne Arnold, 906 Hall St; Emily McClelland, AmeriCorps Vista Member and Council Member Spicer.

#### XIV. ADJOURNMENT

Brown moved, Spicer supported, CARRIED, to ADJOURN Special Council Session.  
(5-0, vv).

Mayor Brown adjourned the Special Session at 8:20 p.m.

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Date

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Jill Domingo  
City Clerk

City of Albion  
Special Session Minutes  
November 27, 2017

I. CALL TO ORDER

Mayor Brown called the meeting to order at 7:00 p.m.

II. MOMENT OF SILENCE

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Council Members Maurice Barnes (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4) Jeanette Spicer (5), and Andrew French (6) and Mayor Brown.

STAFF PRESENT:

Sheryl Mitchell, City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Tom Mead, Finance Director; Scott Kipp, Chief Public Safety; Jim Lenardson, Director Public Services and John Tracy, Director Planning, Building & Code Enforcement.

V. MAYOR & COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Barnes and French and Mayor Brown.

VI. PRESENTATIONS

A. Saw Grant-Fleis & Vandenbrink

Jeff Wingard, Fleis & Vandenbrink gave the following update on the SAW Grant:

**OVERVIEW**

Public Act 562 of 2012 authorized money for Stormwater, Asset Management, and Wastewater (SAW) Grant Program. In 2014, The City of Albion received a SAW Grant from the Michigan Department of Environmental Quality (MDEQ) to provide financial assistance for the development of this Asset Management Plan (AMP). This report provides the Asset Management Plan (AMP) for the Cities stormwater collection system. Working with City staff, Fleis and VandenBrink (F&V) provided technical assistance for asset identification, condition assessment, and capital improvement planning of the stormwater collection system. This AMP is intended to be a living document that is updated as assets continue to wear and age, and

as additional inspection/condition results are found and incorporated into the plan.

## **ASSET INVENTORY AND CONDITION ASSESSMENT**

The stormwater collection system assets consist of approximately 215,196 feet (40.76 miles) of storm sewers and 2107 stormwater structures connecting the gravity pipe. These assets are located in existing street rights-of-way or in easements dedicated for the assets use and maintenance.

## **ASSET IDENTIFICATION AND LOCATION**

A comprehensive stormwater system asset inventory was developed from available record drawings, field notes, staff knowledge, and site visits; supplemented with field survey work. Asset material, size and age were identified through the review of available historical record documents. Spatial orientation (pipe location), pipe depth and invert elevations were determined through GPS field survey and a comprehensive evaluation of the gravity system. This information was organized into a new (GIS) database and piping network for archiving, mapping and further evaluation purposes.

## **CONDITION ASSESSMENT AND EXPECTED USEFUL LIFE**

For the City of Albion, a comprehensive evaluation of the collection system was performed. NASSCOMACP structure field based assessments were completed on 1,916 of the total 2,107 structures. Pipeline cleaning and NASSCO-PACP CCTV field based inspections were conducted on 1% of the gravity pipe. Recommendations for short-term (1-5 year) and long term (6-20 year) identifies the need for maintenance of the system, 0.6% was tagged for inspection and/or cleaning. Rehabilitation accounted for 6% of the system identifying the need for point repairs and lining. The remaining assets (93.4%) were placed in the beyond 20 year planning category.

## **LEVEL OF SERVICE**

### **DEFINING THE EXPECTED LEVEL OF SERVICE (LOS)**

The overall objective is to provide appropriate stormwater collection, diversion, and conveyance at a minimal cost, consistent with applicable environmental regulation.

## **CRITICAL ASSETS**

### **DETERMINING CRITICALITY**

Business Risk is the determination of criticality of each asset in the wastewater system. Criticality is based on two factors: 1) Likelihood (Probability) of Failure and 2) Consequence of Failure. Defining an asset's Business Risk allows for management of risk and aids in decision making for where to allocate operation and maintenance and capital improvement funds.

Likelihood of Failure (LoF) is a measure of how likely an asset is to fail. The following categories have been developed to quantify how likely an asset is to fail:

- Condition of the asset
- Remaining useful life (Age)
- Service History
- Operational status

Consequence of Failure (CoF) is a measure of the social, economic or environmental impact of failure of an asset and on the utility's ability to convey stormwater. CoF categories of the stormwater collection system include:

- Location of asset
- Facilities served by asset
- Size

## **CAPITAL IMPROVEMENT PLAN**

A Capital Improvement Plan with recommendations was prepared for the Cities assets based on the Business Risk evaluation. Data-driven information from the business risk assessment and condition assessment was used to identify and prioritize the capital improvement projects. The information was also used to schedule inspections to evaluate the condition of high business risk assets. Short-Term 1-5 year and Long-Term 6-20 year Capital Improvement Plan (CIP) was prepared to address the projected needs for each asset in the system. The 5-year CIP rehabilitation total is \$523,062.

Al Gelderloos, Fleis Vandenbrink gave the following WWTP overview:

- Initial portion constructed in 1957.
- Secondary constructed in 1978
- Biosolids storage added in 1990's
- Capacity is 4 mgd; current flows are 2 mgd
- The primary digester has aluminum sheeting covering two locations where the brick façade has fallen off
- 90 plus barrels of debris caused sludge pumping problems. Cleaned out using grant money prior to internal inspection
- WWTP flows as follows:
  1. Pump station lifts water to treatment plant
  2. Primary clarifiers
  3. Aeration tanks
  4. Secondary clarifiers
  5. Chlorine contact tanks
  6. Digesters
  7. Biosolids storage tanks
  8. Tanks are then cleaned out

The final step is working with the Financial Advisor and then meeting with City Manager, Finance Director and Director of Public Services to discuss recommendations.

Fleis and Vandenbrink plan to return in 4 weeks to present findings to Council.

Comments were received from Council Members French and Brown and Mayor Brown.

- VII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required).

Public comments were received from Renee Miller, 205 E. Watson St. Apt. # 27, Marcus Trammel, 707 N. Berrien St. and Esther McGear, 805 Huntington Blvd.

VIII. ITEMS FOR INDIVIDUAL DISCUSSION

A. EDC Budget

- Fund 244-Economic Development
- Fund 247-TIFA
- Fund 296 Revolving Loan
- Fund 246 Business Incubator

City Manager Mitchell gave the following EDC Budget update:

**2017 Revised & 2018 Proposed Budget**

TIFA – 247 account

- Revenue
  - It is important to note the dramatic drop in tax increment revenue over prior years. The total collection and state reimbursement for 2017, is estimated to be approximately \$100k less than what was received in 2016. For 2018, it will be almost \$125,500 less than what was received in 2016.
    - Part of the drop is caused by the change in legislation to allow libraries to opt out of tax increment plans, such as the TIFA. The library mills is no longer collected as part of the TIFA agreement.
    - Another part of the change is due to a problem with one of the local company's tax exemption on personal property and missing a deadline to file for the exemption.
    - We anticipate in 2018 spending staff time on auditing the parcels in the TIFA and the tax capture for a period of years to help us understand where else the problem could be. If that is not successful, the TIFA will hire a third party to audit the district and will contract with someone that is an expert on the new tax system.
- Appropriations

- o Pretty standard. Only thing worth mentioning is that the TIFA loan will be repaid in 2017 so there will be no 2018 principal or interest estimated.
- Income/Loss
  - o For 2017 and 2018 – both years will end in the red due to the drop in tax collection. The loss will be taken from the fund balance.

#### EDC – 244 account

- Revenue
  - o You will see in 2017 a reduction in the line item for local grant. The grant was for the 2<sup>nd</sup> staff person for the EDC, which we hired in July. So the original grant was shared over 2017 and 2018.
  - o The Rents line item is for the rents we receive from Ossur in the industrial park. The EDC owns that building.
  - o As for Other Revenues – the 2017 was for reimbursement of part of the CEO salary by ARC. For 2018, we have moved this to the “Reimbursements” line item to more accurately reflect the reimbursement that ARC provides the EDC for this position.
  - o The Other Revenue for 2018 is the balance needed to supplement the 2<sup>nd</sup> position. We have written a grant for this. We will adjust the budget at year end to reflect the appropriate line item based on what funds the position.
- Appropriations
  - o The EDC expenses are as lean as we can make them.
  - o One item to note, is the salaries – you will see salaries paid in 2017 reduced, and for 2018 the estimated amount is actually less than what was approved for 2017 originally. The change in 2017 is mostly due to not filling the 2<sup>nd</sup> position for the EDC until July.
- Income/Loss
  - o For both years, the EDC fund will end in the black with additions to the fund balance.

#### Business Incubator – 246 account

- Revenue
  - o This account actually has both the Business Incubator (246-729) included as well as the Albion Food Hub (246-731).
  - o Business Incubator
    - Rents account for the tenant at the Business Incubator.
  - o Albion Food Hub
    - You will notice the revenues for the Farmer’s Market have steadily risen and we are seeing more growth in vendors and participation in the market in thanks to a very dedicated team working to promote it.
    - Rents for the Albion Food Hub continue to struggle as the Hub is still in early formative years.

- As such, for 2017 you will see a “transfer in” of \$25,000. That equates to the originally estimated amount of \$6,000 for the Business Incubator from the TIFA and an additional \$19,000 for the Albion Food Hub. The \$19,000 will be a loan from the TIFA fund balance to the Albion Food Hub. An agreement is included in the packet for your information.
- For 2018, you will see a large “other revenue” of \$53,000. A revenue plan has been submitted for your review that outlines the various grants that the Food Hub will be submitting to help increase capacity and offerings and cover overhead costs while the Albion Food Hub continues to grow and build a steady base of clients.
  - The Revenue plan consists of grant opportunities and projected growth with new clients.
- Appropriations
  - The expenses of the Business Incubator are mostly reimbursed or covered by the tenant through their lease payments and agreements.
  - For the Food Hub, all expenses are as slim as possible without causing a negative impact for the growth of the operation.
  - Salaries are included under part-time wages – this is a change from years prior when they were salaried.
- Income/Loss
  - For 2017, the fund will result in a loss. The loss shown (-\$24,423.72) will come from the fund balance. It is important to remember, that additionally there was a loan from TIFA for \$19,000. The actual loss for the fund was the sum of the two. Which puts the \$58,000 revenue plan for 2018 into perspective.

RLF – 296 account

- Revenue
  - Interest only.
- Appropriations
  - Staff time and a processing fee are the only expenses for this fund.
- Income/Loss
  - Both 2017 and 2018 are expected to end with a positive addition to the fund balance.

Comments were received from Council Members Brown, Spicer, Barnes, French and Reid; Mayor Brown and Finance Director Med.

B. Request Approval City Manager Compensation (RCV)

French moved, Barnes supported to Approve City Manager Compensation.

Comments were received from Council Members Barnes, French, Brown Reid and Spicer; Mayor Brown; City Manager Mitchell and City Attorney Harkness

French moved, Reid, supported to modify the motion to Approval to Increase the City Manager Compensation by \$12,000 per year to her contract.

Comments were received from Council Members Barnes, French, Brown Reid and Spicer; Mayor Brown; City Manager Mitchell and City Attorney Harkness.

French moved, Barnes supported, CARRIED, To Call the Question. (7-0, rcv)

French moved, Barnes supported, **FAILED**, to Increase the City Manager's Compensation by \$12,000 per year to her contract. (4-3, rcv) (Brown, Lawler, Spicer and Mayor Brown dissenting).

#### C. Discussion/Approval Changes/Additions to the 2018 Budget (RCV)

Comments were received from Council Members Brown and French and Mayor Brown.

French moved, Brown supported, CARRIED, to Approve Changes/Additions to the 2018 Budget as presented. (7-0, rcv)

#### D. Request Approval Contract with Scott Smith (RCV)

Comments were received from Council Member French, Mayor Brown and City Manager Mitchell.

French moved, Reid supported, CARRIED, to Approve Contract with Scott Smith as presented. (7-0, rcv)

#### IX. Motion to Excuse Absent Council Member (s) (VV)

No action was necessary as all members were present.

#### X. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).

Comments were received from Mark Lelle, 422 Elizabeth St; Renee Miller, 205 E. Watson St Apt. # 27; Brenda Davis, 1229 Highland; Tesha Showers, 404 W. Broadwell #4 and Temple Stovall, 507 Burr Oak St.

#### XI. ADJOURNMENT

Spicer moved, Brown supported, CARRIED, to ADJOURN Special Council Session. (7-0, vv).

Mayor Brown adjourned the Special Session at 8:50 p.m.

---

Date

---

Jill Domingo  
City Clerk



# CITY OF ALBION

## EMPLOYEE HOLIDAY LUNCHEON

It's that time of year again!

Come enjoy a wonderful meal, games, and fun!

**DATE:** Friday, December 15, 2017

**TIME:** 1p.m. until 5p.m.

**LOCATION:** Ismon House, 300 S. Clinton Street

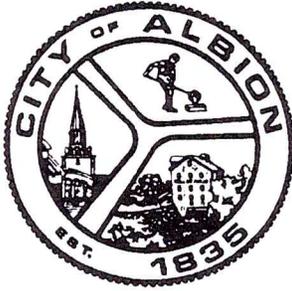
**MENU:** Turkey, Dressing, Macaroni and Cheese, Fried Chicken,  
Dessert, etc.

Please contact Bonnie at 517-629-5535 or [bedmonds@cityofalbionmi.gov](mailto:bedmonds@cityofalbionmi.gov) to tell her what dish you will bring or if you will make a \$5 donation towards the purchase of additional food. Please respond by **Dec. 8, 2017** by **12 noon**.

**\*\*\*If you'd like to participate in the White Elephant gift exchange, please bring an item to re-gift.\*\*\***

City offices will be closed for the afternoon to allow employees to participate in the celebration.





# City of Albion

William L. Rieger Municipal Building  
112 West Cass Street • Albion, Michigan 49224  
(517) 629-5535 • Fax (517) 629-4168

## APPLICATION FOR MEMBERSHIP AND/OR REAPPOINTMENT ON CITY BOARDS OR COMMISSIONS

Mail or Deliver Completed Application to: City Clerk  
City of Albion  
112 W. Cass Street  
Albion, MI 49224

The information in this Application is requested to assist the Mayor and/or City Council in selecting individuals to serve on City Boards & Commissions. Completion of the Application and Consent and Certification is mandatory for consideration of appointment.

Thank you for your interest in serving on a City of Albion board or commission. The Albion City Council requires that every member of a board or commission meet the following qualifications:

- Appointee is not in default to the City (appointee does not have unpaid water/sewer bills, property taxes, income taxes).
- For most Boards & Commissions, appointee should be a resident of the City.

Name: ALBERT Lewis SMITH  
(First) (Middle) (Last)

Home Address: 1209 ADAMS ST. Telephone #: 248-917-6527

Place of Employment: RETIRED

Business Address: — Telephone #: —

E-Mail: GDADSCAD@GMAIL.COM Fax: —

Title/Type of Work: —

Length of Residence in City: 2 yrs Own/Rent: Own US Citizen: Y N

Educational Background: HIGH SCHOOL + SOME COLLEGE

Community Activities: AMERICAN LEGION, RED, WHITE + BLUE CRUISE - FW (DON)  
FESTIVAL OF THE FORKS CAR SHOW (9/10)

Telephone #: 517-629-5389  
Application for Membership

The following information and consent is necessary in order to conduct a proper review of your application for appointment. This information will be kept confidential.

\*\*\*\*\*

**CONSENT AND CERTIFICATION**

*I consent to the release of information concerning my ability and fitness for the position to which I seek appointment by my employer(s), school(s), law enforcement agencies, and other individuals and organizations to the City of Albion Office of the City Manager.*

*I hereby authorize the City of Albion to verify all the information I have provided on my application. I also agree to execute any additional written authorizations necessary for the City to obtain access to and copies of records pertaining to this information. I release the City of Albion and agencies who have released information from all liability arising from information given or received.*

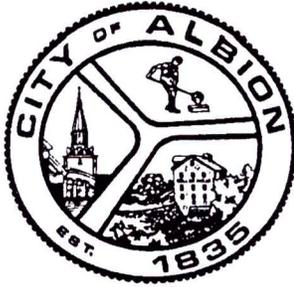
*I certify that I can and will, upon request, substantiate all statements made by me on this application; that such statements are true, complete and correct to the best of my knowledge. I understand that a false statement, dishonest answer, misrepresentation or omission to any question will be sufficient for rejection of my application, removal of my name from the eligible list or my immediate removal should such falsifications or misrepresentation be discovered after I am sworn in to any Board or Commission.*

I, ALBERT L. SMITH, certify that the information provided  
(Please Print)

in this application is, to the best of my knowledge, true and accurate.

Date of Birth: 08-18-1952

Signature: [Handwritten Signature] Date: 11-13-2017



# City of Albion

William L. Rieger Municipal Building  
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(517) 629-5535 • Fax (517) 629-4168

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Name: (Frances) Ruth Valdes  
(First) (Middle) (Last)

Home Address: 1204 Crescent Telephone #: 517-629-4616

Place of Employment: retired

Business Address: — Telephone #: —

E-Mail: frvaldes1@sbcglobal.net Fax: —

Title/Type of Work: retired Teacher

Length of Residence in City: 47 years Own/Rent: own US Citizen: Y  N

Educational Background: BA, MA Western Michigan University  
I taught in Albion. I have worked for Wmu.

Community Activities: Albion School Board - VP, various leadership  
roles when teaching, Volunteer Humane Society, volunteer in  
Schools

List Board or Commission on which you are interested in serving (see detailed descriptions on the City of Albion website):

- 1) Planning Commission 2) \_\_\_\_\_
- 3) \_\_\_\_\_ 4) \_\_\_\_\_

Additional information on experience, qualifications, etc.:

- Served on Council in the 1980's
- Excellent communication skills / good listener
- Important relationships from teaching in Albion

Please comment briefly on why you wish to serve on a particular board or commission. Be specific as to your goals and ideas regarding how you wish to contribute to the work of the board or commission:

I could live anywhere, but I have chosen to  
live in Albion. I want to give back to this  
community. This city means a great deal to me.

Relationship to City Officials/Department Heads: Are you, your spouse, or other close family members related to any City Officials or Department Heads? If yes, please explain: NO

Business relationship: Do you, your spouse, or any close family member currently have a business relationship with the City of Albion? If yes, please explain: NO

Convictions: Have you ever been convicted of any criminal violation? Have you ever been convicted of a felony while holding public office or public employment? If yes, please explain: NO

**REFERENCES:**

Name: Hazel Lias Relationship: Friend / Coworker

Telephone #: 629-5977

Name: Vivian Davis Relationship: Friend / Coworker

Telephone #: 517-250-3714  
Application for Membership

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\*\*\*\*\*

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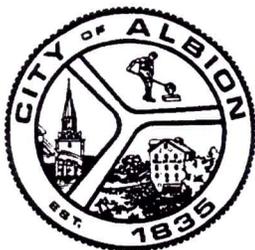
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I, Frances Ruth Valdés, certify that the information provided  
(Please Print)

in this application is, to the best of my knowledge, true and accurate.

Date of Birth: 10-23-48

Signature: Frances Ruth Valdés Date: November 13, 2017



## City of Albion

William L. Rieger Municipal Building  
112 West Cass Street • Albion, Michigan 49224  
(517) 629-5535 • Fax (517) 629-4168

### APPLICATION FOR MEMBERSHIP AND/OR REAPPOINTMENT ON CITY BOARDS OR COMMISSIONS

Mail or Deliver Completed Application to: City of Albion  
Garrett Brown, Mayor  
112 W. Cass Street  
Albion, MI 49224

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Name: Mark Allen Lelle

Home Address: 422 Elizabeth Street, Albion, MI 49224-2229 Telephone #: 517.414.6643 (cell)

Place of Employment: Self-employed consultant in evaluation and strategic planning

Business Address: 422 Elizabeth Street, Albion, MI 49224-2229 Telephone #: 517.414.6643 (cell)

E-Mail: [lelle.mark@gmail.com](mailto:lelle.mark@gmail.com) Fax: Not applicable

Title/Type of Work: Self-employed consultant in evaluation and strategic planning

Length of Residence in City: 31 years Own/Rent: Own US Citizen: Yes

Educational Background: PhD in Resource Development/Community Development from Michigan State University (1996). Dissertation title: *The Community Service Mission of the Private Liberal Arts College: A Study at Albion College*. Master of Science in Agricultural Education from Louisiana State University (1986). Bachelor of Science in Agricultural Education from Ohio State University (1984).

Community Activities: Founder, Greater Albion Habitat for Humanity; Vice President, Calhoun County Trailway Alliance; former Director of Albion Volunteer Service Organization and Albion Civic Life Project; former board member of Michigan Habitat for Humanity, Leadership Albion, Johnson Child Care and Development Center.



The following information and consent is necessary in order to conduct a proper review of your application for appointment. This information will be kept confidential.

\*\*\*\*\*

CONSENT AND CERTIFICATION

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I certify that I can and will, upon request, substantiate all statements made by me on this application; that such statements are true, complete and correct to the best of my knowledge. I understand that a false statement, dishonest answer, misrepresentation or omission to any question will be sufficient for rejection of my application, removal of my name from the eligible list or my immediate removal should such falsifications or misrepresentation be discovered after I am sworn in to any Board or Commission.

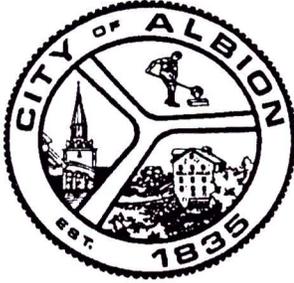
I, Mark A. Lelle, certify that the information provided  
(Please Print)

in this application is, to the best of my knowledge, true and accurate.

Date of Birth: January 29, 1960

Signature: Mark A. Lelle Date: 11/15/2017

It is the policy of the City of Albion to exercise its police power in order to ensure public safety, public health, and a person's general welfare. It is the intent of the City of Albion that no individual be denied equal protection of the laws, nor shall an individual be denied the enjoyment of his or her civil rights or be discriminated against because of actual or perceived age, color, disability, education, familial status, gender expression, gender identity, height, marital status, national origin, race, religion, sex, sexual orientation or weight.



# City of Albion

William L. Rieger Municipal Building  
112 West Cass Street • Albion, Michigan 49224  
(517) 629-5535 • Fax (517) 629-4168

## APPLICATION FOR MEMBERSHIP AND/OR REAPPOINTMENT ON CITY BOARDS OR COMMISSIONS

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City of Albion  
112 W. Cass Street  
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Name: (Frances) Ruth Valdes  
(First) (Middle) (Last)

Home Address: 1204 Crescent Telephone #: 517-629-4616

Place of Employment: retired

Business Address: — Telephone #: —

E-Mail: frvaldes1@sbcglobal.net Fax: —

Title/Type of Work: retired Teacher

Length of Residence in City: 47 years Own/Rent: own US Citizen: Y  N

Educational Background: BA, MA Western Michigan University  
I taught in Albion. I have worked for Wmu.

Community Activities: Albion School Board - VP, various leadership  
roles when teaching, Volunteer Humane Society, volunteer in  
SCHOOLS

List Board or Commission on which you are interested in serving (see detailed descriptions on the City of Albion website):

- 1) Planning Commission 2) \_\_\_\_\_
- 3) \_\_\_\_\_ 4) \_\_\_\_\_

Additional information on experience, qualifications, etc.:

- Served on Council in the 1980's
- Excellent communication skills / good listener
- Important relationships from teaching in Albion

Please comment briefly on why you wish to serve on a particular board or commission. Be specific as to your goals and ideas regarding how you wish to contribute to the work of the board or commission:

I could live anywhere, but I have chosen to  
live in Albion. I want to give back to this  
community. This city means a great deal to me.

Relationship to City Officials/Department Heads: Are you, your spouse, or other close family members related to any City Officials or Department Heads? If yes, please explain: NO

Business relationship: Do you, your spouse, or any close family member currently have a business relationship with the City of Albion? If yes, please explain: NO

Convictions: Have you ever been convicted of any criminal violation? Have you ever been convicted of a felony while holding public office or public employment? If yes, please explain: NO

**REFERENCES:**

Name: Hazel Lias Relationship: Friend / Coworker

Telephone #: 629-5977

Name: Vivian Davis Relationship: Friend / Coworker

Telephone #: 517-250-3714  
Application for Membership

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\*\*\*\*\*

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I, Frances Ruth Valdes, certify that the information provided  
(Please Print)

in this application is, to the best of my knowledge, true and accurate.

Date of Birth: 10-23-48

Signature: Frances Ruth Valdes Date: November 13, 2017

# City of Albion

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Name: Eric Dean Lange  
(First) (Middle) (Last)

Home Address: 810 Haven Road, Albion, MI 49224 Telephone #: 248-505-8558

Place of Employment: Retired

Business Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_

E-Mail: LangeHome.1@gmail.com (Personal) Fax: \_\_\_\_\_

Title/Type of Work: \_\_\_\_\_

Length of Residence in City: 6 years Own/Rent: Own US Citizen: Y Yes N \_\_\_\_\_

Educational Background: BA, with major in Economics and Business Administration, Albion College, 1970  
MBA with major in Accounting, Michigan State University, 1974

Community Activities: Finance Committee Chair for Albion First United Methodist Church  
Director of Kids "N" Stuff Museum Albion Sister City Committee AALL Curriculum Committee

List Board or Commission on which you are interested in serving (see detailed descriptions on the City of Albion website):

- 1) Albion Trust 2) \_\_\_\_\_
- 3) \_\_\_\_\_ 4) \_\_\_\_\_

Additional information on experience, qualifications, etc.:

Passed the entire CPA exam at the first sitting. Approx 5 years experience in State Government.

Nearly 30 years experience in banking, in internal audit and, later, regulatory compliance. The last 5 years were with Plante & Moran, providing specialized compliance consulting for bank clients.

Please comment briefly on why you wish to serve on a particular board or commission. Be specific as to your goals and ideas regarding how you wish to contribute to the work of the board or commission:

I believe I have the skills and integrity necessary to serve effectively as a trustee of the Albion Trust.

Relationship to City Officials/Department Heads: Are you, your spouse, or other close family members related to any City Officials or Department Heads? If yes, please explain: None

Business relationship: Do you, your spouse, or any close family member currently have a business relationship with the City of Albion? If yes, please explain: None

Convictions: Have you ever been convicted of any criminal violation? Have you ever been convicted of a felony while holding public office or public employment? If yes, please explain: None

**REFERENCES:**

Name: Pastor Leslee Fritz Relationship: Leslee is my Pastor at Albion FUMC.

Telephone #: Cell: 517-896-9096

Name: Rob Reed Relationship: Friend, President of AALL. Rob is an Albion native. His career in executive development took him far from home, but he and his wife, Gail, came back to Albion for retirement.

Telephone #: Home: 517-629-2430

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\*\*\*\*\*

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I, Eric Dean Lange, certify that the information provided (Please Print)

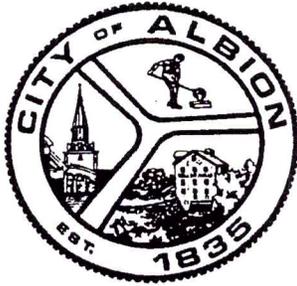
in this application is, to the best of my knowledge, true and accurate.

Date of Birth: December 1, 1948

Signature: Eric D. Lange

Date: Nov 20, 2017

EDC -  
Term to Expire  
7-1-2020



## City of Albion

William L. Rieger Municipal Building  
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Name: Shaun W. Wilson

Home Address: 366 Hillcrest Ave., Grosse Pointe Farms, MI 48236/Telephone #:(313) 530-7860

Place of Employment: Truscott Rossman

Business Address: 200 Renaissance Center, Suite 3160, Detroit 48236 Telephone #:(313) 393-1300

E-Mail: swilson@truscottrossman.com Fax: N/A

Title/Type of Work: Strategic Communications (Public Relations/Public Affairs)

Length of Residence in City: 6 Own/Rent: Own US Citizen: Yes

Educational Background: Wayne State University (BA in Public Relations, 1996)

Community Activities: Board Memberships: Michigan Strategic Fund, Michigan's Children, Music Hall Center for the Performing Arts, Detroit Public Television, Detroit Parent Network, Sphinx Organization, Mariners Inn, Cranbrook Institute of Science

*Application for Membership*

*Page 2 of 3*

List Board or Commission on which you are interested in serving (see detailed descriptions on the City of Albion website):

- 1) Albion Economic Development Corp. 2) \_\_\_\_\_  
 3) \_\_\_\_\_ 4) \_\_\_\_\_

Additional information on experience, qualifications, etc.: Nearly 10 years of banking and community development experience

Please comment briefly on why you wish to serve on a particular board or commission. Be specific as to your goals and ideas regarding how you wish to contribute to the work of the board or commission:

I was raised in Albion and very interested in being a part of Albion's economic revival. My goal would be to leverage my past economic development experiences, current communications background and community and business relationships on behalf of the city's revival efforts.

Relationship to City Officials/Department Heads: Are you, your spouse, or other close family members related to any City Officials or Department Heads? If yes, please explain: N/A

Business relationship: Do you, your spouse, or any close family member currently have a business relationship with the City of Albion? If yes, please explain: N/A

Convictions: Have you ever been convicted of any criminal violation? Have you ever been convicted of a felony while holding public office or public employment? If yes, please explain: N/A

**REFERENCES:**

Name: Earlie L. Dees Relationship: Cousin

Telephone #: (517) 474-0336

Name: Lenn Reid Relationship: Family Friend

Telephone #: (517) 629-2283

*Application for Membership*

*Page 3 of 3*

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\*\*\*\*\*

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I, Shaun W. Wilson, certify that the information provided  
(Please Print)

*in this application is, to the best of my knowledge, true and accurate.*

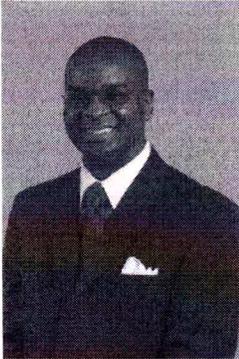
Date of Birth: 3-19-1969

Signature: Shaun W. Wilson Date: 11-21-2017

- [contact](#)

on

Shaun Wilson



**Shaun Wilson heads Truscott Rossman's Detroit office and serves a growing client list including DTE Energy, the Detroit Medical Center and the City of Detroit.**

Prior to joining the firm, Shaun was vice president, director of client and community relations, for PNC. Previously he was vice president, marketing manager for National City Bank in Southeast Michigan.

He also was managing partner of Wilson PR, a joint-venture strategic public relations and marketing firm representing top Detroit-area companies and organizations including The Bing Group, Global Automotive Alliance, Piston Group, Detroit Branch NAACP and Siemens VDO Automotive.

Before launching Wilson PR, he held the position of vice president at John Bailey & Associates Public Relations and was responsible for managing some of the firm's automotive and technology clients, as well as marketing and media relations counsel for EDS, Automotive Multimedia Interactive Collaboration (AMI-C) and GlobalView Technologies.

He is a state-appointed board member of the Michigan Economic Development Corp. Strategic Fund, and is a trustee/board member for the Music Hall Center for the Performing Arts, Detroit Parent Network, Voices for Michigan's Children, Mariner's Inn, Cranbrook Institute of Science, and the Sphinx Organization. He has a bachelor's degree in public relations from Wayne State University.

- E: [swilson@truscottrossman.com](mailto:swilson@truscottrossman.com)
- P: 313-393-1300

#### News and blog posts about Shaun

# DeTRoit

## Truscott Rossman making major moves in Detroit, adds to growing staff

Detroit – Truscott Rossman announced today several staffing moves that will allow the firm to significantly build on its growing...

February 23, 2015

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**City of Albion**  
 William L. Rieger Municipal Building  
 112 West Cass Street • Albion, Michigan 49224  
 (517) 629-5535 • Fax (517) 629-4168

**APPLICATION FOR MEMBERSHIP AND/OR REAPPOINTMENT  
 ON CITY BOARDS OR COMMISSIONS**

Mail or Deliver Completed Application to: City of Albion  
 Garrett Brown, Mayor  
 112 W. Cass Street  
 Albion, MI 49224

The information in this Application is requested to assist the Mayor and/or City Council in selecting individuals to serve on City Boards & Commissions. Completion of the Application and Consent and Certification is mandatory for consideration of appointment.

Thank you for your interest in serving on a City of Albion board or commission. The Albion City Council requires that every member of a board or commission meet the following qualifications:

- Appointee is not in default to the City (appointee does not have unpaid water/sewer bills, property taxes, income taxes)
- For most Boards & Commissions, appointee should be a resident of the City.

Name: George Wynn Stander  
 (First) (Middle) (Last)

Home Address: 1004 S LOCUST LANE Telephone #: 517-629-7072

Place of Employment: INGHAM COUNTY PROBATE COURT

Business Address: 313 W KATHLEEN ST, LANSING Telephone #: 517-483-6300

E-Mail: gstander@gabe.com Fax: \_\_\_\_\_

The Type of Work: COURT ADMINISTRATOR + PROBATE REGISTER

Length of Residence in City: 27 YRS Own/Rent: OWN US Citizen: Y & N

Educational Background: BS DACTINOMETRY MA UNIV WASH

PHD BROWN JD UNIV MICH

Community Activities: MYT, LIONS CLUB

List Board or Commission on which you are interested in serving (see attached descriptions):

1) PLANNING COMMISSION 2) \_\_\_\_\_

3) \_\_\_\_\_ 4) \_\_\_\_\_

Additional information on experience, qualifications, etc.:

Please comment briefly on why you wish to serve on a particular board or commission. Be specific as to your goals and ideas regarding how you wish to contribute to the work of the board or commission:

I HAVE SERVED ON THE COMMISSION FOR ABOUT 17 YEARS & ENJOY HELPING OUT IN THIS WAY

Relationship to City Officials/Department Heads: Are you, your spouse, or other close family members related to any City Officials or Department Heads? If yes, please explain: NO

Business relationship: Do you, your spouse, or any close family member currently have a business relationship with the City of Albion? If yes, please explain: NO

Convictions: Have you ever been convicted of any criminal violation? Have you ever been convicted of a felony while holding public office or public employment? If yes, please explain: NO

REFERENCES:

Name: WREBOG BUNDAKNER Relationship: FRIEND

Telephone #: 517-629-9531

Name: DEUNITA CARWIN Relationship: FRIEND

Telephone #: 517-629-9668

The following information and consent is necessary in order to conduct a proper review of your application for appointment. This information will be kept confidential.

CONSENT AND CERTIFICATION

I consent to the release of information concerning my ability and fitness for the position to which I seek appointment by my employer(s), school(s), law enforcement agencies, and other individuals and organizations to the City of Albion Office of the City Manager.

I hereby authorize the City of Albion to verify all the information I have provided on my application. I also agree to execute any additional written authorizations necessary for the City to obtain access to and copies of records pertaining to this information. I release the City of Albion and agencies who have released information from all liability arising from information given or received.

I certify that I can and will, upon request, substantiate all statements made by me on this application; that such statements are true, complete and correct to the best of my knowledge. I understand that a false statement, dishonest answer, misrepresentation or omission to any question will be sufficient for rejection of my application, removal of my name from the eligible list or my immediate removal should such falsifications or misrepresentation be discovered after I am sworn in to any Board or Commission.

I, Geoffrey STRANDER, certify that the information provided (Please Print)

in this application is, to the best of my knowledge, true and accurate

Date of Birth: 2/18/62

Signature: 

Date: Nov. 29, 2017

It is the policy of the City of Albion to exercise its police power in order to ensure public safety, public health, and a person's general welfare. It is the intent of the City of Albion that no individual be denied equal protection of the laws, nor shall an individual be denied the enjoyment of his or her civil rights or be discriminated against because of actual or perceived age, color, disability, education, familial status, gender expression, gender identity, height, marital status, national origin, race, religion, sex, sexual orientation or weight.

Resolution # 2017-48

A RESOLUTION TO Adopt THE FUTURE LAND USE & ZONING PLAN

December 4, 2017

Albion City Council Resolution to Adopt the Future Land Use and Zoning Plan.

WHEREAS the City of Albion must adopt a Future Land Use and Zoning Plan as part of the Comprehensive Plan in accordance with the Michigan Planning Enabling Act (Public Act 33 of 2008), and;

WHEREAS the Planning Commission has drafted a Future Land Use and Zoning Plan and allowed for a 63-day public comment period and has held public hearings on the document, and;

WHEREAS the City Council has held 3 public hearings during the 62-day public comment period and has reviewed the document, and;

WHEREAS the City Council recommends edits of the document to the Planning Commission for consideration, and;

WHEREAS the Planning Commission will approved the edits at the November 21, 2017 regular meeting, and made their final edits to the document and is now returned to City Council for final review and approval at the December 4, 2017 regular City Council meeting

**RESOLVED**, the Albion City Council adopts the Future Land Use and Zoning Plan and is hereby approved.

Date: December 4, 2017

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent:\_\_\_\_\_

I certify that this resolution was adopted by the City Council of the City of Albion on November 20, 2017.

\_\_\_\_\_  
Jill Domingo

City Clerk

## **CITY OF ALBION ORDINANCE 2018-1**

### **AN ORDINANCE TO AUTHORIZE MEDICAL MARIHUANA FACILITIES LICENSING AND REGULATIONS AND CREATE ARTICLE V OF CHAPTER 22 OF THE ALBION CODE OF ORDINANCES**

FINDINGS AND PURPOSE: The Michigan Legislature enacted Public Acts 281-283 of 2016 known as the Medical Marihuana Facilities Licensing Act. This Act sets forth the rules, regulations, and standards for five types of medical marihuana facilities authorized under Michigan law. In order for any of those facilities to operate within the City of Albion, the City must first enact an ordinance providing for the same. The City Council has previously authorized the licensing of four of the five allowable facilities. This ordinance outlines the standards, application process, licensing process, and penalties for violations.

THAT THE CODE OF ORDINANCES, CITY OF ALBION, MICHIGAN, IS HEREBY AMENDED BY ADDING ARTICLE V TO CHAPTER 22, WHICH READS AS FOLLOWS:

#### **CHAPTER 22, ARTICLE V: MEDICAL MARIHUANA FACILITIES**

##### **22-200. LEGISLATIVE INTENT.**

The purpose of this Chapter is to exercise the police regulatory and land use powers of the City of Albion by licensing and regulating, Grower Facilities, Safety Compliance Facilities, Processor Facilities and Secure Transporter to the extent permissible under State of Michigan and federal laws and regulations and to protect the public health, safety and welfare of the residents of the City of Albion; and as such, this Chapter constitutes a public purpose.

The City of Albion finds that the activities described in this Chapter are significantly connected to the public health, safety, security and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, policing, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

It is not the intent of this Chapter to diminish, abrogate or restrict the protections for medical use of Marihuana found in the Michigan Medical Marihuana Act or the Medical Marihuana Facilities Licensing Act.

##### **22-201. DEFINITIONS, INTERPRETATION AND CONFLICTS.**

For the purposes of this Chapter:

(A) Any term defined by the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 et seq., as amended ("MMMA") or the Medical Marihuana Facilities Licensing Act, 2016 PA 281, shall have the definition given in the MMMA, as amended, or the Medical Marihuana Facilities Licensing Act, as amended. If the

definition of a word or phrase set forth in this Chapter conflicts with the definition in the MMMA or the Medical Marihuana Facilities Licensing Act, or if a term is not defined but is defined in the MMMA or the Medical Marihuana Facilities Licensing Act, then the definition in the MMMA or the Medical Marihuana Facilities Licensing Act shall apply.

(B) Any term defined by 21 USC 860(E) referenced in this Chapter shall have the definition given by 21 USC 860(E).

(C) This Ordinance shall not limit an individual's or entity's rights under the MMMA or the Medical Marihuana Facilities Licensing Act. The MMMA and the Medical Marihuana Facilities Licensing Act supersede this Ordinance where there is a conflict between them.

(D) All activities related to Marihuana, including those related to, a Grower Facility, Secure Transporter, Processor Facility or a Safety Compliance Facility, shall be in compliance with the rules of the Medical Marihuana Licensing Board, the Michigan Department of Licensing and Regulatory Affairs or any successor agency, the rules and regulations of the City of Albion, and the MMMA and the Medical Marihuana Facilities Licensing Act.

(E) Any use which purports to have engaged in the cultivation or processing of Marihuana into a usable form, the transportation of marihuana between licensed facilities, or the testing of Marihuana either prior to or after enactment of this Chapter but without obtaining the required licensing set forth in this Chapter, shall be deemed to not be a legally established use and therefore not entitled to legal nonconforming status under the provisions of this Chapter and/or state law. The City of Albion finds and determines that it has not heretofore authorized or licensed the existence of any Medical Marihuana Facility, as defined herein, in the City of Albion.

(F) The following terms shall have the definitions given:

“Chapter” means this Chapter.

“City” means the City of Albion, Michigan.

“Council” or “City Council” means the City Council of the City of Albion, Michigan.

“Enclosed Locked Facility” means a closet, room, or other comparable, stationary, and fully enclosure, equipped with secured locks or other functioning security devices. Marihuana Plants grown outdoors are considered to be in an Enclosed Locked Facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or similar material that prevents access

by the general public and that is anchored, attached, or affixed to the ground and as defined in the MMMA.

“Grower” or “Grower Facility” means a commercial entity that cultivated, dries, trims or cures and packages Marihuana for sale to a Processor or Provisioning Center.

“License Application” refers to the requirements and procedures set forth in Sections 22-204 and 22-205.

“Marihuana Plant(s)” means any plant of the species Cannabis Sativa.

“Marihuana” means that term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

“Medical Marihuana Facility(ies)” means any facility, establishment and/or center that is required to be licensed under this Chapter, including a Provisioning Center, Grower, Processor, Safety Compliance Facility, and Secure Transporter.

“Ordinance” means the Ordinance adopting this Chapter.

“Person” means an individual, corporation, limited liability Company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

“Processor” or “Processor Facility” means a commercial entity that purchases Marihuana from a Grower and that extracts resin from the Marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a Provisioning Center.

“Provisioning Center” means a commercial entity that purchases Marihuana from a Grower or Processor and sells, supplies, or provides Marihuana to registered qualifying patients, directly or through the patients’ registered primary caregivers. Provisioning Center includes any commercial property where Marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department’s Marihuana registration process in accordance with the MMMA is not a Provisioning Center for the purposes of this Ordinance.

“Restricted/Limited Access Area” means a building, room or other area under the control of the licensee with access governed by the MMMA or other applicable state law.

“Safety Compliance Facility” means a commercial entity that receives Marihuana from a Medical Marihuana Facility or registered primary caregiver, tests it for

contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marihuana to the Medical Marihuana Facility.

“Secure Transporter” means a commercial entity that stores Marihuana and transports Marihuana between Medical Marihuana Facilities for a fee.

“Stakeholder” means with respect to a trust, the beneficiaries, with respect to a limited liability company, the managers or members, with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders, and with respect to a partnership or limited liability partnership, the partners, both general and limited.

“State” means the State of Michigan.

(G) Any term defined by the MMMA or the Medical Marihuana Facilities Licensing Act and not defined in this Chapter shall have the definition given in the MMMA or the Medical Marihuana Facilities Licensing Act.

## **22-203. LICENSE ALLOCATION AND ANNUAL FEES.**

(A) No Person shall operate a Grower Facility, Processor Facility, Secure Transporter, or Safety Compliance Facility in the City of Albion without first obtaining a license to do so from the City Clerk and the State of Michigan. The City Clerk, after approval from the City Council, shall issue the following number of licenses for medical marihuana facilities:

- |                                 |   |
|---------------------------------|---|
| a. Grower Facilities:           | # |
| i. Class A:                     | # |
| ii. Class B:                    | # |
| iii. Class C:                   | # |
| b. Processor Facilities:        | # |
| c. Secure Transporters:         | # |
| d. Safety Compliance Facilities | # |

The term of each license shall be one (1) year.

(B) The non-refundable application fee for a Medical Marihuana Facility license shall be established by the City Council by resolution.

(C) No license shall be issued by the City Clerk for the operation of a Provisioning Center within the City of Albion. Operation of a Provisioning Center within the City of Albion is expressly prohibited.

## **22-204. LICENSE APPLICATIONS SUBMISSION.**

(A) Application for each Medical Marihuana Facility license required by this Chapter shall be made in writing to the City Clerk, and must be approved by the City Council after receiving a recommendation submitted by the Planning Commission, and approved by the State of Michigan, prior to commencing operation. Upon the expiration of an existing license, a license will be automatically renewed by the City of Albion for one (1) year if: (1) there are no uncured administrative violations in the prior year; (2) the applicant has paid the annual licensing fee for the renewal period; (3) any Stakeholder changes have been fully disclosed to the City of Albion; and (4) the applicant has paid and received the renewal of its state license.

(B) An application for a Medical Marihuana Facility license required by this Chapter shall contain the following:

1. The appropriate non-refundable application fee and the refundable licensee fee in the amount per 22-203(B);
2. If the applicant is an individual, the applicant's name, date of birth, physical address, copy of government issued photo identification, email address, and one or more phone numbers, including emergency contact information;
3. If the applicant is not an individual, the names, dates of birth, physical addresses, copy of government issued photo identification, email addresses, and one or more phone numbers of each Stakeholder/shareholder/member of the applicant, including designation of the highest ranking Stakeholder/shareholder/member as an emergency contact person and contact information for the emergency contact person, articles of incorporation, assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, and a copy of the operating agreement of the applicant, if a limited liability company, a copy of the partnership agreement, if a partnership, or a copy of the by-laws or shareholder agreement, if a corporation or;
4. The name and address of the proposed Medical Marihuana Facility and any additional contact information deemed necessary by the City Clerk;
5. For the applicant, for each Stakeholder of the applicant, an affirmation under oath as to whether they are at least eighteen (18) years of age and have never been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any criminal offense under the laws of any jurisdiction, either felony or controlled substance related misdemeanor not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise, including the date, name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket

number, the offense, the disposition, and the location and length of incarceration;

6. Before hiring a prospective agent or employee of the applicant, and after, the holder of a license shall conduct a background check of the prospective employee. If the background check indicated a pending charge or conviction within the past ten (10) years for a controlled substance related felony, the applicant shall not hire the prospective employee or agent without written permission from the City Clerk;

7. A signed release authorizing the Albion Department of Public Safety to perform a criminal background check to ascertain whether the applicant, each Stakeholder of the applicant, each managerial employee and employee of the applicant meet the criteria set forth in this Ordinance;

8. The name, date of birth, physical address, copy of photo identification, and email address for any managerial employee or employee of the Medical Marihuana Facility, if other than applicant;

9. An affirmation under oath as to whether the applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action;

10. One of the following: (a) proof of ownership of the entire premises wherein the Medical Marihuana Facility is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this Chapter along with a copy of the lease for the premises;

11. Proof of an adequate premise liability and casualty insurance policy in the amount not exceeding the requirements addressed in the Medical Marihuana Facilities Licensing Act or applicable state laws, covering the Medical Marihuana Facility and naming the City of Albion as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees or subcontractors;

12. A description of the security plan for the Medical Marihuana Facility, including, but not limited to, any lighting alarms, barriers, recording/monitoring devices and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each piece of security equipment;

13. A floor plan of the Medical Marihuana Facility, as well as a scale diagram illustrating the property upon which the Medical Marihuana Facility is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped accessible;

14. An affidavit that neither the applicant nor any Stakeholder of the applicant is in default to the City. Specifically, that the applicant or Stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligations to the City;

15. An affidavit that the transfer of Marihuana to and from Medical Marihuana Facilities shall be in compliance with the MMMA and the Medical Marihuana Facilities Licensing Act or other applicable state laws:

16. A staffing plan;

17. Any proposed text or graphical materials to be shown on the exterior of the proposed Medical Marihuana Facility;

18. A patient education plan;

19. A business plan;

20. A location area map of the Medical Marihuana Facility and surrounding area that identifies the relative locations and the distances (closest property line to the subject Medical Marihuana Facility's building) to the subject Medical Marihuana Facility to the closest real property comprising a public or private elementary, vocational or secondary school; and church or religious institution if recognized as a tax-exempt entity as determined by the City Assessor or County Assessor's office;

21. A facility sanitation plan to protect against any Marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any Marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewerage system is prohibited;

22. Verification, with copies of actual bank statements, showing that the applicant has liquid funds in the applicant's name in the amount needed to complete the Medical Marihuana Facility, but in no event less than \$250,000.00, in immediate liquid, available funds;

23. As it relates to a Grower Facility, the following additional items shall be requested:

i. A Grower Plan that includes at a minimum a description of the Grower methods to be used, including plans for the growing mediums, treatments and/or additives;

ii. A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved Safety Compliance Facility will be selected, what type of testing will be required, and how the test results will be used;

iii. An affidavit that all operations will be conducted in conformance with the MMMA, the Medical Marihuana Facilities Licensing Act or other applicable state laws and such operations shall not be cultivated on the premises at any one time more than the permitted number of Marihuana Plants per the Michigan Medical Marihuana Act, as amended, and the Medical Marihuana Facilities Licensing Act;

iv. A chemical and pesticide storage plan that states the names of pesticides to be used in Growers and where and how pesticides and chemicals will be stored in the facility, along with a plan for the disposal of unused pesticides;

v. All Growers must be performed within an Enclosed Locked Facility which may include indoors or in an enclosed greenhouse.

(C) Upon receipt of a completed Medical Marihuana Facility application meeting the requirements of this Chapter and confirmation that the number of existing licenses does not exceed the maximum number established by resolution pursuant to Section 22-203(A), the City Clerk shall refer a copy of the application to each of the following for their review and approval: the City Attorney or his designee, the Chief of the Albion Public Safety Department or their designee, the Director of Planning and Development, and the City Finance Director or their designee. Once applications are verified by each department to be sufficiently complete and comprehensive, and no sooner, the City Clerk shall forward the applications to the Planning Commission for recommendation to the City Council.

(D) No application shall be approved unless:

1. The Public Safety Department or designee and the Office of Planning and Development or designee, have inspected the plans of the proposed location for compliance with all laws for which they are charged with enforcement;

2. The applicant, each Stakeholder of the applicant, and the managerial employees and employees of the applicant, have passed a criminal background check conducted by the Albion Department of Public Safety;

3. The Director of Planning and Development, has confirmed that the proposed location complies with the Zoning Ordinance;

4. The Finance Director or their designee has confirmed that the applicant and each Stakeholder of the applicant are not in default to the City;

5. The City Attorney or his designee has completed a detailed review of the Medical Marihuana Facility application for compliance with the applicable state laws and City Ordinances.

(E) If written approval is given by each individual or department identified in Subsection (a)-(e), the City Clerk shall submit the application to the Planning Commission for recommendation to the City Council for the issuing of a license to the applicant. All licenses issued are contingent upon the State of Michigan issuing a license for the operation under state law.

(F) Licensees shall report any other change in the information required by Subsection (b) to the City Clerk within ten (10) days of the change. Fees shall be set by Council Resolution for any Stakeholder added after the original Application is filed.

## **22-205. LICENSE APPLICATIONS EVALUATION.**

(A) The City Council and Planning Commission will assess all applications referred to it by the Planning Commission pursuant to Section 4 and 5.

(B) In its application deliberations, the City Council shall assess each application in each of the following categories:

1. The applicant's experience in operating other similarly licensed businesses.

2. The applicant's general business management experience.

3. The applicant's general business reputation.

4. The integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a Medical Marihuana Facility of the applicant.

5. The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

6. The sources and total amount of the applicant's capitalization to operate and maintain the proposed Medical Marihuana Facility.

7. Whether the applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violation, regardless of whether the offense has been expunged, pardoned, or reversed as appealed or otherwise.

8. Past convictions of the applicant involving any of the following, but limited to:

- i. gambling;
- ii. prostitution;
- iii. weapons;
- iv. violence;
- v. tax evasion;
- vi. fraudulent activity; and
- vii. serious moral turpitude.
- viii. Felony Drug Convictions

9. A felony or misdemeanor of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner;

10. Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy within the past seven (7) years;

11. Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state or local law that has been delinquent for one (1) or more years;

12. Whether the applicant has a history of noncompliance with any regulatory requirements in this State or any other jurisdiction;

13. As it related to operation of a Provisioning Center, the applicant's type of service and product that will be offered and the overall theme and atmosphere of the proposed Provisioning Center.

(C) The City Council shall assess each application with aforementioned categories Section 22-205(B)(1) through (13) and issue a license to the applicant most qualified and meets the most categories in this section.

(1) On and after February 1, 2018, the City shall accept applications for authorization to operate a medical marijuana facility within the City. Application shall be made on a City form and must be submitted to the City Clerk "Clerk"). Once the Clerk receives a complete application including the initial annual medical marijuana facility fee, the application shall be time

and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive conditional authorization to operate such medical marijuana facility within the City. Once the limit on the number of an authorized facility is conditionally reached, then any additional complete applications shall be held in consecutive time and date stamped order for future conditional authorization. Any applicant waiting for future conditional authorization may withdraw their submission by written notice to the Clerk at any time.

(2) Within thirty days from conditional authorization from the Township or from February 1, 2018, whichever is later, the conditionally authorized applicant must submit proof to the Clerk that the applicant has applied for prequalification from the state for a state operating license or has submitted full application for such license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in 22-203(1) herein.

(3) If a conditionally authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization will be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in 22-203(1) herein.

(4) A conditionally authorized applicant shall receive full authorization from the City to operate the medical marijuana facility within the City upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the medical marijuana facility in the City and the applicant has met all other requirements of this ordinance for operation including but not limited to any zoning approval for the location of the facility within the City.

(5) If a conditionally authorized applicant fails to obtain full authorization from the City within one year from the date of conditional authorization, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in 22-203(1) herein. The City Council shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the City Council finding good cause for the extension.

## **22-206. LICENSES GENERALLY.**

(A) To the extent permissible, all information submitted in conjunction with an application for a license or license renewal required by this Chapter is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq. Furthermore, no personal information concerning the applicant shall be submitted to the City Council.

(B) Licensees may transfer a license issued under this Chapter to a different location upon receiving written approval from the City Clerk. In order to request approval to transfer a license location, the licensee must make a written request to the City Clerk indicating the current license location and the proposed license location. Upon receiving the written request, the City Clerk shall refer a copy of the written request to each of the following for approval: the Albion Department of Public Safety, the Director of Planning and Development, the Finance Director or its designee, and the City Council. No license transfer shall be approved unless each such individual or department gives written approval that the licensee and the proposed license location meet the standards identified in this Ordinance.

(C) Licensees may transfer a license issued under this Chapter to a different individual or entity upon receiving written approval by the City Clerk. In order to request approval to transfer a license to a different individual or entity, the licensee must make a written request to the City Clerk, indicating the current licensee and the proposed licensee. Upon receiving the written request, the City Clerk shall consider the request as a new application for a license and the procedures set forth in this Ordinance and the Act shall be followed.

(D) Licensees shall report any other change in the information required by this Chapter to the City Clerk within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.

## **22-207. PROVISIONING CENTERS PROHIBITED.**

(A) Provisioning Centers are expressly prohibited from operating within the City of Albion.

## **22-208. MINIMUM OPERATIONAL STANDARDS OF GROWER FACILITY.**

The following minimum standards for a Grower Facility shall apply:

(A) The Grower Facility shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.

(B) The premises shall be open for inspection upon probable cause that a violation of this Chapter has occurred during the stated hours of operation and at such other times as anyone is present on the premises.

(C) Any Grower Facility shall maintain a log book and/or database indicating the number of Marihuana Plants. Each Marihuana Plant will be tagged as required by the MMMA and Medical Marihuana Facilities Licensing Act.

(D) All Marihuana shall be contained within an Enclosed Locked Facility.

(E) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the Grower, growing or harvesting of Marihuana are located.

(F) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Albion Department of Public Safety to ensure compliance with the Michigan Fire Protection Code.

(G) The dispensing of Marihuana at the Grower Facility shall be prohibited.

(H) All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty, including but not limited to: 1. Maintaining adequate personal cleanliness; 2. Washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated; 3. Refraining from having direct contact with Marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(I) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed.

(J) Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

(K) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.

(L) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

(M) Each Grower Facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

(N) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

(O) The Grower Facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.

(P) Exterior signage or advertising identifying the facility as a Grower Facility shall be prohibited.

(Q) Odor Control – No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity. A grower or processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.

a. A plan for ventilation of the medical marihuana facility that describes the ventilation systems that will be used to prevent any odor of medical marihuana off the premises of the business. For medical marihuana facilities that grow medical marihuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marihuana infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

b. Cultivated, produced, or distributed by a medical marihuana business. A medical marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marihuana business or at any adjoining use or property.

c. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such

materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

## **22-209. MINIMUM OPERATIONAL STANDARDS OF SAFETY COMPLIANCE FACILITY.**

The following minimum standards for the Safety Compliance Facility shall apply:

(A) The Safety Compliance Facility shall comply at all times and in all circumstances with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.

(B) Consumption and/or use of Marihuana shall be prohibited at the facility.

(C) The premises shall be open at all times to any Michigan Medical Marihuana Licensing Board investigators, agents, auditors, or the State Police, without a warrant and without notice to the licensee, to enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws is likely to be found and consistent with constitutional limitations for the following purposes:

1. To inspect and examine all premises of Medical Marihuana Facilities;
2. To inspect, examine and audit relevant records of the licensee and, if the licensee or any managerial employees or employees fail to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored;
3. To inspect the person and inspect or examine personal effects present in a Medical Marihuana Facility of any holder of State Operating License while that person is present in a Medical Marihuana Facility;
4. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.

(D) Any Safety Compliance Facility shall maintain a log book and/or database which complies with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.

(E) All Marihuana shall be contained within the building in an Enclosed Locked Facility in accordance with the MMMA, as amended, and Medical Marihuana Facilities Licensing Act or applicable state laws.

(F) There shall be no other accessory uses permitted within the same facility other than those associated with testing Marihuana.

(G) All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty.

(H) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed.

(I) Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

(J) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

(K) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

(L) Exterior signage or advertising identifying the facility as a Safety Compliance Facility shall be prohibited.

## **22-210. MINIMUM OPERATIONAL STANDARDS OF PROCESSOR FACILITY.**

The following minimum standards for the Processor Facility shall apply:

(A) The Processor Facility shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.

(B) Consumption and/or use of Marihuana shall be prohibited at the Processor Facility.

(C) All activity related to the Processor Facility shall be done indoors.

(D) The premises shall be open at all times to any Michigan Medical Marihuana Licensing Board investigators, agents auditors, or the State Police, without a warrant and without notice to the licensee, to enter the premises, offices, facilities or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act 21

or applicable state laws is likely to be found and consistent with constitutional limitations for the following purposes:

1. To inspect and examine all premises of Medical Marihuana Facilities;
2. To inspect, examine and audit relevant records of the licensee and, if the licensee or any managerial employees or employees fail to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored;
3. To inspect the person and inspect or examine personal effects present in a Medical Marihuana Facility of any holder of state operating license while that person is present in a Medical Marihuana Facility.
4. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.

(E) Any Processor Facility shall maintain a log book and/or database which complies with the MMMA, as amended, and Medical Marihuana Facilities Licensing Act or applicable state laws.

(F) All Marihuana will be tagged as required by the MMMA, the Medical Marihuana Facilities Licensing Act or applicable state laws.

(G) All Marihuana shall be contained within an Enclosed Locked Facility in accordance with the MMMA, as amended.

(H) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devices that support the processing of Marihuana are located.

(I) That portion of the structure where the storage of any chemicals shall be subject to inspection and approval by the Albion Department of Public Safety to insure compliance with the Michigan Fire Protection Code.

(J) The dispensing of medical Marihuana at the Processor Facility shall be prohibited.

(K) All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty, including but not limited to:

1. Maintaining adequate personal cleanliness;

2. Washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated;

3. Refraining from having direct contact with Marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(L) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed.

(M) Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

(N) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.

(O) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

(P) Each Processor Facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

(Q) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

(R) The Processor Facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.

(S) The Processor Facility shall produce no products other than usable Marihuana intended for human consumption.

(T) Exterior signage or advertising identifying the facility as a Processor Facility shall be prohibited.

(U) Odor Control – No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a

reasonable person of normal sensitivity. A grower or processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.

- i. A plan for ventilation of the medical marihuana facility that describes the ventilation systems that will be used to prevent any odor of medical marihuana off the premises of the business. For medical marihuana facilities that grow medical marihuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marihuana infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.
- ii. Cultivated, produced, or distributed by a medical marihuana business. A medical marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marihuana business or at any adjoining use or property.
- iii. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

## **22-211. MINIMUM OPERATIONAL STANDARDS FOR A SECURE TRANSPORTER**

The following minimum standards for a Secure Transporter shall apply:

- (A) A Secure Transporter shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- (B) Each driver transporting marihuana shall have a valid chauffer's license issued by the State of Michigan;
- (C) Each vehicle shall be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana;

- (D) A route plan and manifest shall be carried in the transporting vehicle and presented to a law enforcement officer upon request;
- (E) The marihuana being transported shall only be transported in 1 or more sealed containers and not be accessible while in transit.
- (F) A Secure Transporter shall not bear marking or other indication that it is carrying marihuana or a marihuana-infused product.
- (G) A Secure Transporter shall be subject to administrative inspection by a law enforcement officer, including but not limited to the Albion Department of Public Safety, at any point during the transportation of marihuana in the City of Albion to determine compliance with this Ordinance and the Medical Marihuana Facilities Licensing Act.

**22-212. LOCATION OF GROWER FACILITY, SAFETY COMPLIANCE FACILITY, PROCESSOR FACILITY AND SECURE TRANSPORTER.**

- (A) No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within one thousand (1000) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
- (B) All Grower Facilities shall be limited to the M-1-P, M-2, and M-2-P Zoning Districts. Safety Compliance Facilities shall be limited to the B-3, M-1-P, M-2, and M-2-P Zoning Districts. Secure Transporters shall be limited to the B-3, M-1-P, M-2, and M-2-P Zoning Districts. Processor Facilities shall be limited to B-3, M-1-P, M-2, and M-2-P Zoning Districts.

**22-213. DENIAL AND REVOCATION.**

(A) A license issued under this Chapter may be revoked after an administrative hearing at which the City Clerk determines that any grounds for revocation under Subsection (2) exists. Notice of the time and place of the hearing and the grounds for revocation must be given to the holder of the license at least five (5) days prior to the hearing, by first class mail to the address given on the License Application or any address provided pursuant to this Ordinance.

(B) A license applied for or issued under this Chapter may be denied or revoked on any of the following basis:

1. Violation of this Chapter;
2. Any conviction of or release from incarceration for a felony under the laws of this State, or any other State, or the United States, within the past five (5)

years by the applicant or any Stakeholder of the applicant as measured from the date of the application or the date of becoming a Stakeholder, whichever occurs later, or while licensed under this Chapter; or any conviction of a substance-related felony by the applicant or any Stakeholder of the applicant whenever or while licensed under this Chapter;

3. Commission of fraud or misrepresentation or the making of a false statement by the applicant or any Stakeholder of the applicant while engaging in any activity for which this Chapter requires a license;

4. Sufficient evidence that the applicant(s) lack, or have failed to demonstrate the requisite professionalism and/or business experience required to assure strict adherence to this Chapter and the rules and regulations governing the Medical Marihuana Program in the State of Michigan;

5. The Medical Marihuana Facility is determined by City of Albion to have become a public nuisance;

6. The Michigan Medical Marihuana Licensing Board has denied, revoked or suspended the applicant's State License.

#### **22-214. PENALTIES AND DISCIPLINE.**

(A) The City of Albion may require an applicant or holder of license of a Medical Marihuana Facility to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this Chapter. Failure to provide the required material may be grounds for application denial, license revocation, or discipline.

(B) Any Person in violation of any provision of this Chapter or any provision of a license issued under this Chapter, is responsible for a misdemeanor, punishable by a fine of up to \$500.00 plus costs of prosecution, ninety (90) days imprisonment, or both, for each violation. This section is not intended to prevent enforcement of any provision of the state law by the Albion Department of Public Safety.

(C) All fines imposed under this Chapter shall be paid within forty-five (45) days after the effective date of the order imposing the fine or as otherwise specified in the order;

(D) The City Clerk may temporarily suspend the Medical Marihuana Facility license without a hearing if the City Clerk finds that public safety or welfare requires emergency action. The City Clerk shall cause the temporary suspension by issuing a Suspension Notice in connection with institution of proceedings for a hearing.

(E) If the City Clerk temporarily suspends a license without a hearing, the holder of the license is entitled to a hearing within thirty (30) after the Suspension Notice has been issued. The hearing shall be limited to the issues cited in the Suspension Notice.

(F) If the City Clerk does not hold a hearing within thirty (30) days after the date of suspension was issued, then the suspended license shall be automatically reinstated and the suspension vacated.

(G) In addition to any other remedy available at law, the City of Albion may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.

This Ordinance shall take effect February 1, 2018 after publication.

First Reading:  
December 18, 2017

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_

Second Reading & Adoption:  
January 1, 2018

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_

\_\_\_\_\_  
Jill Domingo,  
City Clerk

\_\_\_\_\_  
Garrett Brown,  
Mayor

## Jill Domingo

---

**To:** Harry Longon  
**Subject:** RE: St . Name Signs installed for 2017

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**From:** Harry Longon  
**Sent:** Thursday, November 30, 2017 10:59 AM  
**To:** Jill Domingo <jadomingo@cityofalbionmi.gov>; Jim Lenardson <jlenardson@cityofalbionmi.gov>; Sheryl Mitchell <smitchell@cityofalbionmi.gov>  
**Subject:** St . Name Signs installed for 2017

Below is the number of St. Name signs installed for 2017.

1. E. Walnut & S. Superior
2. Fitch & E. Michigan Ave.
3. High & N. Berrien
4. S. Albion & W. Erie
5. N. Berrien & Porter
6. S. Eaton & Elm
7. E. North & N. Mingo
8. E. North & N. Clark
9. Ionia & Ash
10. S. Berrien & E. Porter

Total signs are 20 installed

We are hoping to install more before the end of the year.

Thanks,

**Harry A. Longon, Sr.**  
Deputy Director Public Services  
112 West Cass Street  
Albion, Mi. 49224

[hlongon@cityofalbionmi.gov](mailto:hlongon@cityofalbionmi.gov)  
517.629.3610 (office)  
517.204.8981 (cell)  
517.629.9530 (fax)

*This message and all contents and attachments have been prepared on resources owned by the City of Albion, MI and may contain information that may be privileged, confidential, law enforcement sensitive, or otherwise subject to other disclosure limitations. Such information is loaned to you and should not be further disseminated without the permission of the City of Albion. If you are not the*

RESOLUTION #2017-49

To exempt the City of Albion from the Requirements of the Michigan Publicly Funded Health Insurance Contribution Act from January 1, 2018 through December 31, 2018.

Purpose and Finding: Pursuant to Act No. 152 of the Michigan Public Acts of 2011, Section three (3), a public employer that offers or contributes to a medical benefit plan for its employees or elected officials shall pay no more of the annual costs or illustrative rate and any payments for reimbursement of co-pays, deductibles, or payments into health savings accounts, flexible spending accounts, or similar accounts used for health care costs, than a total amount equal to \$5,500.00, times the number of employees with single person coverage; plus \$15,000.00, times the number of employees with family coverage, for a medical benefit plan coverage year beginning on or after January 1, 2012. Act No. 152 further provides in Section four (4), subsections one (1) and (2) that, in the alternative, by a majority vote of its governing body, a public employer may elect to comply with Section four (4) of this act for a medical benefit plan coverage year instead of the requirements in Section three (3) and elect to pay no more than eighty (80%) percent of the total annual costs of all of the medical benefit plans it offers or contributes to for its employees and elected public officials. Additionally, Section three (3), subsection one (1) provides that by a two-thirds (2/3) vote of its governing body each year, a local unit of government may exempt itself from the requirements of Act No. 152 for the next succeeding year. Based upon information presented to the City Council, the City of Albion now elects to exempt itself from the requirements of Act No. 152 for the 2018 year.

Council Member \_\_\_\_\_ moved, supported by Council Member \_\_\_\_\_, to approve the following resolution

RESOLVED, that pursuant to Section eight (8) of Act No. 152 of the Michigan Public Acts of 2011, the Albion City Council hereby orders that the City of Albion exempts itself from the requirements of Act No. 152 of the Michigan Public Acts of 2011 from January 1, 2018 through December 31, 2018.

I hereby certify that the above resolution was adopted on December 4, 2017 in a regular session of the Albion City Council, and this is a true copy of that resolution.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Absent \_\_\_\_\_

\_\_\_\_\_  
Jill Domingo, Clerk

December 4, 2017

## Jill Domingo

---

**From:** Sheryl Mitchell  
**Sent:** Thursday, November 30, 2017 2:52 PM  
**To:** Jill Domingo  
**Subject:** FW: Mayor's Office Computer

Jill – this is the communication that have from Scott to Council.

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**From:** Scott Kipp  
**Sent:** Tuesday, February 7, 2017 4:26 PM  
**To:** Stacey Levin <slevin@cityofalbionmi.gov>; Sheryl Mitchell <smitchell@cityofalbionmi.gov>  
**Subject:** Mayor's Office Computer

A new computer has been placed in the mayor's office along with a printer for council use. I had to create logins to the computer for each council member along with email accounts. Your precinct account is a forwarding account only so no email is saved that passes through it. All of your email is now forwarded to your personal email along with your new city account. This will help with any FOIA concerns regarding emails you have received, but it will not record those emails you send unless you address it to the city account as well. If you have any questions or concerns please let me know and I would be happy to assist you with accessing the computer. Below is your login and password. I strongly suggest you change your password once you log into the computer. This can be done by clicking Ctrl+Alt+Delete at the same time and then selecting change password.

Chief Scott Kipp  
Albion Public Safety  
112 W Cass St  
Albion, MI 49224  
517-629-2473



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## Resource Packet

### Freedom of Information Act Changes

Effective July 1, 2015

#### Contents:

- 1) One Pager *Plus* Fact Sheet  
(Overview of changes to FOIA)  
Courtesy of Steve Mann of Miller Canfield law firm
- 2) Article, *The Review*, May-June 2015,  
“Significant Changes to Michigan’s FOIA Take  
Effect July 1<sup>st</sup>”  
By Steve Mann and Cassie Hare
- 3) Sample Summary of the Act  
(Required under the new Act);  
Courtesy of Clyde Robinson, Kalamazoo city attorney
- 4) Sample Procedures and Guidelines  
(Required under the new Act)  
Courtesy of Clyde Robinson, Kalamazoo City Attorney
- 5) Sample Fee Itemization Form  
Courtesy of Steve Mann of Miller Canfield law firm
- 6) Sample Fee Itemization Form  
Courtesy of Mike Fisher, Livonia Chief Assistant City Attorney
- 7) Act 426 of 1976, amended  
The Freedom of Information Act with the new amendments  
incorporated.  
Courtesy of Mike Fisher, Livonia Chief Assistant City Attorney

## Introduction

Michigan governmental entities will face significant new regulations on how they charge for responses to Freedom of Information Act (FOIA) requests beginning July 1, 2015. New legislation approved during the Legislature's final session day of 2014 will require public bodies to establish specific written procedures and guidelines for FOIA requests, including a separate written summary informing the public on how to submit FOIA requests, how to understand the public body's responses to FOIA requests, deposit requirements, fee calculations, and avenues for challenging and appealing the public body's denial of a request. The governor signed the new legislation into law as PA 563 of 2014.

## Summary of the legislation

If a public body administers or maintains an internet presence, then it is required to post the procedures, guidelines, and written summary on its website. Public bodies are also required to provide free copies of the procedures, guidelines, and written summary upon request, and are required to include a free copy, or a website link to the policies, in all FOIA responses.

The procedures and guidelines must include a standard form to detail the itemization of any fee the public body estimates or charges under FOIA. The itemization must clearly list and explain each of the six fee components authorized under the new legislation, which include several categories of labor costs associated with producing public records, whether in paper or electronic form; costs of non-paper physical media used to produce public records (e.g., DVDs, flash drives); copying costs; and postage costs.

The new legislation also:

- Allows FOIA requestors to require that the public body provide records on non-paper physical media, by e-mail, or otherwise electronically provided, so long as the public body has the technological capability necessary to provide records on the particular media stipulated by the requestor.
- Prohibits a public body from charging more than \$0.10/sheet for paper copies of public records (excluding labor costs).
- Allows a public body to charge for contractual services required to perform separation and deletion of exempt information from nonexempt information if the public body does not employ a person capable of such activity. The public body may not charge more than an amount equal to six times the state minimum hourly wage rate for such contractual services.
- Allows a public body to add up to 50 percent to the applicable labor charge to cover or partially cover the cost of employee fringe benefits.
- Allows a public body to inform a FOIA requestor that requested information is available on the public body's website, in lieu of providing the public records, so long as the records were available on the website at the time of the request.
- Requires public employees receiving verbal requests for information that is available on the public body's website, to inform the requestor of the pertinent website address.
- Requires a public body, in certain circumstances, to reduce its charges for labor costs in responding to FOIA request if the public body has not responded in a timely manner.

- Allows a public body, under certain circumstances, to require a 100 percent deposit before processing a request from individuals who have not paid the public body for public records acquired pursuant to previous FOIA requests.
- Increases mandatory punitive damages to be awarded to a plaintiff from \$500 to \$1,000, and mandates a new \$1,000 civil fine which a court must award if it finds the public body has arbitrarily and capriciously violated the Act.
- Requires a court to impose an additional civil fine of \$2,500 to \$7,500 if it finds the public body willfully and intentionally failed to comply with the Act or otherwise acted in bad faith.

This publication was provided by the law firm of Miller Canfield.

# Significant Changes to Michigan's FOIA Take Effect July 1st



By Steven D. Mann and Cassie J. Hare

**B**eginning July 1, 2015, significant new regulations take effect governing how public bodies administer and respond to requests under the Freedom of Information Act, PA 442 of 1976 (FOIA). The changes are the result of HB 4001, which was approved during the Legislature's final session day of 2014, and was signed into law by Governor Snyder on January 11, 2015 as PA 563 of 2014 (the "Amendment"). Changes of this magnitude are unprecedented in FOIA's nearly 40-year history. The changes impact nearly every area of FOIA, including local policies required for FOIA administration, fees categories and methods of calculation, good-faith deposits and fee waivers, records available on the public body's website, and the appeal process, including significant new penalties.

## Newly Required Procedures and Guidelines

The most significant change made by the Amendment is that public bodies will be required to establish specific written Procedures and Guidelines (the "Procedures and Guidelines") to implement FOIA, including a standard fee itemization form, and separate written public summary. If the public body directly or indirectly administers or maintains an internet presence, the public body is required to post the Procedures and Guidelines on its website. A public body that has not established these Procedures and Guidelines or has not created a written public summary is prohibited from charging a fee for

providing public records. Free copies of the Procedures and Guidelines must be available at the public office.

The written public summary must be written "in a manner so as to be easily understood by the general public," and must inform the public "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."

All responses to written FOIA requests must include the standard fee itemization form detailing any fee charged to the requestor. The form must clearly list and explain detailed and allowable charges for each of FOIA's new six fee components. In addition, a free copy of the Procedures and Guidelines must be included with the response, or a link to the website where the Procedures and Guidelines are available.

## New Fee Categories and Methods for Calculations

Another significant area of change is the categories and manner in which fees may be charged. The Amendment establishes six fee components for which a public body may charge, generally requires labor costs to be charged in increments of fifteen minutes, permits a multiplier to be applied to cover part of all of the cost of fringe benefits, and in certain cases allows charges for contracted labor costs. The fee components are as follows:

## 1 Labor Costs—Search, Location, and Examination of Public Records<sup>1</sup>

The labor costs that are directly associated with the necessary search, location, and examination of public records are limited to the hourly wage of the lowest-paid employee of the public body that is capable of performing the task in each particular instance, regardless of whether that employee is available to or actually performs the task. The public body may add up to 50 percent to the labor charge to cover the cost of fringe benefits, not to exceed the actual cost of the fringe benefits. This percentage multiplier used for fringe benefits must be noted on the itemization form. The public body may not charge for overtime unless it is specifically stipulated to by the requestor. The labor cost must be charged in increments of 15 minutes or more, and all partial time must be rounded down.

## 2 Labor Costs—Redaction

Similar to search, location, and examination, the labor costs associated with separating and redacting exempt information from non-exempt information are limited to the hourly wage of the lowest-paid employee of the public body that is capable of performing the task in each particular instance, regardless of whether that employee is available to or actually performs the task. The public body may add up to 50 percent to the labor charge to cover the cost of fringe benefits, not to exceed the actual cost of the fringe benefits. This percentage multiplier used for fringe include a completed detailed itemization of the good-benefits must be noted on the itemization form. The public body may not charge for overtime unless it is specifically stipulated to by the requestor. The labor cost must be charged in increments of 15 minutes or more, and all partial time and must be rounded down.

If the public body does not employ a person capable of redacting the records, as determined by the FOIA Coordinator, the public body may charge for contracted labor. The fee itemization form must list the name of the person or firm contracted and the hourly rate charged for contracted labor may not exceed six times the state minimum wage. The contracted labor costs must be charged in increments of 15 minutes or more, and all partial time must be rounded down.

In either case, if the public body knows or has reason to know that the requested public record has previously been redacted and the redacted version is still the public body's possession, in the public body may not charge for labor redaction costs.

## 3 Cost of Non-Paper Physical Media

The Amendment allows a requestor to require the public body to provide the records on non-paper physical media, by email, or otherwise by electronic means. The public body may charge the actual and most reasonably economical cost for the non-paper physical media used to provide the public records.

Non-paper physical media includes flash drives, computer discs, computer tapes, or other digital or similar media. These provisions do not apply if the public body does not have the technological capability necessary to provide records in the requested electronic format.

## 4 Cost of Paper Copies

The public body may charge for the actual incremental cost of duplicating the public records, not including labor costs. The fee charged for letter (8 ½" x 11") or legal (8 ½" x 14") size paper may not exceed \$0.10 per sheet. The public body may charge the actual cost for other types of paper. The fee itemization form must include both the cost per sheet and the number of sheets for each type of paper. The Amendment requires the public body to use the most economical means available when providing paper copies, including using double-sided printing if available and less costly.

## 5 Labor Costs of Duplication and Publication

The public body is also authorized to charge for labor costs directly associated with the duplication and 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 stipulated by the requestor. The labor costs are limited to the hourly wage of the lowest-paid employee of the public body that is capable of performing the task in each particular instance, regardless of whether that employee is available to or actually performs the task. The public body may add up to 50 percent to the labor charge to cover the cost of fringe benefits, not to exceed the actual cost of the fringe benefits. This percentage multiplier used for fringe benefits must be noted on the itemization form. The public body may not charge for overtime unless it is specifically stipulated to by the requestor. Unlike the other labor costs, labor costs for duplication and publication may be charged in any time increment chosen by the public body and identified in its Procedures and Guidelines. All partial time is still required to be rounded down.

## 6 Cost of Mailing

The final component for which a public body may charge is the actual cost of mailing the documents in a "reasonably economical and justifiable manner." The public body may only charge for expedited shipping or insurance if it is stipulated by the requesting person. The public body is allowed to charge for the least expensive form of postal delivery confirmation.



Steven Mann explaining FOIA changes to Capital Conference attendees

**Fee Waivers.** Currently FOIA requires a public body to waive the first \$20 of a charge for completing a FOIA request for public records from a person who is indigent if that individual provides an affidavit stating the individual is receiving public assistance or stating facts showing inability to pay due to indigence. The Amendment places additional restrictions on this waiver requiring the affidavit to state that the individual is indigent and receiving specific public assistance, or stating facts showing the inability to pay due to indigency. The Amendment also limits an indigent individual to receiving two discounts from the public body per calendar year. The Amendments also provide that an indigent individual is ineligible for a discount if the request is made in conjunction with other parties who are offering remuneration.

The Amendment also provides for a fee waiver category for certain requests made by nonprofit organizations designated by the state to carry out activities under subtitle C of the 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. There are no annual limits for fee waivers for these nonprofit organizations.

The fee itemization form must note any waivers granted for the request.

**Deposits.** A public body may continue to require a good faith deposit, not to exceed one-half the total estimated fee, for request where the fee estimate exceeds \$50. However, requests for deposits are now required to faith fee calculation and a “non-binding” “best efforts estimate” of the time frame it will take the public body to provide the public records to the requestor once the deposit is received.

The Amendment now permits a public body to require a 100 percent deposit from an individual who has not paid a previous FOIA fee in full to the public body before the public body begins another search for that individual. This 100 percent deposit may only be required if (i) the prior final fee was not more than 105 percent of the estimated fee, (ii) the public records made available contained the information being sought in the prior request and are still in the public body’s possession, (iii) the public records were made available to the individual within the time frame originally estimated by the public body, (iv) 90 days have passed since written notifica-

tion that the records were available, (v) the individual is unable to show proof of prior payment, and (vi) the public body calculates a detailed itemization of the current request. The 100 percent deposit requirement is inapplicable if the individual is able to show proof of prior payment in full, the public body is subsequently paid in full, or 365 days have passed since the individual made the written request for which payment was not made.

All deposits required under FOIA are considered a fee and must be noted on the itemization form. Categorizing deposits as fees allows individuals certain appeal rights under FOIA with respect to the deposit.

### Mandated Fee Reduction for Late Responses

The Amendment mandates that if public bodies fail to respond to requests in a timely manner as required by FOIA, they must reduce the charges for labor costs by 5 percent for each day the public body exceeded the time limit, up to a maximum of 50 percent reduction. This reduction must be noted in the fee itemization form. There are certain exceptions for requests which are not clearly identifiable as a FOIA request.

### Information Available on the Public Body’s Website

If a written request is made for documents or information that is available on the public body’s website, the public body may not charge for those documents. Instead, if the public body’s FOIA Coordinator knows or has reason to know that all or a portion of the requested information is available on the website, he or she must notify the requesting person in the public body’s written response and must include, to the degree practicable, the specific webpage address. The fee itemization form must separate the information that is available on the website from that which is not and shall inform the requestor that there will be an additional charge to receive copies of public records that are available on its website. If the requestor then requests the information be provided, the public body may charge for providing the records and may use a fringe benefit multiplier that exceeds the standard 50 percent multiplier (not to exceed the actual fringe benefit cost).

### Verbal Requests

While a requestor is required to provide a written request in order to receive a response from a public body regarding FOIA, the Amendment provides limited ability to make a verbal request. Under the Amendment, if a verbal request is made and the public body believes the information requested is available on the public body’s website, the public body employee is required, to the best of his or her knowledge, to inform the requestor about the website location of the requested information.

## Requests Caught in Spam or Junk Folder

The Amendments provide new provisions for electronic requests delivered to the public body's spam or junk mail folder. Electronic requests are generally considered "received" one business day after the transmission is made. However, the Amendments provide that if a request is delivered to the public body's spam or junk mail folder, the request is not considered "received" until one day after the public body first becomes aware of the request. The public body is required to keep a log detailing when requests are delivered to the spam or junk mail folder and when the public body becomes aware of them. The public body's Procedures and Guidelines should require the FOIA coordinator to periodically check the spam and junk folders at reasonable intervals.

## Appeals

Once the Amendments take effect, requestors will have two appeal options under FOIA. The first is for the appeal of a denial of a request for public records. The second is a new appeal process for an appeal of an excessive fee. FOIA did not previously provide a method for appealing an excessive fee and fee appeals therefore were generally brought as small claim or circuit court actions.

For both denial of records and excessive fee appeals, the Amendments require any civil action to be filed in the Circuit Court for the county in which the public record or an office of the public body is located, or if the claim is against a state public body, then in the Court of Claims. This is a welcomed change from the prior provisions which allowed requestors to file in jurisdictions where they lived or worked, and sometimes resulted in public bodies facing claims in courts geographically unrelated to their offices or the location of the public records.

The Amendments allow the public body to require (in its Procedures and Guidelines) that appeals for excessive fees must first be brought before the head of the public body, or in the absence of such a provision, directly in the Circuit Court.

**"Changes of this magnitude are unprecedented in FOIA's nearly 40-year history. The changes impact nearly every area of FOIA, including local policies required for FOIA administration, fees categories and methods of calculation, good-faith deposits and fee waivers, records available on the public body's website, and the appeal process, including significant new penalties."**

Fee appeals to the head of the public body must be responded to within 10 business days with a determination to either waive, reduce, or uphold the fee. In certain circumstances, the head of the public body may extend the response time by an additional 10 business days. Fee appeal determinations must be in writing and must indicate the specific basis that supports the fee amount, along with other certifications required by the Amendments. After a determination is made by the head of the public body, or if there is a failure to respond to the appeal, the requestor may file an action in the Circuit Court. If the court reduces the fee by 50 percent or more, it may award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. If the court determines that the public body arbitrarily and capriciously violated FOIA by charging an excessive fee, the court shall order a civil fine of \$500, to be deposited in the general fund of the state treasury, and the court may also award actual or compensatory damages, and punitive damages of \$500 to the requestor. If the court finds the public body willfully and intentionally failed to comply with FOIA, or acted in bad faith, it must impose a civil fine in the amount of \$2,500-\$7,500 for each occurrence, such fine also being deposited in the general fund of the state treasury.

**Visit [mml.org](http://mml.org) for the League's One Pager *Plus Fact Sheet with sample summary, policy and guidelines, and fee itemization form.***



## 2015 LEAGUE EVENT

### CHANGES TO THE **FREEDOM OF INFORMATION ACT**

The Public Act 563 of 2014 (HB 4001) makes significant changes to the Freedom of Information Act (FOIA). The changes concern fees charged by public bodies for public records, civil actions brought under the Act, and the receipt and denial of requests; and would add provisions allowing a person to appeal to a public body or bring a civil action if he or she believed that a fee was unreasonable. This is a must-attend webinar for all local government attorneys, clerks and other officials.

#### **WEBINAR • MAY 21, 2015**

Visit [www.mml.org/events/calendar](http://www.mml.org/events/calendar) to register.

## Conclusion

The Amendment brings a wide range of changes to Michigan's FOIA. This article discussed the most significant changes to FOIA as a result of PA 563, but is not intended as a complete or comprehensive guide to all changes. Public bodies are encouraged to consult with their own legal counsel regarding the new requirements and policy implementations. Public bodies must adopt FOIA Procedures and Guidelines before July 1, 2015. 

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1. Labor costs for search, location, examination and redaction (fee categories 1 and 2) may not be charged unless the failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs. The Court of Appeals has interpreted this provision to require that the determination be made relative to the usual or typical costs incurred by the public body in responding to FOIA requests. The key factor in determining whether the costs are "unreasonably high" is the extent to which the particular request differs from the usual request. *Bloch v Davison Cmty Schools*, (Mich.App. Apr. 26, 2011), 2011 WL 1564645.



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## **CITY OF KALAMAZOO**

### **WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES**

Consistent with Public Act 563 of 2014 amending the Michigan Freedom of Information Act (FOIA), the following is the Written Public Summary of the City's FOIA Procedures and Guidelines relevant to the general public.

#### **1. How do I submit a FOIA request to the City of Kalamazoo?**

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City of Kalamazoo must be submitted in writing.
- A request must sufficiently describe a public record so as to enable the City to find it.
- No specific form to submit a written request is required. However a FOIA Request form for your use and convenience is available on the City's website at [www.cityofkalamazoo.org](http://www.cityofkalamazoo.org)
- Written requests can be made in person by delivery to any City office in person or by mail.
- Requests can also be made by facsimile by calling 269-XXX-XXXX for non-Public Safety records and 269-XXX-XXXX for Public Safety records.
- A request may also be submitted by e-mail. To ensure a prompt response, e-mail requests should contain the term "FOIA" or "FOIA Request" in the subject line and be sent to [XYZ@kalamzoocity.org](mailto:XYZ@kalamzoocity.org)

*Note: If you are serving a sentence of imprisonment in a local, state or federal correctional facility you are not entitled to submit a request for a public record.*

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

- Within 5 business days of receipt of a FOIA request the City will issue a response. If a request is received by facsimile or e-mail the request is deemed to have been received on the following business day. The City 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 City needs an additional 10 business days to respond.
  - Issue a written notice indicating that the public record requested is available at no charge on the City's website.
- If the request is granted, or granted in part, the City 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 City will require a deposit before processing the request.

#### **3. What are the City's fee deposit requirements?**

- If the City has made a good faith calculation that the total fee for processing the request exceeds \$50.00, the City will require that you provide a deposit in the amount of 50% of the total estimated fee. When the City requests the deposit it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the City of your deposit.

- If the City receives a request from a person who has not paid the City for copies of public records made in fulfillment of a previously granted written request, the City 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 City's possession;
  - the public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
  - 90 days have passed since the City 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 City; and
  - the City has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The City 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 City;
  - the City is subsequently paid in full for all applicable prior written requests; or
  - 365 days have passed since the person made the request for which full payment was not remitted to the City.

#### **4. How does the City calculate FOIA processing fees?**

- A fee will not be charged for the 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 City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs.
- The Michigan FOIA statute permits the City to assess and collect a fee for six designated processing components. The City may charge for the following costs associated with processing a request:
  - Labor costs associated with searching for, locating and examining a requested public record.
  - Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
  - The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media.
  - The cost of duplication or publication, not including labor, of paper copies of public records.
  - Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
  - 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.
  - Labor costs will be charged at the hourly wage of the lowest-paid City 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.
  
- Non-paper 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 only be assessed if the City 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 reflect the actual cost of reproduction.
  - The City may provide records using double-sided printing, if cost-saving and available.
  
- Mailing Costs
  - The cost to mail public records will use a reasonably economical and justified means.
  - The City may charge for the least expensive form of postal delivery confirmation.
  - No cost will be made for expedited shipping or insurance unless requested.

**5. How do I qualify for a reduction of the processing fees?**

- The City may waive or reduce the fee associated with a request when City determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.
  
- The City will waive the first \$20.00 of the processing fee 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 indigency.
  
- You are not eligible to receive the \$20.00 waiver if you:
  - have previously received discounted copies of public records from the City 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 City has provided an Affidavit of Indigency form for the waiver of FOIA fees on its website.
- The City will waive the fee for a nonprofit organization which meets all of the following conditions:
  - the organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act;
  - the request is made directly on behalf of the organization or its clients;
  - the request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and
  - the request is accompanied by documentation of the organization's designation by the State

**6. 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 file an appeal of the denial with the Office of the Mayor. 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.

Within 10 business days of receiving the appeal the Mayor 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 Mayor, you may file a civil action in Kalamazoo County Circuit Court within 180 days after the City's final determination to deny your request. Should you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1000.00

- Appeal of an Excessive FOIA Processing Fee  
 If you believe that the fee charged by the City to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the Office of the Mayor. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the Mayor 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 Mayor will respond to the written appeal.

Within 45 days after receiving notice of the Mayor's determination of the processing fee appeal, you may commence a civil action in Kalamazoo 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 City acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.00.

**Need more details or information?**

This is only a summary of the City of Kalamazoo's FOIA Procedures and Guidelines. For more details and information, copies of the City of Kalamazoo's FOIA Procedures and Guidelines are available at no charge at any City office and on the City's website, [www.kalamazoo.org](http://www.kalamazoo.org).

**DISCLAIMER:** This document is intended only as example of how a municipality might attempt to comply with the FOIA requirements set forth by 2014 Public Act 563. It is not intended as legal advice and should not be relied upon as such. It is being provided in furtherance of the mission of the Michigan Municipal League to provide educational opportunities and administrative assistance to elected and appointed officials of municipalities. –Clyde J. Robinson, Kalamazoo City Attorney

## CITY OF KALAMAZOO

### FREEDOM OF INFORMATION ACT PROCEDURES & GUIDELINES

#### **Preamble: Statement of Principles**

It is the policy of the City of Kalamazoo that all persons, *except those who are serving a sentence of imprisonment*<sup>\*</sup>, 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 City of Kalamazoo'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 City of Kalamazoo acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The City of Kalamazoo 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.

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

#### **Section 1: General Policies**

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

If a request for a public record is received by facsimile or e-mail, the request is deemed to have been received on the following business day. If a request is sent by e-mail and delivered to a City 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 City spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with City*

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<sup>\*</sup> Any material appearing in italic typeface is intended to reference optional language which might be included in the document.

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

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 City 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 City staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

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

## **Section 2: Requesting a Public Record**

A person requesting to inspect or obtain copies of public records prepared, owned, used, possessed or retained by City of Kalamazoo must do so in writing. The request must sufficiently describe a public record so as to enable City personnel to identify and find the requested 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.

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

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

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

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

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.

### **Section 3: Processing a Request**

Unless otherwise agreed to in writing by the person making the request, within 5 business days of receipt of a FOIA request the City will issue a response. If a request is received by facsimile, e-mail or other electronic transmission, the request is deemed to have been received on the following business day. The City will respond to the 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 City needs an additional 10 business days to respond. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the City's website.

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 these Procedures and Guidelines shall be provided to the requestor with the response to a written request for public records, provided however, that if these Procedures and Guidelines, and its Written Public Summary are maintained on the City's website, then a website link to those documents may be provided in lieu of providing paper copies.

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.

If based on a good faith calculation by the City, the cost of processing a FOIA request is expected to exceed \$50, or if the requestor has not fully paid for a previously granted request, the City will require a good-faith deposit 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 City to process the request and also provide a best efforts estimate of a time frame it will take the City to provide the records to the requestor. The best efforts estimate shall be nonbinding on the City, 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 1 of the FOIA.

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:

- An explanation as to why a requested public record is exempt from disclosure; or
- 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 City; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the office of the Mayor or seek judicial review in the Kalamazoo County Circuit Court; and
- 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.
- 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 described in this Section.

The City 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 City records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal City operations.

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.

#### **Section 4: Fee Deposits**

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

If a request for public records is from a person who has not fully paid the City 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:

- 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 City's possession;
- the public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
- 90 days have passed since the FOIA Coordinator 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 City; and
- 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:

- the person making the request is able to show proof of prior payment in full to the City;
- the City is subsequently paid in full for the applicable prior written request; or
- 365 days have passed since the person made the request for which full payment was not remitted to the City.

### **Section 5: Calculation of Fees**

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

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

- The particular request incurs costs greater than incurred from the typical or usual request received by the City. *See Bloch v Davison Community Schools, 2011 Mich App Lexis 771, 2011 WL 1564645*

- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- Whether public records from more than one City department or various City offices is necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The City may charge for the following costs associated with processing a FOIA request:

- Labor costs directly associated with searching for, locating and examining a requested public record.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
- The actual cost of computer discs, computer tapes or other digital or similar media.
- The cost of duplication of publication, not including labor, of paper copies of public records.
- The cost of labor associated with duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means.
- The actual cost of mailing or sending a public record.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down<sup>†</sup>.
- Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work.<sup>‡</sup>
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The City 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.

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<sup>†</sup> The cost of labor directly associated with duplication, publication or transferring records to nonpaper physical media can be charged in time increments of the public body's choosing with all partial increments rounded down.

<sup>‡</sup> If using contract or outside labor to separate and delete exempt material from non-exempt material, the public body must clearly note the name of person or firm who does the work and the total labor cost may not exceed an amount 6 times the state minimum hourly wage, which is currently \$8.15.

- Overtime wages will not be included in labor costs until agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- 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.
- This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- In order to ensure the integrity and security of the City's technological infrastructure, the City will procure any requested non-paper media and will not accept non-paper media from the requestor

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

- 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.
- The City may provide records using double-sided printing, if cost-saving and available.

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

- The actual cost to mail public records using a reasonably economical and justified means.
- The City may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless requested.

If the FOIA Coordinator does not respond to a written request in a timely manner, the following shall be required:

- Reduce the labor costs by 5% for each day the City exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
  - The late response was willful and intentional.
  - The written request, within the first 250 words of the body of a letter facsimile, e-mail or e-mail attachment conveyed a request for information

- 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 e-mail, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form

## **Section 6: 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 such can be considered as primarily benefitting the general public. *May wish to establish and set forth the conditions a requestor must meet to so as to “benefit the general public” in order to obtain a waiver of fees.*

The FOIA Coordinator will waive 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:

- indigent and receiving specific public assistance; or
- if not receiving public assistance stating facts demonstrating an inability to pay because of indigency.

An individual is not eligible to receive the waiver if:

- the requestor has previously received discounted copies of public records from the City twice<sup>§</sup> during the calendar year; or
- 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.

A nonprofit organization designated to by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 200 and the Protection and Advocacy for Individuals with Mental Illness Act, or their successors, if the request meets all of the following requirements:

- is made directly on behalf of the organization or its clients;

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<sup>§</sup> The FOIA requires that an indigent requestor is entitled to at least two discounted fees in a calendar year; however a public body may permit more than two if it so chooses to do so.

- is made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, MCL 330.1931;
- is accompanied by documentation of its designation by the State.

## **Section 7: Appeal of a Denial of a Public Record**

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 file an appeal of the denial with the Office of the Mayor.\*\* 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.

Within 10 business days of receiving the appeal the Mayor 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.
- Under unusual circumstances, such as the need to examine or review a voluminous amount of separate and distinct public records or the need to collect the requested records from numerous facilities located apart from the office receiving or processing the request, the Mayor may issue not more than 1 notice of extension for not more than 10 business days to respond to the appeal

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

If the court determines that the public record is not exempt from disclosure, the court will award the appellant reasonable attorneys' fees, cost and disbursements. If the court determines that the appellant prevails only in part, the court in its discretion may award all or an appropriate portion of reasonable attorneys' fees, costs and disbursements.

If the court determines that the City arbitrarily and capriciously violated the FOIA by refusing or delaying the disclosure of copies of a public record, it shall award the appellant punitive damages in the \$1,000. *Court shall also order that the public body pay a civil fine of \$1000 to the general fund of the State treasury.*

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\*\* If the head of the public body is a board or commission, it is not considered to have received a written appeal of either a denial or a fee amount until its first regularly scheduled meeting following the submission of the appeal. It then has 10 business days to respond to the appeal.

## **Section 8: Appeal of an Excessive FOIA Processing Fee<sup>††</sup>**

If a requestor believes that the fee charged by the City to process a FOIA request exceeds the amount permitted by state law, he or she must first submit a written appeal for a fee reduction to the Office of the Mayor. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

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

- waive the fee;
- reduce the fee and issue a written determination indicating the specific basis that supports the remaining fee, accompanied by a certification by the Mayor that the statements in the determination are accurate and the reduced fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA;
- uphold the fee and issue a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee, accompanied by a certification by the Mayor that the statements in the determination are accurate and the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA; or
- issue a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Mayor will respond to the written appeal.

Within 45 days after receiving notice of the Mayor's determination of a fee appeal, a requestor may commence a civil action in Kalamazoo County Circuit Court for a fee reduction. If a civil action is filed appealing the fee, the City is not obligated to process the request for the public record until the Court resolves the fee dispute.

If the court determines that the City required a fee that exceeds the amount permitted, it shall reduce the fee to a permissible amount. If the appellant in the civil action prevails 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 City has acted arbitrarily and capriciously by charging an excessive fee, the court shall also award the appellant punitive damages in the amount of \$500.

## **Section 9: Conflict with Prior FOIA Policies and Procedures; Effective Date**

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<sup>††</sup> A public body does not have to provide for administrative fee appeals; if such is the case, the fee appeal is made directly to circuit court within 45 days of receiving notice of the required fee.

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by City Commission or the City 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 City Commission or the City 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 City Commission or the City 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 City Commission of any change these Policies and Guidelines.

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

#### ***Section 9 3/4: Penalty for Violation of the Act<sup>##</sup>***

*If the court determines in either an appeal of a denial of a public record, or the appeal of an excessive fee, that the public body willfully and intentionally failed to comply with the FOIA or otherwise acted in bad faith, then in addition to any another award or sanction, the court shall impose a civil fine of not less than \$2500 or more than \$7500 for each occurrence.*

*The court is required to consider the budget of the public body and whether the public body has been previously been assisted penalties for violations of the FOIA.*

*The civil fine is to be deposited to the general fund of the State treasury.*

#### **Section 10: Appendix of City of Kalamazoo FOIA Forms<sup>##</sup>**

- Request Form
- Denial Form
- Waiver of Fee Form
- Detailed Itemization of Fees Form

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<sup>##</sup> This section is not necessarily required. The use of 9 3/4 is reference to the platform at King's Cross Station in London used by wizarding students to board the Hogwarts Express in the Harry Potter series of books by J.K. Rowling.

<sup>##</sup> The referenced forms are not attached, they are in the process of being drafted.

- Appeal Form
- Certification Form

**DISCLAIMER:** This document is intended only as example of how a municipality might attempt to comply with the FOIA requirements set forth by 2014 Public Act 563. It is not intended as legal advice and should not be relied upon as such. It is being provided in furtherance of the mission of the Michigan Municipal League to provide educational opportunities and administrative assistance to elected and appointed officials of municipalities. I would like to thank Andrew Mulder, Holland City Attorney for sharing that community's existing FOIA Policy. –Clyde J. Robinson, Kalamazoo City Attorney

SAMPLE

## FOIA Fee Itemization Form

**(Effective July 1, 2015)**

Component	Cost Calculations	Total
<b>1. Labor Costs – Search, Location, and Examination of Records*</b>	<p>Enter the hourly wage of lowest paid employee capable of performing the search, location and examination  <div style="text-align: right;">\$ _____ per hour</div></p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)  <div style="text-align: right;">_____ %</div></p> <p>Multiply the hourly wage times the fringe benefit multiplier  <div style="text-align: right;">\$ _____ x 1. _____ = \$ _____</div></p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)  <div style="text-align: right;">\$ _____ + _____ = \$ _____</div></p> <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment  <div style="text-align: right;">\$ _____ / 4 = \$ _____</div></p>	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate  <div style="text-align: right;">_____ x \$ _____ = \$ _____</div></p>	<p>\$ _____</p>
<b>2. Employee Labor Costs – Redaction*</b>	<p>If performed by the public body's employee:</p> <p>Enter the hourly wage of lowest paid employee capable of performing the redaction  <div style="text-align: right;">\$ _____ per hour</div></p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)  <div style="text-align: right;">_____ %</div></p> <p>Multiply the hourly wage times the fringe benefit multiplier</p>	

	$\text{\$} \underline{\hspace{2cm}} \times 1. \underline{\hspace{1cm}} = \text{\$} \underline{\hspace{2cm}}$ <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> $\text{\$} \underline{\hspace{2cm}} + \underline{\hspace{2cm}} = \text{\$} \underline{\hspace{2cm}}$ <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment</p> $\text{\$} \underline{\hspace{2cm}} / 4 = \text{\$} \underline{\hspace{2cm}}$	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> $\underline{\hspace{2cm}} \times \text{\$} \underline{\hspace{2cm}} = \text{\$} \underline{\hspace{2cm}}$	$\text{\$} \underline{\hspace{2cm}}$
<b>2. Contracted Labor Costs – Redaction*</b>	<p>If performed by Contracted Labor (Only permitted if the public body does not employ a person capable of redacting the records as determined by the FOIA Coordinator):</p> <p>Name of person or firm contracted:</p> <p>_____</p> <p>Enter the hourly rate charged by the contractor (may not exceed six (6) times the State minimum wage (i.e. <math>\text{\\$}8.15 \times 6 = \text{\\$}48.90</math>)</p> <p style="text-align: right;"><math>\text{\\$} \underline{\hspace{2cm}}</math> per hour</p> <p>Divide the hourly rate by four (4) to determine the charge per fifteen (15) minute increment</p> $\text{\$} \underline{\hspace{2cm}} / 4 = \text{\$} \underline{\hspace{2cm}}$	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> $\underline{\hspace{2cm}} \times \text{\$} \underline{\hspace{2cm}} = \text{\$} \underline{\hspace{2cm}}$	$\text{\$} \underline{\hspace{2cm}}$
<b>3. Non-Paper Physical Media</b>	<p>Actual and most reasonably economical cost of:</p> <p>Flash Drives <math>\text{\\$} \underline{\hspace{2cm}} \times</math> number used <math>\underline{\hspace{2cm}} = \text{\\$} \underline{\hspace{2cm}}</math></p> <p>Computer Discs <math>\text{\\$} \underline{\hspace{2cm}} \times</math> number used <math>\underline{\hspace{2cm}} = \text{\\$} \underline{\hspace{2cm}}</math></p> <p>Other Media <math>\text{\\$} \underline{\hspace{2cm}} \times</math> number used <math>\underline{\hspace{2cm}} = \text{\\$} \underline{\hspace{2cm}}</math></p>	$\text{\$} \underline{\hspace{2cm}}$
<b>4. Paper Copies</b>	<p>Actual total incremental cost of duplication (not including labor) up to a <u>maximum of 10 cents per page</u>:</p> <p>Letter paper (8 ½” x 11”)</p> <p style="text-align: right;">number of sheets <math>\underline{\hspace{2cm}}</math> x <math>\text{\\$}0. \underline{\hspace{1cm}}</math> = <math>\text{\\$} \underline{\hspace{2cm}}</math></p>	

	<p>Legal paper (8 1/2" x 14")  number of sheets ____ x \$0.____ = \$____</p> <p>Actual cost of other types of paper:</p> <p>Type of Paper: _____  number of sheets ____ x \$____ = \$____</p> <p>Type of Paper: _____  number of sheets ____ x \$____ = \$____</p> <p><b>(NOTE: Must print double-sided if available and costs less.)</b></p>	<p>\$____</p>
<p><b>5. Labor Cost – Duplication Copying, and transferring records to non-paper physical media</b></p>	<p>Enter the hourly wage of lowest paid employee capable of performing the duplication, copying, or transferring digital records to non-paper physical media  \$____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)  ____%</p> <p>Multiply the hourly wage times the fringe benefit multiplier  \$____ x 1.____ = \$____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)  \$____ + ____ = \$____</p> <p>Divide the resulting hourly wage by ____ to determine the charge per ____ (____) minute increment  \$____ / 4 = \$____</p> <p><b>(NOTE: May use any time increment for this category)</b></p>	
	<p>Number of ____ minute increments (partial time increments must be rounded down) multiplied by the permitted rate  ____ x \$____ = \$____</p>	<p>\$____</p>
<p><b>6. Mailing</b></p>	<p>Actual cost of mailing records in a reasonable and economical manner:</p> <p>Cost of mailing: \$____</p> <p>Cost of least expensive form of postal delivery confirmation:  \$____</p> <p>Cost of expedited shipping or insurance only if specifically stipulated by the requestor:</p>	

	\$ _____	\$ _____
	<b>Subtotal</b>	\$ _____
<b>Waivers and Reductions</b>	<p>Subtract any Fee Waiver or Reduction: \$20.00 for indigency or nonprofit organization as further described in the Public Body's procedures and guidelines.</p> <p>Any amount determined by the Public Body due to the search and furnishing of the Public Record determined to be in the public interest. \$ _____</p> <p>The reduction amount due to the late response of the Public Body. 5% of fee x ____ days late = _____% reduction (maximum reduction is 50%)</p>	-\$ _____
<b>Deposit</b>	Subtract any good-faith deposit received: \$ _____	-\$ _____
	<b>Total Due</b>	\$ _____

\*Note: Labor costs for search, location, examination and redaction (categories 1 and 2 on the itemization form) may not be charged unless the failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs.

The Court of Appeals has interpreted this provision to require that the determination be made relative to the usual or typical costs incurred by the public body in responding to FOIA requests. The key factor in determining whether the costs are "unreasonably high" is the extent to which the particular request differs from the usual request. *Bloch v Davison Cmty Schools*, (Mich.App. Apr. 26, 2011), 2011 WL 1564645.

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

CITY OF LIVONIA  
 COUNTY OF WAYNE  
 Phone: 734-466-2200

Detailed Cost Itemization

**Freedom of Information Act Request Detailed Cost Itemization**

Date: \_\_\_\_\_ Prepared for Request No.: \_\_\_\_\_ Date Request Received: \_\_\_\_\_

The following costs are being charged/estimated in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the City's FOIA Policies and Guidelines. If the City is seeking a 50% deposit prior to providing the public records sought, the estimate is itemized on this form, lines 2-7 below.

1. If all or a portion of the requested information is available on the City's website, the City is required to tell you it is available on the website and, where practicable, include a specific webpage address where the information is available. In this case

- None
- Some
- All

of the requested material can be found at the following webpage(s):

\_\_\_\_\_

If the webpage is all the information you need, it is provided without charge. If, however, you still wish to receive a copy of material from the webpage, please let us know. The usual charge will apply if the City is required to produce copies of material from the webpage.

**2. Labor Cost to Locate Records Not on City Website:**

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 City because of the nature of the request in this particular instance, specifically:** \_\_\_\_\_

The City 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.

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 Charged: \$ \_\_\_\_\_

Charge per 1/4 hour: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

OR

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

Charge per 1/4 hour: \$ \_\_\_\_\_

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 and round down. Enter below:

Number of increments

2. Labor Cost

x \_\_\_\_\_ = \$ \_\_\_\_\_

### 3. Labor Cost for Copying / Duplication of Records

This is the cost of labor directly associated with duplication of publications, 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.

This shall not be more than the hourly wage of the City'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 **15 minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than one increment, there is no charge.*

Hourly Wage Charged: \$ \_\_\_\_\_

Charge per ¼ hour: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

OR

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

Charge per ¼ hour: \$ \_\_\_\_\_

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, and round down.  
Enter below:

Number of increments

3. Labor Cost

x \_\_\_\_\_ = \$ \_\_\_\_\_

### 4. Labor Cost for Copying/Duplicating Records Already on City's Website:

This shall not be more than the hourly wage of the City'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 **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 Charged: \$ \_\_\_\_\_

Charge per increment: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

OR

Multiply the hourly wage by the percentage multiplier: \_\_\_\_\_%  
and add to the hourly wage for a total per hour rate.

Charge per increment: \$ \_\_\_\_\_

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

Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the *number of minutes*: \_\_\_\_\_, divide by 15, and round down.  
Enter below:

Number of increments

4. Web Labor Cost

x \_\_\_\_\_ = \$ \_\_\_\_\_

**5. Labor Cost for Separating Exempt from Non-Exempt (Redacting): Material Not on City Website**

The City 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 City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:** \_\_\_\_\_

This is the cost of labor of a **City 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 **City'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 increment**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ \_\_\_\_\_

Charge per increment: \$ \_\_\_\_\_

**OR**

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

**OR**

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

Charge per increment: \$ \_\_\_\_\_

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

**6. 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): \_\_\_\_\_ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): \_\_\_\_\_ cents per sheet

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

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

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

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

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

To figure the number of increments, take the number of minutes: \_\_\_\_\_, divide by 15, and round down. Enter below:

Number of increments

x \_\_\_\_\_ =

5. Labor Cost  
\$ \_\_\_\_\_

Number of Sheets:

x \_\_\_\_\_ =

x \_\_\_\_\_ =

Costs:  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

x \_\_\_\_\_ =

No. of Items:

x \_\_\_\_\_ =

6. Total Copy Cost  
\$ \_\_\_\_\_

**7. Mailing Cost:**

The City 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 City **may** charge for the least expensive form of postal delivery confirmation.
- The City **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: \$ \_\_\_\_\_

\* Requestor has requested expedited shipping or insurance

Number of Envelopes or Packages:

x \_\_\_\_\_ =  
 x \_\_\_\_\_ =

Costs:

\$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
**7. Total Mailing Cost**  
 \$ \_\_\_\_\_

**8. Subtotal Fees Before Waivers, Discounts or Deposits:**

- Cost estimate  
 Bill

Estimated Time Frame to Provide Records:

\_\_\_\_\_ (days or date)

The time frame estimate is nonbinding upon the City, but the City is providing the estimate in good faith. Providing an estimated time frame does not relieve the City from any of the other requirements of this act.

- 1. Records on City Website:
- 2. Labor Cost to Locate:
- 3. Labor Cost for Copying:
- 4. Labor Cost for Copying Records on Website:
- 5. Labor Cost to Redact:
- 6. Copying/Duplication Cost:
- 7. Mailing Cost:
- 8. Subtotal Fees:

No Charge  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_

**9. Good Faith Deposit:**

If the estimated cost of responding to this request exceeds \$50.00, the City may collect up to 50% of that estimate (i.e., 50% of the amount on line 8) before responding.

x 50%

**9. Good Faith Deposit**  
 \$ \_\_\_\_\_

<p><b>10. Waiver: <u>Public Interest</u></b>  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 City determines, upon request, that a waiver or reduction of the amount on line 8 above is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.  <input type="checkbox"/> All fees are waived <b>OR</b> <input type="checkbox"/> All fees are reduced by: _____%</p>	Subtotal from Line 8 Above as Affected by City's Decision Re: Requested Waiver:	\$ _____
<p><b>11. Discount: <u>Indigence</u></b>  A public record search <b>must</b> be made and a copy of a public record <b>must</b> be furnished <b>without charge for the first \$20.00 of the fee</b> for each request by an individual who is entitled to information under this act and who:</p> <p>1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, <b>OR</b></p> <p>2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.</p> <p>If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if <b>ANY</b> of the following apply:</p> <p>(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, <b>OR</b></p> <p>(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.</p> <p><input type="checkbox"/> Eligible for Indigence Discount</p>	Subtotal Fees After Discount (subtract \$20 if eligible, otherwise enter amount from Line 10):	\$ _____
<p><b>12. Discount: <u>Nonprofit Organization</u></b>  A public record search <b>must</b> be made and a copy of a public record <b>must</b> be furnished <b>without charge for the first \$20.00 of the fee</b> 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 <b>ALL</b> of the following requirements:</p> <p>(i) Is made directly on behalf of the organization or its clients.</p> <p>(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.</p> <p>(iii) Is accompanied by documentation of its designation by the state, if requested by the City.</p> <p><input type="checkbox"/> Eligible for Nonprofit Discount</p>	Subtotal Fees After Discount (subtract \$20 if eligible, otherwise enter amount from Line 11):	\$ _____
<p><b>13. Deposit: <u>Previously Paid</u></b>  The City may require a good-faith deposit <u>before providing the public records to the requestor</u> if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. <b>Percent of Deposit: 50%</b></p>	Date paid: _____	13a. \$ _____

**Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full**

After a City has granted and fulfilled a written request from an individual under this act, if the City 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 City may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual** if ALL of the following apply:

- (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 City'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 City 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 City.
- (f) The City calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.

A City **can no longer require an increased estimated fee deposit** from an individual if **ANY** of the following apply:

- (a) The individual is able to show proof of prior payment in full to the City, **OR**
- (b) The City 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 City.

Date paid: \_\_\_\_\_

**Percent Deposit Required**  
\_\_\_\_\_ %

**13b Deposit Required**  
\$ \_\_\_\_\_

**13c Balance from Line 12 after deducting any previously paid deposit.**  
\$ \_\_\_\_\_

**14. Late Response Labor Costs Reduction**

If the City does not respond to a written request in a timely manner as required under MCL 15.235(2), the City **must** do the following:

- (a) **Reduce the charges for labor costs** otherwise permitted by 5% for each day the City exceeds the time permitted for a response to the request, **with a maximum 50% reduction.**

**Number of Days Over Required Response Time:**  
\_\_\_\_\_

**Multiply by 5%**

**= Total Percent Reduction:**  
\_\_\_\_\_

**Date Paid**  
\_\_\_\_\_

**Total Labor Costs**  
\$ \_\_\_\_\_

**Minus Reduction**  
\$ \_\_\_\_\_

**= Reduced Total Labor Costs**  
\$ \_\_\_\_\_

**Total Balance Due:**  
\$ \_\_\_\_\_

**15. Balance Due (Deduct amount on Line 14 from amount on Line 13c)**

The Public Summary of the City's FOIA Procedures and Guidelines is available free of charge from:  
 Website: \_\_\_\_\_ Email: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Address: \_\_\_\_\_

**Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed**

Form created by Michigan Townships Association and the City of Livonia April 2015

P:\FOIA\City of Livonia Cost Worksheet April 2015.doc

**FREEDOM OF INFORMATION ACT**  
**Act 442 of 1976**

**15.231 Short title; public policy.**

Sec. 1.

(1) This act shall be known and may be cited as the "freedom of information act".

(2) 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, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.

**15.232 Definitions.**

Sec. 2.

As used in this act:

(a) "Field name" means the label or identification of an element of a computer data base that contains a specific item of information, and includes but is not limited to a subject heading such as a column header, data dictionary, or record layout.

(b) "FOIA coordinator" means either of the following:

(i) An individual who is a public body.

(ii) An individual designated by a public body in accordance with section 6 to accept and process requests for public records under this act.

(c) "Person" means an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity. Person does not include an individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state, or in a federal correctional facility.

(d) "Public body" means any of the following:

(i) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government, but does not include the governor or lieutenant governor, the executive office of the governor or lieutenant governor, or employees thereof.

(ii) An agency, board, commission, or council in the legislative branch of the state government.

(iii) A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation, or a board, department, commission, council, or agency thereof.

(iv) Any other body which is created by state or local authority or which is primarily funded by or through state or local authority.

(v) The judiciary, including the office of the county clerk and employees thereof when acting in the capacity of clerk to the circuit court, is not included in the definition of public body.

(e) "Public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software. This act separates public records into the following 2 classes:

(i) Those that are exempt from disclosure under section 13.

(ii) All public records that are not exempt from disclosure under section 13 and which are subject to disclosure under this act.

(f) "Software" means a set of statements or instructions that when incorporated in a machine usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result. Software does not include computer-stored information or data, or a field name if disclosure of that field name does not violate a software license.

(g) "Unusual circumstances" means any 1 or a combination of the following, but only to the extent necessary for the proper processing of a request:

(i) The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.

(ii) The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.

(h) "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.

(i) "Written request" means a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means.

**15.233 Public records; right to inspect, copy, or receive; subscriptions; forwarding requests; file; inspection and examination; memoranda or abstracts; rules; compilation, summary, or report of information; creation of new public record; certified copies.**

Sec. 3.

(1) Except as expressly provided in section 13, upon providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the public body. A person has a right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to 6 months, at the request of the subscriber, and shall be renewable. An employee of a public body who receives a request for a public record shall promptly forward that request to the freedom of information act coordinator.

(2) A freedom of information act coordinator shall keep a copy of all written requests for public records on file for no less than 1 year.

(3) A public body shall furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. A public body may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. A public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction.

(4) This act does not require a public body to make a compilation, summary, or report of information, except as required in section 11.

(5) This act does not require a public body to create a new public record, except as required in section 11, and to the extent required by this act for the furnishing of copies, or edited copies pursuant to section 14(1), of an already existing public record.

(6) The custodian of a public record shall, upon written request, furnish a requesting person a certified copy of a public record.

Sec. 4. (1) A public body may charge a fee for a public record search, **FOR** the necessary copying of a public record for inspection, or for providing a copy of a public record **IF IT HAS**

**ESTABLISHED, MAKES PUBLICLY AVAILABLE, AND FOLLOWS PROCEDURES AND GUIDELINES TO IMPLEMENT THIS SECTION AS DESCRIBED IN SUBSECTION**

**(4)**. Subject to subsections **(2)**, **(3)**, **(4)**, **(5)**, **AND (9)**, the fee shall be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14. **EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, IF THE**

PUBLIC BODY ESTIMATES OR CHARGES A FEE IN ACCORDANCE WITH THIS ACT, THE TOTAL FEE SHALL NOT EXCEED THE SUM OF THE FOLLOWING COMPONENTS:

(A) THAT PORTION OF LABOR COSTS DIRECTLY ASSOCIATED WITH THE NECESSARY SEARCHING FOR, LOCATING, AND EXAMINING OF PUBLIC RECORDS IN CONJUNCTION WITH RECEIVING AND FULFILLING A GRANTED WRITTEN REQUEST. THE PUBLIC BODY SHALL NOT CHARGE MORE THAN THE HOURLY WAGE OF ITS LOWEST-PAID EMPLOYEE CAPABLE OF SEARCHING FOR, LOCATING, AND EXAMINING THE PUBLIC RECORDS IN THE PARTICULAR INSTANCE REGARDLESS OF WHETHER THAT PERSON IS AVAILABLE OR WHO ACTUALLY PERFORMS THE LABOR. LABOR COSTS UNDER THIS SUBDIVISION SHALL BE ESTIMATED AND CHARGED IN INCREMENTS OF 15 MINUTES OR MORE, WITH ALL PARTIAL TIME INCREMENTS ROUNDED DOWN.

(B) THAT PORTION OF LABOR COSTS, INCLUDING NECESSARY REVIEW, IF ANY, DIRECTLY ASSOCIATED WITH THE SEPARATING AND DELETING OF EXEMPT INFORMATION FROM NONEXEMPT INFORMATION AS PROVIDED IN SECTION 14. FOR SERVICES PERFORMED BY AN EMPLOYEE OF THE PUBLIC BODY, THE PUBLIC BODY SHALL NOT CHARGE MORE THAN THE HOURLY WAGE OF ITS LOWEST-PAID EMPLOYEE CAPABLE OF SEPARATING AND DELETING EXEMPT INFORMATION FROM NONEXEMPT INFORMATION IN THE PARTICULAR INSTANCE AS PROVIDED IN SECTION 14, REGARDLESS OF WHETHER THAT PERSON IS AVAILABLE OR WHO ACTUALLY PERFORMS THE LABOR. IF A PUBLIC BODY DOES NOT EMPLOY A PERSON CAPABLE OF SEPARATING AND DELETING EXEMPT INFORMATION FROM NONEXEMPT INFORMATION IN THE PARTICULAR INSTANCE AS PROVIDED IN SECTION 14 AS DETERMINED BY THE PUBLIC BODY'S FOIA COORDINATOR ON A CASE-BY-CASE BASIS, IT MAY TREAT NECESSARY CONTRACTED LABOR COSTS USED FOR THE SEPARATING AND DELETING OF EXEMPT INFORMATION FROM NONEXEMPT INFORMATION IN THE SAME MANNER AS EMPLOYEE LABOR COSTS WHEN CALCULATING CHARGES UNDER THIS SUBDIVISION IF IT CLEARLY NOTES THE NAME OF THE CONTRACTED PERSON OR FIRM ON THE DETAILED ITEMIZATION DESCRIBED UNDER SUBSECTION (4). TOTAL LABOR COSTS CALCULATED UNDER THIS SUBDIVISION FOR CONTRACTED LABOR COSTS SHALL NOT EXCEED AN AMOUNT EQUAL TO 6 TIMES THE STATE MINIMUM HOURLY WAGE RATE DETERMINED UNDER SECTION 4 OF THE WORKFORCE OPPORTUNITY WAGE ACT, 2014 PA 138, MCL 408.411 TO 408.424. LABOR COSTS UNDER THIS SUBDIVISION SHALL BE ESTIMATED AND CHARGED IN INCREMENTS OF 15 MINUTES OR MORE, WITH ALL PARTIAL TIME INCREMENTS ROUNDED DOWN. A PUBLIC BODY SHALL NOT CHARGE FOR LABOR DIRECTLY ASSOCIATED WITH REDACTION UNDER SECTION 14 IF IT KNOWS OR HAS REASON TO KNOW THAT IT PREVIOUSLY REDACTED THE PUBLIC RECORD IN QUESTION AND THE REDACTED VERSION IS STILL IN THE PUBLIC BODY'S POSSESSION.

(C) FOR PUBLIC RECORDS PROVIDED TO THE REQUESTOR ON NONPAPER PHYSICAL MEDIA, THE ACTUAL AND MOST REASONABLY ECONOMICAL COST OF THE COMPUTER DISCS, COMPUTER TAPES, OR OTHER DIGITAL OR SIMILAR MEDIA. THE REQUESTOR MAY STIPULATE THAT THE PUBLIC RECORDS BE PROVIDED ON NONPAPER PHYSICAL MEDIA, ELECTRONICALLY MAILED, OR OTHERWISE ELECTRONICALLY PROVIDED TO HIM OR HER IN LIEU OF PAPER COPIES. THIS SUBDIVISION DOES NOT APPLY IF A PUBLIC BODY LACKS THE TECHNOLOGICAL CAPABILITY NECESSARY TO PROVIDE RECORDS ON THE PARTICULAR NONPAPER PHYSICAL MEDIA STIPULATED IN THE PARTICULAR

INSTANCE.

(D) FOR PAPER COPIES 1 OF PUBLIC RECORDS PROVIDED TO THE REQUESTOR, THE ACTUAL TOTAL INCREMENTAL COST OF NECESSARY DUPLICATION OR PUBLICATION, NOT INCLUDING LABOR. THE COST OF PAPER COPIES SHALL BE CALCULATED AS A TOTAL COST PER SHEET OF PAPER AND SHALL BE ITEMIZED AND NOTED IN A MANNER THAT EXPRESSES BOTH THE COST PER SHEET AND THE NUMBER OF SHEETS PROVIDED. THE FEE SHALL NOT 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 PUBLIC BODY SHALL UTILIZE THE MOST ECONOMICAL MEANS AVAILABLE FOR MAKING COPIES OF PUBLIC RECORDS, INCLUDING USING DOUBLE-SIDED PRINTING, IF COST SAVING AND AVAILABLE.

(E) THE COST OF LABOR DIRECTLY ASSOCIATED WITH DUPLICATION OR PUBLICATION, INCLUDING MAKING PAPER COPIES, MAKING DIGITAL COPIES, OR TRANSFERRING DIGITAL PUBLIC RECORDS TO BE GIVEN TO THE REQUESTOR ON NONPAPER PHYSICAL MEDIA OR THROUGH THE INTERNET OR OTHER ELECTRONIC MEANS AS STIPULATED BY THE REQUESTOR. THE PUBLIC BODY SHALL NOT CHARGE MORE THAN THE HOURLY WAGE OF ITS LOWEST-PAID EMPLOYEE CAPABLE OF NECESSARY DUPLICATION OR PUBLICATION IN THE PARTICULAR INSTANCE, REGARDLESS OF WHETHER THAT PERSON IS AVAILABLE OR WHO ACTUALLY PERFORMS THE LABOR. LABOR COSTS UNDER THIS SUBDIVISION MAY BE ESTIMATED AND CHARGED IN TIME INCREMENTS OF THE PUBLIC BODY'S CHOOSING; HOWEVER, ALL PARTIAL TIME INCREMENTS SHALL BE ROUNDED DOWN.

(F) THE ACTUAL COST OF MAILING, IF ANY, FOR SENDING THE PUBLIC RECORDS IN A REASONABLY ECONOMICAL AND JUSTIFIABLE MANNER. THE PUBLIC BODY SHALL NOT CHARGE MORE FOR EXPEDITED SHIPPING OR INSURANCE UNLESS SPECIFICALLY STIPULATED BY THE REQUESTOR, BUT MAY OTHERWISE CHARGE FOR THE LEAST EXPENSIVE FORM OF POSTAL DELIVERY CONFIRMATION WHEN MAILING PUBLIC RECORDS.

(2) WHEN CALCULATING LABOR COSTS UNDER SUBSECTION (1) (A), (B), OR (E), FEE COMPONENTS SHALL BE ITEMIZED IN A MANNER THAT EXPRESSES BOTH THE HOURLY WAGE AND THE NUMBER OF HOURS CHARGED. THE PUBLIC BODY MAY ALSO ADD UP TO 50% TO THE APPLICABLE LABOR CHARGE AMOUNT TO COVER OR PARTIALLY COVER THE COST OF FRINGE BENEFITS IF IT CLEARLY NOTES THE PERCENTAGE MULTIPLIER USED TO ACCOUNT FOR BENEFITS IN THE DETAILED ITEMIZATION DESCRIBED IN SUBSECTION (4). SUBJECT TO THE 50% LIMITATION, THE PUBLIC BODY SHALL NOT CHARGE MORE THAN THE ACTUAL COST OF FRINGE BENEFITS, AND OVERTIME WAGES SHALL NOT BE USED IN CALCULATING THE COST OF FRINGE BENEFITS. 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 ITEMIZATION DESCRIBED IN SUBSECTION (4). 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 public body 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. A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request **BY EITHER OF THE FOLLOWING:**

**(A) AN individual who is entitled to information under this act and who submits an affidavit stating that the individual is INDIGENT AND RECEIVING SPECIFIC public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency. IF THE REQUESTOR IS ELIGIBLE FOR A REQUESTED DISCOUNT, THE PUBLIC BODY SHALL FULLY NOTE THE DISCOUNT ON THE DETAILED ITEMIZATION DESCRIBED UNDER SUBSECTION (4). 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 UNDER THIS SUBSECTION FROM THE SAME PUBLIC BODY TWICE DURING THAT CALENDAR YEAR.**

**(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.**

**(B) 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, 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:**

**(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 MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1931.**

**(iii) IS ACCOMPANIED BY DOCUMENTATION OF ITS DESIGNATION BY THE STATE, IF REQUESTED BY THE PUBLIC BODY.**

**(3) A fee AS DESCRIBED IN SUBSECTION (1) shall not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14 unless failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs.**

**(4) A PUBLIC BODY SHALL ESTABLISH PROCEDURES AND GUIDELINES TO**

IMPLEMENT THIS ACT AND SHALL 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 SHALL BE WRITTEN IN A MANNER SO AS TO BE EASILY UNDERSTOOD BY THE GENERAL PUBLIC. IF THE PUBLIC BODY DIRECTLY OR INDIRECTLY ADMINISTERS OR MAINTAINS AN OFFICIAL INTERNET PRESENCE, IT SHALL POST AND MAINTAIN THE PROCEDURES AND GUIDELINES AND ITS WRITTEN PUBLIC SUMMARY ON ITS WEBSITE. A PUBLIC BODY SHALL MAKE THE PROCEDURES AND GUIDELINES PUBLICLY AVAILABLE BY PROVIDING FREE COPIES OF THE PROCEDURES AND GUIDELINES AND ITS WRITTEN PUBLIC SUMMARY BOTH IN THE PUBLIC BODY'S RESPONSE TO A WRITTEN REQUEST AND UPON REQUEST BY VISITORS AT THE PUBLIC BODY'S OFFICE. A PUBLIC BODY THAT POSTS AND MAINTAINS PROCEDURES AND GUIDELINES AND ITS WRITTEN PUBLIC SUMMARY ON ITS WEBSITE MAY INCLUDE THE WEBSITE LINK TO THE DOCUMENTS IN LIEU OF PROVIDING PAPER COPIES IN ITS RESPONSE TO A WRITTEN REQUEST. A PUBLIC BODY'S PROCEDURES AND GUIDELINES SHALL INCLUDE THE USE OF A STANDARD FORM FOR DETAILED ITEMIZATION OF ANY FEE AMOUNT IN ITS RESPONSES TO WRITTEN REQUESTS UNDER THIS ACT. THE DETAILED ITEMIZATION SHALL CLEARLY LIST AND EXPLAIN THE ALLOWABLE CHARGES FOR EACH OF THE 6 FEE COMPONENTS LISTED UNDER SUBSECTION (1) THAT COMPOSE THE TOTAL FEE USED FOR ESTIMATING OR CHARGING PURPOSES. OTHER PUBLIC BODIES MAY USE A FORM CREATED BY THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET OR CREATE A FORM OF THEIR OWN THAT COMPLIES WITH THIS SUBSECTION. A PUBLIC BODY THAT HAS NOT ESTABLISHED PROCEDURES AND GUIDELINES, HAS NOT CREATED A WRITTEN PUBLIC SUMMARY, OR HAS NOT MADE THOSE ITEMS PUBLICLY AVAILABLE WITHOUT CHARGE AS REQUIRED IN THIS SUBSECTION IS NOT RELIEVED OF ITS DUTY TO COMPLY WITH ANY REQUIREMENT OF THIS ACT AND SHALL NOT REQUIRE DEPOSITS OR CHARGE FEES OTHERWISE PERMITTED UNDER THIS ACT UNTIL IT IS IN COMPLIANCE WITH THIS SUBSECTION. NOTWITHSTANDING THIS SUBSECTION AND DESPITE ANY LAW TO THE CONTRARY, A PUBLIC BODY'S PROCEDURES AND GUIDELINES UNDER THIS ACT ARE NOT EXEMPT PUBLIC RECORDS UNDER SECTION 13.

(5) IF THE PUBLIC BODY 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 CHARGES UNDER SUBSECTION (1) (B). 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 PUBLIC BODY SHALL 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, SHALL INCLUDE A SPECIFIC WEBPAGE ADDRESS WHERE THE REQUESTED INFORMATION IS AVAILABLE. ON THE DETAILED ITEMIZATION DESCRIBED IN SUBSECTION (4), THE PUBLIC BODY SHALL SEPARATE THE REQUESTED PUBLIC RECORDS THAT ARE AVAILABLE ON ITS WEBSITE FROM THOSE THAT ARE NOT AVAILABLE ON THE WEBSITE AND SHALL INFORM THE REQUESTOR OF THE ADDITIONAL CHARGE TO RECEIVE COPIES OF THE PUBLIC RECORDS THAT ARE AVAILABLE ON ITS 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 OTHER FORM AS DESCRIBED UNDER SUBSECTION (1) (C), THE PUBLIC BODY SHALL PROVIDE THE PUBLIC RECORDS IN THE SPECIFIED

FORMAT BUT MAY USE A FRINGE BENEFIT MULTIPLIER 1 GREATER THAN THE 50% LIMITATION IN SUBSECTION (2), NOT TO EXCEED THE ACTUAL COSTS OF PROVIDING THE INFORMATION IN THE SPECIFIED FORMAT.

(6) A PUBLIC BODY MAY PROVIDE REQUESTED INFORMATION AVAILABLE IN PUBLIC RECORDS WITHOUT RECEIPT OF A WRITTEN REQUEST.

(7) IF A VERBAL REQUEST FOR INFORMATION IS FOR INFORMATION THAT A PUBLIC BODY BELIEVES IS AVAILABLE ON THE PUBLIC BODY'S WEBSITE, THE PUBLIC EMPLOYEE SHALL, WHERE PRACTICABLE AND TO THE BEST OF THE PUBLIC EMPLOYEE'S KNOWLEDGE, INFORM THE REQUESTOR ABOUT THE PUBLIC BODY'S PERTINENT WEBSITE ADDRESS.

(8) IN EITHER THE PUBLIC BODY'S INITIAL RESPONSE OR SUBSEQUENT RESPONSE AS DESCRIBED UNDER SECTION 5(2)(D), THE PUBLIC BODY MAY REQUIRE A GOOD-FAITH DEPOSIT FROM THE PERSON REQUESTING INFORMATION BEFORE PROVIDING THE PUBLIC RECORDS TO THE REQUESTOR IF THE ENTIRE FEE ESTIMATE OR CHARGE AUTHORIZED UNDER THIS SECTION EXCEEDS \$50.00, BASED ON A GOOD-FAITH CALCULATION OF THE TOTAL FEE DESCRIBED IN SUBSECTION (4). SUBJECT TO SUBSECTION (10), THE DEPOSIT SHALL NOT EXCEED 1/2 OF THE TOTAL ESTIMATED FEE, AND A PUBLIC BODY'S REQUEST FOR A DEPOSIT SHALL INCLUDE A DETAILED ITEMIZATION AS REQUIRED UNDER SUBSECTION (4). THE RESPONSE SHALL ALSO CONTAIN A BEST EFFORTS ESTIMATE BY THE PUBLIC BODY REGARDING THE TIME FRAME IT WILL TAKE THE PUBLIC BODY TO COMPLY WITH THE LAW IN PROVIDING THE PUBLIC RECORDS TO THE REQUESTOR. THE TIME FRAME ESTIMATE IS NONBINDING UPON THE PUBLIC BODY, BUT THE PUBLIC BODY SHALL PROVIDE THE ESTIMATE IN GOOD FAITH AND STRIVE TO BE REASONABLY ACCURATE AND TO PROVIDE THE PUBLIC RECORDS IN A MANNER BASED ON THIS STATE'S PUBLIC POLICY UNDER SECTION 1 AND THE NATURE OF THE REQUEST IN THE PARTICULAR INSTANCE. IF A PUBLIC BODY DOES NOT RESPOND IN A TIMELY MANNER AS DESCRIBED UNDER SECTION 5(2), IT IS NOT RELIEVED FROM ITS REQUIREMENTS TO PROVIDE PROPER FEE CALCULATIONS AND TIME FRAME ESTIMATES IN ANY TARDY RESPONSES. PROVIDING AN ESTIMATED TIME FRAME DOES NOT RELIEVE A PUBLIC BODY FROM ANY OF THE OTHER REQUIREMENTS OF THIS ACT.

(9) IF A PUBLIC BODY DOES NOT RESPOND TO A WRITTEN REQUEST IN A TIMELY MANNER AS REQUIRED UNDER SECTION 5(2), THE PUBLIC BODY SHALL DO THE FOLLOWING:

(A) REDUCE THE CHARGES FOR LABOR COSTS OTHERWISE PERMITTED UNDER THIS SECTION BY 5% FOR EACH DAY THE PUBLIC BODY EXCEEDS THE TIME PERMITTED UNDER SECTION 5(2) FOR A RESPONSE TO THE REQUEST, WITH A MAXIMUM 50% REDUCTION, IF EITHER OF THE FOLLOWING APPLIES:

(i) THE LATE RESPONSE WAS WILLFUL AND INTENTIONAL.

(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.

(B) IF A CHARGE REDUCTION IS REQUIRED UNDER SUBDIVISION (A), FULLY NOTE THE CHARGE REDUCTION ON THE DETAILED ITEMIZATION DESCRIBED UNDER SUBSECTION (4).

(10) This section does not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

(11) SUBJECT TO SUBSECTION (12), AFTER A PUBLIC BODY HAS GRANTED AND FULFILLED A WRITTEN REQUEST FROM AN INDIVIDUAL UNDER THIS ACT, IF THE PUBLIC BODY HAS NOT BEEN PAID IN FULL THE TOTAL AMOUNT UNDER SUBSECTION (1) FOR THE COPIES OF PUBLIC RECORDS THAT THE PUBLIC BODY MADE AVAILABLE TO THE INDIVIDUAL AS A RESULT OF THAT WRITTEN REQUEST, THE PUBLIC BODY MAY REQUIRE A 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:

(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 PUBLIC BODY'S POSSESSION.

(C) THE PUBLIC RECORDS WERE MADE AVAILABLE TO THE INDIVIDUAL, SUBJECT TO PAYMENT, WITHIN THE TIME FRAME ESTIMATE DESCRIBED UNDER SUBSECTION (7).

(D) NINETY DAYS HAVE PASSED SINCE THE PUBLIC BODY 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 PUBLIC BODY.

(F) THE PUBLIC BODY CALCULATES A DETAILED ITEMIZATION, AS REQUIRED UNDER SUBSECTION (4), THAT IS THE BASIS FOR THE CURRENT WRITTEN REQUEST'S INCREASED ESTIMATED FEE DEPOSIT.

(12) A PUBLIC BODY SHALL NO LONGER REQUIRE AN INCREASED ESTIMATED FEE DEPOSIT FROM AN INDIVIDUAL AS DESCRIBED UNDER SUBSECTION (11) IF ANY OF THE FOLLOWING APPLY:

(A) THE INDIVIDUAL IS ABLE TO SHOW PROOF OF PRIOR PAYMENT IN FULL TO THE PUBLIC BODY.

(B) THE PUBLIC BODY IS SUBSEQUENTLY PAID IN FULL FOR THE APPLICABLE PRIOR WRITTEN REQUEST.

(C) THREE HUNDRED SIXTY-FIVE DAYS HAVE PASSED SINCE THE INDIVIDUAL MADE THE WRITTEN REQUEST FOR WHICH FULL PAYMENT WAS NOT REMITTED TO THE PUBLIC BODY.

(13) A DEPOSIT REQUIRED BY A PUBLIC BODY UNDER THIS ACT IS A FEE.

Sec. 5. (1) Except as provided in section 3, a person desiring to inspect or receive a copy of a public record shall make a written request for the public record to the FOIA coordinator of a public body. A written request made by facsimile, electronic mail, or other electronic transmission is not received by a public body's FOIA coordinator until 1 business day after the electronic transmission is made. **HOWEVER, IF A WRITTEN REQUEST IS SENT BY ELECTRONIC MAIL AND DELIVERED TO THE PUBLIC BODY'S SPAM OR JUNK MAIL FOLDER, THE REQUEST IS NOT RECEIVED UNTIL 1 DAY AFTER THE PUBLIC BODY FIRST BECOMES AWARE OF THE WRITTEN REQUEST. THE PUBLIC BODY SHALL NOTE IN ITS RECORDS BOTH THE TIME A WRITTEN REQUEST IS DELIVERED TO ITS SPAM OR JUNK-MAIL FOLDER AND THE TIME THE PUBLIC BODY FIRST BECOMES AWARE OF THAT REQUEST.**

(2) Unless otherwise agreed to in writing by the person making the request, a public body shall respond to a request for a public record within 5 business days after the public body receives the request by doing 1 of the following:

- (a) Granting the request.
- (b) Issuing a written notice to the requesting person denying the request.
- (c) Granting the request in part and issuing a written notice to the requesting person denying the request in part.
- (d) Issuing a notice extending for not more than 10 business days the period during which the public body shall respond to the request. A public body shall not issue more than 1 notice of extension for a particular request.

(3) Failure to respond to a request pursuant to subsection (2) constitutes a public body's final determination to deny the request **IF EITHER OF THE FOLLOWING APPLIES:**

- (A) THE FAILURE WAS WILLFUL AND INTENTIONAL.
- (B) 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 MISPELLING OF SUCH, OR APPROPRIATE LEGAL CODE REFERENCE TO THIS ACT, ON THE FRONT OF AN ENVELOPE OR IN THE SUBJECT LINE OF AN ELECTRONIC MAIL, LETTER, OR FACSIMILE COVER PAGE.

(4) In a **CIVIL** action to compel a public body's disclosure of a public record under section 10, the court shall assess damages against the public body pursuant to section **10(7)** if the court has done both of the following:

- (a) Determined that the public body has not complied with subsection (2).
- (b) Ordered the public body to disclose or provide copies of all or a portion of the public record.

(5) A written notice denying a request for a public record in whole or in part is a public body's final determination to deny the request or portion of that request. The written notice shall contain:

- (a) An explanation of the basis under this act or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request.
- (b) A certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the public body, if that is the reason for denying the request or a portion of the request.
- (c) A description of a public record or information on a public record that is separated or deleted pursuant to section 14, if a separation or deletion is made.
- (d) A full explanation of the requesting person's right to do either of the following:
  - (i) 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 disclosure denial.
  - (ii) Seek judicial review of the denial under section 10.
- (e) Notice of the right to receive attorneys' fees and damages as provided in section 10 if, after judicial review, the circuit court determines that the public body has not complied with this section and orders disclosure of all or a portion of a public record.

(6) The individual designated in section 6 as responsible for the denial of the request shall sign the written notice of denial.

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

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

(8) If a public body makes a final determination to deny in whole or in part a request to inspect or receive a copy of a public record or portion of that public record, the requesting person may do either of the following:

- (a) Appeal the denial to the head of the public body pursuant to section 10.
- (b) Commence **A CIVIL ACTION**, pursuant to section 10.

## **15.236 FOIA coordinator.**

### **Sec. 6.**

(1) A public body that is a city, village, township, county, or state department, or under the control of a city, village, township, county, or state department, shall designate an individual as the public body's FOIA coordinator. The FOIA coordinator shall be responsible for accepting and processing requests for the public body's public records under this act and shall be responsible for approving a denial under section 5(4) and (5). In a county not having an executive form of government, the chairperson of the county board of commissioners is designated the FOIA coordinator for that county.

(2) For all other public bodies, the chief administrative officer of the respective public body is designated the public body's FOIA coordinator.

(3) An FOIA coordinator may designate another individual to act on his or her behalf in accepting and processing requests for the public body's public records, and in approving a denial under section 5(4) and (5).

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.

**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 1 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 1 SECTION 4, INCLUDING ANY DEPOSIT.

SEC. 10B. IF THE COURT DETERMINES, IN AN ACTION COMMENCED UNDER THIS ACT, THAT A PUBLIC BODY WILLFULLY AND INTENTIONALLY FAILED TO COMPLY WITH THIS ACT OR OTHERWISE ACTED IN BAD FAITH, THE COURT SHALL ORDER THE PUBLIC BODY TO PAY, IN ADDITION TO ANY OTHER AWARD OR SANCTION, A CIVIL FINE OF NOT LESS THAN \$2,500.00 OR MORE THAN \$7,500.00 FOR EACH OCCURRENCE. IN DETERMINING THE AMOUNT OF THE CIVIL FINE, THE COURT SHALL CONSIDER THE BUDGET OF THE PUBLIC BODY AND WHETHER THE PUBLIC BODY HAS PREVIOUSLY BEEN ASSESSED PENALTIES FOR VIOLATIONS OF THIS ACT. THE CIVIL FINE SHALL BE DEPOSITED IN THE GENERAL FUND OF THE STATE TREASURY.

Sec. 11. (1) A state agency shall publish and make available to the public all of the following:

(a) Final orders or decisions in contested cases and the records on which they were made.

(b) Promulgated rules.

(c) Other written statements **THAT** implement or interpret laws, rules, or policy, including but not limited to guidelines, manuals, and forms with instructions, adopted or used by the agency in the discharge of its functions.

(2) Publications may be in pamphlet, loose-leaf, or other appropriate form in printed, mimeographed, or other written matter.

(3) Except to the extent that a person has actual and timely notice of the terms thereof, a person **IS NOT** required to resort to, **AND SHALL NOT** be adversely affected by, a matter required to be published and made available, if the matter is not so published and made available.

(4) This section does not apply to public records **THAT** are exempt from disclosure under section 13.

(5) A person may commence an action in the court **OF CLAIMS** to compel a state agency to comply with this section. If the court determines that the state agency has failed to comply, the court shall order the state agency to comply and shall award reasonable attorneys' fees, costs, and disbursements to the person commencing the action. The **COURT OF CLAIMS HAS EXCLUSIVE** jurisdiction to issue the order.

(6) As used in this section, "state agency", "contested case", and **"RULE" MEAN "AGENCY", "CONTESTED CASE", AND "RULE" AS** those terms **ARE DEFINED** in **THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.**

### **15.243 Exemptions from disclosure; public body as school district or public school academy; withholding of information required by law or in possession of executive office.**

#### Sec. 13.

(1) A public body may exempt from disclosure as a public record under this act any of the following:

(a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.

(b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:

(i) Interfere with law enforcement proceedings.

(ii) Deprive a person of the right to a fair trial or impartial administrative adjudication.

(iii) Constitute an unwarranted invasion of personal privacy.

(iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.

(v) Disclose law enforcement investigative techniques or procedures.

(vi) Endanger the life or physical safety of law enforcement personnel.

(c) A public record that if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.

(d) Records or information specifically described and exempted from disclosure by statute.

(e) A public record or information described in this section that is furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the considerations originally giving rise to the exempt nature of the public record remain applicable.

(f) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy if:

(i) The information is submitted upon a promise of confidentiality by the public body.

(ii) The promise of confidentiality is authorized by the chief administrative officer of the public body or by an elected official at the time the promise is made.

(iii) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision does not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit.

(g) Information or records subject to the attorney-client privilege.

(h) Information or records subject to the physician-patient privilege, the psychologist-patient privilege, the minister, priest, or Christian Science practitioner privilege, or other privilege recognized by statute or court rule.

(i) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline for submission of bids or proposals has expired.

(j) Appraisals of real property to be acquired by the public body until either of the following occurs:

(i) An agreement is entered into.

(ii) Three years have elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.

(k) Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.

(l) Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation, including protected health information, as defined in 45 CFR 160.103.

(m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure. This exemption does not constitute an exemption under state law for purposes of section 8(h) of the open meetings act, 1976 PA 267, MCL 15.268. As used in this subdivision, "determination of policy or action" includes a determination relating to collective bargaining, unless the public record is otherwise required to be made available under 1947 PA 336, MCL 423.201 to 423.217.

(n) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, that if disclosed would prejudice a public body's ability to protect the public safety unless the public interest in disclosure under this act outweighs the public interest in nondisclosure in the particular instance.

(o) Information that would reveal the exact location of archaeological sites. The department of history, arts, and libraries may promulgate rules in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide for the disclosure of the location of archaeological sites for purposes relating to the preservation or scientific examination of sites.

(p) Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only 1 bidder has met the specifications. This subdivision does not apply after 1 year has elapsed from the time the public body completes the testing.

(q) Academic transcripts of an institution of higher education established under section 5, 6, or 7 of article VIII of the state constitution of 1963, if the transcript pertains to a student who is delinquent in the payment of financial obligations to the institution.

(r) Records of a campaign committee including a committee that receives money from a state campaign fund.

(s) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following:

(i) Identify or provide a means of identifying an informant.

(ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent.

(iii) Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have.

(iv) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of active or retired law enforcement officers or agents.

(v) Disclose operational instructions for law enforcement officers or agents.

(vi) Reveal the contents of staff manuals provided for law enforcement officers or agents.

(vii) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies.

(viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant.

(ix) Disclose personnel records of law enforcement agencies.

(x) Identify or provide a means of identifying residences that law enforcement agencies are requested to check in the absence of their owners or tenants.

(t) Except as otherwise provided in this subdivision, records and information pertaining to an investigation or a compliance conference conducted by the department under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, before a complaint is issued. This subdivision does not apply to records or information pertaining to 1 or more of the following:

(i) The fact that an allegation has been received and an investigation is being conducted, and the date the allegation was received.

(ii) The fact that an allegation was received by the department; the fact that the department did not issue a complaint for the allegation; and the fact that the allegation was dismissed.

(u) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.

(v) Records or information relating to a civil action in which the requesting party and the public body are parties.

(w) Information or records that would disclose the social security number of an individual.

(x) Except as otherwise provided in this subdivision, an application for the position of president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, materials submitted with such an application, letters of recommendation or references concerning an applicant, and records or information relating to the process of searching for and selecting an individual for a position described in this subdivision, if the records or information could be used to identify a candidate for the position. However, after 1 or more individuals have been identified as finalists for a position described in this subdivision, this subdivision does not apply to a public record described in this subdivision, except a letter of recommendation or reference, to the extent that the public record relates to an individual identified as a finalist for the position.

(y) Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.

(2) A public body shall exempt from disclosure information that, if released, would prevent the public body from complying with 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974. A public body that is a local or intermediate school district or a public school academy shall exempt from disclosure directory information, as defined by 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974, requested for the purpose of surveys, marketing, or solicitation, unless that public body determines that the use is consistent with the educational mission of the public body and beneficial to the affected students. A public body that is a local or intermediate school district or a public school academy may take steps to ensure that directory information disclosed under this subsection shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation. Before disclosing the directory information, a public body that is a local or intermediate school district or a public school academy may require the requester to execute an affidavit stating that directory information provided under this subsection shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

(3) This act does not authorize the withholding of information otherwise required by law to be made available to the public or to a party in a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(4) Except as otherwise exempt under subsection (1), this act does not authorize the withholding of a public record in the possession of the executive office of the governor or lieutenant governor, or an employee of either executive office, if the public record is transferred to the executive office of the governor or lieutenant governor, or an employee of either executive office, after a request for the public record has been received by a state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of government that is subject to this act.

**15.243a Salary records of employee or other official of institution of higher education, school district, intermediate school district, or community college available to public on request.**

Sec. 13a.

Notwithstanding section 13, an institution of higher education established under section 5, 6, or 7 of article 8 of the state constitution of 1963; a school district as defined in section 6 of Act No. 451 of the Public Acts of 1976, being section 380.6 of the Michigan Compiled Laws; an intermediate school district as defined in section 4 of Act No. 451 of the Public Acts of 1976, being section 380.4 of the Michigan Compiled Laws; or a community college established under Act No. 331 of the Public Acts of 1966, as amended, being sections 389.1 to 389.195 of the Michigan Compiled Laws shall upon request make available to the public the salary records of an employee or other official of the institution of higher education, school district, intermediate school district, or community college.

**15.244 Separation of exempt and nonexempt material; design of public record; description of material exempted.**

Sec. 14.

(1) If a public record contains material which is not exempt under section 13, as well as material which is exempt from disclosure under section 13, the public body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

(2) When designing a public record, a public body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

**15.245 Repeal of MCL 24.221, 24.222, and 24.223.**

Sec. 15.

Sections 21, 22 and 23 of Act No. 306 of the Public Acts of 1969, as amended, being sections 24.221, 24.222 and 24.223 of the Michigan Compiled Laws, are repealed.

**15.246 Effective date.**

Sec. 16.

This act shall take effect 90 days after being signed by the governor.

Resolution # 2017-50

A RESOLUTION TO INCREASE THE CITY MANAGER'S SALARY

Whereas, the Council has performed an evaluation of the City Manager and for the third time, has exceeded, on average, all expectations for her position; and

Whereas, the City Council recognizes that work accomplished by the City Manager has been outstanding overall; and

Whereas, the council, by this vote, wishes the opportunity to reward the City Manager for her outstanding work in support of the entire city;

Therefore, the City council is resolved to add an addendum to her contract that increases her salary, and duration that reflects her value to this community and her talents.

Date: December 4, 2017

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent:\_\_\_\_\_

I certify that this resolution was adopted by the City Council of the City of Albion on December 4, 2017.

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Jill Domingo  
City Clerk