Agenda

Belvidere Township Regular Meeting, 6:30 p.m.

107 N. Vesta St., P.O. Box 144, Six Lakes MI 48886

November 17, 2026

Call to Order
Pledge of Allegiance
Prayer: Dewey Murray
Roll Call: Wayne Watts____ Sheila Smith ____ Nancy Snyder ___ Brent Deitrich ___ Dustin Andersen ____
Public Comments pertaining to Agenda items: (3 minutes)
Approval of Agenda:
Approval of Minutes:

Approval of Monthly Expenses & Payroll:

Department Reports: Treasurer
Fire
Zoning
Cemetery
Planning Commission
Montcalm County Commissioner

New Business Items: 1. Townline Lake Boat Launch
2. FOIA Fees

Old Business Items: 1. '24 -'25 Audit
2. Gable Ends at Roadside Park

Public Comments: (3 minutes, no discussion)

Board Comments:

Upcoming Meetings: Monthly Twp Bd Meeting: Tue., Dec 15th, 2026, 6:30 p.m.
Office will be closed for Thanksgiving Nov 23, Nov 24 & Nov 25.

October 20, 2026
Belvidere Township Office 107 Vesta Street, Six Lakes
Minutes

Supervisor Watts called the meeting to order at 6:30 pm.

Pledge of Allegiance

Prayer: Given

Members present: Supervisor Wayne Watts, Treasurer Nancy Snyder, Trustee Brent Dietrich, Trustee Dustin Andersen and Clerk Sheila Smith.
Member absent: None

Public Comments: public comment began at 6:31 pm. Comments were received from four people. Topics: board packet, fee and wage schedule, grant, blight, data centers, transmission lines budget. Ended 6:41 pm.

Approval of Agenda: Moved by Snyder, Seconded by Andersen, to approve the agenda. Carried.

Approval of Minutes: Moved by Snyder, Seconded by Andersen, to approve the minutes of September 15, 2026 regular meeting with correction. Carried.

Budget Adjustment: Moved by Smith, Seconded by Snyder to put $5,000.00 election grant into revenues and take $1,000.00 out of contingency fund and put into Zoning Board of Appeals. Carried.

Approval of Monthly Expenses & Payroll: Moved by Andersen, Seconded by Snyder, to approve monthly expenses and payroll in the amount of $67,273.45. Carried.

Department Reports:
Received reports from the Treasurer, fire, zoning, cemetery, planning commission and Montcalm County Commissioner not present.

New Business:
Received Tamarack District Library annual report
Moved by Smith, Seconded by Andersen to a one-year moratorium on data centers. 5 "ayes" 0" nay". Carried.
Moved by Andersen, Seconded by Smith a resolution discouraging the construction of high-voltage power transmission lines, protecting local agriculture, water resources and wildlife, and advocating for alternative energy infrastructure solutions. 5 "ayes" 0" nay". Carried.

2026 OCT 27 AM 10:44
BELVIDERE TWP

Moved by Anderson, Seconded by Snyder to have the gable ends of the pavilion at the roadside park covered by sheet metal at the cost of $1,700.00 by Joseth Miller. Carried.
Veteran's Day November 11th there will be a ceremony at the roadside park at 11:45 am.
Moved by Smith, Seconded by Snyder to adjust the wage and fee schedule to actual. Carried.
Moved by Snyder, Seconded by Smith to approve the FIOA fees. 2 "ayes" 3" nay". Motion failed
Moved by Snyder, Seconded by Andersen to approve the changes in the Dangerous Buildings Ordinance. 5 "ayes" 0" nay". Carried.

Old Business:
Cover over the air conditions has been finished.

Public Comments: public comment began at 7:24 pm. Comments were received from twelve people. Topics: Road Commissioner, Judges, agenda, polices, veterans day, audit, boat launch. Ended 7:42 pm.

Board Comments:
The Clerk and Treasurer both made comments.

Upcoming Meetings
Election day November 3, 2026, 7:00 am – 8:00 pm.
Next Regular Board Meeting: November 17, 2026 at 6:30 pm.
Planning Commission Meeting November 10, 2026 at 6:00 pm.
Trunk or Treat October 31, 2026, 5:00 pm – 7:00 pm.
Offices will be closed November 11, 2026 Veterans Day.
Offices will be closed for Thanksgiving November 23, 24 and 25.

The meeting was adjourned at 7:59 pm.

_____ _____
Sheila Smith, Township Clerk Date

_____ _____
Wayne Watts, Township Supervisor Date

CLERKS BUDGET REPORT SUMMARIZED FOR BELVIDERE TOWNSHIP

Balance As Of 03/31/2027

GL Number	Description	26-27 Amended Budget	YTD Balance 03/31/2027 Normal (Abnormal)	Available Balance 03/31/2027 Normal (Abnormal)
Fund: 101 GENERAL FUND				
Account Category: Revenues				
000 -		365,821.00	347,760.55	18,060.45
262 -	ELECTIONS	5,000.00	0.00	5,000.00
Revenues		370,821.00	347,760.55	23,060.45
Account Category: Expenditures				
101 -	TOWNSHIP BOARD	98,433.97	92,562.84	5,871.13
171 -	SUPERVISOR	13,518.00	8,962.00	4,556.00
215 -	CLERK	37,201.00	24,671.61	12,529.39
247 -	BOARD OF REVIEW	1,507.10	0.00	1,507.10
253 -	TREASURER	24,283.00	16,760.22	7,522.78
255 -	OFFICE	37,250.00	22,890.47	14,359.53
257 -	ASSESSOR	37,009.00	24,291.48	12,717.52
262 -	ELECTIONS	10,000.00	7,402.38	2,597.62
265 -	BUILDING AND GROUNDS	22,112.00	18,410.23	3,701.77
411 -	ZONING BOA	1,000.00	419.83	580.17
567 -	CEMETERY	13,270.00	6,413.55	6,856.45
701 -	PLANNING COMMISION	9,000.00	3,494.17	5,505.83
702 -	ZONING ADMININSTRATION	17,544.00	11,009.23	6,534.77
751 -	PARKS	33,925.00	28,420.49	5,504.51
Expenditures		356,053.07	265,708.50	90,344.57
Fund 101 - GENERAL FUND:				
TOTAL REVENUES		370,821.00	347,760.55	23,060.45
TOTAL EXPENDITURES		356,053.07	265,708.50	90,344.57
Total Fund 101 GENERAL FUND:		14,767.93	82,052.05	(67,284.12)

GL Number	Description	26-27 Amended Budget	YTD Balance 03/31/2027 Normal (Abnormal)	Available Balance 03/31/2027 Normal (Abnormal)
Fund: 204 ROAD FUND				
Account Category: Revenues				
000 -		121,300.00	142,640.99	(21,340.99)
Revenues		121,300.00	142,640.99	(21,340.99)
Account Category: Expenditures				
446 - ROAD EXPENSE		92,412.49	97,471.86	(5,059.37)
Expenditures		92,412.49	97,471.86	(5,059.37)
Fund 204 - ROAD FUND:				
TOTAL REVENUES		121,300.00	142,640.99	(21,340.99)
TOTAL EXPENDITURES		92,412.49	97,471.86	(5,059.37)
Total Fund 204 ROAD FUND:		28,887.51	45,169.13	(16,281.62)

CLERKS BUDGET REPORT SUMMARIZED FOR BELVIDERE TOWNSHIP

Balance As Of 03/31/2027

GL Number	Description	26-27 Amended Budget	YTD Balance 03/31/2027 Normal (Abnormal)	Available Balance 03/31/2027 Normal (Abnormal)
Fund: 206 FIRE FUND				
Account Category: Revenues				
000 -		122,300.00	152,384.31	(30,084.31)
Revenues		122,300.00	152,384.31	(30,084.31)
Account Category: Expenditures				
336 - FIRE		59,210.00	82,675.49	(23,465.49)
Expenditures		59,210.00	82,675.49	(23,465.49)
Fund 206 - FIRE FUND:				
TOTAL REVENUES		122,300.00	152,384.31	(30,084.31)
TOTAL EXPENDITURES		59,210.00	82,675.49	(23,465.49)
Total Fund 206 FIRE FUND:		63,090.00	69,708.82	(6,618.82)

CLERKS BUDGET REPORT SUMMARIZED FOR BELVIDERE TOWNSHIP

Balance As Of 03/31/2027

GL Number	Description	26-27 Amended Budget	YTD Balance 03/31/2027 Normal (Abnormal)	Available Balance 03/31/2027 Normal (Abnormal)
Fund: 226 REFUSE FUND				
Account Category: Revenues				
000 -		246,445.00	291,651.63	(45,206.63)
Revenues		246,445.00	291,651.63	(45,206.63)
Account Category: Expenditures				
528 -		228,000.00	166,325.21	61,674.79
Expenditures		228,000.00	166,325.21	61,674.79
Fund 226 - REFUSE FUND:				
TOTAL REVENUES		246,445.00	291,651.63	(45,206.63)
TOTAL EXPENDITURES		228,000.00	166,325.21	61,674.79
Total Fund 226 REFUSE FUND:		18,445.00	125,326.42	(106,881.42)
Report Totals:				
TOTAL REVENUES - ALL FUNDS		860,866.00	934,437.48	(73,571.48)
TOTAL EXPENDITURES - ALL FUNDS		735,675.56	612,181.06	123,494.50
NET OF REVENUES & EXPENDITURES:		125,190.44	322,256.42	(197,065.98)

TREASURER'S REPORT MONTHLY FOR BELVIDERE TOWNSHIP

Balance As of 10/31/2026

GL Number	Description	YTD Balance 10/31/2026 Normal (Abnormal)
Fund: 101 GENERAL FUND		
Account Category: Assets		
Department: 000		
101-000-001.002	POOLED CHECKING ISABELLA	14,654.70
101-000-002.000	ISABELLA X5725	55,646.58
101-000-003.015	COMMUNITY FIRST X302	109,164.37
101-000-004.000	ISABELLA X5353	113,651.85
101-000-004.100	ISABELLA X5361	109,089.52
101-000-004.200	ISABELLA X5312	237,878.93
101-000-007.000	PETTY CASH CAMPGROUND	50.00
Total Department 000:		640,135.95
Assets		640,135.95
Fund: 204 ROAD FUND		
Account Category: Assets		
Department: 000		
204-000-001.002	POOLED CHECKING ISABELLA	0.00
Total Department 000:		0.00
Assets		0.00
Fund: 206 FIRE FUND		
Account Category: Assets		
Department: 000		
206-000-001.002	POOLED CHECKING ISABELLA	211,129.80
206-000-004.300	ISABELLA X5379	136,384.75
Total Department 000:		347,514.55
Assets		347,514.55
Fund: 226 REFUSE FUND		
Account Category: Assets		
Department: 000		
226-000-001.002	POOLED CHECKING ISABELLA	256,183.99
226-000-003.301	COMMUNITY FIRST CD X303	137,041.14
226-000-004.100	ISABELLA REFUSE X5717	182,261.04
Total Department 000:		575,486.17
Assets		575,486.17
Fund: 703 TAX		
Account Category: Assets		
Department: 000		
703-000-001.001	TAX CHECKING - ISABELLA X0036	7,749.41
703-000-004.000	TAX ACH ACCOUNT	207.52
703-000-007.001	PETTY CASH	100.00
Total Department 000:		8,056.93
Assets		8,056.93

Belvidere Township Fire Department

Run report for month of October 2026

Vehicle accident x2

Vehicle Fire X1

Carbon monoxide alarm x1

Nuisance fire call x2

Station update

Halloween Event went very well; we had approximately 175 attend the event. All thing considered a good turnout. This was smaller than last year but we had very nice weather, we figure that folks were hitting more door to door.

We are working on the final quotes for a replacement Grass truck.

Respectfully

Joshua Herzog 101

BTFD Chief

2026 NOV 9 AM 9:03
BELVIDERE TWP

TOWNSHIP OF BELVADERE PERMIT & ZONING REPORT

Date:October 2026

Name	Address	Category	Permit Approved	Permit Denied
Tim Gokey	7973 Little Penny Lane	movable shed	X	

Category	Approved Permits Count
Acc. Building	
Barn (Pole)	
Barn Addition	
Deck	
Garage	
Home	
Home Addition	
Land Division	
Miscellaneous	
Solar / Wind	
Special Use	
Variance	
TOTAL	**0**

2026 NOV 10 AM 11:20

VIOLATIONS

Name	Address	Reason	Deadline	Court Date
George Frazeur	[redacted]	dangerous building	11/29/26	
Jason Painter	[redacted]	blight rubbish	ticket 9/16/25 turned over to sheriff	
Lori Graham	[redacted]	living in camper	6/18/26 ticket	
Ella Graham	[redacted]	blight	ticket 11/11/26	ticket3/13/26
John/Susan Hill	[redacted]	blight	ticket 11/7/26	30 day ext court
Faron Peacock	[redacted]	blight/unplated vehical	6/27/26 deadline	turned over to sheriff

ZONING COMPLAINTS

Complaint	Update	Correspondence		

Hillcrest Cemetery
Oct 2026

2 - Cremation Burials

1 - Full Burial

1 - Foundation

Christy Reynolds

2026 NOV 2 AM 11:34
VIDEO TMP

Gmail lois palmer <belvideretwpsecretary@gmail.com>

Planning Comm report

1 message

fbcogswell@frontier.com <fbcogswell@frontier.com> Sun, Nov 15, 2026 at 4:18 PM
Reply-To: "fbcogswell@frontier.com" <fbcogswell@frontier.com>
To: lois palmer <belvideretwpsecretary@gmail.com>

Subject: Planning Commission Report - November 10, 2026 Good afternoon, I am sharing the Planning Commission report from our meeting on November 10, 2026. We approved the Bubbler ordinance, which includes the removal of Little Penny, Big Penny, and Sixth Lake. We have scheduled a Public Hearing for December 9th at 6 p.m. Additionally, the meeting dates for 2027 have been set as follows: - March 9 - May 11 - July 13 - September 14 - November 9 Best regards, BJ Cogswell Belvidere Township Planning Chair

Yahoo Mail: Search, Organize, Conquer

Belvidere Township, Montcalm County

FOIA Procedures and Guidelines

Preamble:Statement of Principles

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

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

The Township acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The Township acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals,
Belvidere Township will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The Township's policy is to disclose public records consistent with and in compliance with State law.

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

Section 1:General Policies

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

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

The FOIA Coordinator shall review Township spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with Township Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect Township systems from computer attacks which may be imbedded in an electronic FOIA request.

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

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

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

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

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

Include the following if the township directly or indirectly administers or maintains an official internet presence: This Procedures and Guidelines document and the Township's Written Public Summary will be maintained on the Township's website at: so, a link to those documents will be provided in lieu of providing paper copies of those documents. www.BelvideretownshipMI.gov

Section 2: Requesting a Public Record

No specific form to submit a request for a public record is required. However, the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Township may be submitted on the Township's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.

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

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

A written request must sufficiently describe a public record so as to enable Township personnel to identify and find the requested public record.

A request from a person, other than an individual who qualifies as indigent under MCL 15.234(2)(a), must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards:

JANE SMITH (or ABC MOVERS)
1500 E MAIN AVE STE 201
SPRINGFIELD VA 22162-1010

Contact information must include a valid telephone number or electronic mail address.

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

A person making a request may stipulate that the public body's response be electronically mailed (email), delivered by facsimile (fax), or delivered by first-class mail, and the township will comply unless the township lacks the technological capability to provide an electronically mailed or facsimile response.

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

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

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

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

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

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

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

A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records*, provided however, that because these Procedures and Guidelines, and the Written Public Summary are maintained on the Township's website at: www.BelvideretownshipMI.gov a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents. (*If the township does not maintain the Procedures and Guidelines and the Written Public Summary on a township website, then end the sentence above at the asterisk*.)

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 the cost of processing a FOIA request is expected to exceed $50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the Township will require a good-faith deposit pursuant to Section 4 of this policy before processing the request.

In making the request for a good faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the Township to process the request and also provide a best-efforts estimate of a time frame it will take the Township to provide the records to the requestor. The best-efforts estimate shall be nonbinding on the Township but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

When a request is denied or denied in part:

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 Township; 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 the township board at either the office of the Township Supervisor (or "clerk, " or "manager" etc.) or seek judicial review in the Montcalm County Circuit Court;
- 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.

Requests to inspect public records:

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

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

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

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

In coordination with the official responsible for the records, the FOIA coordinator shall determine on a case-by case basis when the township will provide copies of original records, to allow for editing out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection.

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

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

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

In coordination with the official responsible for the records, the FOIA coordinator will determine (by policy, on a case-by-case basis, or both) when the township will provide copies of original records, to allow for editing 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. Optional: A fee will be charged for copies made to enable public inspection of records, according to the township's FOIA policy.

Requests for certified copies:

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

Section 4: Fee Deposits

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

If a request for public records is from a person who has not paid the Township in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent 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 Township's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by the Township to provide the records;
- Ninety (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 Township; 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 Township; • The Township is subsequently paid in full for the applicable prior written request; or
- Three hundred sixty-five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

If a deposit is not received by the Township within 48 days from the date that the notice of deposit requirement is sent, and if the requesting person has not filed an appeal of the deposit amount, the request shall be considered abandoned by the requesting person and the Township is no longer required to fulfill the request. Notice of a deposit requirement must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent.

Section 5: Calculation of Fees

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

A fee will not be charged for the labor cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the Township because of the nature of the request in the particular instance, and the Township specifically identifies the nature of the unreasonably high costs.

Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are "unreasonably high" when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the township's usual FOIA requests, not compared to the township's operating budget. (Bloch v. Davison Community Schools, Michigan Court of Appeals, Unpublished, April 26, 2011)

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

- 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 the public records are from more than one Township département or whether various Township offices are 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 Michigan FOIA statute permits the Township to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Township.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Township. • The cost of copying

or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the township's website if the requester asks for the township to make copies.

- The actual and most reasonably economical cost of non-paper physical media when the requester asks for records in any form of non-paper physical media. This may include the cost for copies of records already on the township's website if the requester asks for the township to make copies. The cost to mail or send a public record to a requestor.

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. If the time involved is less than 15 minutes, there will be no charge.

Section 6: Waiver of Fees

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

Section 7: Discounted Fees

Indigence

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

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

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from the Township twice during the calendar year; or e 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.

Nonprofit organization advocating for developmentally disabled or mentally ill individuals

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

* A 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, 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:
    - Is made directly on behalf of the organization or its clients.
    - Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.

- Is accompanied by documentation of its designation by the state, if requested by the public body.

Section 8: 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 appeal to the Township Board by filing an appeal of the denial with the office of the Township Supervisor (or "clerk" or "FOIA Coordinator, " etc.).

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

- Labor costs will be charged at the hourly wage of the lowest-paid Township employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. • The Township may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits. • Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of $48.90 (6 times the state minimum hourly wage).

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

- Any form of non-paper physical media (for example, USB drives, 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 Township has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- The Township will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the Township's technology infrastructure.

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 h x 11) or legal (8 h x 14) sized paper will not exceed S. 10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The Township will provide records using double-sided printing, if it is 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. o The Township may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless specified by the requestor.

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

- Reduce the labor costs by 5% for each day the Township exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
    - o The Township's late response was willful and intentional;
    - o The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment, or o
    - o The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or legal code reference to MCL 15.231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form.

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

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

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

If the Township Board fails to respond to a written appeal, or if the Township Board upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Circuit Court.

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

If a court that determines a public record is not exempt from disclosure, it shall order the Township to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

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

If the court determines that the Township has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the Township to pay a civil fine of $l ,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 $l ,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.

Section 9: Appeal of an Excessive FOIA Processing Fee

"Fee" means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.

If a requestor believes that the fee charged by the Township to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the Township Board by submitting a written appeal for a fee reduction to the office of the Township Supervisor (or "clerk" or "FOL4 Coordinator, '4 etc. .

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The Township FOIA Appeal Form (To Appeal an Excess Fee) may be used.
The Township Board is not considered to have received a appeal until the first regularly scheduled Township Board meeting following submission of the appeal.

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

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

Where the Township Board reduces or upholds the fee; the determination must include a certification from the Township Board that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 4 of the FOIA.

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

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

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

- o The Township does not provide for appeals of fees

- o The Township Board failed to respond to a written appeal as required, or o The Township Board issued a determination to a written appeal.

If a court determines that the Township required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that the Township has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the Township to pay a civil fine of $500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of $500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 10: Conflict with Prior FOIA Policies and Procedures; Effective Date

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

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

These FOIA Policies and Guidelines become effective _____,2026

Section 11: Appendix of _____Township FOIA Forms

- Request for Public Records Form
- Notice to Extend Response Time Form
- Notice of Denial Form
- Detailed Cost Itemization Form
- Appeal of Denial of Records Form
- Appeal of Excess Fee Form

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

_____ Township, _____ County

_____

_____

Phone: _____

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

FOIA Request for Public Records

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

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

Date delivered to junk/spam folder: _____

Date discovered in junk/spam folder: _____

(Please Print or Type)

Name		Phone
Firm/Organization		Fax
Street		Email
City	State	Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email or Fax to address above
☐ Deliver on digital media provided by the township: _____

Note: *The township is not required to provide records in a digital format or on digital media if the township does not already have the technological capability to do so.*

Describe the public record(s) as specifically as possible. You may use this form or attach additional sheets:

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

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

Requestor's Signature	**Date**

(Complete both sides)

Records Located on Website

If the township directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (*separate exempt information from non-exempt information*).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the township must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the township must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the township has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the township must provide the public records in the specified format (if the township has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

Request for Copies/Duplication of Records on Township Website

I hereby stipulate that, even if some or all of the records are located on a township website, I am requesting that the township make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

Requestor's Signature	Date

Overtime Labor Costs

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

Consent to Overtime Labor Costs

I hereby agree and stipulate to the township using overtime wages in calculating the following labor costs as itemized in the following categories:

1. ☐ Labor to copy/duplicate **2.** ☐ Labor to locate **3a.** ☐ Labor to redact **3b.** ☐ Contract labor to redact

6b. ☐ Labor to copy/duplicate records already on township's website

Requestor's Signature	Date

Request for Discount: Indigence

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first $20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**

2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

(i) The individual has previously received discounted copies of public records 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.

Office Use: ☐ Affidavit Received ___ No. of Previous Discounted Requests During _____ Calendar Year

☐ Eligible for Discount ☐ Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request: Requestor's Signature:	Date:

Request for Discount: Nonprofit Organization

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first $20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

(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 township.

Office Use: ☐ Documentation of State Designation Received ☐ Eligible for Discount ☐ Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931: Requestor's Signature:	Date:

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

_____ Township, _____ County

_____

_____

Phone: _____

Extension Form

Notice to Extend Response Time for FOIA Request

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

Request No.: _____ Date Received: _____

Date of This Notice: _____

(Please Print or Type)

Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method

Date delivered to junk/spam folder: _____

Date discovered in junk/spam folder: _____

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email or Fax to address above

☐ Deliver on digital media provided by the township: _____

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

_____

_____

_____

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

Estimated Time Frame to Respond: _____ (*days or date*)

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

Reason for Extension:

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

_____

_____

_____

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

_____

_____

_____

☐ **3.** Other (describe): _____

_____

_____

Signature of FOIA Coordinator: **Date:**

(Michigan Townships Association, December 2024)

[This page left blank on purpose for double-sided printing.]

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

_____ Township, _____ County

_____

_____

Phone: _____

Denial Form

Notice of Denial of FOIA Request

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

Request No.: _____ Date Received: _____

Date of This Notice: _____

(Please Print or Type)

Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method

Date delivered to junk/spam folder: _____

Date discovered in junk/spam folder: _____

Name	Phone
Firm/Organization	Fax
Street	Email
City State Zip	

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email or Fax to address above

☐ Deliver on digital media provided by the township: _____

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

_____

_____

_____

☐ **All OR** ☐ **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact _____ at _____

Partial Denial: Estimated Time Frame to Respond: _____ *(days or date)*.The time frame estimate is nonbinding upon the township, but the township is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

Reason for Denial:

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

_____

☐ **2. Record Does Not Exist:** The request is denied for the reason that the records requested do not exist (MCL 15.235(5)(b)). The Township has performed a diligent search and can certify that it does not have possession of any records as you described.

☐ 3. **Redaction:** A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection_____ *(insert number)*, because: _____

_____

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

_____

_____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the township board or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the township has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (*See back of this form for additional information on your rights.*)

Signature of FOIA Coordinator: **Date:**

(Michigan Townships Association, rev. July 2026)

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

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

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

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

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015.

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

_____ Township, _____ County

_____

_____

Phone: _____

FOIA Appeal Form—To Appeal a Denial of Records

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

Request No.: _____ Date Received: _____

Date of This Notice: _____

(Please Print or Type)

Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method

Date delivered to junk/spam folder: _____

Date discovered in junk/spam folder: _____

Name		Phone
Firm/Organization		Fax
Street		Email
City	State	Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email or Fax to address above

☐ Deliver on digital media provided by the township: _____

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

_____

_____

Reason(s) for Appeal:

The appeal must identify the reason(s) for reversing the denial. You may use this form or attach additional sheets:

_____

_____

_____

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

Township Response:

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

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

Unusual circumstances warranting extension: _____

_____

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

Township Determination:

☐ Denial Reversed ☐ Denial Upheld ☐ Denial Reversed in Part and Upheld in Part

The following previously denied records will be released: _____

_____

_____

_____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the township board or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the township has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (*See back of this form for additional information on your rights.*)

Signature of FOIA Coordinator: **Date:**

(Michigan Townships Association, rev. December 2024)

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

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

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

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

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

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

_____ Township, _____ County

_____

_____

Phone: _____

FOIA Appeal Form—To Appeal an Excess Fee

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

Request No.: _____ Date Received: _____

Date of This Notice: _____

(Please Print or Type)

Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method

Date delivered to junk/spam folder: _____

Date discovered in junk/spam folder: _____

Name		Phone
Firm/Organization		Fax
Street		Email
City	State	Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email or Fax to address above

☐ Deliver on digital media provided by the township: _____

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

_____

_____

Reason(s) for Appeal:

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

_____

_____

_____

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

Township Response:

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

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

Unusual circumstances warranting extension: _____

_____

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

Township Determination: ☐ Fee Waived ☐ Fee Reduced ☐ Fee Upheld

Written basis for township determination: _____

_____

_____

Notice of Requestor's Right to Seek Judicial Review

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

Signature of FOIA Coordinator: **Date:**

(Michigan Townships Association, rev. December 2024)