



## County of Kent

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WAYLAND MI, 49348

Date: 07/09/2020  
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### Freedom of Information Act Detailed Cost Itemization (Actual)

#	Description of Charges	Calculation	Estimated Costs	Actual Costs
1	Copying Cost	0.02 x No. of sheets	\$	\$
2	Labor Cost for Copying	Hourly Wage \$ / 60 increment x No. of Increments (1 min. each)	\$	\$
3	Labor Cost to Locate	Hourly Wage \$ / 4 increment x No. of Increments (15 min. each)	\$	\$
4	Employee Labor Cost for Redaction	Hourly Wage \$ / 4 increment x No. of Increments (15 min. each)	\$	\$
5	Contractor Labor Cost for Redaction	Hourly Wage \$ / 4 increment x No. of Increments (15 min. each)	\$	\$
6	Mailing, Shipping or Insurance		\$	\$
7	Records already on the County's website -			
	Copying Cost	0.02 x No. of sheets	\$	\$
	Labor Cost	Hourly Wage \$ / 1 increment x No. of Increments (1 min each)	\$	\$
	Mailing, Shipping, Insurance		\$	\$
8	Other Costs:           Description: <u>Records Request Processing</u>		\$	\$ 8.00
<b>Subtotal before Waivers, Discounts or Deposits:</b>			\$	\$ 8.00
1	Waiver: Public Interest	\$	\$	\$
2	Discount: Indigence	\$ (Less \$20)	\$	\$
3	Discount: Nonprofit Organization	\$ (Less \$20)	\$	\$
4	Deposit not to exceed 1/2 of est. fee	\$ (Goodfaith deposit previously made)	\$	\$
5	Deposit Increase fees: NOT paid in full in last 365 days	\$ (Deposit of 100% required)	\$	\$
6	Late Response Labor Cost Reduction	Total Fees \$ 8.00 - 5 (minus 5%) x no. of days late	\$	\$
7	Other Discount	\$	\$	\$
<b>Total of Waivers, Discounts or Deposits:</b>			\$	\$
<b>Estimate Total Balance Due and Payable:</b>			\$	\$
<b>Total Balance Due and Payable:</b>			\$	\$ 8.00

**Hourly Wage** includes fringe benefits not exceeding 50%. **Contracted Labor Cost** does not exceed 6 times the state minimum hourly wage.  
**Pay online at:** <https://www.accessKent.com/FOIA/Search.jsp>. A convenience fee will be assessed if you pay online using a credit or debit card. Online payments are an alternative to traditional types of payments and are considered voluntary. You can choose to mail or bring a check or money order payable to "County of Kent" to the address contained in the invoice:

Janey Donnini  
 Environmental Health  
 700 Fuller Avenue NE  
 Grand Rapids MI, 49503

## **NOTICE OF RIGHT TO APPEAL FOR AN EXCESSIVE FOIA PROCESSING FEE**

If you believe that the fee charged by the County to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the County Board of Commissioners by filing a written appeal for a fee reduction to the Office of the Kent County Board of Commissioners, Kent County Administration Building, 3<sup>rd</sup> Floor, 300 Monroe Ave NW, Grand Rapids, Michigan 49503. The appeal must specifically state the word “**appeal**” and identify how the required fee exceeds the amount permitted. Within 10 business days after receiving the appeal, the County Board of Commissioners will make a determination in writing. Within 45 days after receiving notice of the County Board of Commissioner’s determination of the processing fee appeal, you may commence a civil action in the 17<sup>th</sup> 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 County acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.

### **FREEDOM OF INFORMATION ACT (EXCERPT), Act 442 of 1976**

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

Sec. 10a.

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

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

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

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

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

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

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

(a) Waive the fee.

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

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

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

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

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

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

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