

**BOARD OF INGHAM COUNTY
ROAD COMMISSIONERS**

BOARD POLICY

EFFECTIVE DATE: IMMEDIATE POLICY #BP-284

SUPERSEDES BP#222 RESOLUTION #030-06

SUBJECT: FREEDOM OF INFORMATION ACT POLICY

ADOPTED BY THE BOARD OF INGHAM COUNTY ROAD COMMISSIONERS ON FEBRUARY 9, 2006

In keeping with Act No. 442, Public Acts of 1976, known as the "Freedom of Information Act", the Board of County Road Commissioners of the County of Ingham hereby adopts the following policy relating thereto:

Upon receipt of an oral, written, faxed or emailed request for copies of public records, described sufficiently to permit the requested records to be located and reproduced, the Secretary of the Board (designated FOIA Coordinator), or his/her Deputy, shall within five (5) business days after the request is received (unless otherwise agreed to in writing by the person making the request) respond to such FOIA request by doing one 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; or
- (d) Under unusual circumstances, issue a notice to the requesting person extending, for not more than ten (10) business days, the time in which to respond.

A written notice denying the request under (b) or (c) above shall contain the following:

- (a) An explanation of the basis for the determination that the public record(s), or portion thereof, is exempt from public disclosure, if that is the reason for denying the request. Those records which shall be considered confidential to the extent that they are exempt from public disclosure are as follows:

(b) Bids or proposals by a person to enter into a contract or agreement, until the time for the public opening of the bids or proposals, or if a public opening is not to be conducted, until the time for the receipt of bids or proposals has expired.

(c) Appraisals of real property to be acquired by the public body until an agreement is entered into, or three (3) years have elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.

(d) Communications and notes within or between the Board of Ingham County Road Commissioners and other governmental bodies which are of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final determination of policy or action.

(e) Information or records subject to the attorney-client privilege.

(f) Information or records subject to the physician-patient privilege, the psychologist-patient privilege, the minister/priest/Christian Science practitioner privilege, or other privilege recognized by statute or court rule.

(g) 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 evaluations.

(1) Any other categories of records specifically exempt by law.

(2) A Certificate that the public record requested does not exist under the name given by the requester, or by any other name reasonably known, if that is the reason for denying the request.

(3) An explanation of the reason for any separation or deletion, if a separation or deletion is made, from items and/or information on, or from, a public record provided pursuant to the request.

(4) A full explanation of the requesting person's right to seek judicial review through circuit court action, including notification of the right to receive attorney's fees and damages.

(5) The signature of the person empowered to grant or deny requests, as stated above.

Fees charged for reproducing requested public records shall be as follows:

24 x 18 Blueprint - \$2.00 Each Sheet*

24 x 36 Blueprint - \$3.00 Each Sheet*

8½ x 11 Photocopy - \$.10 each sheet for black and white copies, \$.20 each sheet for color copies*

Cd's - \$10.00 flat fee each (includes production/copying cost).*

8½ x 14 Photocopy - \$.15 each sheet for black and white copies, \$.25 each sheet for color copies*

The Search (for an employee to undertake the location of documents not readily available) and Reproduction Fee shall be determined at the current rate per hour, plus the fringe benefit rate, of the lowest paid employee capable of retrieving the information necessary to comply with the request.*

*The above fees are based on actual cost of supplies and labor and may be increased (or decreased) at the discretion of the Secretary of the Board, or his/her Deputy, should costs to the Board of Ingham County Road Commissioners be increased (or decreased).

