

BOARDS AND COMMISSION: ORIENTATION MATERIALS & RESOURCE GUIDE



9/30/2019

CITY OF WYANDOTTE, MICHIGAN

INTRODUCTION

Good government is not just the responsibility of City officials and employees, residents also play an important role. Through its boards and commissions, the city offers numerous opportunities for residents to get involved. Board and Commission members provide input to the Mayor, City Council, City Administrator and Departments on a variety of issues affecting the City. More than 100 volunteers serve on various boards and commissions, many of which make direct recommendations to the City Council or to a City Department. Members examine a variety of issues from building safety, development planning and neighborhood zoning regulations. As a board or commission member, you are an important part of the City process and the City appreciates your devotion, energy, time and expertise spent in making Wyandotte a great community. This document along with our [Guide for Boards and Commissions](#) will assist you in answer any questions you may have about boards, commissions, committees, and their subcommittees.



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WELCOME

Dear New Board or Commission Member,

It is my pleasure to welcome you to serve the City of Wyandotte as a board or commission member. You have been appointed to this committee for your expertise and experience. As a member, you will be asked to apply your expertise in several key roles:

- Advise City Council on policy guidance.
- Act as an ambassador to the greater community.
- Provide expertise to your peers and other boards and commissions.
- Build partnerships with community groups and private businesses

The objective of our boards and commissions is directly aligned with the Strategic Plan of the City of Wyandotte and the values of our community as a whole.

Your appointment is an honor and a responsibility. This role provides you an enormous opportunity to improve the quality of life in our city. We believe that working together with our policy makers and fellow citizens in a diplomatic and collaborative process is the key to building a strong and healthy community.

Thank you for your service. Your knowledge and voice are valuable to our city and critical to your board and commissions success and we look forward to working together with you.

Sincerely,

A handwritten signature in black ink that reads "Joseph R. Peterson". The signature is fluid and cursive, with the first name "Joseph" being the most prominent part.

Mayor Joseph R. Peterson

OFFICIALS

Theodore H. Galeski
CITY ASSESSOR

Lawrence S. Stec
CITY CLERK

Todd M. Browning
CITY TREASURER



LAWRENCE S. STEC
CITY CLERK

MAYOR
Joseph R. Peterson

COUNCIL
Robert Alderman
Chris Calvin
Robert A. DeSana
Megan Maiani
Leonard T. Sabuda
Donald Schultz Jr.

TO ALL COMMISSIONERS:

Congratulations on your appointment to a Commission and/or Board for the City of Wyandotte! The following paperwork should be reviewed and returned, if applicable, at your earliest convenience:

For completion and return to the Clerk's office:

1. Packet Acknowledgement Form
2. Contact Information Form
3. Disclosure Statement
4. Conflict of Interest Disclosure Statement

To keep for your records/review:

5. Standards of Conduct & Disclosure Statement for Elected Officials, Appointees, and Department Heads (aka Ethics Ordinance)
6. Freedom of Information Act (FOIA) Procedures and Guidelines & Summary Packet
7. Open Meetings Act Information
8. Copy of the Ordinance that governs your particular Commission and/or Board, if applicable.
9. Copy of the State Laws that pertain to your particular Commission and/or Board, if applicable

It is **required** that you **appear in person** in the Clerk's Office to take an Oath of Office within 10 days of your appointment. Please bring any and all completed and signed paperwork at that time.

Please call the Clerk's Office with any questions you may have at 734.324.4560.

Sincerely,

Lawrence S. Stec
City Clerk

By signing below, I acknowledge that I am in receipt of the packet of informational material from the City Clerk's Office.

X: _____

3200 Biddle Avenue • Wyandotte, Michigan 48192 • 734-324-4560 • Fax 734-556-3131 • www.wyandotte.net



Equal Housing Opportunity/Equal Opportunity Employer



**CITY OF WYANDOTTE
CONTACT INFORMATION FORM**



Please complete ALL fields below:

Name

Mailing Address

Home Phone #

Work Phone #/Ext.

Cell Phone #

Email Address

Preferred method of contact: (please circle one)

Home Phone

Work Phone

Cell Phone

Email

Department:

Please note: we are trying to move towards a more "electronic" environment in terms of communication in an effort to increase efficiency. While we prefer your email address to be your chosen contact method, we will still need to keep your mailing address on file in the case that there are matters that are unable to be sent electronically. Please be sure to complete the form above completely.

Thank you.

LOOK, KALMBACH AND LOOK

PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

2241 OAK STREET
WYANDOTTE, MICHIGAN 48192-5390

(313) 285-6500
FAX (313) 285-4160

RANDY L. KALMBACH
WILLIAM R. LOOK
JOSEPH PALAMARA

RICHARD W. LOOK
(1912 - 1993)

September 26, 1994

Mayor James R. DeSana and
City Council Members
City of Wyandotte
3131 Biddle Avenue
Wyandotte, Michigan 48192

RE: Ethics Ordinance

Dear Mayor DeSana and City Council Members:

The following items are some reminders to each of you concerning Wyandotte's Ethics Ordinance:

- 1) "Gifts" over \$100.00 in value must be reported on a Form and filed with the City Clerk's office. "Gifts" mean a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value which exceeds \$100.00 in value, but shall not include campaign contributions. Under Section 2.304, dealing with entertainment, an offer or acceptance of consumable gifts or entertainment with a value under \$100.00 is not prohibited.
- 2) Section 2.307 prohibits the disclosure of confidential information to unauthorized persons in advance of the time prescribed by the City for its authorized release to the public.
- 3) Real property interests in the City of Wyandotte (including land contracts), other than your principal residence, must be disclosed if their fair market value exceeds \$2,500.00.
- 4) Section 2.301 requires the disclosure of any financial, business, commercial or contractual interests which conflict with or adversely affect the performance of your duties.
- 5) Elected officials shall not make policies affecting the citizens that are not authorized by the Charter, City Ordinance, City Council, etc.
- 6) Remember that the filing date of the Form(s) is March 28th of each year, beginning in 1995.

Very truly yours,

DEPARTMENT OF LEGAL AFFAIRS

LOOK, KALMBACH and LOOK
Professional Corporation


Randy L. Kalmbach

RLK/kp

Name: _____ Address: _____

Occupation/place of business: _____

Address	Legal Description	Assessed Value

Name	Description	Nature of Association

Type of Gift	From Whom	Value

I, _____, do hereby swear and affirm that there were no material changes in the past twelve (12) months.

The forgoing instrument was acknowledged before me this _____ day of _____, _____
by _____

Reference: Exhibit B; Section 2.310 of Ordinance

**CONFLICT OF INTEREST DISCLOSURE STATEMENT
CONCERNING INVESTMENTS**

Name: _____ Date: _____

Address: _____

Names and address of persons or business entities with which a conflict exists:

Name	Address

Does said person or business entity do business with the City of Wyandotte or with an elected official or appointee in a policy-making position?

YES _____ NO _____

If yes, the amount of income received or anticipated:

Signature: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this ____ day of _____, _____
by _____.

Notary Public, Wayne County, Michigan
My Commission expires: _____

ARTICLE X. - STANDARDS OF CONDUCT AND DISCLOSURE STATEMENTS FOR ELECTED OFFICIALS, APPOINTEES AND DEPARTMENT HEADS^[9]

Footnotes:

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Editor's note—Ord. No. 1235, § 1, adopted July 18, 2005, amended Art. X in its entirety to read as herein set out. Former Art. X, §§ 2-300—2-2-313 pertained to similar subject matter and derived from Ord. No. 976, § 1, adopted Feb. 28, 1994; and Ord. No. 1012, § 1, adopted Mar. 18, 1996.

Sec. 2-300. - Definitions.

The words defined in this section shall have the meanings respectfully ascribed to them for purposes of this article:

Agency shall mean any multi-member body created by charter or ordinance of the City of Wyandotte, and quasi-government or independent agencies, including boards and commissions, created pursuant to state law and properly established or created by the city.

Appointee shall mean any department head (direct of administrative services, director of financial services, city engineer, director of community development, the police chief, the fire chief, the superintendent of recreation and the general manager of the municipal service department) or member of a board or commission, whether in a paid or unpaid position for the City of Wyandotte, acting in a policy making capacity in the performance of an official duty for the city.

Business shall mean any entity operated for economic gain, whether professional, industrial or commercial, and whether established to produce or deal with a product or a service, including but not limited to entities operated in the form of sole proprietorship, self-employed persons, partnership, corporation, joint stock company, joint venture, receivership or trust, and entities which for purposes of taxation are treated as nonprofit organizations.

Business which a person is associated with shall mean any business in which the person is a director, officer, owner, member, partner or employee.

Compensation shall man any payment received for service, performance or participation as a board or commission member of an agency of the City of Wyandotte.

Complainant shall mean any person who files a written formal complaint as provided in this article.

Elected official shall mean the mayor, any city council member, the city clerk, the city treasurer and the city assessor of the City of Wyandotte.

Gifts shall mean a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value which exceeds one hundred dollars (\$100.00) in value, but shall not include campaign contributions.

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Interests in real property shall mean and includes any leasehold interests, beneficial interests, vendor's or vendee's interests in land contracts, ownership interests or an option to acquire any such interests in real property.

Financial business, commercial or contractual interest shall mean any direct or indirect pecuniary or material benefit accruing to an elected official or appointee as the result of a contract, vote or other transaction which is or may be subject to an official act or action by or with the City of Wyandotte for purposes of this section. Interest shall also include:

- (i) An elected official or appointee shall be deemed to have an interest in the affairs of the person's spouse, children, grandchildren, brothers, sisters, parents and parents of a spouse to the extent provided herein;
- (ii) Any interest with a current or future value;
- (iii) Any interest of a corporation, partnership, franchise, organization or other legal entity organization for profit. However, a conflict of interest shall not include:
 - (1) The employment of a spouse, child, brother, sister, parent or parent of a spouse shall not be considered if such employment is in a non-ownership, non-policy making, non-controlling interest, or is not in a contract negotiating and monitoring capacity;
 - (2) Any ownership which is acquired through purchase at fair market value or inheritance of less than one (1) per cent of the shares of a corporation, or as a parent, subsidiary or affiliate, is such shares have been registered on a securities exchange pursuant to the Securities Exchange Act of 1943, as amended;
 - (3) The authorized compensation and fringe benefits paid to an elected official, appointee or civil servant;
 - (4) A time or demand deposit in a financial institution;
 - (5) An endowment, insurance policy or annuity contract purchased from an insurance company;
 - (6) Service by elected officials and appointees of the City of Wyandotte Retirement Commission shall not be considered a conflict of interest requiring disclosure.

Official action, official authority, or official duties shall mean a decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.

Public office shall mean an elected official or appointee of the City of Wyandotte.

Public officials or public officers shall mean and include appointees and elected officials of the City of Wyandotte.

Respondent shall mean any person to whom a written formal complaint is directed to by the city attorney for information or a reply to the formal complaint.

Source of income shall mean any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity, provided nothing herein shall be construed to require the reporting of individual clients or patients.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-301. - Investments in conflict with official duties.

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All public officials, either elected, or appointed, whether paid or unpaid, shall be required to disclose any financial, business, commercial, contractual interest or other private transaction which conflicts with or otherwise adversely affects the performance of his or her official duties; such transactions shall be disclosed as a matter of public record, on the form attached to Ordinance No. 1235 as Exhibit A prescribed in section 2-311.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-302. - Disclosure of interest.

Elected officials and appointees of the City of Wyandotte who have an interest in any proposed legislation or decision pending before any body of which the official or appointee is a member shall abstain from any vote, refrain from participation in deliberations of the matter, and publicly disclose on the official records of the body, the nature and extent of such interest prior to any vote or official action of the matter.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-303. - Incompatible employment.

- (a) No elected official or appointee shall engage in employment with any other agency or department of the City of Wyandotte. No elected official or appointee shall render services for private interest, when such employment or service is in conflict with or is incompatible with the proper discharge of his or official duties.
- (b) Appointees to multi-member boards or commissions which are policy making bodies, whether paid or unpaid, shall disclose any financial, business, commercial, contractual or other private transaction interest prior to any official action or vote taken, for which the appointee's vote or other official action is in conflict with or is incompatible with the interests of the City of Wyandotte.
- (c) Any elected official or appointee who serves on the board of any agency of the City of Wyandotte shall disclose any financial interest in or compensation received from the agency, as the result of the service or participation.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-304. - Offer or acceptance of gifts or favors.

No elected official or appointee, whether paid or unpaid, shall solicit or accept, or give anything of value which is intended to influence a vote, decision or other exercise of official authority in any matter involving the City of Wyandotte and any violations of this section shall be subject to the penalty provisions of this article.

Gifts to the city: Nothing in this section shall prohibit any official or appointee from accepting a gift on behalf of the City of Wyandotte, provided the person accepting the gift shall promptly report the receipt of such gift to the finance department, for the purpose of adding the inventory of property of the City of Wyandotte.

Entertainment: Nothing in this section shall be interpreted to prohibit an offer or acceptance of consumable gifts or entertainment with a value under one hundred dollars (\$100.00).

"Gifts" do not include a gift received from one (1) or more the following:

(1)

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A relative within the fifth degree of consanguinity, under the civil law computation method, to the elected official or appointee, or the spouse of such relative; or

- (2) A spouse of the elected official or appointee, or a spouse's relative within the fifth degree of consanguinity to the spouse, under the civil law computation method; or
- (3) A person to whom the city official or candidate is engaged or intends to marry; or
- (4) As used in this section "gifts" do not include campaign contributions.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-305. - Incompatible appointments.

An elected official or appointee may serve as a member of a board, commission or authority unless prohibited by the City Charter or state law.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-306. - Disclosure of unlawful or improper policies or actions.

- (a) Public officials or employees who have a good faith belief that the public interest requires the disclosure of governmental policies or actions thought to be unlawful or improper should reveal their information to the city council.
- (b) It shall be unlawful for public official or employee to harass, punish or seek reprisals against public officials or employees who seek to hold government accountable through conscientious disclosure of unlawful or improper policies or actions.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-307. - Public officials or employees; disclosure of information.

- (a) No public officer or employee shall divulge to any unauthorized person confidential information acquired in the course of holding his or her position in advance of the time prescribed by the governmental body for its authorized release to the public, except as otherwise required or permitted by law.
- (b) No public officer or employee shall make unauthorized use of his or her public position, or any confidential information received through holding such public position, to obtain financial gain for himself or herself, a member of his or her immediate family or a business with which such individual is associated. This provision shall not prevent the public officer or employee from accepting his or her regular compensation as a public officer or employee.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-308. - Official policies.

A public official or employee shall not make policies affecting the citizens of the City of Wyandotte that are not authorized by the City Charter, Code of Ordinances, city council, authorized agency of the city, or adopted policies of the City of Wyandotte.

- (a) Official policies shall be in writing and made available to the citizens of Wyandotte when requested, subject to the Freedom of Information Act Policy of the City of Wyandotte.
- (b) No public officer or employee shall act on behalf of the City of Wyandotte in the making of policy statements, in authorizing any action, agreement or contract, or in promising to prevent any future action, when such officer or employee has, in fact, no authority to do so.

(Ord. No. 1235, § 1, 7-18-05)

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Sec. 2-309. - Citizen participation.

- (a) No agency of the City of Wyandotte shall take final action on any matter under consideration before the agency until the citizens' rights to address the agency have been provided for, subject always to the provisions of the Michigan Open Meetings Act.
- (b) A public body may meet in a closed session only for the following purposes:
 - (1) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered thereafter only in open sessions.
 - (2) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiation party requests a closed hearing.
 - (3) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
 - (4) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.
 - (5) To review the specific contents of an application for employment or appointment to public office if the candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to the Michigan Open Meetings Act.
 - (6) To consider material exempt from discussion or disclosure by state or federal statute.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-310. - Disclosure statement required each year.

The disclosure statement required herein shall be on a form (Exhibit B attached to Ordinance No. 1235) obtained from and filed with the Wyandotte City Clerk and shall be signed as a verified statement. Any violation of this section shall be subject to all remedies and punishments as may be provided for under state law, charter or ordinance, including but not limited to forfeiture of office and removal for cause. The disclosure statement shall include the following information and be governed by the following provisions:

- (a) On or before April 28 of each calendar year, or in the case of appointed public officials on or before the anniversary date of their appointment each year, each public official shall file with the city clerk a disclosure statement, which statement shall cover the previous calendar year. The public official shall file the statement at the office of the city clerk or shall mail it by certified mail to the city clerk prior to the time specified. A copy of the disclosure statement shall be provided by the city clerk to each public official at least thirty (30) days prior to when the disclosure statement is to be filed.
- (b) A person who becomes a public official less than ten (10) days before the filing date or who becomes a public official after the filing date shall file a disclosure statement for the previous twelve (12) months no later than ten (10) days after the date on which he assumes the duties of his office unless he has filed a disclosure statement with the city clerk during the preceding twelve (12) months.
- (c)

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A candidate for elected office shall file a disclosure statement with the city clerk for the previous twelve (12) months no later than (10) days after he becomes a candidate, unless he has filed a disclosure statement with the city clerk during the previous twelve (12) months. As used in this section, a candidate is a person who officially files as a candidate for office, as defined in Public Act 338 of 1976, as amended, being MCL 169.201 through 169.282. A copy of the disclosure statement shall be provided by the city clerk to each candidate at the time the candidate files as a candidate for office.

- (d) The city clerk shall retain financial disclosure statements in its files for not less than ten (10) years from the date of filing.
- (e) The disclosure statement shall include the date, month and year, the name, address, and public position held or sought by the public official or candidate.
- (f) A listing of all interests the public official or candidate has in real property located within the City of Wyandotte (including vendor's or vendee's interests in land contracts) excluding his principal residence, held by him at any time during the previous year which has a fair market value exceeding two thousand five hundred (\$2,500.00). If he acquired or divested any such interest during the year, he shall disclose the transaction and the date it occurred. This listing shall include the street address and legal description of the property and its current estimated value.
- (g) The occupations or principal place(s) of business of the public official or candidate.
- (h) The name of each business with which the public official or candidate was associated at any time during the filing year, and a brief description of the business or activity of each business entity, and the nature of the associate of the public official with each such business.
- (i) A list of all gifts received which exceed one hundred dollars (\$100.00) in value, excluding campaign contributions.
- (j) Once a public official has filed a completed disclosure statement, in lieu of completely filling out a new form each year, the official may file a signed and dated form provided by the city clerk that indicated there were no material changes in the past twelve (12) months.

Upon failure of an elected official or appointee to file said disclosure form with the city clerk when due, the city clerk shall send a notice to said elected official or appointee requesting that the disclosure statement be filed within fifteen (15) days. All disclosure statements must be readily available for public inspection in the office of the city clerk and shall be considered public documents immediately upon filing and made available to the citizens of Wyandotte when requested, subject to the Freedom of Information Act Policy of the City of Wyandotte.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-311. - Conflict of interest disclosure statements.

The disclosure statement required in section 2-301 shall be on a form (Exhibit A attached to Ordinance No. 1235) obtained from and filed with the Wyandotte City Clerk and shall be signed as a verified statement. Any violation of this section shall be subject to all remedies and punishments as may be provided for under state law, charter or ordinance, including but not limited to, forfeiture of office removal for cause. Public officials serving at the time of adoption of this article shall file the conflict of interest disclosure statement within fourteen (14) days of the date said article takes effect. The form shall include the following information:

- (a) Date, month, year.

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- (b) Name of person filing.
- (c) Address of person filing.
- (d) Name of person or business entity with which a conflict exists.
- (e) Address of person or business entity with which a conflict exists.
- (f) Does said person or business entity do business with the City of Wyandotte or with an elected official or appointee in a policy making position, and if so, the amount of income received or anticipated.

Failure of an elected official or appointee to file said conflict of interest disclosure form with the city clerk under this section shall be a municipal civil infraction and may result in a fine not to exceed five hundred dollars (\$500.00). All conflict of interest disclosure forms must be readily available for public inspection in the office of the city clerk and shall be considered public documents immediately upon filing and made available to the citizens of Wyandotte when requested, subject to the Freedom of Information Act Policy of the City of Wyandotte.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-312. - Violation and enforcement.

- (a) Any individual who believes that a violation exists as prohibited by this article may make a complaint which shall be a written formal signed complaint which shall be filed with the city clerk's office. The clerk shall forward it to the city attorney. The city attorney upon receipt will proceed as follows:
 - (1) Review the complaint and determine whether the matter may be resolved without the need for investigation or referral.
 - (2) Forward a copy to the respondent to file a response or provide further information within twenty-one (21) days.
 - (3) Upon receipt of the response from the respondent, the city attorney may determine that the complaint should be dismissed, or may request further information from the complainant or the respondent if it is deemed necessary, or may determine that an investigation is warranted.
 - (4) Any determination to either dismiss the complaint or to proceed with an investigation is subject to an appeal by either the complainant or respondent to the city council within ten (10) days of said determination. The city attorney shall disclose his determination to the complainant and respondent. If a timely appeal is not filed, then the matter shall proceed in accordance with the determination made by the city attorney. In the event that the matter is referred to the chief of police for investigation, he shall cause the same to be investigated and referred back to the city attorney for review and recommendation with a copy to the complainant and respondent.
- (b) The above listed authorities, when requested, shall take appropriate action upon any complaint, request for information or otherwise resolve matters concerning a violation of said ordinance.
- (c) The appropriate action to be taken in any individual case shall be at the discretion of the above authorities, which may include but is not limited to any of the following:
 - (i) Pursuing further investigation by the controlling authority.
 - (ii) Taking appropriate disciplinary action, including removal from office, appointed position or employment, in accordance with the Wyandotte City Charter, Code of Ordinance or state law.
 - (iii) Pursuing such other course of action which is reasonable, just and appropriate under the circumstances.
 - (iv)

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Pursue issuance of a municipal civil infraction if it is determined that a person willfully violated a provision of this article.

- (d) A person who willfully violates a provision of this article is responsible for a municipal civil infraction.
- (e) While a complaint is pending, the city may exempt from disclosure as a public record any of the material, notes, communications, information or investigative records and materials if it is determined that said records are exempt under the provisions of the Freedom of Information Act.

(Ord. No. 1235, § 1, 7-18-05)

Sec. 2-313. - Distribution of copies of article; orientation.

The director of administrative services shall provide a copy of this article to each officer, employee, contract employee, appointee, commissioner and other appointed officials of the City of Wyandotte at or prior to the time said person assumes their position. All new appointees shall attend an orientation concerning standards of conduct and applicable ordinance and state law provisions pertaining to their position as arranged by the director of administrative services. Information packets are to be distributed to the public appointees and each appointee shall sign a form acknowledging receipt.

(Ord. No. 1235, § 1, 7-18-05)

CITY OF WYANDOTTE

FREEDOM OF INFORMATION ACT PROCEDURES & GUIDELINES

Preamble: Statement of Principles

It is the policy of the City of Wyandotte that all persons, except those who are serving a sentence of improvement 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 Wyandotte'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 Wyandotte acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The City of Wyandotte 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 Wyandotte will protect the public's interest in disclosure, while balancing the requirements to withhold or redact portions of certain records. The City of Wyandotte's policy is to disclose public records consistent with and in compliance with State law.

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

Section 1: General Policies

The City Council acting pursuant to the authority at MCL 15.236 designates the City Clerk as the FOIA Coordinator. He or she is authorized to 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. However, because of the large number of requests that are made for police records, and due to the fact that all such records are maintained at the police department, any request for records pertaining to the police department shall be submitted directly to the Wyandotte Police Department. The Police Chief or his designee shall follow the procedures of the FOIA Coordinator and maintain the requests that are made within the police department.

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 the City 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 electric 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 Wyandotte 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 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 Wyandotte 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.

A request for records by a City of Wyandotte elected official, public officer, or city employee, city attorney or city consultant will not require a written request. If the city clerk determines that the requested records contains information exempt from disclosure, then the clerk shall notify the above individual that a written request for the record will be required. The FOIA Coordinator shall not provide the requested records until receiving the written request and redacting the exempt information. Information provided to the elected official will also be forwarded to all councilpersons and the mayor. Other than stated above, the elected officials, public officers and city employees are subject to all of the provisions of the state and federal laws.

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 recorded 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 ☐ 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 effort 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 Wayne 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 the 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.

The City Council determines that records that may be exempted from disclosure by Section 13 of the Freedom of Information Act should not be routinely disclosed and directs the FOIA Coordinator to redact the exempt material from the requested record before making the record available for examination and copying.

Section 4: Fee Deposits

If the fee estimate is expected to exceed \$50,00 based on good-faith calculation by the City, 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 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 50% 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 in 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. †
- 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. 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
- 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.
- The 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 of labor directly associated with duplication, publication or transferring records to non-paper physical media can be charged in time increments of the public body's choosing with all partial increments rounded down.

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.

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 nonstandard sized sheets 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 judgement 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.

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 indigence.

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from the City twice§ during the calendar year; or
- The requestor-requests information in connection with other persons who are offering or providing payment to make the request.

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

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 by the State to carry out activities under subtitle C of the development Disabilities Assistance and BHI of Rights Act of 442 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 or 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, 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 requester 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 civil action in Wayne 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 attorney's 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, shall award the appellant punitive damages in the amount of \$1,000 and the Court shall also order that the public body pay a civil line of \$1,000 to the general fund of the State treasury.

Section 8: Appeal of an Excessive FOIA Processing Fee

If a requestor believes that the fee charged by the City to process a FOIA request exceeds that 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 Wayne 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

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by City Council 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 Council, 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.

These FOIA Policies and Guidelines become effective June 23, 2015.

Section 10: City of Wyandotte FOIA Forms

Request Form

Denial Form

Waiver of Fee Form

Detailed Itemized of Fees Form

CITY OF WYANDOTTE

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 Wyandotte?

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City of Wyandotte 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.cityofwyandotte.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 (734) 324-4568 for non-Public Safety records and (734) 324-4439 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 foia@wyan.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 requests 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 in 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 part-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 (Unless contract or outside labor is necessary)
- 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 of 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 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 you are not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.
- 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 Indigence 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 under 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 Wayne 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 that 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 Wayne 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 cost 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 Wyandotte's FOIA Procedures and Guidelines. For more details and information, copies of the City of Wyandotte's FOIA Procedures and Guidelines are available at no charge at any City office.

Records Located on Website

If the City 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 City 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 City 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 City 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 City must provide the public records in the specified format (if the City 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 City Website

I hereby stipulate that, even if some or all of the records are located on a City website, I am requesting that the City 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 City 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 City'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 ☐ Eligible for Discount ☐ Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:

Date:

Requestor's Signature:

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 City.

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:

Date:

Requestor's Signature:

(Created 2017)

LOOK, MAKOWSKI AND LOOK
PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW
2241 OAK STREET WYANDOTTE CITY CLERK
WYANDOTTE, MICHIGAN 48192

WILLIAM R. LOOK
STEVEN R. MAKOWSKI

(734) 285-6500
FAX (734) 285-4160
SEP 3 3 47 PM '04

RICHARD W. LOOK
(1912 - 1993)

September 3, 2004

Honorable Mayor and City Council
and Chairman of City Commissions

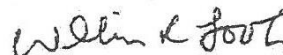
The City Council has directed my Department to provide copies of the Open Meetings Act which is attached to this communication to each Chairman of each City Commission. The Michigan Open Meetings Act requires that all meetings of a public body be open to the public and shall be held in a place available to the general public. It further states that decisions of the body, as well as deliberations where a quorum is present, are required to be open to and accessible by the general public. A meeting is defined as "the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.

There are many Court cases and Attorney General opinions which interpret the provisions of the Open Meetings Act. You should provide a copy of this Act to each of the Commissioners for their review and if any Commission has any questions regarding these provisions, please feel free to give me a call.

Respectfully submitted,

DEPARTMENT OF LEGAL AFFAIRS

LOOK, MAKOWSKI and LOOK
Professional Corporation



William R. Look

WRL:mek
Enclosures

OPEN-MEETINGS ACT

Act 267 of 1976

AN ACT to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts.

History: I 976, Act 267, Eff. Mar. 31, 1977

The People of the State of Michigan enact:

5.261 Short title; effect of act on certain charter provisions, ordinances. or resolutions.

Sec. 1. (1) This act shall be known and may be cited as the "Open meetings act".

(2) This act shall supersede all local charter provisions, ordinances, or resolutions which relate to requirements for meetings of local public bodies to be open to the public.

(3) After the effective date of this act, nothing in this act shall prohibit a public body from adopting an ordinance, resolution, rule or charter provision which would require a greater degree of openness relative to meetings of public bodies than the standards provided for in this act.

History: I 976, Act 267, Eff. Mar. 31, 1977

15.262 Definitions

Sec. 2 As used in this act

- (a) "Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under section 40 of the home rule city act, I 909 PA 279, MCL I 17. 4o.
- (b) "Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy, or any meeting of the board of a nonprofit corporation formed by a city under section 40 of the home rule city act, 1909 PA 279, MCL 117.4o.
- (c) "Closed session" means a meeting or part of a meeting of a public body that is closed to the public.
- (d) "Decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a body effectuates or formulates public policy.

History: I 1976, Act 267, Eff. Mar. 31, 1977- Am 2001, Act 38, Imd. Eff. July, 2001.

15.263 Meetings, decisions, and deliberations of public body; requirements; attending or addressing meeting of public body; tape-recording, videotaping, broadcasting, and telecasting proceedings; rules and regulations; exclusion from meeting; exemptions.

Sec. 3. (1) All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided in this act. The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

(2) All decisions of a public body shall be made at a meeting open to the public.

(3) All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public except as provided in this section and sections 7 and 8.

(4) A person shall not be required as 11 conditions of attendance at a meeting of a public body to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.

(5) A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body. The legislature or a house of the legislature may provide by-rule that the right to address may be limited to prescribed times at hearings and committee meetings only.

(6) A person shall -not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.

(7) This act does not apply to the following public bodies only when deliberating the merits of a case:

(a) The worker's compensation appeal board created under the worker's disability compensation act of 1969, Act No. 317 of the Public Acts of 1969, as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws.

(b) The employment security board of review created under the Michigan employment security act, Act No. 1 of the Public Acts of the Extra Session of 1936, as amended, being sections 421.1 to 421.73 of the Michigan Compiled Laws.

(c) The stale tenure commission created under Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, being sections 38.71 to 38.191 of the Michigan Compiled Laws, when acting as a board of review from the decision of a controlling board.

(d) An arbitrator or arbitration panel appointed by the employment relations commission under the authority given the commission by Act No. 176 of the Public Acts of 1939, as amended, being sections 423.1 to 423.30 of the Michigan Compiled Laws.

(e) An arbitration panel selected under chapter 50A of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.5040 to 600.5065 of the Michigan Compiled Laws.

(f) The Michigan public service commission created under Act No. 3 of the Public Acts of 1939, being sections 460.1 to 460.8 of the Michigan Compiled Laws.

(8) This act does not apply to an association of insurers created under the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being sections 500.100 to 500.8302 of the Michigan Compiled Laws, or other association or facility formed under Act No. 218 of the Public Acts of 1956 as a nonprofit organization of insurer members.

(9) This act does not apply to a committee of a public body which adopts a non-policy making resolution of tribute or memorial which resolution is not adopted at a meeting.

(10) This act does not apply to a meeting which is a social or chance gathering or conference not designed to avoid this act.

(11) This act does not apply to a meeting which is a social or chance gathering or conference not designed committee created under Act No. 9 of the Public Acts of the first extra session of 1946, being sections 35.601 to 35.610 of the Michigan Compiled Laws, when the board of trustees or county or district committee is deliberating the merits of an emergent need. A decision of the board of trustees or county or district committee made under this subsection shall be reconsidered by the board or committee at its next regular or special meeting consistent with the requirements of this act. "Emergent need" means a situation which the board of trustees, by rules promulgated under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, determines requires immediate action.

History: 1976, Act 267, Imd. Eff. Mar. 31, 1977;—Am. 1981, Act 161, Imd. Eff. Nov. 30, 1981;—Am. 1986, Act 269, Imd. Eff. Dec. 19, 1986;—Am. 1988, Act 158, Imd. Eff. June 14, 1988;—Am. 1988, Act 278, Imd. Eff. July 27, 1988.

Administrative rules: R 35.621 of the Michigan Administrative Code.

15.264 Public notice of meetings generally; contents; places of posting.

Sec. 4. The following provisions shall apply with respect to public notice of meetings:

(a) A public notice shall always contain the name of the public body to which the notice applies, its telephone number if one exists, and its address.

(b) A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notice.

(c) If a public body is a part of a state department, part of the legislative or judicial branch of state government, part of an institution of higher education, or part of a political subdivision or school district, a public notice shall also be posted in the respective principal office of the state department, the institution of higher education, clerk of the house of representatives, secretary of the state senate, clerk of the supreme court, or political subdivision or school district.

(d) If a public body does not have a principal office, the required public notice for a local public body shall be posted in the office of the county clerk in which the public body serves and the required public notice for a state public body shall be posted in the office of the secretary of state.

History: 1976, Act 267, Eff. Mar. 31, 1977; Am. 1984, Act 87, Imd. Eff. Apr. 19, 1984.

15.265 Public notice of regular meetings, change in schedule of regular meetings, rescheduled regular meetings, or special meetings; posting; statement of date, time, and place; website; recess or adjournment; emergency sessions; emergency public meeting; meeting in residential dwelling; limitation; notice; duration requirement.

Sec. 5. (1) A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.

(2) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

(3) If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

(4) Except as provided in this subsection or in subsection 6, for a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting in a prominent and conspicuous place at both the public body's principal office and, if the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that is fully accessible to the public. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those non-regularly scheduled public meetings. The requirement of 18-hour notice does not apply to special meetings of subcommittees of a public body or conference committees of the state legislature. A conference committee shall give a 6-hour notice. A second conference

committee shall give a 1-hour notice. Notice of a conference committee meeting shall include written notice to each member of the conference committee and the majority and minority leader of each house indicating time and place of the meeting.

(5) A meeting of a public body that is recessed for more than 36 hours shall be reconvened only after public notice that is equivalent to that required under subsection 4 has been posted. If either house of the state legislature is adjourned or recessed for less than 18 hours, the notice provisions of subsection 4 are not applicable. Nothing in this section bars a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat. However, if a public body holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice shall include an explanation of the reasons that the public body cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations such as "an imminent threat to the health of the public" or "a danger to public welfare and safety" does not meet the explanation requirements of this subsection. If the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, it shall post the public notice of the emergency meeting and its explanation on its website in the manner described for an internet posting in subsection (4). Within 48 hours after the emergency public meeting, the public body shall send official correspondence to the board of county commissioners of the county in which the public body is principally located, informing the commission that an emergency public meeting with less than 18 hours' public notice has taken place. The correspondence shall also include the public notice of the meeting with explanation and shall be sent by either the United States postal service or electronic mail. Compliance with the notice requirements for emergency meetings in this subsection does not create, and shall not be construed to create, a legal basis or defense for failure to comply with other provisions of this act and does not relieve the public body from the duty to comply with any provision of this act.

(6) A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body that is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice shall be at the bottom of the display advertisement, set off in a conspicuous manner, and include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

(7) A durational requirement for posting a public notice of a meeting under this act is the time that the notice is required to be accessible to the public.

History: 1976, Act 267, Eff. Mar. 31, 1977;Am. 1978, Act 256, Imd. Eff. June 21, 1978;Am. 1982, Act 134, Imd. Eff. Apr. 22, 1982;Am. 1984, Act 167, Imd. Eff. June 29, 1984;Am. 2012, Act 528, Imd. Eff. Dec. 28, 2012.
15.266

Providing copies of public notice written request; fee

Sec. 6. (1) Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first class mail a copy of any notice required to be posted pursuant to section 5(2) to (5).

(2) Upon written request, a public body, at the same time a public notice of a meeting is posted pursuant to section 5, shall provide a copy of the public notice of that meeting to any newspaper published in the state and to any radio and television station located in the state, free of charge.

History: 1976, Act 267, Eff. Mar. 31, 1977.

Closed sessions; roll call vote; separate set of minutes.

Sec. 7. (1) A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

History: 1976, Act 267, Eff. Mar. 31, 1977;Am. 1993, Act 81, Eff. Apr. 1, 1994;Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996. 15.268

Closed sessions; permissible purposes.

Sec. 8. A public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

- (c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.
- (d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- (e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.
- (f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).
- (g) Partisan caucuses of members of the state legislature.
- (h) To consider material exempt from discussion or disclosure by state or federal statute.
- (i) For a compliance conference conducted by the department of commerce under section 16231 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.16231 of the Michigan Compiled Laws, before a complaint is issued.
- (j) In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:
 - (k) The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but the number shall not constitute a quorum of the governing board. However, the search committee shall not be constituted in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee. (ii) After the search committee recommends the 5 final candidates, the governing board does not take a vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee. (iii) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

*History: 1976, Act 267, Eff. Mar. 31, 1977; Am. 1984, Act 202, Imd. Eff. July 3, 1984; Am. 1993, Act 81, Eff. Apr. 1, 1994; Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996. Rendered Wednesday, August 16, 2017
Page 4 Michigan Compiled Laws Complete Through PA 112 of 2017*

Minutes.

Sec. 9. (1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

(2) Minutes are public records open to public inspection, and a public body shall make the minutes available at the address designated on posted public notices pursuant to section 4. The public body shall make copies of the minutes available to the public at the reasonable estimated cost for printing and copying.

(3) A public body shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer. The public body shall make approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body.

(4) A public body shall not include in or with its minutes any personally identifiable information that, if released, would prevent the public body from complying with section 444 of subpart 4 of part C of the general education provisions act, 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

History: 1976, Act 267, Eff. Mar. 31, 1977; Am. 1982, Act 130, Imd. Eff. Apr. 20, 1982; Am. 2004, Act 305, Imd. Eff. Aug. 11, 2004.

15.720 Decisions of public body; presumption; civil action to invalidate; jurisdiction; venue; reenactment of disputed decision.

Sec. 10. (1) Decisions of a public body shall be presumed to have been adopted in compliance with the requirements of this act. The attorney general, the prosecuting attorney of the county in which the public body serves, or any person may commence a civil action in the circuit court to challenge the validity of a decision of a public body made in violation of this act.

(2) A decision made by a public body may be invalidated if the public body has not complied with the requirements of section 3(1), (2), and (3) in making the decision or if failure to give notice in accordance with section 5 has interfered with substantial compliance with section 3(1), (2), and (3) and the court finds that the noncompliance or failure has impaired the rights of the public under this act.

(3) The circuit court shall not have jurisdiction to invalidate a decision of a public body for a violation of this act unless an action is commenced pursuant to this section within the following specified period of time:

(a) Within 60 days after the approved minutes are made available to the public by the public body except as otherwise provided in subdivision (b).

(b) If the decision involves the approval of contracts, the receipt or acceptance of bids, the making of assessments, the procedures pertaining to the issuance of bonds or other evidences of indebtedness, or the submission of a borrowing proposal to the electors, within 30 days after the approved minutes are made available to the public pursuant to that decision.

(4) Venue for an action under this section shall be any county in which a local public body serves or, if the decision of a state public body is at issue, in Ingham county.

(5) In any case where an action has been initiated to invalidate a decision of a public body on the ground that it was not taken in conformity with the requirements of this act, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with this act. A decision reenacted in this manner shall be effective from the date of reenactment and shall not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.

History: 1976, Act 267, Eff. Mar. 31, 1977. 15.271

Civil action to compel compliance or enjoin noncompliance; commencement; venue; security not required; commencement of action for mandamus; court costs and attorney fees.

Sec. 11. (1) If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.

(2) An action for injunctive relief against a local public body shall be commenced in the circuit court, and venue is proper in any county in which the public body serves. An action for an injunction against a state public body shall be commenced in the circuit court and venue is proper in any county in which the public body has its principal office, or in Ingham county. If a person commences an action for injunctive relief, that Rendered Wednesday, August 16, 2017 Page 5 Michigan Compiled Laws Complete Through PA 112 of 2017 Legislative Council, State of Michigan Courtesy of www.legislature.mi.gov person shall not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

(3) An action for mandamus against a public body under this act shall be commenced in the court of appeals.

(4) If a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.

History: 1976, Act 267, Eff. Mar. 31, 1977. 15.272

Violation as misdemeanor; penalty.

Sec. 12. (1) A public official who intentionally violates this act is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

(2) A public official who is convicted of intentionally violating a provision of this act for a second time within the same term shall be guilty of a misdemeanor and shall be fined not more than \$2,000.00, or imprisoned for not more than 1 year, or both.

History: 1976, Act 267, Eff. Mar. 31, 1977. 15.273

Violation; liability.

Sec. 13. (1) A public official who intentionally violates this act shall be personally liable in a civil action for actual and exemplary damages of not more than \$500.00 total, plus court costs and actual attorney fees to a person or group of persons bringing the action.

(2) Not more than 1 action under this section shall be brought against a public official for a single meeting. An action under this section shall be commenced within 180 days after the date of the violation which gives rise to the cause of action.

(3) An action for damages under this section may be joined with an action for injunctive or exemplary relief under section 11.

History: 1976, Act 267, Eff. Mar. 31, 1977. 15.273a

Selection of president by governing board of higher education institution; violation; civil fine.

Sec. 13a. If the governing board of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963 violates this act with respect to the process of selecting a president of the institution at any time after the recommendation of final candidates to the governing board, as described in section 8(j), the institution is responsible for the payment of a civil fine of not more than \$500,000.00. This civil fine is in addition to any other remedy or penalty under this act. To the extent possible, any payment of fines imposed under this section shall be paid from funds allocated by the institution of higher education to pay for the travel and expenses of the members of the governing board.

History: Add. 1996, Act 464, Imd. Eff. Dec. 26, 1996.

15.274 Repeal of MCL 15.251 to 15.253.

Sec. 14. Act No. 261 of the Public Acts of 1968, being sections 15.251 to 15.253 of the Compiled Laws of 1970, is repealed. History: 1976, Act 267, Eff. Mar. 31, 1977. 15.275 Effective date. Sec. 15. This act shall take effect January 1, 1977.

History: 1976, Act 267, Eff. Mar 31, 1977

15.275 Effective date.

Sec. 15. This act shall take effect January 1, 1977.

STATE OF MICHIGAN, } ss.
COUNTY OF **Wayne**

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully perform the duties of the office of **Commission/Board/Council**

in and for the **City** of **Wyandotte**

County of **Wayne** and State of Michigan, according to the best of my ability, so help me God.

Signature Line

Subscribed and sworn to before me, this **Third**

day of **April** 20**17**

**Notary Public
Information**

County, Michigan.

SAMPLE

ROBERTS RULES OF ORDER

All board and commission meetings follow Robert's Rules of Order. Information about Robert's Rules of Order may be found by visiting the following link: <http://www.rulesonline.com/rror-01.htm#2>

TRAINING OPPORTUNITIES

Training and education for councilmembers, board members and commissioners are available through the following organizations:

Michigan Municipal League (MML)

Newly elected officials training, Elected official's academy, Land-use workshop & Real estate development

<http://www.mml.org/home.html>

National Conference of State Legislators (NCSL)

Ethics training

<http://www.ncsl.org/research/ethics/ethics-commissions-ethics-training.aspx>

Federal Emergency Management (FEMA)

Leadership training

<https://training.fema.gov/emicourses/schedules.aspx>

Michigan Downtown Association (MDA)

Michigan downtowns workshop, Brownfield development & DDA board member training

<http://www.michigandowntowns.com/>

Michigan Department of Environmental Quality (MDEQ)

Brownfield development

http://www.michigan.gov/deq/0,4561,7-135-3308_3333---,00.html

Michigan Association of Planning

Planning workshop & Codes & regulations training

<https://www.planningmi.org/>

Southeast Michigan Council of Governments

SEMOCG University for local elected leaders and staff

<http://semcog.org/SEMCOG-University>

If you are interested in any of these or other training or educational opportunities directly related to your board or commission, please contact the City Administrator for approval.

Note: Upon completion of any board or commission specific training, information and resources relative to training commissioners are required to share the information or training with other commissioners at the next meeting.