

**Policy Manual**  
**Elk Rapids Township**  
**July 11, 2017**

## TABLE OF CONTENTS

1.	MISSION STATEMENT .....	1
2.	PURPOSE OF THIS POLICY MANUAL .....	2
3.	EMPLOYEE HANDBOOK .....	3
4.	OFFICERS AND TRUSTEES .....	4
	4.1 Generally .....	4
5.	TOWNSHIP BOARD .....	8
	5.1 Township Board Powers .....	8
	5.2 Authority Delegated from the Township Board .....	8
	5.3 Authority to Interpret the Provisions of this Manual .....	8
	5.4 Township Board Meeting Administration .....	8
6	FINANCIAL MATTERS .....	13
	6.1. Accounts Payable .....	13
	6.2 Payroll .....	13
	6.3 Cash Receipts .....	13
	6.4 Accounts Receivable .....	14
	6.5 Financial Reporting .....	15
	6.6 Inventory of Fixed Assets .....	16
	6.7 Budgeting .....	17
	6.8 Contracts .....	17
	6.9 Expenditure Control/Bidding .....	17
	6.9 Expense Reimbursements .....	19
	6.10 Investments .....	20

7 AUDITS.....	21
8. PUBLIC CONTACT AND INFORMATION.....	22
8.1 Public Contact.....	22
8.2 Public Information Officer.....	22
8.3 Public Notices .....	22
8.4 Freedom of Information Act (The "Act or "FOIA") Requests .....	23
8.5 Incoming Mail.....	23
8.6 Outgoing Mail.....	24
8.7 Confidential Information .....	24
9. TOWNSHIP OFFICES AND PROPERTY.....	25
9.1 Hours of Business .....	25
9.2 Building Access .....	25
9.3 Security .....	25
9.4 Safety .....	25
9.5 Use of Township Equipment, Labor or Premises .....	26
9.6 Public Use of Township Facilities .....	26
9.7 Routine Maintenance .....	27
9.8 Smoking in Township Buildings .....	27
10. MISCELLANEOUS PERSONNEL MATTERS .....	29
10.1 Personnel Officer .....	29
10.2 Employee Recordkeeping .....	29
10.3 Classification and Compensation.....	29
10.4 Authorized Work Force .....	30
10.5 Ethical Standards .....	30
11. POVERTY GUIDELINES .....	31

12. INDEMNIFICATION OF TOWNSHIP OFFICIALS AND EMPLOYEES .....32

## **1. MISSION STATEMENT**

Elk Rapids Township recognizes its responsibilities to each of its constituents and Township officials make this pledge as a statement of the Township's values and purpose as we conduct Township business.

- Elk Rapids Township will strive to serve its Township constituents with dependable and efficient service. The highest standards and lawfully executed service will be our goal.
- Elk Rapids Township will strive to be a place where employees are encouraged to expand their knowledge and fulfill their individual potentials. One of the Township's premier goals is to be considered an invaluable work place by each of our employees.
- Elk Rapids Township will strive to conduct its affairs in a socially responsible, lawful manner while maintaining a kind and courteous workplace.

We will always strive to utilize ethical practices and compassion for the needs of those around us and to reflect those ideals in our Township decisions.

## **2. PURPOSE OF THIS POLICY MANUAL**

The policies and procedures contained in this Policy Manual were adopted by the Elk Rapids Township Board in an effort to clarify the various duties and desired practices of elected Township Board members, Township employees and other Township officials. The policies and procedures contained in this Policy Manual do not supersede Michigan law and Elk Rapids Township ordinances. Michigan law and Elk Rapids Township ordinances will prevail if there are inconsistencies between them and the manual.

### **3. EMPLOYEE HANDBOOK**

The Elk Rapids Township Board has not adopted an Elk Rapids Township Employee Handbook.

## **4. OFFICERS AND TRUSTEES**

### 4.1 Generally

#### Township Supervisor

- Moderates Township Board meetings
- Chief assessing officer (if certified)
- Secretary to the Board of Review
- Township's legal agent as provided by law
- Maintains records of Supervisor's office
- Responsible for tax allocation board budget (if applicable)
- Develops Township budget
- Appoints some commission members
- May call special meetings
- May appoint a deputy

## Township Treasurer

- Collects real and personal property taxes
- Keeps an account of Township receipts (revenues) and expenditures
- Issues Township checks
- Deposits Township revenues in approved depositories
- Invests Township funds in approved investment vehicles
- Collects delinquent personal property tax
- Responsible for jeopardy assessments in collecting property tax
- Collects mobile home specific tax
- Appoints a deputy
- Posts a surety bond

## Township Clerk

- Maintains custody of all Township records
- Maintains general ledger
- Prepares warrants for Township checks
- Records and maintains Township meeting minutes
  - Minutes are a synopsis of Township meetings
  - The Clerk is not required to make transcripts of Township meetings
- Keeps the Township book of oaths
- Responsible for special meeting notices
- Keeps voter registration file and conducts elections
- Keeps Township ordinance book
- Prepares financial statements
- Delivers tax certificates to the Supervisor and county clerk by September
- Appoints a deputy
- Posts a surety bond

## Township Trustee

- Township legislators, required to vote on all issues (unless there's a conflict of interest)
- Co-responsible for the Township's fiduciary health
- Other duties as assigned by the Township Board

## **5. TOWNSHIP BOARD**

### 5.1 Township Board Powers

The Township Board of Elk Rapids Township retains the power to determine the administrative policies and procedures for the Township, except where the laws of the state of Michigan have assigned such power to a specific elected Township official. The authority to adopt any administrative policy or determine appropriate procedures not provided for in this manual or provided for by state law shall be retained by the Township Board. The Township Board also reserved the right at any regular board meeting to alter, modify, amend or repeal any or all provisions of this Policy Manual.

### 5.2 Authority Delegated from the Township Board

In the interest of promoting the efficient operation of the Township and pursuant to MCLA 41.96, as well as implies powers of the Township Board, the Township Board assigns to various Township elected and appointed officials the authority to exercise certain non-statutory administrative responsibilities, in accordance with the specific policies and procedures contained in this Policy Manual.

### 5.3 Authority to Interpret the Provisions of this Manual

The Township Board shall have the final authority to interpret ambiguous provisions of this Policy Manual.

### 5.4 Township Board Meeting Administration

#### (a) Posting Meetings

The Township Clerk shall be responsible for posting all regular and special meetings of the Township Board in conformance with the Michigan Open Meetings Act. The Township Board meetings shall comply with the Michigan Open Meetings Act, including when the Township Board may meet in the closed session. The posting of all meetings of the various Township boards and commissions that are required to conform to the Open Meetings Act shall also be the responsibility of the Township Clerk.

#### (b) Meeting Agenda

The Township Supervisor shall prepare the agenda prior to every Township Board meeting. Any Township Board member who desires to have an item placed on the agenda must notify the Township Supervisor prior to the meeting. A copy of the proposed agenda shall be delivered or made available to every Township Board member, along with all supporting documentation and correspondence addressed to the Township Board, at least 2 business days prior to the Township Board meeting and the agenda shall be posted on the bulletin board in front of the Township offices at least 2 business days prior to the meeting. In the future the Township will pursue other options that will enhance notification.

Department heads or employees who desire to have any business placed on the agenda shall notify the Township Supervisor prior to the Township Board meeting.

The proposed agenda shall be approved by majority vote following the roll call of Township Board members at each Township Board meeting. The agenda may be amended upon motion made by any Township Board member if seconded and supported by a majority of the Board members present. The agenda shall conform to the following format:

1. Call to order
2. Pledge of Allegiance
3. Public comment
4. Approval of meeting agenda
5. consent agenda  
Items that do not require board discussion. Any item can be removed by one person requesting removal. (board or audience member)
6. Township reports
7. Action Items
8. Attorneys report
9. Township Board announcements and comments
10. Adjournment

(c) The Chair

The Township Supervisor shall chair (i.e. preside at) the meetings of the Township Board. If the Supervisor is absent or unable to chair a particular meeting of the Township Board, the Township Clerk shall do so or appoint a member to chair. If both the Supervisor and Township Clerk are not present or are unable to chair a meeting of the Township Board, the person who has served on the Township Board the longest shall chair the particular meeting.

1. It shall be the duty of the Chair to preside at all meetings of the Township Board, to preserve order and to decide all questions of order and procedure.
2. Any of the rules and procedures contained herein may be waived for a given Township Board meeting or agenda item at a Township Board meeting by the vote of at least 3 members of the Township Board present at a meeting where a quorum is present.

(d) Public Comments

The following shall apply to public comments at Township Board meetings:

1. Members of the public may comment only during the public comment portions of the meeting.

2. Answers to a citizen's questions need not be given by the Chair or other Township officials at the time requested, but shall, be followed up within a reasonable time based on work load and other commitments if not answered at the time requested.
3. At each Township Board meeting open to the public, there shall be a general public comment period. They shall be held at the beginning of the meeting and at the end of the meeting. No citizen shall speak for more than 3 minutes per subject unless either the Chair or the Township Board permits the citizen to speak for a longer period of time.
4. In addition to the above-mentioned public comment period, the Chair of the Township Board may permit limited public comment for particular agenda items.
5. All public comments shall be directed to and through the Chair— no member of the public shall directly address any other member of the public or any other Township official.
6. All public comments shall be related to Township matters. Public comments must be relevant and germane to the business and functions of the Township.
7. No citizen can "transfer", reserve or delegate any public comment time to any other person.
8. The Chair has the authority to extend the comment period for citizens at the Chair's discretion.
9. Any citizen desiring to make a public comment shall be requested to first state their name and address for the record.
10. If a member of the public undertakes a personal attack on a Township official or employee regarding non-Township matters or on a private matter not related to Township business or activities, the Chair has the discretion to terminate the remaining allowable public comment time for any such person.
11. The Township Clerk shall be responsible for timing the length of public comments and informing the Chair when a citizen has 30 seconds remaining and when time has expired.
12. No person shall be allowed to speak more than once on the same matter at the same meeting until all others have had a chance to speak once. A follow up statement will be limited to 2 minutes.

(e) Public Conduct

1. Any person shall have the right to tape record, video tape or broadcast the proceedings of the Township Board as long as it does not interfere with or delay the Township Board's ability to conduct its business. Furthermore, any tape recorder, video camera or other camera utilized by any such person shall be kept at least 10 feet away from all members of the Township Board and shall not be placed behind them.
2. No person shall disrupt a meeting of the Township Board. No person shall commit a breach of the peace at any Township Board meeting. Any person who disrupts a meeting of the Township Board or commits a breach of the peace at a Township Board meeting may be ejected from the meeting. Refusal by a member of the public to stop speaking when the Chair has interpreted that such person's time has expired or if such person speaks when they have no right to do so, such

actions shall be deemed a disruption of the Township Board meeting and a breach of the peace.

3. Members of the public shall not talk among themselves during a meeting of the Township Board in a volume greater than a whisper, and upon being asked by the Chair to quiet down, shall do so.
4. No person shall utilize any profane or obscene speech or gesture.

(f) Procedural Rules

Meetings of the Township Board shall utilize generally accepted rules of order, unless otherwise provided for in this manual.

1. Questions shall be voted on by voice vote unless the Chair or any member of the Township Board shall call for a roll call vote or unless a roll call vote is required by law.
2. Motions
  - a. No motion shall be debated unless it has been seconded.
  - b. The initiator of a motion may withdraw any motion at any time before it has been adopted. However, if the motion has been seconded, the seconding party must also consent to withdrawal.
  - c. All motions, resolutions and amendments or substitutions thereto, and the vote thereon, shall be entered in the minutes unless withdrawn.
  - d. When an appeal is taken from a decision by the Chair, the member taking the appeal shall be allowed to state his or her reason for doing so. The question shall then be immediately put in the following (or substantially similar) form — "Shall the ruling of the Chair be sustained?"

(g) Township Board Correspondence

Each Township Board member shall receive with the Township Board agenda a copy of written correspondence addressed to the Township Board requesting Township Board action. A motion may be made to consider the correspondent's request as an action item at the next Township meeting. If no motion is made to consider the request, the correspondence will be received and filed.

Informational written correspondence that does not require Township Board action, shall be made available to Township Board members at the Township Board meeting.

(h) Township Board Consultants

The Township Board reserves to itself the authority to appoint the following consultants/professionals:

1. Attorney
2. Auditor
3. Engineer

4. Labor negotiator
5. Planner
6. Risk manager

(i) Litigation

The initiation of any lawsuit, litigation, claim for injunctive relief or writ of mandamus shall require a majority vote of the Township Board, except when there are extenuating circumstances, as defined below.

Extenuating circumstances are defined as an emergency situation or a situation in which a violation of any state, federal or local ordinance constituted a public nuisance or otherwise endangers the public and in which the continued existence of such a condition, emergency or violation shall be detrimental to the health, safety and welfare of the Township.

Extenuating circumstances also include any case where the continued existence of any condition, emergency or violation may jeopardize the legal position of the Township in securing the intended remedy in any lawsuit, litigation or other proceeding.

The initiation of a lawsuit, litigation or other proceeding for extenuating circumstances shall be allowed only upon the written directive of 2 members of the Township Board. In the event that such action is taken, the matter shall be brought to the Township Board's attention at its next meeting. The Township Board may meet in closed session to discuss the litigation, in accordance with the Michigan Open Meetings Act, including the reasons for initiating legal action without the full Township Board's prior review and approval.

(j) Direction and Control of Day-to-Day Administration

To promote efficient administration, the Township Board will provide day-to-day direction and control over all Township activities that are not assigned by state law to a specific official. The Township Board may enact committees and subcommittees of Township Board members and may include non-Board members on such committees and subcommittees. These committees and subcommittees shall provide periodic reports of their activities and recommendations to the Township Board.

Township Board members should make all inquiries, requests or complaints directed at department heads or employees to the Township Board. Any directives, complaints or requests made by a member of the Township Board directly to a department head or employee, other than from an elected official with statutory authority over the department head or employee, shall be brought to the attention of the Township Board prior to initiating any response.

Any action of a Township official hereunder may be reversed or modified at any Township Board meeting by the vote of at least 3 members of the Township Board.

## **6. FINANCIAL MATTERS**

### **6.1. Accounts Payable**

#### **a) Department Head Authorization**

All requests for payments (i.e. Invoices or expense vouchers) shall be processed in accordance with the procedures of this Policy Manual, and shall be approved by the department head responsible for the cost center to which the expense shall be posted. The department head shall indicate that the expense is authorized and correct by affixing the account number and his or her initials to the invoice. All approved bills must be submitted to the Township Clerk at least 7 days prior to the Board meeting at which claims will be audited.

#### **b) Warrant Reports**

The Township Clerk shall prepare a warrant report to the Township Board showing the vendor name, nature of the expense, invoice number and warrant number or check number if the unsigned check represents the warrant. Any items paid prior to Township Board audit, as discussed below, shall be noted on the warrant report. The Township Clerk shall sign the warrant for all claims approved by the Township Board. A copy of the warrant shall be filed with the (invoice/statement/expense) claim in the Township Clerk's office.

### **6.2 Payroll**

#### **a) Time Cards/Slips**

All completed time cards/slips shall be submitted to the Township Clerk on the day following the end of each pay period. Time cards/slips must be signed by both the employee and the employee's department head.

#### **b) Deductions and Withholdings**

The Township Clerk shall be notified at least 5 days prior to the end of the pay period of any changes in voluntary deductions or withholding allowances desired by an employee. All voluntary deductions shall be authorized in writing.

#### **c) Payroll Problems**

Employees shall immediately notify the Township Clerk of any problems or errors on their paychecks. A written account of the problem and its resolution shall be created by the Township Clerk.

### **6.3 Cash Receipts**

#### **a) Cash Authorization to Receive**

The following employee positions are authorized to receive cash Township Clerk, Deputy Clerk, Township Treasurer and Deputy Treasurer

b) Fiduciary Bonds

All employees authorized to receive cash shall be bonded to the following amounts: \$10,000

c) Receipts

A pre-numbered Township receipt shall be issued for all cash, including checks, received by a Township employee. The receipt shall include the amount received, name of the payer and purpose. A single receipt may be issued for the aggregate of all such receipts received by mail for a given day. In addition, all remittance advices received shall be attached to the pre-numbered receipt form. Departments that receive cash shall daily turn over all cash and a copy of all issued receipts to the Township Treasurer. The Township Treasurer shall issue a receipt to the collecting department for all cash received. The Township Treasurer shall determine periodically that all pre-numbered receipts have been returned with cash, or have been otherwise disposed of.

d) Deposits

Total cash collected shall be reconciled to the sum of the pre-numbered receipts and shall be deposited at least weekly in the appropriate Township bank account. The following positions are authorized to make bank deposits:

Township Treasurer, Township Clerk, Deputy Treasurer and Deputy Clerk

e) Bank Reconciliations

The cash balances of the various fund ledgers shall be reconciled to the bank statements monthly. The cash balances should be the result of the cash receipts and disbursement activities and shall be derived from the same accounting records used in preparing the financial reports discussed elsewhere in this Policy Manual.

#### 6.4 Accounts Receivable

a) Invoice Preparation

The following positions shall be responsible for preparing invoices or receipts for revenues due to the Township:

Official Revenue Source

Clerk Cemetery lots and grave openings  
Clerk Freedom of Information Act requests, miscellaneous income  
Clerk Parks and recreation activities

Zoning Administrator Zoning-related activities: special use permits, land division, site plan reviews, re-zoning requests, variances

All invoices shall include a remittance advice to be returned to the Township with payment. The remittance advice shall include the name, amount invoiced and purpose.

b) Posting and Distribution

A copy of all invoices or bills for monies owed to the Township shall be given to the Township Clerk, who shall record the receivables in the general ledger. The Township Clerk shall also maintain a detailed subsidiary record which shall be reconciled to the general ledger control on a quarterly basis.

c) Method of Accounting

For all remittance advices received in accordance with Governmental Standards and Accounting Practices, the Township Clerk shall credit the receivable. A monthly listing of all amounts invoiced but not yet received shall be prepared and reconciled to the general ledger.

## 6.5 Financial Reporting

a) Periodic Expenditure and Revenue Report

The Township Clerk shall prepare a quarterly financial report for the Township Board. The report will be current through the last day of the previous quarter, and shall be presented to the Township Board at its regular meeting of each month. The financial report for each fund will show the following information for revenues and expenditures:

1. Account Number
2. Description
3. Amended Budget
4. Current period
5. Year to date
6. Budget balance

b) Periodic Balance Sheet Report

The clerk shall prepare a monthly balance sheet showing the assets, liabilities and equities for each fund.

c) Investment Performance Report

The Township Treasurer shall prepare a monthly report of all interest bearing activities, including the name of the financial institution, type of investment, anticipated yield and date of maturity.

#### d) Financial Reports Review

The clerk shall review the financial reports prior to the Township Board meeting, and shall recommend to the Township Board any necessary budget amendments or fund transfers.

### 6.6 Inventory of Fixed Assets

#### a) Responsibility

The Township Clerk shall maintain an inventory of the Township's fixed assets that are tangible, have an expected useful life of at least 7 years and have a value of at least \$1,000.

#### b) Updating

The Township Clerk shall add or remove fixed assets from the inventory at the time of acquisition or disposal. The inventory shall include the following information on each asset:

1. Fund
2. Acquisition date
3. Name and address of vendor
4. Description
5. Location
6. Acquisition cost (if gift, estimated fair value at time of donation)
7. Fund or cost center (from which it was purchased)
8. How acquired (purchase, lease/purchase, construction, condemnation, tax foreclosure, gift)
9. Estimated life
10. Date and method of authorized disposition
11. Serial Number (if available)

#### c) Inventory responsibility

Department heads shall annually inventory all assets assigned to their department and submit the inventory to the Township Clerk.

#### d) Disposal of Fixed Assets

Department heads shall make note on the annual inventory, or shall notify the Township Clerk sooner if desired, of any equipment that would be appropriate for disposal. The Township Clerk shall prepare a list of all such equipment recommended for disposal and shall submit the recommended disposal of fixed assets list to the Board for approval. The Board shall determine the method of disposal, which may include sealed bids, auction, negotiated sale, gift or disposal. Township officials and employees are not eligible to purchase Township fixed assets by negotiated sale without the approval of the Township Board. An elected official shall refrain from voting on any negotiated sale involving the elected official.

## 6.7 Budgeting

### a) Designation of Budget Officer

The Township Clerk shall be the Township's budget officer and shall be responsible for the administration of the Township budget.

### b) Timetable

The proposed budget shall be developed according to the following schedule:

Date	Activity
January	Prepare department budgets, review contracts & salaries
February	Review budget projections, hold workshop meeting
March	Hold public hearing, make final budget revisions, prepare Resolutions and Appropriations Act, adopt budget.
July, October	Budget reviews & amendments

### c) Adoption

Unless noted in the General Appropriations Act, all Township funds are adopted on a cost center basis.

### d) Transfer Authority

The budget officer shall have authority to make transfers among the various line items within cost centers without prior Township board approval, if the amount to be transferred does not exceed 10% of the appropriation item from which the transfer is to be made. The Township Board shall be notified at its next meeting of any such transfers made, and the Township Board may modify, amend or nullify any such transfers made. Under no circumstance may the total amount of appropriations be changed without prior Township Board approval.

## 6.8 Contracts

No contract shall be effective and enforceable unless it is approved by a majority vote of the Township Board at a regular or special Township Board meeting.

## 6.9 Expenditure Control/Bidding

### a) Written Quotations and Sealed Bids

Any purchase for goods or services exceeding a contract cost of \$10,000.00 shall require the department head to obtain at least three (3) written quotes prior to being issued a purchase order, unless entering such a contract without written quotes is in the best interest of the Township.

Any purchase for goods or services (except professional services) exceeding an estimated contract cost of \$20,000.00 shall require the solicitation of sealed bids. The appropriate official,

in consultation with the department head, shall develop bid specifications. Bid specifications for purchases that will exceed \$20,000.00 shall be approved by the Township Board. A department head may request permission from the Township Board to waive the bidding requirements when there is only one known supplier or there is some other compelling reason, or there is an ongoing relationship that the township is satisfied with, to waive the bid procedures.

The invitation to bid or request services shall be published at least once in the local newspaper and shall be sent to known vendors or other parties who have notified the Township of their interest in submitting bids on the goods or services being purchased. Sealed bids shall be opened at the office of the Township Clerk at a pre-announced date and time, and any interested party may be present for the bid opening. The Township Clerk or deputy clerk, along with the department head, shall be present for the bid opening.

The criteria for awarding bids shall be as follows:

1. Cost
2. Reliability
3. Cleanliness
4. Sufficiency of equipment
5. Insurance/Bond
6. References
7. Good communication

Any Township Board member or department head who has any ownership or other interest in a company submitting a bid shall disclose the conflict of interest to the Township Board, and that official shall not participate in awarding the bid, and shall not remain in the Township Board meeting room during discussions on and votes on the bid.

The Township need not award a bid to the lowest bidder, if, in the discretion of the Township Official or body involved, the other criteria outweigh the cost consideration.

#### b) Expenditure Authorization

The Township shall not be responsible for any obligations incurred by an official or employee that is contrary to law or to the provisions of this Policy Manual.

Department heads shall not consider appropriations contained in the budget as a mandate to expend Township funds, nor does the budget constitute authorization to commit the Township, as such authorization originates from the provisions of this Policy Manual and Township Board action. No obligations shall be incurred against, and no payment shall be made from, any appropriation account unless there is a sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

Department heads shall obtain prior authorization from the Township Board prior to obligating the Township for expenditures of the following nature:

1. Seminars and conferences
2. Memberships
3. Out-of-state travel
4. Professional services
5. Other

c) Processing of Claims

Requests for payments to vendors shall be documented in writing by a vendor invoice or, in the few instances where no invoice is forthcoming, by a written request by the department head requesting payment. Except for rare exceptions, only original invoices shall be processed for payments, as statements or copies of invoices may result in duplicate payments.

Employee expense reimbursements shall be documented on an expense voucher prepared by the employee. The voucher shall include the following:

1. Vendor Name
2. Purpose of payment request
3. Unit price and units delivered (if applicable)
4. Date goods delivered or services rendered

Initialing the payment request shall indicate all of the following are true: the goods have been delivered or the services have been rendered to the Township; the expense complies with the procedures outlined in this Policy Manual; all prices and units agree with the purchase order, if applicable, or any differences have been reconciled; the payment request is mathematically correct, and the account number being charged is the appropriate budgetary allocation for this expense.

d) Board Audit

All claims shall be approved by the Township Board prior to payment, except the following:

1. Payroll
2. Utility bills
3. Invoices with penalties that would be incurred if payment is not received prior to the Board meeting where claims will be approved

These claims shall be post-audited at the next Township Board meeting. The Supervisor may authorize emergency expenditures when deemed essential due to the imminent threat to the health, safety and welfare of the Township.

## 6.9 Expense Reimbursements

a) Request Form

The Township shall reimburse all officials and employees for necessary expenses incurred in performing their duties. All requests for expense reimbursement shall be made on the proper expense reimbursement form.

b) Reimbursement Rates.

Travel shall be reimbursed at the rates currently allowed by the Internal Revenue Service.

Reasonable meals and lodging expenses will be reimbursed with prior approval by the Township Board. Receipts of all expenses incurred shall be submitted within three business days after concluding the trip.

c) Personal Expenses

Receipts shall accompany any reimbursement requests. Commuting from residence to the Township Hall or of the employee's official work station shall not be eligible for reimbursement. Township Board and committee members shall not receive mileage to attend Township Board meetings that are a statutory duty of their office. Personal expenses that are unnecessary in conducting Township business, such as entertainment and alcohol consumed, shall not be eligible for reimbursement.

6.10 Investments

See Policy Insert at back of Manual.

## 7. AUDITS

The Township Board will engage a certified public accountant to annually audit the financial systems of the Township. An audit contract may be for a period up to three years, but shall not exceed the current Township Board's term of office. The request for proposals for audits may require:

1. Proposal due date
2. Date award will be made
3. Date contract begins
4. Length of audit contract
5. Audit period covered
6. Earliest date that audit work may begin
7. Due date for audit report
8. Funds to be audited
9. Requirement of unqualified opinion or clear statement of reason for qualifications
10. Financial statements and other information to be provided by Township
11. Other services to be performed by auditor, if any
12. Procedures for determining adequacy of internal controls and accounting
13. Authorization to disclose any irregularities
14. Audit shall be performed in accordance with generally accepted auditing standards set forth by the American Institute of Certified Public Accountants
15. Audit shall be reviewed with the Township Board
16. Number of copies that will be provided
17. Auditor's qualifications
18. References for firm and individuals performing audit
19. Estimated hours required, current rates and total anticipated amount

## **8. PUBLIC CONTACT AND INFORMATION**

### **8.1 Public Contact**

#### **a) Courtesy**

The primary goal of the Township Board is to serve the public. It is the policy of the Township that all officials and employees will respond to requests for Township information from members of the public with courtesy and efficiency. All officials and employees shall communicate with the public in such a way that the image of the Township government as friendly, courteous and efficient is fostered and maintained.

All visitors or phone callers to the Township Hall shall be greeted in a friendly, helpful manner. Department heads shall make every effort to see visitors who need their assistance. When workload or other commitments do not allow for an immediate meeting, the visitor will be asked to make an appointment at a mutually convenient time.

#### **b) Complaints and Problems**

A complaint will be submitted in writing and may be submitted on a Township form, if one exists, available from the clerk.

Complaints or other concerns received from a citizen shall be received with courtesy. The official or employee will make every effort to resolve a complaint or problem, within the official's or employee's scope of authority within a reasonable time based on work load and other commitments. Department heads will be notified of all complaints.

The Township Board shall also be notified of any citizen written complaint arising from official or employee conduct of the administration of a department or Township Board policy or procedure. The notice shall include the name and address of the citizen, the nature of the complaint and how the complaint was resolved. The Township Board may make a subsequent inquiry with the citizen to ensure that the issue was resolved to the citizen's satisfaction.

### **8.2 Public Information Officer**

Supervisor shall be the public information officer for the Township and shall be responsible for supervising the Township newsletter, preparing public service announcements and media releases on Township government events and responding to inquiries from the media or referring contact to other appropriate Township officials.

Township employees and other Township Board members are encouraged to notify the public information officer prior to making any statements to the news media. Department heads will notify the public information officer of all media contacts.

### **8.3 Public Notices**

#### a) Meeting Notices

The Township Clerk shall be responsible for posting all regular, special and rescheduled board and commission meetings in conformance with the Open Meetings Act and other state laws. The chairperson of each Township board or commission will notify the clerk of all special and rescheduled meetings.

#### b) Public Notices

The Township Clerk shall also be responsible for publishing and mailing all public notices required by state law, including:

1. Board of review meetings
2. Budget public hearings
3. Planning Commission hearings
4. Zoning board of appeals hearings
5. Special assessment district hearings
6. Election notices
7. Master plan adoption and amendments
8. Truth-in-Taxation notice

#### 8.4 Freedom of Information Act (The "Act or "FOIA") Requests

The Township Clerk will be the FOIA administrator and will comply with all appropriate state statutes. All requests for public records must be made in writing and in accordance with the Act. The FOIA administrator shall furnish a requesting person a reasonable opportunity for inspection and examination of the public records requested, that are not exempt from disclosure under the Act, by notifying the requesting person of the dates such documents will be available at the Township Hall during the Township's usual business hours. The FOIA administrator or his/her designate shall observe the inspection of the public records so as to protect the public records. In order to prevent excessive and unreasonable interference with the discharge of Township functions, a requesting person shall have a maximum of one hour per day to review such public records. If the requesting party does not appear on the dates the FOIA administrator indicated the public records are available for inspection, the requesting person must make a new written request, before such records will be made available for inspection and examination.

Additional FOIA procedures and guidelines are attached to the Policy Manual. If there are any inconsistencies between the attachment and this section 8.4 of the Policy Manual, this section 8.4 of the Policy Manual shall prevail.

#### 8.5 Incoming Mail

The Township Clerk (or the person designated by the Township Clerk) shall receive all incoming mail, and shall open and date-stamp the letter or cover sheet of all correspondence. Correspondence shall be sorted and distributed to the various Township offices. Mail addressed

to the Township Board shall be forwarded to the Township Clerk, who shall provide a copy to each Township board member. Correspondence addressed to the Township Board, but requiring action typically handled by a particular official, shall be immediately forwarded to that official as well.

#### 8.6 Outgoing Mail

The Township Board shall approve the design of all department letterhead stationery. Statements made on Township stationery may be construed as the official position of Elk Rapids Township, so all officials and employees should take every precaution that written statements are made within the scope of their authority. Township stationery shall only be used for official Township business.

Department heads shall provide the Township Board with a copy of all correspondence that addresses a citizen complaint or when the content may result in a lawsuit to the Township or in the Township Board reviewing or implementing a Township policy. Where a department head is unsure of the necessity to provide the township Board with a copy of correspondence, department heads should err on the side of caution.

All department correspondence should be considered as a public document, unless the contents are specifically excluded from disclosure by state law. Copies of correspondence will be provided to any Township Board member on request.

#### 8.7 Confidential Information

Township officials and employees shall not release any information which is confidential. Confidential information can include, but shall not be limited to, the following:

- a. Privileged information during litigation.
- b. A privileged and confidential communication from the Township Attorney.
- c. Employee information protected by law.

## **9. TOWNSHIP OFFICES AND PROPERTY**

### **9.1 Hours of Business**

The Township Hall shall be open to the public as noticed.

### **9.2 Building Access**

The first person arriving each morning should make sure that the security system (if any) is deactivated, all public access doors are unlocked, and the copier is turned on.

Prior to leaving, each employee will make his or her work station secure by checking that computers, typewriters, calculators and lights are turned off, filing cabinets and cash drawers are locked, and windows and doors are locked.

The last person to leave the Township Hall at night shall check to see that the copier, coffee maker and other office machines are turned off; all doors and common area windows are locked; all lights are turned off, except for designated security lights, and the security system (if any) is activated.

Persons working after hours are responsible for turning off the lights and office machines used and checking that all doors and windows are secure.

### **9.3 Security**

#### **a) Keys/Door Combinations**

Keys/combinations to the main door of the Township Hall will be issued to those persons authorized by the Township Board.

If a key is lost, the Township Clerk shall be informed immediately. A replacement key shall be issued. If the Township Clerk has reason to believe that the missing key may be used for unauthorized entry, new locks will be installed. Upon termination of employment, the employee shall return his or her office keys to the Township Clerk. No person shall duplicate a key without authorization from the Township Clerk or make a key available to any unauthorized person.

Each department head shall determine who shall be issued a key to the department's door or any secured facilities, such as a safe, cash drawer or filing cabinet, within the department.

#### **b) Valuables**

Employees shall not keep money or other valuables in their desks or at their work stations. The Township shall not be responsible for the loss of any employee's personal property.

### **9.4 Safety**

No boxes, files and other items shall be stored in hallways, stairs and landings. Flammable liquids and power equipment shall not be stored in the Township Hall. Other flammable materials shall not be stored in the (utility/furnace) room.

In the event of a fire, all employees will immediately exit the building. All employees shall gather at the drop box for a head count.

#### 9.5 Use of Township Equipment, Labor or Premises

##### a) Lost or Damaged Equipment

Any lost or damaged equipment shall be reported immediately to the employee's department head.

##### b) Personal Use of Township Property

The personal use of the Township premises, equipment, machines, tools, supplies, postage or personal use of Township labor, shall be prohibited except as noted below:

##### c) Phone Calls

Employees are permitted to make brief personal local phone calls and employees are permitted to make brief personal long distance phone calls but any charges must be billed to their own account.

##### d) Copier

Employees may use the Township copier for personal business, but shall reimburse the Township at the rate established by the Board.

##### e) Bulletin Boards

Employees who wish to post notices on Township bulletin boards must have the prior approval of clerk.

##### f) Vehicles

Employees may be directed by a department head to take a Township vehicle to their residence due to the nature of their work, such as responding to emergency calls. Department heads may also authorize a Township vehicle to be driven to and from work because of the lack of a secure place to store the vehicle during hours the office is closed. The use of a Township vehicle is not an employee fringe benefit, and personal use is prohibited. Employees may use the vehicle for personal errands, such as making a stop on the way to and from work, so long as no additional mileage or other cost is incurred to the Township.

#### 9.6 Public Use of Township Facilities

a) Availability

Township facilities are available for use at no charge by Government agencies. Other groups may use the facilities for public meetings during regular business hours.

b) Reservations

The deputy clerk shall record each reservation on a facility calendar, on a first-come basis.

c) Denial of Facilities

The Township Board reserves the right to refuse use of the facilities for cause.

d) Alcoholic Beverages

Will not be allowed at the facilities

e) Damages

Damages to Township property shall be responsibility of the renting party.

9.7 Routine Maintenance

a) Responsibility

The Township Clerk shall be responsible for monitoring the need for repairs and improvements to Township property.

b) Emergency Repairs

A Township Board official is authorized to contract for emergency repairs up to a cost of \$5,000.00 without prior Township Board approval, when a delay in initiating a repair will have a significant impact on Township operations or finances.

9.8 Smoking in Township Buildings

PURPOSE: In the interest of providing to all customers, visitors and employees a safe and healthy environment, and to reduce the incidents of involuntary contact with second-hand smoke, the following policy is hereby adopted in accordance with the mandates of the Michigan Clean Air Act P.A. of 1986.

SMOKING IS PROHIBITED BY ANY PERSON IN THE FOLLOWING AREAS:

- Inside all Township owned and operated buildings and vehicles

- Outside of all Township owned and operated buildings near areas that present a fire or other safety hazard, such as in close proximity to a gas tank or pump, or open hazardous waste materials.
- In any area where smoking is prohibited by the Township Fire Department or other applicable laws.

#### ENFORCEMENT:

The success of this policy will depend upon the thoughtfulness, consideration and cooperation of smokers and nonsmokers. All Township officials and employees share in the responsibility for adhering to and enforcing the policy.

Conflicts should be brought to the attention of the appropriate supervisory personnel, and, if necessary, referred to the Township Board for a final decision. The right of a nonsmoker to protect his or her health and comfort should prevail over an employee's desire to smoke.

Employees who are found smoking in nonsmoking areas will be considered in violation of Township policy and will be subject to discipline in the same manner and magnitude as violations of other Township policy.

## **10. MISCELLANEOUS PERSONNEL MATTERS**

### 10.1 Personnel Officer

To provide for efficient and uniform administration of personnel matters, the Township Board appoints the Township Clerk as the Township personnel officer.

### 10.2 Employee Recordkeeping

#### a) Personnel Records

The Township Clerk shall maintain a permanent personnel record of each Township employee. Each employee's personnel file may contain the following:

1. Personal data, including full name, Social Security number, current address, resume or application submitted and physical examination (if required)
2. Performance evaluations
3. Use of authorized leaves
4. Commendations and/or disciplinary actions
5. Tax withholding information
6. Beneficiary information
7. Record of positions held
8. Insurance and pension records

#### b) Confidentiality of Personnel Files

The contents of the employee personnel files shall be considered confidential. Any employee may examine the contents of his or her personnel file under the direct supervision of the Township Clerk. Township Board members and the personnel officer shall be provided viewing of any personnel file. The contents of an employee's personnel file shall not be removed by anyone. Confidential information contained in a personnel file shall be released to others only with the written authorization of the employee. Personnel files will be kept for at least five (5) years following an employee's termination.

#### c) Freedom of Information Act Requests for Personnel Files

Requests for copies of documents contained in the personnel files that are made pursuant to the Freedom of Information Act will be released only after confidential information that may be contained on the document is deleted. The Township Clerk may contact the Township Attorney for advice in responding to a Freedom of Information Act request involving personnel records. Pursuant to the Michigan Freedom of Information Act, the Township Clerk, after consulting with the Township Attorney, shall notify in writing any party requesting confidential information that the request is denied.

### 10.3 Classification and Compensation

The Township Board shall establish an equitable compensation system for Township employees. The Township Board shall determine a pay range for all Township positions.

#### 10.4 Authorized Work Force

The Township Board shall determine the number of employee assigned to the various Township offices. At its discretion, the Board may declare a moratorium on filling any vacancies.

#### 10.5 Ethical Standards

All elected and appointed officials, employees and volunteers shall fulfill their duties with the utmost attention to serving the best interests of the Township citizens, and no official, employee or volunteer shall participate in a decision or transaction on behalf of the Township that would result in a direct financial benefit to the Township official, employee or volunteer.

Any official, employee or volunteer who believes that he or she may be placed in a potential conflict of interest shall immediately notify the Township Board, and any subsequent action shall be in conformance with state law.

No employee shall accept employment that conflicts with performing his or her Township duties. The Township Board shall approve all outside employment.

No officer or employee shall accept any gift or consideration from a person or company providing goods or services to the Township, or who is soliciting Township business.

## **11. POVERTY GUIDELINES**

The adoption of guidelines for poverty exemptions is within the purview of the Township Board. The homestead of persons who, in the judgment of the Township Supervisor and Township Board of Review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390, 1994(MCL 211.7u). Pursuant to PA 390, 1994 Elk Rapids Township, Antrim County adopts the following guidelines for the Supervisor and Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year.

To be eligible for a poverty exemption, a person shall or must do all of the following on an annual basis:

1. Be an owner of and occupy as a homestead the property for which an exemption is requested.
2. File a claim with the Supervisor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year.
3. Produce a valid drivers' license or other form of identification if requested.
4. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested.
5. Meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget.
6. The application for an exemption shall be filed after January 1, but before the day prior to the last day of board of review.
7. Any additional eligibility requirements as determined by the Township Boards.

The Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these are communicated in writing to the claimant.

## **12. INDEMNIFICATION OF TOWNSHIP OFFICIALS AND EMPLOYEES**

Public Act 170 of 1964, as amended, authorized indemnification of public officers and employees while acting on behalf of the Township and within the scope of their authority.

- a. Whenever a claim is made or a civil action is commenced against an officer or employee of Elk Rapids Township for injuries to persons or property allegedly caused by the officer or employee while acting within the scope of his or her authority, Elk Rapids Township shall pay for, engage, or furnish the services of an attorney to advise the officer or employee as to the claim and to appear for and represent the officer or employee in the action. The Township Board may compromise, settle and pay the claim before or after the commencement of a civil action. Whenever a judgment for damages is awarded against an officer or employee of the Township as a result of a civil action for personal injuries or property damage caused by the officer or employee while in the course of employment and while acting within the scope of his or her authority, the Township shall indemnify the officer or employee or pay, settle, or compromise the judgment.
- b. When a criminal action is commenced against an officer or employee of the Township based upon the conduct of the officer or employee in the course of employment, if the employee or officer had a reasonable basis for believing that he or she was acting within the scope of his or her authority at the time of the alleged conduct, the Township of Elk Rapids shall pay for, engage, or furnish the services of an attorney to advise the officer or employee as to the action, and to appear for and represent the officer or employee in the action.
- c. This policy shall not impose any liability upon Elk Rapids Township other than that herein set forth.

## Elk Rapids Township

### FOIA Procedures and Guidelines

#### Preamble: Statement of Principles

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

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

The Township acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The Township acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

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

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

#### Section 1: General Policies

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

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

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

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

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

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

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

#### When a request is granted:

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

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

A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records\*, provided however, that because these Procedures and Guidelines, and the Written Public Summary are maintained on the Township's website at [elkrapids.com](http://elkrapids.com), a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

If the cost of processing a FOIA request is \$50 or less, the requestor will be notified of the amount due and where the documents can be obtained.

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

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

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the Township;
- The Township is subsequently paid in full for the applicable prior written request; or

#### Section 5: Calculation of Fees

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

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

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

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

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

The Michigan FOIA statute permits the Township to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Township.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Township.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the township's website if you ask for the township to make copies.
- The cost to mail or send a public record to a requestor.

#### Section 6: Waiver of Fees

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

#### Section 7: Discounted Fees

##### *Indigence*

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

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

An individual is not eligible to receive the waiver if:

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

An affidavit is sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

##### *Nonprofit organization advocating for developmentally disabled or mentally ill individuals*

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

- A nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
  - Is made directly on behalf of the organization or its clients.
  - Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
  - Is accompanied by documentation of its designation by the state, if requested by the public body.

#### Section 8: Appeal of a Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the Township Board by filing an appeal of the denial with the office of the Township Supervisor.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The Township FOIA Appeal Form (To Appeal an Excess Fee) may be used.

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

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

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Township Board will respond to the written appeal. The Township Board shall not issue more than 1 notice of extension for a particular written appeal.

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

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

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

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

- The Township does not provide for appeals of fees,
- The Township Board failed to respond to a written appeal as required, or
- The Township Board issued a determination to a written appeal.

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

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

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

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