



**Kalamazoo County Land Bank  
Freedom of Information Act (FOIA)  
Policy**

Adopted: August 11, 2016

**POLICY**

The Kalamazoo County Land Bank will ensure that all persons are granted full and complete information regarding the affairs of the Land Bank as provided by the Michigan Freedom of Information Act (FOIA)

In accordance with FOIA, the Kalamazoo County Land Bank Executive Director shall be designated as the FOIA Coordinator. The Executive Director may designate an employee to serve as the FOIA Coordinator.

**Fees:** Kalamazoo County Land Bank has determined that in instances where response time is 20 minutes or more, it would result in unreasonably high costs to Kalamazoo County Land Bank if the Land Bank did not charge a fee. Therefore, labor costs will be charged for each response where retrieval separation and/or redaction time is 20 minutes or more in accordance with Sec 4 of the Act.

**References:** Act 442 of 1976 (MCL 15.231 et seq.)



**Kalamazoo County Land Bank  
Freedom of Information Act (FOIA)  
REQUEST FOR PUBLIC RECORD**

Adopted: August 11, 2016

**1. Requestor Information**

\_\_\_\_\_  
Name (Please print) Phone

\_\_\_\_\_  
Mailing Address City State Zip

**2. Name of Public Record Requesting**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. Do you wish to:**
- Examine the record in the Land Bank office?
  - Receive a copy via mail? (Copy and postage charges may apply)
  - Receive a copy via email? Email: \_\_\_\_\_
  - Receive a copy via fax? (Limit 20 pages) Fax: \_\_\_\_\_

Please sign and date this form when complete. Please return to Kalamazoo County Land Bank.  
Email : landbank@kalamazoolandbank.org Fax: 269-216-6345 Mail: 1523 Riverview Drive, Suite A, Kalamazoo, MI 49004

\_\_\_\_\_  
Signature Date

**Office Use**

Staff receiving request: \_\_\_\_\_ Date: \_\_\_\_\_

Request:  Granted  Partially Denied  Denied



**Kalamazoo County Land Bank  
Freedom of Information Act (FOIA)  
Informational Summary**

Adopted: August 11, 2016

**HOW DO I SUBMIT A FOIA REQUEST?**

Requests for public documents may be submitted by:

1. Filling out the FOIA Request Form available on the Kalamazoo County Land Bank Website at [www.kalamazoolandbank.org](http://www.kalamazoolandbank.org)
2. Sending a request in writing via U.S. Mail or e-mail to:  
Kalamazoo County Land Bank  
1523 Riverview Dr., Suite A  
Kalamazoo, MI 49004
3. Filling out a FOIA Request Form in person at the Kalamazoo County Land Bank office.

Once your FOIA request is received, Kalamazoo County Land Bank will determine whether public documents which are responsive to the request exist.

**WHEN WILL I RECEIVE A RESPONSE?**

You will receive a response to your request within 5 business days.

**WHAT WILL THE COST BE?**

If the requested documents are available on the Kalamazoo County Land Bank website, a link will be provided to you free of charge.

If the responsive documents are less than 10 letter size double sided pages or take less than 20 minutes to prepare, the documents will be provided free of charge to your attention.

If the requested documents are more than 10 double sided letter size pages or take more than 20 minutes to prepare, the Kalamazoo County Land Bank will charge for the response. The charges will include copy costs, copy labor costs, retrieval costs, redaction and/or separation costs and mailing costs.

All labor will be charged at the hourly wage of the lowest paid employee who is able to prepare the response plus fringe benefits up to 50% of their wage. The labor will be charged in 20 minute increments, which will be rounded down.

A detailed itemized bill will be provided to your attention. Upon payment of the itemized bill, a copy of the FOIA response will be provided to you.

Reduced fees for Indigence and qualifying nonprofit organizations will be provided as required by law.

### **DOES MY REQUEST REQUIRE A DEPOSIT?**

If the estimated cost of a response exceeds \$50.00, a 50% deposit is required prior to a response being prepared.

You will receive a cost estimate prepared by Kalamazoo County Land Bank in response to your request.

If Kalamazoo County Land Bank receives a request from an individual that has not paid for a previously granted request, Kalamazoo County Land Bank will require a 100% deposit as provided by law.

### **WHAT WILL THE RESPONSE CONTAIN?**

If no responsive public documents exist, Kalamazoo County Land Bank will provide an affidavit of non-existence.

The response will contain a complete copy of all public records that are responsive to the request.

Non-public records will be removed from all responses.

Documents will be redacted to remove personal information including home addresses, phone numbers, dates of birth and social security numbers.

Other items will be redacted from responses as provided by law.

FOIA responses that are redacted or separated will include a detailed explanation of the reasons for the redaction and/or separation with the response.

### **CAN I APPEAL THE RESPONSE?**

#### ***Response Content***

If you receive an affidavit of non-existence, or redacted records in response to your request, you may file an appeal by sending a letter entitled "Appeal" to the head of the public body at the address provided in the response.

You also have the right to file an action in the Circuit Court of Kalamazoo County to compel disclosure without first filing an appeal with the public body. You must file the action in the Circuit Court within 180 days of the date of the response.

#### ***Response Fee***

If the FOIA fee exceeds the amount permitted by law or Kalamazoo County Land Bank's procedures, you may file an appeal of fees with the head of the public body. Within 10 days of receipt of a notice of

appeal of fees, the head of the public body will uphold the fee, reduce the fee, or waive the fee. If the head of the public body fails to respond to the appeal or issues a response to the appeal, an action may be filed in Kalamazoo County Circuit Court against the public body for a fee reduction. This action must be filed within 45 days of receiving the determination of the appeal.

The following documents can be found at [www.kalamazoolandbank.org](http://www.kalamazoolandbank.org):

FOIA Request Form

FOIA Affidavit of Indigency

FOIA Itemized Cost Worksheet

FOIA Policy

FOIA Procedure

FOIA Informational Summary



**Kalamazoo County Land Bank**  
**Freedom of Information Act (FOIA)**  
**Procedure**

Adopted: August 11, 2016

**RECEIPT OF REQUEST**

- All requests for information should be treated as FOIA requests
- Requests must be in writing
- Requests may be received in person, from the website, via e-mail, fax, or US mail
- Requests received via e-mail, fax or via the website are not considered received until the next business day

**RESPONSE**

*TIME*

- Responses shall be made within 5 business days
- If you are unable to respond within 5 business days, you must provide notice to the requesting party of an extension
- You may utilize an extension of 10 business days

*CONTENT*

- All responses shall contain a link to the Kalamazoo County Land Bank FOIA Summary Document
- If the requested record does not exist, a denial accompanied by an Affidavit of Non-existence needs to be prepared
- If the documents are available on the Kalamazoo County Land Bank website, respond with a link to the documents, and a link to the FOIA Summary
- If the document is a public document, grant the request by providing the complete document
- Some documents must be separated and/or redacted, an explanation of each redaction and/or separation must be provided

*DOCUMENTS WHICH CONTAIN THE FOLLOWING MUST BE REDACTED AND/OR SEPARATED:*

- Non-public records
- Dates of Birth
- Home Addresses
- Home/cell phone numbers
- Social Security numbers
- Credit card account information
- Bank account information

- Information that would be considered personal or private
- Proprietary information
- Any responses that are redacted and/or separated shall contain a detailed explanation as part of the response

#### **FEE CALCULATION**

- If the documents are available on the website, the link to the information should be provided free of charge
- If the requesting party wishes to receive a printed copy of the documents which are available on the website, standard billing charges shall apply
- If the responsive document is 10 standard sized single or double sided pages or less, the response is free of charge
- There will not be any charge for retrieval, separation and/or copying labor unless the time to perform the task is 20 minutes or more
- Each task shall be charged separately and itemized on the billing form in 20 minute increments rounded down
- All labor will be charged at the rate of the lowest paid employee able to perform the task, whether or not they actually perform the task
- Labor charges shall include fringe benefits up to 50% of the wage rate
- Proof of indigent status via an affidavit affords a \$20 discount for up to 2 requests per calendar year
- Proof of status as a qualifying non-profit as defined by the statute provides a \$20 discount on all requests
- The Kalamazoo County Land Bank cost worksheet shall be utilized to calculate all fees
- Actual mailing fees shall be charged
- Standard copies shall be charged at 10 cents per sheet
- Oversized copies shall be charged at actual cost
- Digital media shall be charged at actual cost
- Responses shall be provided upon full payment

#### **DEPOSITS**

- If the cost of a response exceeds \$50, a 50% deposit shall be required
- If the requesting party has failed to pay for a previously granted request within the past year, a 100% deposit shall be required

## **APPEALS**

- If a response is separated, redacted or denied an appeal may be filed
- If a fee is believed to be excessive and not in compliance with established billing procedures, the fees may be appealed

### *CONTENT BASED APPEAL*

- A letter entitled "Appeal" shall be sent to the Board of Directors of the Kalamazoo County Land Bank at the address provided in the response
- A requestor may also file an action in Kalamazoo County Circuit Court to compel disclosure without first filing an appeal with the public body
- An action in Circuit Court must be filed within 180 days of receipt of the response

### *FEE APPEAL*

- If the FOIA fee exceeds the amount permitted by law or the Kalamazoo County Land Bank Procedure, an appeal of fees may be filed with the Board of Directors of the Kalamazoo County Land Bank
- This appeal must be in writing and state appeal of fees
- The head of the public body shall respond to the fee appeal within 10 days
- The response shall do one of the following: Uphold the fee, reduce the fee, or waive the fee
- If Board of Directors fail to respond to the fee appeal or if they issue a response to the appeal, an action may be commenced in the Kalamazoo County Circuit Court within 45 days of the failure to respond or of the response





**Kalamazoo County Land Bank  
Freedom of Information Act Request**

**Itemized Cost Worksheet**

Adopted: August 11, 2016

<p>Pursuant to Section 4 of the Michigan Freedom of Information Act, MCL 15.234, the following costs will be charged for responses to FOIA requests, according to the FOIA Policy adopted and periodically revised by the Kalamazoo County Land Bank Board. Labor charges are the hourly wage of the lowest paid employee able to perform the work plus fringe benefits up to 50% of their wage.</p>	
<p>Kalamazoo County Land Bank has determined that in instances where the time to perform any of these procedures exceeds 20 minutes, it would result in unreasonably high costs to Kalamazoo County Land Bank. Therefore, labor costs will be charged for each response where retrieval separation and/or redaction time is 20 minutes or more.</p>	
<p><b>1. Labor Cost to Locate Documents:</b></p> <p>Hourly Wage of Lowest Paid Employee including Fringe Benefits: \$ _____</p> <p>Start Time: _____ End Time: _____</p> <p>Total time to locate: _____</p> <p>Total time/20 minutes = Total Increments _____</p> <p>Wage/3 = Charge per increment: \$ _____</p> <p>_____</p> <p>Charge per increment X number of increments</p>	<p align="right"><b>Location Labor Cost</b></p> <p align="right">\$ _____</p>
<p><b>2. Labor Cost for Copying Documents:</b></p> <p>Hourly Wage of Lowest Paid Employee including Fringe Benefits: \$ _____</p> <p>Start Time: _____ End Time: _____</p> <p>Total time to copy: _____</p> <p>Total time/20 minutes = Total Increments _____</p> <p>Wage/3 = Charge per increment: \$ _____</p> <p>_____</p> <p>Charge per increment X number of increments</p>	<p align="right"><b>Copying Labor Cost</b></p> <p align="right">\$ _____</p>
<p><b>3. Copying (duplication or printing): Copies must be double sided if possible</b></p> <p>Letter _____ number of sheets x .10 = _____</p> <p>Legal _____ number of sheets x .10 = _____</p> <p>For Larger Size Copies: Actual cost per sheet as obtained from document services: _____ X _____ number of sheets = _____</p> <p>Non-paper physical digital media charged at actual cost: Circle applicable: Disc/ Tape / Drive / Other Digital Medium Cost per Item: _____</p>	<p align="right"><b>Total Copying Cost</b></p> <p align="right">\$ _____</p>

<p><b>4. Labor Cost for Separating Exempt from Non-Exempt Documents and/or Redacting the Documents:</b></p> <p>Hourly Wage of Lowest Paid Employee including Fringe Benefits: \$ _____</p> <p>Start Time: _____ End Time: _____</p> <p>Total time to copy separate and redact: _____</p> <p>Total/20 = Total Increments _____</p> <p>Wage/3 = Charge per increment: \$ _____</p> <p>_____</p> <p>Charge per increment X number of increments</p>	<p><b>Separating/Redaction Labor Cost</b></p> <p>\$ _____</p>
<p><b>5. Mailing:</b></p> <p>Kalamazoo County Land Bank will charge the actual cost of mailing, if any, for sending records in a reasonable economical and justifiable manner. *Kalamazoo County Land Bank will not charge more for expedited shipping or insurance unless expedited service is specifically requested.</p> <p><b>Cost of Envelope or Package: \$ _____</b></p> <p><b>Postage: \$ _____</b></p> <p><b>Postal Delivery Confirmation: \$ _____</b></p> <p><b>*Expedited Shipping or Insurance as requested: \$ _____</b></p>	<p><b>Total Mailing Cost</b></p> <p>\$ _____</p>
<p><b>Proof or Affidavit of Indigency Submitted: Yes _____ No _____</b></p> <p>An individual can use an Affidavit up to 2 times in a one year period.</p>	<p><b>If yes</b></p> <p><b>Subtract \$20.00</b></p>
<p><b>Non-profit organization which qualifies under MCL15.234(2)(b)</b></p>	<p><b>If yes</b></p> <p><b>Subtract \$20.00</b></p>
<p><b>TOTAL CHARGES</b></p>	<p>\$ _____</p>
<p><b>Late Response Cost Reduction:</b></p> <p>If Kalamazoo County Land Bank fails to respond to a FOIA Request in a timely manner Labor charges will be reduced 5% for each day the response is late up to a maximum reduction of 50% of the Labor charges.</p> <p>Total Labor Charge \$ _____</p> <p>Number of days late X 5% = _____</p> <p style="text-align: center;">Total % Reduction</p>	<p><b>Late Response Reduction</b></p> <p>\$ _____</p>
<p><b>DEPOSIT:</b> If the Estimated Cost Exceeds \$50.00, a Good Faith Deposit of 50% is Required Before the Request Will Be Processed</p> <p>Estimated copy cost \$ _____</p> <p>Estimated labor to locate \$ _____</p> <p>Estimated labor to redact/separate \$ _____</p> <p>Estimated copy labor \$ _____</p> <p>Estimated mailing cost \$ _____</p> <p style="text-align: right;"><b>TOTAL ESTIMATE \$ _____</b></p>	<p><b>50% Deposit:</b></p> <p>\$ _____</p> <p><b>Deposit Received</b></p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Date</p>

**DEPOSIT:** If the previous FOIA Fees were not paid in full by the requestor, a 100% Deposit is required on all requests made within 365 days of the previous unpaid bill

Date of previous unpaid bill \_\_\_\_\_

Estimated copy cost \$ \_\_\_\_\_

Estimated labor to locate \$ \_\_\_\_\_

Estimated labor to redact/separate \$ \_\_\_\_\_

Estimated copy labor \$ \_\_\_\_\_

Estimated mailing cost \$ \_\_\_\_\_

**TOTAL ESTIMATE \$ \_\_\_\_\_**

**100% Deposit:**

\$ \_\_\_\_\_

**Deposit Received**

\_\_\_\_\_  
Date

**Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed**

**Balance Due:**

\$ \_\_\_\_\_

**Make Checks Payable to:** Kalamazoo County Land Bank  
1523 Riverview Dr., Suite A  
Kalamazoo, MI 49004

**PAID IN FULL** \_\_\_\_\_  
Date



**Kalamazoo County Land Bank  
Freedom of Information Act (FOIA)  
Affidavit of Indigency  
for Copies of Public Records**

Adopted: August 11 2016

The undersigned requests a copy of the following record from Kalamazoo County Land Bank.

Describe Record Desired:

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Pursuant to Section 4(1) of the Freedom of Information Act, the undersigned being first duly sworn deposes and says: **(Fill out either A or B)**

A. ( ) On this date I am receiving public assistance as referred to in the Freedom of Information Act.

B. ( ) I am not receiving public assistance as referred to in the Freedom of Information Act, but I am unable to pay the cost of the copies of records which I have requested and in support of my assertion I show and swear the following facts are true:

1. That I have no funds with which to pay for the copies except \$\_\_\_\_\_
2. That I own no property, real or person, which could be sold to raise funds with which to pay for the copies except \_\_\_\_\_
3. That I do ( ), do not ( ), have a spouse who is dependent upon me for support.
4. That I do ( ), do not ( ), have \_\_\_\_\_ minor children dependent upon me for their support.
5. That I owe child support payments in the amount of \$\_\_\_\_\_ per week to the Friend of the Court and an arrearage of \$\_\_\_\_\_
6. All of my assets do ( ), do not ( ), exceed my liabilities. If liabilities exceed assets, they do so by \$\_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public Kalamazoo County, Michigan

My Commission Expires: \_\_\_\_\_