

SALEM TOWNSHIP LIBRARY
FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES
(THE "PROCEDURES")

I. Introduction

The Michigan Freedom of Information Act, 1976 PA 442 (MCL 15.231 to 15.246), as amended ("FOIA"), mandates disclosure of most public records. To fulfill this mandate, Salem Township Library ("STL") has established this policy and procedure for handling FOIA requests to ensure that members of the public receive full and complete information requested regarding the affairs of government, while not unduly burdening STL. These Procedures are established to implement FOIA and to comply with the requirements of Section 4(4) of the FOIA.

II. FOIA Coordinator

The Board of Trustees of STL (the "Board") has designated the Director of STL to serve as the FOIA Coordinator for STL. Any questions regarding compliance with FOIA should be directed to the FOIA Coordinator. An employee of STL who receives a request for a public record must promptly forward that request to the FOIA Coordinator. The FOIA Coordinator is responsible for accepting, processing and providing written responses to FOIA requests. For administrative convenience, the FOIA Coordinator may designate an individual to act on his or her behalf in accepting and processing requests for the records of STL. In the event that the Director is unavailable, the Circulation Specialist or the Circulation Specialist's designee may serve as the FOIA Coordinator.

III. FOIA Requests

A. *Requirements for Requests for Public Records.* A person, as defined by Section 2 of FOIA, may submit requests for the public records from STL. "Public Record" has the meaning as defined in Section 2 of the FOIA.

1. Name, Address and Contact Information Required. Requests must include the complete name, address and contact information of the individual making the request. If the request is made by a person other than an individual, the

complete name, address and contact information of the person's agent who is an individual must be included. The address must be written in compliance with the United States Postal Service addressing standards. Contact information must include a valid telephone number and/or email address for the individual.

2. Written Request Required. All requests for public records (whether to receive copies of such records or to inspect such records) made pursuant to FOIA must be in writing.
3. Description of Requested Public Records. Requests must sufficiently describe the requested public record(s) to enable STL to identify and locate the requested public record(s). Forms for utilization FOIA requests made be available from the FOIA Coordinator.

B. *Submission of FOIA Requests.* A request can be submitted by mail, in person, or by electronic mail (e-mail), facsimile (fax), or other electronic means.

1. Where to Send the Request. Requests for public records should be directed to the FOIA Coordinator. Requests may be submitted to the following:

By mail:

Salem Township Library
Attn: FOIA Coordinator
3007 142nd Avenue
Burnips, MI 49323

and/or

PO Box 58
Burnips, MI 49314

In person at:

Salem Township Library
3007 142nd Avenue
Burnips, MI 49323

By e-mail: foiarequest@STL.org

By fax: 616-896-9035

2. Requests Made by Fax, E-Mail or other Electronic Means. Requests that are submitted by fax, e-mail or other electronic means shall be deemed received by the FOIA Coordinator one (1) business day after the date the electronic transmission is made and shall be handled in the same manner as a physical written request. If the request is submitted by e-mail and the e-mail request is held or quarantined in STL's "spam" or "junk" e-mail folder (or other similar virus protection software), the request shall be deemed received one (1) business day after STL first becomes aware of the request. The FOIA Coordinator shall maintain a written log of when a request is delivered to the spam or junk e-mail folder and when STL first becomes aware of the request in such spam or junk e-mail folder. The FOIA Coordinator shall be responsible for routinely monitoring STL's spam and junk e-mail folders for any FOIA requests.
3. Specify Format. The requestor may specify whether he or she would like to inspect, receive paper copies, or receive the public records on nonpaper physical media. STL is only required to comply with the request for specified nonpaper physical media if it has the technological capability necessary to provide the public records on the requested nonpaper physical media in the particular instance.

C. Types of Requests

1. Requests for Copies of Public Records. All requests to receive copies of public records shall be made in writing.
2. Requests to Review Records. If a request is received to review records, facilities should be made available to inspect records during STL's normal business hours and when the records can be reasonably made available. The person who wishes to inspect records shall submit a written request describing the requested documents prior to STL allowing the inspection of the records.
3. Subscription. A person has a right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to 6 months, at the request of the subscriber, and shall be renewable.

D. Informal Requests

1. The FOIA Coordinator or STL's staff may provide limited, readily identifiable public records without a written request in the case of easily fulfilled, non-repetitive requests for information. Examples of documents which may be provided without the necessity of a written FOIA request include, but are not limited to:
 - (a) A single set of meeting minutes for a meeting of the Board held within the prior twelve (12) months which are requested by specific date.
 - (b) Resolutions which are identified by specific name or number.
 - (c) Similar records which can be readily provided.
2. The FOIA Coordinator or STL's staff have the discretion to require a formal FOIA request.

3. If a person makes a verbal request for information believed to be available on STL's website, where practicable and to the best ability of the FOIA Coordinator or other employee receiving the request, the requester shall be informed of the relevant website address where the information may be found.
4. Oral requests fulfilled under this Section III.D are not considered made under or subject to FOIA. Requesters have the option to make a written FOIA request, if so desired, in accordance with these Procedures.

IV. Processing FOIA Requests

The FOIA Coordinator shall maintain a log of all written FOIA requests received showing the nature and date of the request, determination of disposition, date of disposition and manner of the final response to the FOIA request.

A. *Time for Response.* The FOIA Coordinator shall, no more than five (5) business days after the request has been deemed received, unless a single extension of not more than ten (10) business days has been issued, provide one of the following responses to the requester:

1. Grant the Request.
2. Issue a Written Notice Denying the Request.
3. Grant the Request in Part and Issue a Written Notice to Denying the Request in Part.

If STL issues a ten-business day extension, STL's written notification of the ten-business day extension shall include an estimate as to when the STL will provide a written response to the request. STL's written response shall be considered the final determination regarding the FOIA request.

B. STL's Response to Requests

1. Requests that are Granted or Granted in Part. If a request is granted, or granted in part, the FOIA Coordinator shall notify

the requester if a fee will be charged under Article V of these Procedures.

2. Requests that are Denied or Denied in Part. If a request is denied or denied in part, the FOIA Coordinator shall issue a written notice stating the reasons for the denial, including an explanation of the requesting person's right to seek a non-mandatory appeal from the FOIA Coordinator's decision to the Board or a judicial review of the decision with the Allegan County Circuit Court. Requests may be denied because, among other reasons, the requesting party failed to provide a complete name and contact information, the requested record does not exist, the request does not sufficiently describe the requested record to enable STL to identify and locate the requested records, or if all or a portion of the requested record is exempt from disclosure under Section 13 of FOIA. The denial notice shall be signed by the FOIA Coordinator.
 - (a) If the request is denied on the basis that all or a portion of the requested records do not exist in STL's possession, the FOIA Coordinator shall include in the written response a certification that the requested records do not exist as requested by that person or by another name reasonably known to STL.
3. Separation of Exempt Records or Information. If all or a portion of the requested records are exempt from disclosure under Section 13 of FOIA, STL shall separate exempt information or records from non-exempt information or records. STL shall identify the exemption(s) under Section 13 of FOIA that apply in the particular instance.
4. Notice of Appeal Rights. STL's written responses to FOIA requests shall include notice of the requesting party's appeal rights, including, but not limited to, the remedies available if

the requesting person prevails or prevails in a civil action as provided in Section 10 of the FOIA, MCL 15.240.

C. *FOIA Requests for Inspection of Public Records.* FOIA requests for inspection of public records shall be handled as follows:

1. If a request for inspection of STL's public records is granted, STL shall provide a reasonable opportunity and facilities for inspecting and taking notes from the records to the requesting person. The inspection shall be subject to rules promulgated by the FOIA Coordinator to regulate the manner in which the records may be viewed so as to protect STL's records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal STL operations. In addition, the following general rules shall apply to inspections:
 - (a) Original records shall not be marked, defaced, destroyed or otherwise altered. Any person examining public records shall bring to the examination only an erasable pencil with which to make notes or lists, etc. No pens or indelible writing instruments are allowed. No notes or writing of any kind shall be made on the documents themselves.
2. The FOIA Coordinator, or another STL official or employee designated by the FOIA Coordinator, must be present at all times during the inspection of STL records if any original records are involved, to protect the records from loss, unauthorized alteration, mutilation, or destruction. In order to defray STL's cost of this monitoring service, a fee may be required by STL for personnel time, as provided in Article V of these Procedures.
3. Original records shall not be removed from the area provided for inspection and note taking. Original documents may be removed from and replaced in STL files only by the

FOIA Coordinator or other authorized STL officials or employees.

4. A requesting person may not remove records or files from the area provided for inspection unless those documents are copied specifically for the requesting person by authorized officials or personnel of STL.
5. The FOIA Coordinator will determine, on a case-by-case basis, whether a requesting person may inspect an original public record, or only a copy of the record. A fee may be charged for copies made to enable public inspection of records, in accordance with Article V of these Procedures. Situations where original records are likely to require copying prior to inspection include the following:
 - (a) The records include exempt information that must be redacted.
 - (b) The records are old or delicate, or contain information that could not easily be replicated.
 - (c) The records are in digital format or are part of a database that is not available for public inspection.
 - (d) Providing copies would be less disruptive to the performance of STL's functions than providing the necessary staffing for oversight required for inspection of original records.
6. A person requesting to inspect STL's records must make an appointment with the FOIA Coordinator. Appointments will be scheduled during STL's normal business hours. The date and time of appointments for inspection will be determined by the FOIA Coordinator.
7. The FOIA Coordinator will make reasonable efforts to allow a requesting person to inspect records for up to four hours per

appointment; provided, however, that inspections will be cut short, postponed or rescheduled when necessary to avoid unreasonable interference with STL's staff's performance of their primary functions.

D. FOIA Requests for Copies of Public Records

1. If a FOIA request for copies of public records is granted, or granted in part, STL shall provide copies of the non-exempt requested records. If a fee is not charged, STL shall provide copies of the requested records, subject to potential separation of exempt information, to the requester with STL's response to the FOIA request, to the extent possible in the particular instance. If it is not possible to provide the records with STL's FOIA response, STL's response will include an estimate of when STL expects it will be able to provide the records to the requester. If a fee is charged and STL is requiring payment of a deposit as provided in Article V of these Procedures, STL shall not begin processing of the request until the required deposit is paid.
2. If STL requests a good-faith deposit and the deposit is not received within forty-eight (48) days of the date the notice that a deposit is required is sent to the requesting person, and the requesting person has not filed an appeal of the deposit amount, the FOIA request shall be considered abandoned by the requesting person. In such case, STL is no longer required to fulfill the request.
3. On a request for records are issued on a subscription basis (e.g. Board of Trustees' meeting minutes, on a six-month renewal subscription basis), a listing of the requesting person's name, address, records subscribed to, charge and expiration date of subscription shall be maintained by the FOIA Coordinator or his or her designee. STL shall provide the requested records to the requester during the six-month

subscription period, unless the requester submits a written request for renewal of the subscription to STL.

4. The FOIA Coordinator shall, upon written request, provide a certified copy of the requested public records.

E. Miscellaneous Procedures regarding FOIA Responses

1. No Obligation to Create Records. FOIA does not require STL to make a compilation, summary, or report of information. Further, STL is not required to create a new public record in order to respond to a request.
2. Documents Available on Website. In accordance with Section 4(5) of FOIA, if a requesting person requests STL records that are publicly available on STL's website, STL will, to the extent practicable in the particular instance, notify the requesting person of the specific webpage address where the requested records are located on STL's website. If the requesting person requests copies of these records, notwithstanding that the records are available on STL's website, STL shall provide copies of such records, and will charge for such records in accordance with Article V of these Procedures.

V. Fees

A. *In General.* STL may charge the requesting person a fee for a public record search, actual mailing costs, copying charges, and the cost to separate exempt from non-exempt records in accordance with this Article V, where the failure to charge a fee would result in unreasonably high costs to STL because of the nature of the request in the particular instance, and STL specifically identifies the nature of the unreasonably high costs. It is hereby determined that devoting more than one half-hour to responding to a FOIA request will result in unreasonably high costs to STL, unless the cost of such response is borne by the requesting person.

The FOIA Coordinator shall provide a detailed written estimate of such charges (in the form attached to these Procedures as "Attachment A", subject to amendment from time to time), to the requesting person.

B. Labor Costs

1. Searching for, Locating and Examining. STL may charge for the labor costs directly associated with searching for, locating and examining public records in conjunction with receiving and fulfilling a granted written request.
2. Separating and Deleting Exempt from Non-Exempt. STL may charge for the labor costs, including necessary review, if any, directly associated with separating and deleting of exempt information from non-exempt information. The review and separation of exempt information from non-exempt information may be performed by a STL official or employee or, if necessary, outside legal counsel.
 - (a) For services performed by an employee or official of STL, STL will charge in accordance with Article V.A.4 (below) of these Procedures.
 - (b) For services performed by outside legal counsel, as determined by the FOIA Coordinator on a case-by-case basis, STL may charge for the legal counsel's time; provided, however, that such time to be charged shall not exceed an amount equal to 6 times the then-current state minimum hourly wage rate determined under Section 4 of the Improved Workforce Opportunity Act, Public Act 337 of 2018, as amended ("Act 332"), as that rate may change from time to time. If the rate increases under Act 337, the rate charged under these Procedures shall automatically change without action by the Board or amendment of these Procedures. In charging such time for outside legal counsel, STL will provide notice to the requesting

person of the name of the contracted person or firm in STL's Detailed Itemization of costs required by FOIA. The charges for such services will be billed in increments of 15 minutes and all partial time increments will be rounded down.

- (c) STL shall not charge for labor directly associated with the separation and deleting of exempt information if it knows or has reason to know that it previously redacted the public record in question and the redacted version is still in STL's possession. STL shall also not charge for the separation and deleting of exemption information within any public records that are available to the general public on its website.

3. Cost of Duplication or Publication of Records.

- (a) STL may charge labor costs directly associated with duplication and publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on nonpaper physical media or through the internet or other electronic means as stipulated by the requestor.

4. Calculation of Labor Costs. STL shall charge the hourly rate of its lowest-paid employee capable of performing the tasks identified above, regardless of whether that person is available or who actually performs the labor. STL shall estimate such labor charges, which will be billed in increments of 15 minutes, with the exception of the labor charges for copying, with all partial time increments rounded downward. STL will itemize both the hourly wage rate and the number of hours charged for these costs. Labor charges for copying shall be estimated and charged in increments of one (1) minute or more, with all partial time increments rounded down.

5. Fringe Benefit Costs. STL may include in the applicable labor charge an amount not to exceed one-half (50%) of the applicable hourly wage rate to cover (or partially cover) the cost of fringe benefits (if any) for the lowest-paid employee; provided, however, that such amount shall not exceed the actual costs of the fringe benefits. Overtime wages shall not be used in calculating the cost of fringe benefits. The 50% multiplier used to account for the lowest-paid employees' fringe benefits will be included in the Detailed Itemization provided to the requesting person.
 - (a) If all or a portion of the requested records are available on the website and STL has included the website address in its written response, but the requestor nevertheless requests that STL provide copies of the public records in paper form or another form, STL shall provide the public records to the requester in the specified format. In that case, STL may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.
6. Overtime Wages. 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 Itemization.
7. Itemization. All labor fee components shall be itemized using both the hourly wage and the number of hours charged on the Detailed Itemization.

C. Other Costs

1. Copies of Specialty Documents/Formats and Nonpaper Physical Media. STL has limited in-house capabilities for copying photographs, audio or videotapes, microforms, maps or plans. If a person requests that copies be made of

these or large documents which must be copied off-site or reproduced in electronic means (and on an electronic storage device, such as a USB drive, CD-ROM, or other device for storage of electronic data, the FOIA Coordinator will determine and assess those costs, subject to compliance with Section 4 of FOIA and these procedures.

- (a) The requestor may stipulate that the public records be provided on nonpaper physical media, electronically mailed, or otherwise electronically provided to him or her in lieu of paper copies. STL is not required to provide the documents on the particular type of nonpaper physical media stipulated by the requester if STL lacks the technological capability to do so.
- (b) For public records provided to the requestor on nonpaper physical media, STL may charge the actual and most reasonably economical cost of the computer discs, computer tapes, or other digital or similar media. STL will procure any form of nonpaper physical media and will not accept nonpaper physical media from the requester in order to ensure the integrity of STL's technology infrastructure.

2. Copying Charges for Paper Copies. STL may charge the actual total incremental costs of duplication or publication, in addition to labor costs. The amount charged for duplication or publication shall not exceed ten cents per 8 1/2" by 11" or 8 1/2" by 14" sheet of paper. STL may copy records using double-sided printing, if such capability is available to STL and cost effective for STL. If the public records cannot be printed on 8 1/2" by 11" or 8 1/2" by 14" sheets of paper, and the records must be sent to a commercial copy center for copying, the requesting person shall reimburse STL for STL's actual total incremental cost of copying, not including labor.

The cost of paper copies shall be calculated as a total cost per sheet of paper and shall be itemized and noted in a manner that expresses both the cost per sheet and the number of sheets provided.

3. Costs for Mailing of Records. STL may charge STL's actual cost of mailing, if any, for sending the records in a reasonably economical and justifiable manner, to the requested person. STL will not send documents to the requesting person via overnight delivery service or expedited shipping (or obtain shipping insurance on such mailing) unless the requesting person specifically request such services in writing and agrees to pay for such costs.

D. *Statutory Fees.* The fees set forth in this Section V do not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

E. *Fees Paid Before Providing Documents.* STL shall require that all fees be paid in full before providing records in response to granted or granted in part written requests.

VI. Deposit

A. *Deposit.* In either STL's initial response or subsequent response as described under Section 5(2)(d), STL may require a good-faith deposit before providing the public records to the requestor if the entire fee estimate or charge authorized the FOIA exceeds \$50.00, based on a good-faith calculation of the total. The deposit shall not exceed 1/2 of the total estimated fee, and STL's request for a deposit shall be included in the Detailed Itemization. The response shall also contain a best efforts estimate by STL regarding the time frame it will take STL to comply with the law in providing the public records to the requestor. The time frame estimate is nonbinding upon STL, but STL shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this state's public policy and the nature

of the request in the particular instance. If STL does not respond in a timely manner as required by the FOIA, it is not relieved from its requirements to provide proper fee calculations and time frame estimates in any tardy responses. Providing an estimated time frame does not relieve STL from any of the other requirements of this act.

B. *Increased Deposit For Prior Unpaid Requests.* After STL has granted and fulfilled a written request from an individual under this act, if STL has not been paid in full the total amount for the copies of public records that STL made available to the individual as a result of that written request, STL may require a deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if all of the following apply:

1. The final fee for the prior written request was not more than 105% of the estimated fee.
2. The public records made available contained the information being sought in the prior written request and are still in STL's possession.
3. The public records were made available to the individual, subject to payment, within the time frame estimate described Section 4(7) of the FOIA.
4. Ninety days have passed since STL notified the individual in writing that the public records were available for pick up or mailing.
5. The individual is unable to show proof of prior payment to STL.
6. STL calculates a Detailed Itemization that is the basis for the current written request's increased estimated fee deposit.

STL shall no longer require an increased estimated fee deposit from an individual described above if any of the following apply:

7. The individual is able to show proof of prior payment in full to STL;
8. STL is subsequently paid in full for the applicable prior written request; or
9. Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to STL.

VII. Waiver or Reduction of Fees

A. *Waiver of Fees of First \$20.00.* A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by either of the following:

1. Indigency. An individual who is entitled to information under this act and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency.
 - (a) If the requestor is eligible for a requested discount, STL shall fully note the discount on the Detailed Itemization.
 - (b) If a requestor is ineligible for the discount, STL shall inform the requestor specifically of the reason for ineligibility in STL's written response. An individual is ineligible for this fee reduction if any of the following apply:
 - (c) The individual has previously received discounted copies of public records from STL twice during that calendar year.
 - (d) 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, as verified by an affidavit executed by the requestor.

2. Certain Non-Profit Organizations. A non-profit 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, 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:
 - (a) Is made directly on behalf of the organization or its clients.
 - (b) 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.
 - (c) Is accompanied by documentation of its designation by the state, if requested by STL.

B. *Public Interest Reduction or Waiver.* The FOIA Coordinator may reduce or waive the imposition of fees if the FOIA Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

C. *Reduction for Late Responses.* If STL does not respond to a written request in a timely manner as required by the FOIA, STL shall do the following:

1. Reduce the charges for labor costs by 5% for each day STL exceeds the time permitted, with a maximum 50% reduction, if either of the following applies:
 - (a) The late response was willful and intentional.
 - (b) The written request:

- (i) included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or
 - (ii) specifically included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.
- 2. If a charge reduction is required, STL shall fully note the charge reduction on the Detailed Itemization.

VIII. Exemptions to FOIA Request

The FOIA Coordinator may exempt from disclosure any records or information that are identified as exempt from disclosure in Section 13 of FOIA. In that case, the FOIA Coordinator shall identify the relevant exemption(s) and explain what information or records were exempted from disclosure. The FOIA Coordinator shall exempt from disclosure:

- A. That portion of any public record disclosing a person's social security number.
- B. Information protected under the Family Educational Rights and Privacy Act of 1974.
- C. Minutes of any closed session meeting, disclosure of which is prohibited by the Open Meetings Act.
- D. Records that STL is prohibited from disclosing under the Michigan Library Privacy Act, as detailed in Article X of these Procedures.
- E. Any other material, disclosure of which is prohibited by law.

IX. Michigan Library Privacy Act

Under the Michigan Library Privacy Act, 1982 PA 455 (MCL 397.601 to MCL 397.606), as amended ("Act 455"), prohibits disclosure of library records, as that term is defined in Section 2 of Act 455, to all third parties without the written consent of the person liable for payment for or return of the materials identified in that library record. The only exceptions to the general prohibition on disclosure of library records are provided in Section 3(2) and (5) of Act 455, which do not include FOIA requests. Accordingly, the term "public records" used in these Procedures shall not include library records that STL is prohibited from disclosing under Act 455. If STL receives a FOIA request for library records and the person liable for payment for or return of the materials identified in the library record has not provided written consent for the disclosure, the FOIA Coordinator shall deny such request, and shall notify the requesting person that the library records are exempt from disclosure under Section 13(1)(d) of FOIA because the records are specifically described and exempted from disclosure under Section 3(1) of Act 455.

X. Appeals

A. *Appeal of Denial of Request.* If a person's request for a public record is denied, in whole or in part, the person may file a written appeal of the decision in accordance with the following process:

1. Submission of Appeal. The appeal must be submitted in writing to the Board, to the attention of the FOIA Coordinator. The written appeal must specifically state the word "appeal" and identify the reason or reasons for reversal of the denial.
2. Receipt of Appeal. In accordance with FOIA, the Board is not considered to have received a written appeal until the first regularly scheduled meeting of the Board following submission of the written appeal to STL. Where a written appeal is received by the FOIA Coordinator consistent with these Procedures and FOIA, the Board shall either (a) place the appeal on the agenda for its next regularly scheduled meeting, to be decided within ten (10) business days

thereafter; or (b) schedule a special meeting to consider the appeal, which special meeting should be held no later than ten (10) business days following the next regularly scheduled meeting after the written appeal is submitted to STL.

3. Response to Appeal. The Board shall deliberate and shall take one of the following actions in response to the filing of an appeal:
 - (a) Reverse the denial.
 - (b) Issue a written notice to the requesting person upholding the denial.
 - (c) Reverse the denial in part and issue a written notice to the requesting person upholding the denial in part.
 - (d) Under unusual circumstances, issue a notice extending for not more than ten (10) business days the period during which the Board shall respond to the written appeal. The Board shall not issue more than one notice of extension for a particular written appeal.

B. *Appeals of Fees (Including Deposits).* A person may appeal the amount of a fee charged to respond to a FOIA request if that fee exceeds the amount permitted under these Procedures and FOIA. In accordance with Section 4(13) of FOIA, a deposit required to be paid by STL is considered a "fee."

1. Submission of Appeal. A written appeal of the amount of the fee charged by STL for a request may be made to the Board in accordance with the provisions of Article XI.A, above. In the fee appeal, the requesting person must specifically state the word "appeal" and identify how the required fee exceeds the amount permitted under these Procedures or FOIA.
2. Receipt of Appeal. The Board is not considered to have received a written appeal under until the first regularly

scheduled meeting of the Board following submission of the written appeal.

3. Response of Appeal. Within ten (10) business days after receiving a written appeal, the Board shall do one of the following:

- (a) Waive the fee.
- (b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under Section 4 of FOIA and these Procedures that supports the remaining fee. The determination shall include a certification from the Board that the statements in the determination are accurate and that the reduced fee amount complies with these Procedures and Section 4 of FOIA.
- (c) Uphold the fee and issue a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee. The determination shall include a certification from the Board that the statements in the determination are accurate and that the fee amount complies with these Procedures and Section 4 of FOIA.
- (d) Issue a notice extending for not more than ten (10) business days the period during which the Board must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The Board shall not issue more than one notice of extension for a particular written appeal.

XI. Civil Action

A. *Civil Action to Appeal Denial of Request.* An appeal from a determination by the FOIA Coordinator or a decision of the Board may be taken to Allegan County Circuit Court.

1. Civil Action After Appeal to the Board. If the Board has issued a notice upholding, in whole or in part, the FOIA Coordinator's denial of a written request, the requesting person may seek judicial review of the Board's determination by commencing a civil action in the Allegan County Circuit Court within one hundred and eighty (180) days after the Board has issued the notice upholding the denial. If the Board fails to respond to a written appeal within ten (10) business days after the appeal is deemed received by the Board, the requesting person may seek judicial review of the nondisclosure by commencing a civil action within 180 days after STL's final determination to deny the request.
2. Civil Action Directly After Denial of Request. A requestor may also seek judicial review of the FOIA Coordinator's denial, in whole or in part, of a written request by commencing a civil action in the Allegan County Circuit Court to compel STL's disclosure of the public records within one hundred and eighty (180) days after STL's final determination to deny a request. A requesting person is not required to appeal the FOIA Coordinator's denial to the Board before commencing the civil action.

B. Civil Action Regarding Fees

1. Civil Action for Fee Reduction. In accordance with FOIA, because these Procedures provide for appeal of a fee to the Board, a requesting person may commence a civil action in the Allegan County Circuit Court for a fee reduction only if the person first submits a written appeal of the fee to the Board, and the Board has either issued a determination

denying, in whole or in part, the appeal of the fee, or the Board has failed to respond to the appeal of the fee within ten (10) business days after the date the appeal was deemed received by the Board. The civil action for a fee reduction must be filed within forty-five (45) days of the determination of the fee appeal by the Board, or within forty-five (45) days after the requesting person receives notice of the required fee if the Board has failed to respond to the fee appeal within ten (10) business days after the appeal was deemed received by the Board.

2. If a civil action is commenced against STL, STL will not complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

XII. FOIA Request Retention

The FOIA Coordinator shall maintain copies of all written FOIA requests on file for at least one (1) year.

XIII. Amendments to Procedures

The Board of Trustees may amend or supplement these Procedures, from time to time, in the Board of Trustees' sole discretion.

XIV. Availability of Procedures; Summary

A copy of these Procedures and a summary of these Procedures shall be available at STL's office and posted on STL's website at <https://salem-township-library.org/>.

XV. Severability; Enforceability

If any clause, provision or section of these Procedures shall be ruled invalid or unenforceable by any court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections of these Procedures.

XVI. Effective Date

The effective date of these Procedures is September 17, 2026.