



# Genesee-Lapeer-Shiawassee Region V Planning and Development Commission

ROOM 223 – 1101 BEACH STREET  
TELEPHONE (810) 257-3010

FLINT, MICHIGAN 48502-1470  
FAX (810) 257-3185

DEREK BRADSHAW  
FISCAL OFFICER

GLS REGION V PLANNING & DEVELOPMENT COMMISSION  
GENESEE COUNTY ADMINISTRATION BUILDING  
1101 BEACH STREET, ROOM 223

**Tuesday, July 23, 2019  
6:00 P.M.**

## **AGENDA**

### **I. INTRODUCTION**

- A. Roll Call
- B. Approval of the Minutes of the GLS Region V PDC Regular Meeting held May 28, 2019 (attached)
- C. Approval of the Agenda of GLS Region V PDC Meeting to be held July 23, 2019
- D. Opportunity for the Public to Address the GLS Region V PDC
- E. Communications
  - A. Village of Byron Notice of a Public Hearing on July 18, 2019 at 6:00 pm for the Master Plan.

### **II. ACTION ITEMS**

- A. Financial Report
  - 1. Report (attached)
  - 2. Checks (attached)
- B. Fiscal Year 2019 Budget Adjustments (attached)
- C. Consultant Selection for Biennial Audit of GLS Region V (attached)

### **III. DISCUSSION ITEMS**

- A. MAR Update (discussion)
- B. I-69 Thumb Region Update (discussion)
- C. Freedom of Information Act (FOIA) Policies (attached)
- D. 2019 PASER Update (discussion)

### **IV. ANNOUNCEMENTS**

### **V. ADJOURNMENT**

**Next Meeting – September 24, 2019**

An Equal Opportunity Organization

**GLS REGION V PDC**  
**May 28, 2019**

The GLS Region V Planning and Development Commission met at 6:00 p.m. on Tuesday, May 28, 2019, in the Conference Room of the Genesee County Metropolitan Planning Commission (GCMPC), 1101 Beach Street, Room 223, Flint, Michigan.

Chairperson Van Haaften called the meeting to order at 6:00 p.m.

I. **INTRODUCTION**

A. **Roll Call**

**Present:** Alan Himelhoch, Cheryl Clark, Daniel McMaster, Derek Bradshaw, Ed Benning, Jeffrey Kelley, and Richard Van Haaften.

**Absent/Excused:** Bill Henry, Charles Van Duren, David Hetfield, Gary Roy, Mike Hemmingsen, Robert Johnson, and Shawnice Dorsey.

**Others Present:** Shirley Kautman-Jones, Jason Nordberg, Jacob Maurer, and Debby Compton.

B. **Approval of the Minutes of the GLS Region V PDC Regular Meeting held March 26, 2019** 

**Motion: Action:** Approve, **moved by** Ed Benning, **supported by** Alan Himelhoch, to approve the minutes of the March 26, 2019 regular meeting as presented.

Motion carried unanimously.  
(Approved minutes are on file in the GCMPC office)

C. **Approval of the Agenda of GLS Region V PDC Meeting to be held May 28, 2019** 

**Motion: Action:** Approve, **moved by** Alan Himelhoch, **supported by** Jeffrey Kelley, to approve the agenda of the GLS Region V PDC meeting to be held on May 28, 2019 as presented.

Motion carried unanimously.  
(Document on file with minutes)

D. **Opportunity for the Public to Address the GLS Region V PDC** 

Jacob Maurer introduced his daughter, Adeline Maurer to the Commission.

E. **Communications** 

1. **City of Clio, Notice of Intent for Recreation Grant Project, South Trolley Line Trail, Phase I and Phase II**

Jason Nordberg stated that the City of Clio is looking to improve a section of the Trolley Line Trail that has eroded away by the creek. The amount from the state is \$296,000 with a match of \$104,000 for a total of \$400,000. No action required; this is just a Notice of Intent. Discussion ensued.

2. **City of Flushing, USDA Rural Development Application for Funding regarding Flushing Wastewater Treatment Plant Improvements**

Jason Nordberg stated that the City of Flushing is applying for a USDA Rural Utilities Service Program loan funds to finance improvements at the City's wastewater treatment plant. Applying for Federal funds in the amount of \$3,250,000. This is just a Notice of Intent, so no action required.

3. **Charter Township of Grand Blanc Notice of Intent for Recreation Grant Project, Dort Highway Extension Trail**

Jason Nordberg stated that this trail is going along the new Dort Highway Extension. Grand Blanc Township is applying for State funds of \$242,000 with matching funds of \$621,000 for a total amount of \$863,000. The trail will run along the Dort Highway Extension between Baldwin and Cook Roads. The trail project will connect the various trails that run around Genesys Hospital and is meant to promote non-motorized transit in the community and a healthy lifestyle.

(Documents on file with minutes)

II. **ACTION ITEMS** 

A. **Financial Report**

1. **Report**  

Derek Bradshaw reviewed the Financial Report for the period ending March 31, 2019.

**Motion: Action:** Approve, **moved by** Alan Himelhoch, **supported by** Ed Benning, to approve the financial report as presented.

Motion carried unanimously.



(Documents on file with minutes)

2. **Checks** 


Derek Bradshaw reviewed the checks totaling \$63,282.07.

**Motion: Action:** Approve, **moved by** Jeffrey Kelley, **supported by** Daniel McMaster, to approve the checks in the amount of \$63,282.07 and to authorize the signing by the proper authorities.

Motion carried unanimously.  
(Documents on file with minutes)


- B. **FY 2020 GLS Region V Work Program**  
- Jason Nordberg stated that this document was provided to you in your agenda packet. This is the work program for work items in the upcoming 2020 Fiscal Year. This is the same standard language from previous years and basically the same amount of funding for the past three years. Mr. Nordberg reviewed the budget with the commission. This year staff will do PASER rating on Lapeer and Shiawassee County's paved roads. Staff recommends that the GLS Region V PDC approve the FY 2020 GLS Region V Work Program with an allocation of \$102,000, as well as, the authority for Derek Bradshaw to sign all contracts and agreements related to the work program.
- Motion: Action:** Approve, **moved by** Jeffrey Kelley, **supported by** Daniel McMaster, to approve the FY 2020 GLS Work Program with a \$102,000 allocation amount and the authority for Derek Bradshaw to sign all contracts and agreements related to the work program.

Motion carried unanimously.  
(Document on file with minutes)

- C. **2019 Michigan Transportation Planning Association Conference** 
- Derek Bradshaw stated that the conference this year is in Lansing. Registration for the conference is \$450 per person, with travel, food and lodging expenses of \$436 the total per person for conference attendance is \$886. Typically, in the past, this commission approves for up to three (3) people to attend.
- Motion: Action:** Approve, **moved by** Ed Benning, **supported by** Alan Himelhoch, to approve up to three (3) people to attend the 2019 Michigan Transportation Planning Association Conference.

Motion carried unanimously.  
(Document on file with minutes)

III. **DISCUSSION ITEMS**

- A. **MAR Update** 
- Derek Bradshaw stated that the Executive Director Don Stypula has moved on and Michael Fredrick from the Fredrick Group is the new MARS Executive Director. MAR is working with the regions and state to better organize for future funding opportunities so funding is equitably distributed across the regions.
- Mr. Bradshaw discussed the Asset Management Conference he attended recently for the state. One of the speakers was Jason Latham the Managing Director of the Berrien County Road Commission. Mr. Latham discussed the importance of having a Preventative Maintenance Plan. When he started with the road

commission they didn't have one so he got right to work and was very proactive in getting a Preventative Maintenance Plan put together for the Berrien County Road Commission. Discussion ensued.

B. **I-69 Thumb Region Update** 

Jacob Maurer stated that at the last meeting we discussed the contract with Plante Moran. The contract was signed last week and now we are getting into the initial discussions. They will be providing quarterly updates. This is regarding the Opportunity Zones Toolkit for our communities and how they will use those funds and attract potential investors in the communities for the state designated zones.

We are fully underway with Outside Ventures. Staff sent out a Press Release last week regarding the water and land trail mapping with their company Terrain 360. They are now out there on the rivers. Last week, on the Shiawassee River and this week on the Flint River. Discussion ensued.

C. **MDOT Call for Highway Safety Improvement Safety Program (HSIP) projects, Highway Safety Improvement Program Streamlined Systemic Safety Program projects, and Call for High Risk Rural Road (HRRR) projects** 

Jacob Maurer stated that MDOT has released their annual Call for Safety Projects. There are three subcategories to this Call for Safety. They each have their own requirements, but they all have an MDOT application deadline of Monday, August 5<sup>th</sup>. Staff is asking that the application be into the GCMPC office by July 29<sup>th</sup> so staff can look at the Time-of-Return analysis and rank it according to that. Discussion ensued.

IV. **ANNOUNCEMENTS** 

Ed Benning announced that the Community Transportation Association of American has thirty-five hundred (3,500) members and they named the Mass Transportation Authority (MTA) as the Urban Transit System for 2019.

Derek Bradshaw discussed the Asset Management Summit on "Improving Michigan's Infrastructure" being held June 20, 2019 at the Lapeer Country Club. Staff will forward the "Save the Date" out to the commission to send on to those that would benefit in attending this event.

Derek Bradshaw discussed the Request for Proposal (RFP) that was sent out today to firms regarding the FY 2018-2019 Region V Audit. The RFP will be sent to the Region V commission to forward out to any firms they feel will be interested.

Shirley Kautman-Jones inquired about who acts as the Region V Freedom of Information Act (FOIA) coordinator.

Derek Bradshaw stated that it would be him and it would be discussed with the Chair and Vice-Chair before anything was sent out. Staff will look into adopting a formal policy for Region V. Appoint a FOIA Coordinator. Discussion ensued.

Shirley Kautman-Jones inquired about the roundabout in the City of Flushing at Pierson and Elms Road.

Derek Bradshaw stated that it is proposed to be approved in July 2019 and the proposed project is scheduled for FY 2023. The proposed Transportation Improvement Program (TIP) just had three (3) Public Input Sessions. The City Manager was at the sessions and talked about why they are doing the project. Discussion ensued.

V. **ADJOURNMENT**

Chairperson Van Haaften adjourned the meeting at 7:08 p.m.

Respectfully submitted,  
Debby Compton, Secretary  
Genesee County Metropolitan Planning Commission

Byron (S)

# VILLAGE OF BYRON

Established\* 1824

Incorporated\* 1873

MICHIGAN

146 S Saginaw St.

Byron, MI 48418

810.266-5090

[village@byronmi.org](mailto:village@byronmi.org)

June 24, 2019

To Whom it May Concern:

Village of Byron Planning Commission

Will conduct a Public Hearing on the updated Village of Byron Master Plan.

The hearing will take place on July 18, 2019 at 6:00 pm in the Municipal Building,

located at 146 S. Saginaw St., Byron, MI 48418



Rob Vandemark

Chairman

Village of Byron Planning Commission

Cc: File

RECEIVED  
GENESEE COUNTY

JUN 28 2019

METROPOLITAN  
PLANNING COMMISSION

**GLS REGION V  
BALANCE SHEET  
For the period ending May 31, 2019**

**ASSETS**

Cash	\$370,318.41
Accounts Receivable	12,053.96
Prepaid Expense	<u>0.00</u>
<b>TOTAL ASSETS</b>	<b><u>\$382,372.37</u></b>

**LIABILITIES**

Accounts Payable	\$50,408.81
Deferred Revenue	\$318,420.98
<b>FUND BALANCE</b>	
Fund Balance Restricted-Audit	
Fund Balance Restricted-Traffic Counter Supplies	
Fund Balance Unrestricted	<u>13,542.58</u>
<b>TOTAL LIABILITIES, RESERVES, AND FUND BALANCE</b>	<b><u>\$382,372.37</u></b>

Fund Balance, October 1, 2018	13,201.04	
Excess Revenue Over Expenditures	<u>341.54</u>	
Fund Balance May 31, 2019		<u>13,542.58</u>



EXHIBIT II

**GLS REGION V**  
**Due From Other Governmental Units**  
**For the Period October 1, 2018 to May 31, 2019**

Due from M.D.O.T.	12,054
Total Due from Other Governmental Units	<u>\$12,054</u>

EXHIBIT III

**GLS REGION V**  
**Statement of Revenue and Expenditures**  
**For the Period October 1, 2018 to May 31, 2019**

REVENUE (Exhibit IV)		<u>\$143,063</u>
EXPENDITURES (Exhibit V):		
Supplies	84	
Other Operating Charges	142,638	
Travel	0	
Capital Outlay	0	<u>142,722</u>
EXCESS REVENUE OVER/-UNDER EXPENDITURES		<u>\$342</u>

## EXHIBIT IV

**GLS REGION V**  
**Revenue Budget Variance Report**  
**For the Period October 1, 2018 to May 31, 2019**

<u>Revenue</u>	<u>Total Budget</u>	<u>YTD Actual</u>	<u>YTD Budget</u>	<u>YTD Bud Variance</u>	<u>Revenue As % of Total Budget</u>
MDOT-Planning Grant	34,000	5,775	22,666.67	(16,892)	17%
MDOT-Asset Management	46,000	4,219	30,666.67	(26,447)	9%
MDOT-Rural Task Force	22,000	9,381	14,666.67	(5,286)	43%
Regional Prosperity Grant 2016	79,100	5,000	96,146.67	(91,147)	6%
Regional Prosperity Grant 2017	25,413	(8,414)	16,942.00	(25,356)	-33%
Regional Prosperity Grant 2018	144,220	85,172	96,146.67	(10,974)	59%
Regional Prosperity Grant 2019	306,810	41,576	204,540		14%
Traffic Counting	-	-	-	-	0%
Dues	-	-	-	-	0%
Bank Account Interest	-	353	-	353	0%
Misc Revenue	-	-	-	-	0%
<b>TOTAL REVENUE</b>	<b><u>\$657,543</u></b>	<b><u>\$143,063</u></b>	<b><u>\$481,775</u></b>	<b><u>(\$175,748)</u></b>	<b><u>22%</u></b>

## EXHIBIT V

**GLS REGION V**  
**Statement of Expenditures: Actual vs. Budget**  
**For the Period October 1, 2018 to May 31, 2019**

	<u>Total Budget</u>	<u>YTD Actual</u>	<u>YTD Budget</u>	<u>YTD Bud Variance</u>	<u>Expenditures As % of Total Budget</u>
30075 Salary, Per Diem	-	-	-	-	
35005 Supplies	5,810	84	3,873.33	3,789	1%
35020 Postage	-	-	-	-	
41000 Equipment	-	-	-	-	
46005 Bank Service Charges	50	-	33.33	33	0%
46045 Consultants	145,180	21,169	96,786.67	75,618	15%
46047 RPI County Leads	95,120	16,576	63,413.33	46,837	
46135 Auditing	5,040	-	3,360	3,360	0%
46205 Service Contracts	15,000	-	10,000	10,000	0%
46430 Marketing	31,168	-	20,778.67	20,779	
46435 Advertising	1,500	1,128	1,000	(128)	75%
46500 Training	850	150	566.67	417	18%
46575 Memberships	960	960	640	(320)	100%
55480 Projects	355,815	102,655	237,210.00	134,555	29%
60005 Travel	1,050	-	700	700	0%
<b>TOTAL EXPENSES</b>	<b><u>\$657,543</u></b>	<b><u>\$142,722</u></b>	<b><u>\$438,362</u></b>	<b><u>\$295,640</u></b>	<b><u>22%</u></b>





# Genesee-Lapeer-Shiawassee Region V Planning and Development Commission

ROOM 223 – 1101 BEACH STREET  
TELEPHONE (810) 257-3010

FLINT, MICHIGAN 48502-1470  
FAX (810) 257-3185

DEREK BRADSHAW  
FISCAL OFFICER

## MEMORANDUM

**TO:** GLS Region V Planning and Development Commission

**FROM:** Derek Bradshaw, Fiscal Officer

**DATE:** July 23, 2019

**SUBJECT:** Fiscal Year 2019 Budget Adjustments

In September 2018, a budget estimate was used as the amount of carryover funds that would be available for the Regional Prosperity Grants. We now know the carryover amounts are \$8,744.51 for the 2016 grant, 48,644.09 for the 2017 grant and \$77,556.96 for the 2018 grant.

With these new carryover amounts, the below adjustments are recommended.

Eliminate the September estimated beginning budgets, and then complete the following adjustments:

Increase Region 6 2016 Revenue by \$ 8,744.51 – GL Acct#253.4129.23000  
Increase Region 6 2016 Supplies by \$ 1,098.87 – GL Acct#253.4129.35005  
Increase Region 6 2016 RPI Leads by \$ 1,320.00 – GL Acct#253.4129.46047  
Increase Region 6 2016 Projects by \$ 6,325.64 – GL Acct#253.4129.55480

Increase Region 6 2017 Revenue by \$ 48,644.09 – GL Acct#253.4138.23000  
Increase Region 6 2017 Supplies by \$ 1,411.00 – GL Acct#253.4138.35005  
Increase Region 6 2017 RPI Leads by \$ 12,065.00 – GL Acct#253.4138.46047  
Increase Region 6 2017 Marketing by \$ 14,500.00 – GL Acct#253.4138.46430  
Increase Region 6 2017 Projects by \$ 20,668.09 – GL Acct#253.4138.55480

Increase 2018 Revenue by	\$ 77,556.96	– GL Acct#253.4140.23000
Increase 2018 Supplies by	\$ 850.00	– GL Acct#253.4140.35005
Increase 2018 Consultants by	\$ 2,899.46	– GL Acct#253.4140.46045
Increase 2018 RPI Leads by	\$ 10,465.00	– GL Acct#253.4140.46047
Increase 2018 Projects by	\$ 63,342.50	– GL Acct#253.4140.55480

In addition to the above adjustments, staff is requesting approval for the following budget adjustments for Region V also:

- To Transfer \$300 from Supplies Office GL Acct#253.4130.35005 and \$130 from Consultants GL Acct#253.4130.46045 to Advertising GL Acct#253.4134.46435.

At this time, I am requesting approval for all of the above budget adjustments.



# Genesee-Lapeer-Shiawassee Region V Planning and Development Commission

ROOM 223 – 1101 BEACH STREET  
TELEPHONE (810) 257-3010

FLINT, MICHIGAN 48502-1470  
FAX (810) 257-3185

DEREK BRADSHAW  
FISCAL OFFICER

**TO:** Members of Genesee-Lapeer-Shiawassee Region V Planning & Development Commission

**FROM:** Derek Bradshaw, Fiscal Officer

**DATE:** July 23, 2019

**SUBJECT:** **Consultant Selection for Biennial Audit of GLS Region V**

Staff is in receipt of audit proposals from three auditing firms for purposes of providing the biennial audit (2018/2019) for GLS Region V. Staff provided notices of the request for proposals to several firms, including firms from each of the three counties.

Three proposals were received from experienced firms. Staff is recommending that we enter into an agreement with Smith & Klackiewicz, PC, who scored the highest overall and had the most reasonable cost. A spread sheet is attached for your review.

At this time, staff is requesting approval to move forward with entering into an agreement with Smith & Klackiewicz, PC to perform the biennial GLS Region V audit. Staff is also requesting approval for Derek Bradshaw to sign all contracts related to the audit.

An Equal Opportunity Organization

II B

Scoring Criteria Region V Biennial Audit 2018-2019				Scorer Name: Derek Bradshaw, Christine Durgan, Nicole Lewis		
Proposer Name	Price	Prior Experience	Capability	Professional Personnel	Overall response to Qualification proposal request	TOTAL POINTS
	Total Points 15	Total Points 10	Total Points 15	Total Points 10	Total 10 points	60
SMITH & KLACKIEWICZ	15 (Price \$5,040)	10	13	10	9	57
ROY, NOYE, AND WARREN	12 (Price \$5,350)	8	11	9	5	45
STEWART, BEAUVAIS & WHIPPLE	9 (Price \$11,500)	10	13	10	9	51

Final scores are the average of the scores from three reviewers



# Genesee-Lapeer-Shiawassee Region V Planning and Development Commission

ROOM 223 – 1101 BEACH STREET

FLINT, MICHIGAN 48502-1470

TELEPHONE (810) 257-3010 FAX (810) 257-3185

## MEMORANDUM

**TO:** Members of the Genesee-Lapeer-Shiawassee Region V  
Planning & Development Commission

**FROM:** Jason Nordberg, Principal Planner

**DATE:** July 23, 2019

**SUBJECT: Freedom of Information Act (FOIA) Draft Policy**

At the May meeting staff was asked to develop a draft Freedom of Information Act policy for GLS Region V. Staff looked at various policies within the county and across the state. The attached draft is based on the Genesee County FOIA policy that has been modified to reflect GLS Region V Commission and staff structure.

A summary of the draft policy is included with the agenda packet and link to the full draft policy document, FOIA Request Form, and FOIA Response and Fee Summary is provided at the link below.

Draft Region V FOIA Policy and Forms:

<http://gcmprc.org/wp-content/uploads/2019/07/GLS-Draft-FOIA-Packet.pdf>

Please review the identified information for discussion at the July meeting.



**SUMMARY OF GLS REGION V PLANNING AND DEVELOPMENT COMMISSION  
FREEDOM OF INFORMATION ACT  
POLICY AND PROCEDURES**

**Draft**

Genesee, Lapeer, Shiawassee Region V Planning and Development Commission is a municipal entity organized pursuant to the laws of the State of Michigan. It is a public body as defined by the Freedom of Information Act (the "FOIA"), Act 442 of 1976.

Pursuant to Public Act 563 of 2014, the FOIA was amended with an effective date of October 1, 2019. In accordance with the amendments to the FOIA under Public Act 563 of 2014, the following written public summary of GLS Region V Planning and Development Commission's (GLS Region V PDC) FOIA Policy and Procedures is provided.

**1. Submitting a FOIA Request**

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed, or retained by the GLS Region V PDC must be submitted in writing.
- No specific form to submit a written FOIA request is required. However, a FOIA Request Form is available for your convenience at the GLS Region V PDC offices located at 1101 Beach Street, Room 223, Flint, MI 48502 -1470
- A FOIA request must sufficiently describe a public record so as to enable the GLS Region V PDC to find it.
- Written requests may be made by mail addressed to Derek Bradshaw, Director-Coordinator of the Genesee County Metropolitan Planning Commission, 1101 Beach Street, Room 223, Flint, MI 48502 -1470. Requests may also be submitted via email to [gcmopc@co.genesee.mi.us](mailto:gcmopc@co.genesee.mi.us).

*Note: If you are serving a sentence of imprisonment in a local, state, or federal correctional facility, you are not entitled to submit a request for public records under the FOIA. MCL 15.232(c).*

**2. Responding to Requests**

- Within 5 business days of receipt of a FOIA request, the GLS Region V PDC will issue a response. If a request is submitted by e-mail, the request is deemed to have been received on the following business day. E-mail requests delivered to the FOIA Coordinator's spam or junk-mail folder shall be deemed received one (1) business day after the FOIA Coordinator becomes aware of the e-mail request. Such dates shall be noted in any response provided.
- The GLS Region V PDC will respond to your request in one of the following ways:

- Grant the request;
  - Deny the request, in writing;
  - Grant the request in part and issue a written notice denying the request in part;
  - Issue a notice indicating the County requires an additional 10 business days to respond due to the nature of the request; or
- If a request is granted, or granted in part, the GLS Region V PDC will ask that payment be made for any permissible fees associated with responding to the request before the public record is made available. If the costs of processing and responding to the request are expected to exceed \$50.00, the GLS Region V PDC will require a good faith deposit prior to processing the request. Under certain circumstances, the GLS Region V PDC may require payment of any and all fees in advance prior to processing the request.

### **3. Fee Deposit Requirements**

- If the GLS Region V PDC has made a good faith calculation the total fee for processing a FOIA request will exceed \$50.00, the GLS Region V PDC will require you to provide a deposit in the amount of 50% of the total estimated fee, a detailed itemization of which will be provided upon requesting the deposit. The GLS Region V PDC's request for a deposit will also include a non-binding best efforts estimate of how long it will take to process the request upon receipt of the required deposit.
- If the GLS Region V PDC receives a FOIA request from an individual or entity who has not paid the GLS Region V PDC for fees charged in connection with a previously granted FOIA request, the GLS Region V PDC will require a deposit of 100% of the estimated fee prior to processing the request when all of the following conditions exist:
  - The final fee for the prior FOIA request was not more than 105% of the estimated fee;
  - The public records made available contained the information sought in the prior written request and remain in the GLS Region V PDC's possession;
  - The public records were made available, subject to payment, within the time frame estimated by the GLS Region V PDC to provide the records;
  - 90 days have passed since the GLS Region V PDC notified the individual in writing that the records were available for pickup or mailing;
  - The individual is unable to show proof of prior payment to the GLS Region V PDC; and
  - The GLS Region V PDC has provided a detailed and itemized estimate that is the basis for the current request's increased deposit.

- The GLS Region V PDC will not require the estimated 100% deposit if any of the following apply:
  - The individual making the request is able to show proof of prior payment in full to the GLS Region V PDC;
  - The GLS Region V PDC is subsequently paid in full for all applicable prior FOIA requests; or
  - 365 days have passed since the request was made for which full payment was not remitted to the GLS Region V PDC.

#### 4. Calculation of Fees

- A fee will not be charged for the 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 GLS Region V PDC because of the nature of the request in the particular instance, and the GLS Region V PDC identifies the nature of the unreasonably high costs.
- In accordance with the FOIA, the GLS Region V PDC may charge for the following six fee components when processing a FOIA request:
  - Labor costs associated with searching for, locating and examining a requested public record;
  - Labor costs associated with a review of a record to separate and delete exempt information from non-exempt information which is disclosed;
  - The costs of computer discs, computer tapes or other digital or similar media when the request asks for records in non-paper physical media;
  - The cost of duplication or publication, not including labor, of paper copies of public records;
  - Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet; and
  - The actual cost of mailing or sending responsive public records to a requester.
- Labor Costs
  - All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
  - Labor costs will be charged at the hourly wage of the lowest-paid employee capable of doing the work in the specific fee category, regardless of who actually performs the work.
  - If the GLS Region V PDC does not employ a person capable of separating and deleting exempt from non-exempt information, contracted labor costs will be charged at an hourly rate not exceeding

an amount equal to 6 times the state established minimum hourly wage rate.

- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
- Non-paper Physical Media
  - The cost for records provided on non-paper physical media, such as computer discs, computer tapes, or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
  - This cost will only be assessed if the GLS Region V PDC has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- Paper Copies
  - Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$0.10 per sheet of paper. Copies for non-standard sized sheets will reflect the actual cost of reproduction.
  - The GLS Region V PDC may provide records using double-sided printing, if doing so is convenient, cost-saving and available.
- Fee Exceptions
  - The Fee schedule provided for by the FOIA does 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. MCL 15.234(10).
- Mailing Costs
  - The cost to mail public records will use a reasonably economical and justified means.
  - When appropriate under the circumstances, the GLS Region V PDC will charge for the least expensive form of postal delivery confirmation.
  - No cost will be made for expedited shipping or insurance unless requested.

## 5. Fee Reduction

- The GLS Region V PDC will waive the first \$20.00 of the processing fee for responding to a FOIA request if an affidavit is provided stating:
  - That the requester is indigent and receiving specific public assistance; or
  - If not receiving public assistance, stating specific facts demonstrating an inability to pay because of indigency.
- A requester is not eligible to receive a \$20.00 waiver if:

- The requester has previously received discounted copies of public records from the GLS Region V PDC twice during the calendar year; or
  - The requester is requesting information on behalf of other persons who are offering or providing payment to the individual to make the request.
- The GLS Region V PDC will waive the fee for a nonprofit organization requesting public records meeting all of the following conditions:
    - The organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, Public Law 99-319, or their successors;
    - The request is made directly on behalf of the organization or its clients;
    - The request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code, 1974 PA 258 [MCL § 330.1931]; and
    - The request is accompanied by documentation of the organization's designation by the State.

## 6. Appeals

- Denials of all or a portion of a FOIA request may be appealed to the GLS Region V PDC Officers. The appeal must be filed in writing, specifically state the word "appeal", and identify the reason or reasons that the denial is believed to be improper.
- Appeals received by the GLS Region V PDC Officers are not considered received until the first regularly scheduled meeting of the Board following submission of a written appeal.
- Within 10 business days of receiving the appeal, the GLS Region V PDC Officers shall do one of the following:
  - Reverse the disclosure denial;
  - Uphold the disclosure denial and provide a written notice of the same; or
  - Reverse the disclosure denial in part and uphold the disclosure denial in part, and provide written notice of the same.
- Regardless of whether an appeal of a denial is submitted to the GLS Region V PDC Officers, a civil action may be commenced in Genesee County Circuit Court within 180 days of the GLS Region V PDC's final determination to deny the FOIA request.
- If a requestor believes the fee charged by the GLS Region V PDC Officers to process the FOIA request exceeds the amount permitted by state law, the requestor must first submit a written appeal of the fee charged to the GLS

Region V PDC Officers. The appeal must: be in writing; specifically state the word “appeal;” and identify the basis for contesting the fee charged.

- Within 10 business days after receiving the appeal, the GLS Region V PDC Officers will respond in writing in one of the following ways:
  - Waive the fee;
  - Reduce the fee along with a written determination of the basis supporting the remaining fee;
  - Uphold the fee with a written determination indicating the basis for upholding the fee; or
  - Issue a notice extending the time to respond by not more than 10 business days.
  
- Within 45 days of receipt of the Board’s determination on the appeal of the fee charged, the requestor may commence a civil action in the Genesee County Circuit Court for a fee reduction.

The foregoing is only a summary of GLS Region V PDC’s FOIA Policy and Procedures, and is provided for informational purposes only as required by the FOIA. A copy of the GLS Region V PDC’s full FOIA Policy and Procedures is available at the GLS Region V PDC Offices at 1101 Beach Street, Room 223, Flint, MI 48502 -1470.