



City of East Grand Rapids  
Regular City Commission Meeting  
Agenda

**August 19, 2019 – 6:00 p.m.**  
(EGR Community Center – 750 Lakeside Drive)

Note: An executive session is scheduled to take place following the meeting to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act.

1. Call to Order.
2. Public Comment by persons in attendance.
3. Report of Mayor and City Commissioners.

Regular Agenda Items

4. Request to consider additional crossing guards for school crosswalks (action requested).
5. Public Safety Department Community Engagement Programs (no action requested).

Consent Agenda – Approval Requested

6. Receipt of communications.
7. Minutes of the regular meeting held July 15, 2019.
8. Report of Finance Committee on disbursement of funds: payroll disbursements of 468,985.01; county and school disbursements of \$3,041,227.50, and total remaining disbursements of \$339,338.81.
9. Updates to Freedom of Information Act policies and procedures.

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*The City will provide reasonable auxiliary aids for individuals requiring them for effective communication in programs and services of the City. Notice must be made to the City five (5) days prior to the program or service requesting the specific auxiliary aid.*



CITY OF  
EAST GRAND RAPIDS

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DOUG LA FAVE  
ASSISTANT CITY MANAGER

**MEMORANDUM**

TO: Honorable Mayor and City Commissioners  
FROM: Doug La Fave, Interim City Manager  
DATE: August 8, 2019

RE: Crossing Guards

Action Requested: That the City Commission consider additional crossing guards to be stationed at Lake Drive and Bagley Avenue (high school) and Lake Drive and Kennesaw Drive (middle school) designated school crossings.

Background: In 2018 the City undertook a traffic engineering study to review all adjacent school crosswalks throughout the City. The study offered a list of improvements or upgrades that City should take to ensure that school crosswalks meet all standards and best practices in accordance with traffic engineering and planning standards. On October 1, 2018 the City Commission formally accepted the study and approved Traffic Control Order #53. The Department of Public Works implemented all recommendations of Traffic Control Order #53. In conjunction with the improvements made at crosswalk locations, the East Grand Rapids Community Foundation funded two school pedestrian safety school crosswalk educational videos that the City of East Grand Rapids and East Grand Rapids Public Schools partnered together to create and utilize. Schools use these videos for education programming and the City has included these in communications and they are also posted to the City traffic page on our website along with other traffic safety information.

The City also reviewed additional school safety crosswalk approaches as permitted by the Michigan Manual on Uniform Traffic Control Devices (MMUTCD). The City Commission approved a policy and associated Traffic Control Order #54 on October 15, 2018 for the use and placement of *In-Street School Crosswalk signs*. These signs are placed during peak times associated with school pedestrian activity by the school crossing guard program operated and managed by the City.

In addition to Traffic Control Orders #53 and #54, the City also approved a policy and guidelines for the use radar speed feedback signs (RSFS) with respect to criteria/warrants that would need to be met for the placement of more permanent signs. Studies have been conducted over the past year with some recommendations likely to come forward in the coming months.

The City has also been upgrading pedestrian crosswalk signals through the traffic signal component of the streets and sidewalks millage with upgrades made to five out of nine signals since 2015.

With the changes made, it is always a priority for the City to continually evaluate and improve upon efforts with respect to safety. Even with safe street, intersection and crosswalk designs/operation, distracted behaviors are becoming more prevalent with the use of cellphone use/texting, in-vehicle infotainment systems, headphones use, etc. While design and enforcement are very important

components to safety, distracted behavior is a problem that requires everyone to do their part to help educate others and self-practice the importance of focusing on surroundings for safety of motorists and pedestrians and bicyclists.

As we look at distracted behaviors one of the escalating interventions to consider is to have trained school crossing guards at all school locations. In the past, crossing guards were not deemed necessary for the high school or middle school students with the exception of the Breton Road and Lake Drive intersection. Having two additional crossing guards added at the high school at Lake Drive and Bagley Avenue and the middle school at Lake Drive and Kenesaw Drive will provide for trained crossing guards at all school locations to help monitor both vehicle and pedestrian behaviors and assist in pedestrian crossing safety. Tentative crossing guard assignments would be from 7:25-7:55am and 2:50-3:20pm for the middle school crossing at Lake Drive and Kenesaw Drive and from 7:15-8:00am and 2:55-3:40pm for the high school crossing at Lake Drive and Bagley Avenue.

The fiscal impact with respect to the permanent addition of the two crossing guard locations would be approximately \$8,500 or \$4,250 per location for morning and afternoon throughout the school year which includes initial training costs. The overall school crossing guard program that is funding by the City is ~\$42,000. The City has engaged with EGRPS to discuss a partnership with the school crossing guard program. This is under consideration pending funding level outcomes from the State budget which is not expected until around October 1 when the State fiscal year begins. It should be noted that with projected savings due to recent staffing realignment in the Department of Public Safety that overall cost increase for the addition of two crossing guards can be accounted for without an increase to the budget. Tracking of savings from the changes from the beginning of July 1 (the beginning of fiscal year 19/20) to August 11, demonstrate savings of \$3,285. Continued savings throughout the remainder of the fiscal year should account for the increase for additional crossing guards in addition to any partnership with EGRPS.

This has been reviewed by the Personnel Committee and found to be in order as well as has been discussed/shared with the Superintendent of EGRPS.



## Memorandum

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*City of East Grand Rapids  
Department of Public Safety*

Date: August 19, 2019

To: Honorable Mayor Amna P. Seibold and City Commissioners

From: Mark A. Herald, *Director of Public Safety*

Subject: Community Engagement Programs

Beginning at the start of the 2019 school year, the Department is implementing several initiatives to improve community engagement with the schools, residents, and community members. The program's goals are to increase officer visibility and personal interaction in the community; build relationships that enhance and engender the public trust; and address specific safety concerns from residents and community members.

- **Enhanced Adult Crossing Guard Program.** On August 19, the Department will establish two new crossing guard posts at Lake Drive & Kenesaw (TENATIVE TIMES: 7:25 a.m. – 7:55 a.m. in the morning and 2:50 p.m. – 3:20 p.m. in the afternoon.) and at Lake Drive & Bagley/San Lu Rae (TENATIVE TIMES: 7:15 a.m. – 8:00 a.m. in the morning and 2:55 – 3:40 in the afternoon.) Assigning adult crossing guards at these two key sites should help alleviate parent's concerns regarding their children's travel routes along/near Lake Drive. These two posts will be permanent and have an individual assigned each school day in the morning and afternoon.
- **Enhanced School Safety Program.** In the morning and afternoon an officer will be assigned to each school for a minimum of 15 minutes before school begins and, in the afternoon, when school gets out. Officers shall be visible, out of their cruisers interacting with school staff, parents and students. If possible, this activity will occur every day school is in session. The Chief, Captain, and Detective Sergeant will also participate in this program.
- **Crosswalk Education Zones.** Initially during the months of September, October, May and June at the intersections of Bagley & Lake Drive, Kennesaw & Lake Drive and Lakeside Drive in front of City Hall/Community Center, assigned officers will put out "Crosswalk Education Zone Signs." And enforce/educate cross walk infractions/behaviors for pedestrians, bicyclists, and motorists in an appropriate manner (i.e., information, citation or warning). The primary objective of the program is to educate all individuals regarding the rules of the road as it pertains to crosswalks and crosswalk safety.

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Doug La Fave, Interim City Manager

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held August 5, 2019**

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Duncan, Favale, Walters, Zagel and Mayor Seibold

Absent: Commissioners Hamrick and Miller

Also Present: City Attorney Huff; Interim City Manager LaFave; Finance Director Mushong; Zoning Administrator Mizikar; Parks & Recreation Director Bunn; City Clerk Brower; Sgt. DeJonge and Davis; PSO's Conklin, Karnes and Grams

2019-114. Mayor Seibold spoke about the recent mass shootings in El Paso, Texas and Dayton, Ohio and urged everyone to treat each other kindly and to foster an environment of inclusiveness and respect.

2019-115. Andrew Cooley, 1117 Eastwood, expressed concerns about pedestrian safety and the unsafe driving he sees every day. He suggested a big marketing campaign to educate drivers and better enforcement of existing laws.

Brett Zylstra, 1627 Breton, reported his son was hit by a car yesterday at Breton and Hall and spoke about how terrifying the incident was. He stated people are drag racing down Breton and this type of driving should not be allowed in the community.

2019-116. Commissioners Walters, Favale, Zagel and Duncan thanked Mr. Zylstra for sharing his story and were glad his son was not seriously injured.

Mayor Seibold noted the city has recently heard from many people with thoughts and concerns on pedestrian safety awareness. She reported the city is working with the school district to place additional crossing guards near the middle and high schools, but pedestrian safety is something everyone should always be focused on.

Mayor Seibold announced that Tuesday, August 6 is National Night Out and urged everyone to connect with their neighbors and public safety officers.

2019-117. Public Safety Director Herald promoted Public Safety Officer Jeff DeJonge to Sergeant. City Clerk Brower administered the oath of office.

2019-118. Public Safety Director Herald outlined the plans for a Public Safety Citizens Academy to take place later this year to acquaint community members with the department's structure and personnel, use of force scenarios, firearms, traffic stops, investigative procedures and more. Applications will be taken in August; the academy will start in September.

2019-119. Introduction of an ordinance amendment to Sections 5.7, 5.10 and 5.14 of Chapter 50 of Title V of the City Code adding definitions to the C-1 commercial district.

Zoning Administrator Mizikar reviewed the sections being amended that will expand the schedule of uses in the commercial district to permit professional and medical offices on the ground floor and to add provisions for ground floor residential, product showrooms and hotels and "bed and breakfast" establishments.

2019-119-A. Walters-Duncan. That an ordinance amendment to Sections 5.7, 5.10 and 5.14 of Chapter 50 of Title V of the City Code adding definitions to the C-1 commercial district be introduced as attached in Exhibit "A."

Yeas: Duncan, Favale, Walters, Zagel and Seibold – 5

Nays: -0-

2019-120. Introduction of an ordinance amendment to Section 5.36 of Chapter 50 of Title V of the City Code pertaining to the schedule of uses in the C-1 Commercial District.

2019-120-A. Duncan-Favale. That an ordinance amendment to Section 5.36 of Chapter 50 of Title V of the City Code pertaining to the schedule of uses in the C-1 Commercial District be introduced as attached in Exhibit "B."

Yeas: Duncan, Favale, Walters, Zagel and Seibold – 5

Nays: -0-

2019-121. Introduction of an ordinance amendment to Section 5.65 of Chapter 50 of Title V of the City Code pertaining to hours of operation in the C-1 commercial district.

2019-121-A. Zagel-Favale. That an ordinance amendment to Section 5.65 of Chapter 50 of Title V of the City Code pertaining to hours of operation in the C-1 commercial district be introduced as attached in Exhibit "C."

Yeas: Duncan, Favale, Walters, Zagel and Seibold – 5

Nays: -0-

2019-122. Introduction of an ordinance amendment to Section 5.72 of Chapter 50 of Title V of the City Code pertaining to office uses in the C-1 commercial district.

2019-122-A. Favale-Zagel. That an ordinance amendment to Section 5.72 of Chapter 50 of Title V of the City Code pertaining to office uses in the C-1 commercial district be introduced as attached in Exhibit "D."

Yeas: Duncan, Favale, Walters, Zagel and Seibold – 5

Nays: -0-

2019-123. Introduction of an ordinance amendment to Section 5.74 of Chapter 50 of Title V of the City Code pertaining to residential uses in the C-1 commercial district.

2019-123-A. Duncan-Walters. That an ordinance amendment to Section 5.74 of Chapter 50 of Title V of the City Code pertaining to residential uses in the C-1 commercial district be introduced as attached in Exhibit "E."

Yeas: Duncan, Favale, Walters, Zagel and Seibold – 5

Nays: -0-

2019-124. Introduction of an ordinance to amend Article I of Chapter 83 of Title VIII of the City Code regarding general fence requirements.

Zoning Administrator Mizikar outlined the proposed changes to measuring methods, front yard fence heights, the size of the clear vision area at the base of a driveway, repair and maintenance language and a fence-specific variance process.

Mayor Seibold expressed concern that several of the issues referred to the Infrastructure Committee in June, such as corner-lot setbacks along sidewalks and the height of fences in side-yard setbacks, are not addressed in these changes. She further noted that fences around swimming pools were not addressed in this amendment, even though that was a large part of why the committee was asked to look at the ordinance.

Commissioner Zagel cited the language in the variance procedure that gave preference to making non-conforming situations closer to conformity and wondered if it was appropriate to use such a minimal standard when reviewing variance applications.

Commissioner Duncan felt part of the difficulty surrounding the variance that prompted the ordinance review was the lack of a fence permit process. She stated that since we now have an established process, the committee did not feel it was necessary to make wholesale changes for side yard fences since staff would be able to address issues before a variance was necessary.

Commissioner Favale stated that each pool situation is very unique, so the committee did not want to impose any stricter rules than already exist. She felt the fence permit process would solve any issues.

Mayor Seibold noted that much discussion took place at a prior commission meeting about how taller fences around pools were imperative for safety and privacy, and she felt that clarification was needed about how fences around pools were addressed.

Commissioner Walters questioned why a separate fence variance procedure was included. City Attorney Huff responded that the procedures were tailored to address issues specific to fences that the typical zoning variance regulations would not fit. It was also thought to be less confusing to residents to employ a procedure contained in the fence Chapter rather than a procedure found in a different Chapter of the Code, especially when there is sometimes confusion about whether the fence ordinance is a zoning ordinance.

2019-124-A. Walters-Favale. That an ordinance amendment to Article I of Chapter 83 of Title VIII of the City Code regarding general fence requirements be introduced as attached in Exhibit "F."

Yeas: Duncan, Favale, Walters, Zigel and Seibold – 5  
Nays: -0-

2019-125. Introduction of an ordinance amendment to Sections 3.38 of Chapter 32 of Title III of the City Code pertaining to private trees and shrubs.

2019-125-A. Duncan-Waltes. That an ordinance amendment to Section 3.38 of Chapter 32 of Title III of the City Code pertaining private trees and shrubs be introduced as attached in Exhibit "G."

Yeas: Duncan, Favale, Walters, Zigel and Seibold – 5  
Nays: -0-

2019-126. Parking restrictions on Gladstone.

Interim City Manager LaFave reported the city commission had temporarily imposed parking restrictions on the east side of Gladstone between Robinson and Wealthy due to the narrow street width. Based on resident input, Mr. LaFave recommended making the restrictions permanent. He noted that residents can petition for changes in the future if needed.

Mayor Seibold asked for public comment on this issue. No public comment was received.

2019-126-A. Duncan-Favale. That parking restrictions on the east side of Gladstone between Wealthy and Robinson be made permanent as outlined in Traffic Order #51 originally approved June 2018.

Commissioner Walters noted there were many people who did not respond to the ballots sent to residents about this issue, but since no one had specifically opposed the proposal, he was not overly concerned.

Mayor Seibold stated the city may need to take a comprehensive look at on-street parking on the west side of the city in the next several years due to changes at the hospital.

Yeas: Duncan, Favale, Walters, Zigel and Seibold – 5  
Nays: -0-

2019-127. Zigel-Favale. To approve the consent agenda as follows:

2019-127-A. Minutes of the regular meeting held July 15, 2019.

2019-127-B. Payroll disbursements of \$232,118.76; county and school disbursements of \$2,310,774.52, and total remaining disbursements of \$760,669.66.

- 2019-127-C. An updated City of East Grand Rapids Support Emergency Operations Plan for emergency operations with Kent County.
- 2019-127-D. A contract with Fer-Pal Construction of Taylor, MI in the amount of \$619,061.50 for water main cured-in-place pipe projects, and a total related budget of \$936,000 to allow for the purchase of supplies, rentals or subcontracting services.
- 2019-127-E. The purchase of a spreader/sprayer for grounds maintenance operations from B&B Truck Equipment in the amount of \$12,971.00.
- 2019-127-F. The preliminary minutes of the Parks & Recreation Commission meeting held July 8, 2019.

Yeas: Duncan, Favale, Walters, Zigel and Seibold – 5  
Nays: -0-

- 2019-128. City staff provided an update on the status goals and objectives in each department and answered questions from the City Commission.

The meeting adjourned at 8:06 p.m., subject to the call of the Mayor until August 19, 2019.

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Karen K. Brower, City Clerk

- Attachments: A – Ordinance amending Sections 5.7, 5.10 and 5.14 of Chapter 50 regarding the C-1 District  
B – Ordinance amending Section 5.36 of Chapter 50 regarding the C-1 District  
C – Ordinance amending Section 5.65 of Chapter 50 regarding the C-1 District  
D – Ordinance amending Section 5.72 of Chapter 50 regarding the C-1 District  
E – Ordinance amending Section 5.74 of Chapter 50 regarding the C-1 District  
F – Ordinance amending Article I of Chapter 83 pertaining to fences  
G – Ordinance amending Section 3.38 of Chapter 32 regarding trees and shrubs

Attachments listed above are available for inspection at the office of the City Clerk.



**AN ORDINANCE TO AMEND SECTIONS 5.7, 5.10, AND 5.14 OF CHAPTER 50 OF  
TITLE V OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. The following new definition will be added to Section 5.7 of Chapter 50 of Title V of the Code of the City of East Grand Rapids:

**Bed & Breakfast.** A private residence, occupied by the owner or resident manager, in which guest room accommodations are provided to overnight lodgers for compensation, and which may include breakfast as a part of the accommodation.

Section 2. The following new definition will be added to Section 5.10 of Chapter 50 of Title V of the Code of the City of East Grand Rapids:

**Hotel.** A business establishment offering lodging accommodations to travelers and tourists for a daily rate and which may offer additional services, such as restaurants, entertainment, and meeting rooms to guests and the general public.

Section 3. The following new definition will be added to Section 5.14 of Chapter 50 of Title V of the Code of the City of East Grand Rapids:

**Product Showroom.** A business establishment that includes a defined space in which merchandise samples are displayed to prospective buyers but are generally available only for viewing and must be ordered. Typical product examples include flooring, cabinetry, appliances, and similar bulky household items.

Section 4. This ordinance shall be effective on \_\_\_\_\_.

Section 5. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**AN ORDINANCE TO AMEND SECTION 5.36 OF CHAPTER 50 OF TITLE V OF THE  
CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Section 5.36 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**Section 5.36 Schedule of Uses**

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Uses permitted in the nonresidential districts are listed in **Table 5.36**. Additional requirements related to a specific use, if any, are referenced in the "Specific Requirements" column. Any use not specifically listed shall be prohibited, unless the use is determined to be a similar use according to *Section 5.75(A)*.

<b>Table 5.36 Schedule of Uses: Commercial District</b>		
P = Permitted use by right S = Special Land Use	<b>C-1</b>	<b>Additional Requirements</b>
<b>Accessory</b>		
Accessory uses clearly ancillary to the principal use (accessory structures are not permitted)	P	
Accessory outdoor customer service activities such as delivery of products to customers' vehicles, grocery cart use, escorting of customers and home delivery	P	<i>Section 5.70(C)</i>
Accessory outdoor dining	P	<i>Section 5.70(C)</i>
Accessory outdoor sales and display (including temporary sales)	P	<i>Section 5.70(C)</i>
Accessory outdoor storage	S	<i>Section 5.70(C)</i>
<b>Dining and Entertainment</b>		
Microbrewery or brew pub	S	<i>Section 5.71(A)</i>
Restaurants, including standard service and carry-out, excluding drive-through service and entertainment/floor shows	P	
Soda fountain, ice cream shop or candy store	P	
<b>Recreation/Cultural</b>		
Art gallery/studio	P	
Parks and recreational facilities, publicly owned	P	
Public facilities (government buildings, public museums, public galleries, public libraries, etc.)	S	
<b>Residential</b>		
Residential dwellings above the ground floor of a commercial building	P	<i>Section 5.74(B)</i>
Residential dwellings on the ground floor of a commercial building	S	<i>Section 5.74(C)</i>
<b>Retail</b>		
Retail sales other than food/groceries, up to 10,000 sq. ft. gross floor area	P	

**Table 5.36 Schedule of Uses: Commercial District**

P = Permitted use by right S = Special Land Use	C-1		Additional Requirements
Retail food/grocery, up to 50,000 sq. ft. gross floor area, which may also include food items prepared on site for sale on the premises	P		
<b>Services</b>			
Automatic teller machines, walk-up only, accessory to or separate from a bank or similar financial institution	P		
Banks and similar financial institutions, without drive-through facilities	P		
<del>Barber or beauty salon</del>	<del>P</del>		
Business service establishments, including printing/copy centers, postal centers, travel agents, graphics services	P		
Dance or music studio	P		
Drive-through facilities for banks and pharmacies, but not including any other uses	S		
Dry cleaner/laundry (including pick-up stations and self-service laundries)	P		
Health clubs and fitness centers, and <del>Private Sports and Recreation Instructional Facilities</del> not including physical therapy clinics staffed by medical professionals	P		
<del>Hotels, including Bed and Breakfasts</del>	<del>S</del>		<del>Section 5.74(D)</del>
Personal service establishments, including small electronics/ appliance repair, shoe repair, dressmakers/tailors, tanning salons, <del>barber or beauty salon</del> , decorating and upholstery shops, and other similar repair shops	P		
Photographer	P		
<b>Other Uses</b>			
<del>Essential services</del>	<del>P</del>		<del>Section 5.59</del>
<del>Radio and television broadcasting stations</del>	<del>P</del>		
<del>Similar uses</del>	<del>P/S</del>		<del>Section 5.75(A)</del>
<del>Wireless telecommunications systems</del>	<del>S</del>		<del>Section 5.75(D)</del>
<b>Offices</b>		On ground floor	Above ground floor
		Specific Requirements (special land uses only)	
Medical/dental offices and clinics of physicians, dentists, psychologists, chiropractors, optometrists, physical therapists and similar or allied professions, and non-boarding veterinary services with no outside uses <del>(not including veterinary establishments)</del>	P	P	Section 5.72(A)
Non-profit professional, civic, social, fraternal, political and religious organizations	S	P	Section 5.72(A)
Professional office services such as: insurance, real estate, legal, sales and similar or allied professions	P	P	Section 5.72(A)
<del>Product Showrooms and similar mixed office with product display uses</del>	<del>P</del>	<del>P</del>	<del>Section 5.74(C)</del>
Serviced offices		P	Section 5.72(B)

**Table 5.36 Schedule of Uses: Commercial District**

P = Permitted use by right S = Special Land Use	<b>C-1</b>	<b>Additional Requirements</b>
<b>Other Uses</b>		
Essential services	P	<i>Section 5.59</i>
Radio and television broadcasting stations	P	
Similar uses	P/S	<i>Section 5.75(A)</i>
Wireless telecommunications systems	S	<i>Section 5.75(D)</i>

Section 2. This ordinance shall be effective on \_\_\_\_\_.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**AN ORDINANCE TO AMEND SECTION 5.65 OF CHAPTER 50 OF TITLE V OF THE  
CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Section 5.65 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**Section 5.65 Hours of Operation**

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No business, **other than hotels or bed and breakfast establishments which are allowed to operate 24 hours a day**, shall be open to the public between the hours of 12:00 o'clock a.m. (midnight) and 5:00 o'clock a.m.; provided, however, that on New Year's Eve, businesses may be open until 1:00 o'clock a.m. on January 1.

Section 2. This ordinance shall be effective on \_\_\_\_\_.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**AN ORDINANCE TO AMEND SECTION 5.72 OF CHAPTER 50 OF TITLE V OF THE  
CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Section 5.72 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**Section 5.72 Office Uses**

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A. **Professional Offices on the Ground Floor.** In approving ~~an special use for an~~ office use on the ground floor, the ~~Planning Commission shall find that all the~~ following standards ~~are shall be~~ met:

1. ~~A special use may be granted to a property that does not provide the required off-street parking, if the Planning Commission finds that there are no opportunities to meet the off street parking requirement on or nearby the site and patrons have adequate parking choices elsewhere within the C-1 District that are reasonably accessible and convenient, especially during the expected peak times of the use, without a negative impact to parking spaces serving retail and entertainment uses.~~ Professional offices on the ground floor of a commercial building are subject to the off-street parking requirements in Article 9 of this Zoning Ordinance; provided, the required parking may be permitted to be located off site if the following requirements are met:
  - a. The required parking spaces are located off-street within 300 feet of the entrance to the office;
  - b. The parking area meets all applicable requirements of this ordinance for off-street parking;
  - c. The owner provides written assurance that the spaces will be permanently available; and
  - d. A maintenance agreement is provided to ensure the continued upkeep of the parking area.
2. If a building has both retail/service/entertainment uses and office uses on the ground floor, the retail/service/entertainment use(s) shall be located in the storefront, adjacent to the public sidewalk; however, a single entry door in the façade that leads to the office use shall be permitted.
3. The structure containing the office use shall maintain a retail character, with ground floor display windows, facades, signs and lighting similar in nature to and compatible with that provided by retail uses.
  - a. For existing structures, existing windows, doors or other wall openings shall not be eliminated or enclosed, unless the Planning Commission finds that

any eliminated windows/doors are compensated by new windows, doors or other wall openings and that the retail character and nature of the building is retained.

- b. For new structures, any ground floor wall facing a street shall have transparent areas, equal to at least seventy percent (70%) of its portion of the facade, between one (1) and eight (8) feet from the ground. Walls on upper floors facing a street shall have transparent areas equal to at least thirty-five percent (35%) of its portion of the facade.
- c. Glass shall be clear or lightly tinted only. Opaque applications shall not be applied to the glass surface, except for window signs as permitted in Chapter 81, Signs.
4. ~~The special use shall be limited to the floor area of office space approved via the site plan review process. Any expansion (except for an expansion into a floor above the ground floor) shall be considered an amendment to the special use and shall be approved via the same process as for the original approval.~~

**B. Serviced Offices (drop-in office).**

1. Parking shall be provided at the ratio required for professional offices.
2. ~~The serviced office shall not be located on the street level.~~

**C. Product Showrooms and Similar Mixed Office with Product Display Uses**

1. ~~Must be open during regular business hours, at a minimum 5 days a week for at least 5 continuous hours a day.~~
2. ~~Must allow walk-in customers (not just by appointment).~~
3. ~~A minimum of 70% of the street facing facade on the ground level must contain display windows that allow outside pedestrians to see into the building.~~
4. ~~If associated fleet/service vehicles are to be parked onsite, they must either be parked inside a building or must be screened so that they are not visible from the street right-of-way.~~
5. ~~The square footage of office space must be equal to or lesser than the square footage of display and storage areas.~~

Section 2. This ordinance shall be effective on \_\_\_\_\_.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**AN ORDINANCE TO AMEND SECTION 5.74 OF CHAPTER 50 OF TITLE V OF THE  
CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Section 5.74 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**Section 5.74 Residential Uses**

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**A. Independent and Assisted Living.**

1. The minimum required lot size shall be five acres or 2,500 square feet per dwelling unit, whichever is greater.
2. Parking shall be provided at a ratio of one space per employee, plus one space per dwelling unit.
3. The building shall be at least 25 feet from all side and rear property lines for one story buildings and 40 feet for all buildings or portions of buildings two or more stories in height. A front setback of at least 25 feet shall be provided.

**B. Residential Dwellings Above the Ground Floor in a Commercial Building.**

1. ~~Dwelling units shall not be located on the street level.~~
2. Nonresidential uses, including storage, shall not be located on the same floor as a dwelling unit.
3. ~~One on-site parking space shall be provided for each dwelling unit; provided, the required parking may be permitted to be located off site if the following requirements are met:~~
  - a. ~~The required parking spaces are located off street within 300 feet of the entrance to the dwelling unit;~~
  - b. ~~The parking area meets all applicable requirements of this ordinance for off-street parking;~~
  - c. ~~The owner provides written assurance that the spaces will be permanently available; and~~
  - d. ~~A maintenance agreement is provided to ensure the continued upkeep of the parking area.~~

**C. Residential Dwellings on the Ground Floor in a Commercial Building.**



1. Dwelling unit shall not occupy any space along the front of a commercial building, except for the entry door and hallway leading towards dwelling.
2. The entire width of the building, except for the entry door and associated hallway of a dwelling, along any street frontage must be occupied by a nonresidential use otherwise allowed in the C-1 district.

**D. Hotels and Bed and Breakfast Establishments**

1. A parking plan must be submitted with the applicant's site plan during the Special Land Use approval process. This parking plan shall include at the minimum at least 1 dedicated parking spot for 75% of the available rooms.

Section 2. This ordinance shall be effective on \_\_\_\_\_.

Section 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 83 OF TITLE VIII  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Article I of Chapter 83 of Title VIII of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

**ARTICLE I  
GENERAL FENCE REQUIREMENTS**

The intent of this ordinance is to create openness and clear vision within the City's neighborhoods so that pedestrians and vehicles can safely proceed on sidewalks and streets without views of other pedestrians and vehicles being blocked by a fence.

**8.61 Requirements and restrictions.**

- A. Fences or walls located in a side or rear yard shall not exceed six (6) feet in height, measured from the ~~bottom of the fence or wall to the uppermost portion of the sections in-between the support posts or pillars natural grade to the uppermost portion of the fence or wall.~~ A gap no larger than 6 inches is allowed between the natural grade and the bottom of the fence to allow for uneven grade. Support posts and pillars are allowed a twelve (12) inch height encroachment for decorative elements.
- B. Fences or walls erected in any front yard, including both street sides of a through lot, shall not exceed ~~thirty-six (36)~~ forty eight (48) inches in height, measured from ~~the bottom of the fence or wall to the uppermost portion of the sections in-between the support posts or pillars the natural grade to the uppermost portion of the fence or wall,~~ and shall be no more than fifty percent (50%) opaque for the sections of fence or wall in-between support posts or pillars. A gap no larger than 6 inches is allowed between the natural grade and the bottom of the fence to allow for uneven grade. Support posts and pillars are allowed a twelve (12) inch height encroachment for decorative elements.
- C. A fence or wall up to six (6) feet in height shall be at least ten (10) feet off of the street right-of-way line on the street side yard of a corner lot, or must be in alignment with the current house setback, whichever is less. Any fence or wall within that ten (10) foot setback, or closer than the established side yard setback of the house, shall not exceed ~~thirty-six (36)~~ forty eight (48) inches in height, measured from ~~the bottom of the fence or wall to the uppermost portion of the sections in-between the support posts or pillars the natural grade to the uppermost portion of the fence or wall,~~ or shall have clear visibility through it (such as a chain link fence or a metal rod fence)

and be set back at least one (1) foot from the right-of-way line. In addition, no fence or wall ~~taller than 3 feet in height~~ may be located in the clear vision area required by Section 3.38 of the City Code unless it ~~has clear visibility through it is no more than fifty (50%) opaque.~~

- D. A fence or wall lawfully in existence as of the adoption of subsections B and C above that does not conform to the requirements of subsections B and C (a "preexisting fence or wall") may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No preexisting fence or wall may be enlarged or altered in a way which increases its nonconformity.
  2. If a preexisting fence or wall is moved for any reason, it shall thereafter conform to the regulations of subsections B and C.
  3. Repair and maintenance work may be performed on a preexisting fence or wall provided that its nonconformity as it existed at the time this section was adopted is not increased. ~~Repair and maintenance are defined as replacing no more than 25% of a section of non-conforming fence within a 12-month timeframe.~~
  4. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of a preexisting fence or wall or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- E. Fences and walls shall be constructed and maintained vertical to the contour of the adjoining land. All fences constructed or reconstructed following the adoption of this section shall have the finished side facing neighboring property. The back side of a fence shall face the owner's property and shall contain the fence posts and bracing.
- F. There shall not be attached, affixed, or placed on any fence or wall any spike, nail, barb (including barbwire), or other pointed instrument, and all cleaved selvages and sharp points on wire fences shall be removed or bent to eliminate any sharp extrusions.
- G. No fence or wall shall be constructed or maintained which is charged or connected with an electrical current.
- H. Temporary construction fences or fences for protection around excavations shall comply with all requirements of the National Building Code. Such fences shall not be maintained for a period greater than a year without approval of the Zoning Board of Appeals.

- I. Fences enclosing tennis courts shall not exceed twelve (12) feet in height and shall be of a standard open wire-mesh type and if in excess of six (6) feet in height shall not encroach upon the side yard required to be maintained under the provisions of Chapter 50, Zoning, of this Code without the prior approval of the City Commission. The City Commission, in considering applications to construct such fences, shall give consideration to the character of the neighborhood and the preservation of property values and may attach to its approval such conditions regarding the location, character, landscaping, or treatment thereof as it may deem to be reasonably necessary for the protection of the neighbors and for the furtherance of the intent of this chapter.
- J. No fence or wall shall be erected within one (1) foot of any lot line abutting a street right-of-way line.
- K. Provisions of the City Code in Title VIII dealing with fencing requirements for swimming pools may in some instances be inconsistent with the requirements of this section. Any such inconsistencies shall be addressed by filing for an exception as provided in subsection L below.
- L. The City Commission may, for good cause, authorize exceptions from the strict requirements of this chapter upon written application and following a public hearing. The procedure for such application and hearing shall be as set forth in Sections 8.62.A and 8.62.B of this chapter.—(Put in New Sections.)
- M. Prior to installing or having a fence installed upon a parcel of property, the owner of the property or the owner's contractor must obtain a fence permit from the City. The procedure for obtaining this permit will be set forth in the Fee Resolution adopted by the City from time-to-time for other required permits.

#### **8.62 Maintenance of fences.**

- A. All fences shall be protected from deterioration with properly applied paint, stain, or other protective coating, with the exception of metal fences, redwood and cedar fences, or fences constructed with pressure-treated lumber which are of a type not customarily intended to be so painted, stained or coated, but such fences shall be properly maintained to prevent deterioration.
- B. Fences shall be maintained to retain their original appearance, shape and configuration. Elements of the fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence design.

- C. Any fence which because of a failure to comply with the provisions of this chapter becomes unsafe so as to create possibility of bodily injury or becomes unsightly to neighbors or the general public is hereby declared a nuisance. The building inspector shall serve the owner, agent or person in control of the property upon which such fence is located, a written notice describing the unsafe or unsightly condition and specifying the required repairs or modifications to be made or requiring the fence or any portion thereof to be removed, and shall provide a time limit for such repair, modification or removal. Any person failing to comply with such notice within the time limited therefor shall be guilty of a violation of this Code. (Ord., 11-4-84)

#### **8.62.A Appeals, Interpretations, and Variances**

- A. **Board of Appeals.** The City Commission shall act as the Board of Appeals for these regulations. The City Commission shall have the authority to interpret, consider appeals of administrator decisions, and consider request for variances; provided, the City Commission shall have no authority to hear an appeal, interpret provisions or consider a variance from any matter that relates to the construction or design specifications established by the City Building Code. Such decisions shall be the sole province of the Construction Board of Appeals.
- B. **Appeals.** Any person aggrieved by any decision or order of the Director of Public Works or Zoning Administrator in connection with any provisions of these regulations may appeal to the City of East Grand Rapids City Commission within thirty (30) days of the decision or order.
- C. **Interpretation.** The City Commission may interpret any aspect of the regulations of this Chapter. Such interpretation may be required by an application, business owner, property owner, City official, the Zoning Administrator, or the Director of Public Works.
- D. **Variances**
  - 1. The City Commission shall hear variance requests on all applications that do not conform to the provisions of these regulations, relating to location, height, maintenance, and opaqueness.
  - 2. The City Commission shall use the following standards to determine if a variance is warranted. All of the following standards shall be satisfied, as applicable.
    - a. The applicant has demonstrated a variance is needed due to a practical difficulty on the site or unique condition that is more than mere inconvenience.

- b. A variance is warranted due to circumstances exceptional and peculiar to the property for which the variance is requested, and those conditions do not exist generally throughout the City.
- c. The variance will not be a hazard to either clear vision or overall safety, and will be harmonious with the surrounding environment.
- d. If applicable, a variance would significantly bring a nonconforming fence closer to conformity with this chapter.
- e. The variance will not be contrary to the purpose and intent of the regulation(s) being considered for the variance.

#### **8.62.B City Commission Hearings and Decisions**

- A. Notice regarding a proposed appeal, interpretation (if applicable to a specific property) or variance shall be sent by mail at least fifteen (15) days prior to the City Commission meeting at which the request will be considered, to all property owners of records within three hundred (300) feet of the property in question. The notice shall contain a brief description of the request, the time and place of the City Commission meeting, the hours and location where the application may be inspected, and the address to which written comments may be sent.
- B. Meetings to hear appeals, interpretations, or variance may be held the same evening as the regularly scheduled City Commission meeting, unless a special meeting is called.
- C. Decisions required under this section shall be by majority vote of the full membership of the City Commission, not just a majority of those present.
- D. The City Commission may affirm, annul, or modify the order or action of the Department of Public Works or applicable portion of the regulations of this chapter.
- E. All decisions are final and may not be appealed, except as may be provided by law.
- F. In its capacity as appellate board, the City Commission shall either:
  - 1. Approve the application as presented upon a finding, point by point, that all the criteria in Section \_\_\_\_\_ are met;
  - 2. Subject the approval to certain changes or conditions, such as, but not limited to, changes to fence height, location, material, or opaqueness.;  
or
  - 3. Deny the application.

- G. Any decision shall be in writing and the applicant shall be provided a written explanation of the reasons for the decision and any conditions to an approval.

Section 2. This Ordinance shall be effective on \_\_\_\_\_.

Section 3. Notice of adoption of this Ordinance shall be published within ten days of its enactment by a publication of a digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:**

Notice is hereby given that on \_\_\_\_\_, the City Commission of the City of East Grand Rapids adopted an ordinance restating Article I of Chapter 83 of Title VIII of the City Code. The purpose of this ordinance is to regulate fences within the City. The ordinance requires that a permit be acquired before installing a fence and contains placement restrictions on the location of fences and height restrictions also based upon the location of fences. The full text of the ordinance is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of this ordinance is required or contemplated.

City of East Grand Rapids

By \_\_\_\_\_  
Karen K. Brower  
City Clerk

13970884

**AN ORDINANCE TO AMEND SECTION 3.38 OF CHAPTER 32  
OF TITLE III OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Section 3.38 of Chapter 32 of Title III of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**3.38. Private trees and shrubs-Obstructing public ways or clear vision areas.**

A. The owner of any tree on private property overhanging any street or right-of-way shall trim the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection and so that there shall be a clear space of ten (10) feet above the top of the curb at the street level over the street or sidewalk (see illustration A-0). The city shall have the right to trim any tree or shrub on private property when it interferes with pedestrian or vehicular traffic, or with the proper spread of light along the street from a street light, or interferes with visibility of any traffic-control device or sign, such trimming to be confined to the area immediately above the right-of-way. This ordinance does not apply to trees or shrubs in the right-of-way of adjacent jurisdictions as determined by public act 51 or intergovernmental agreements for right-of-way or street responsibility.

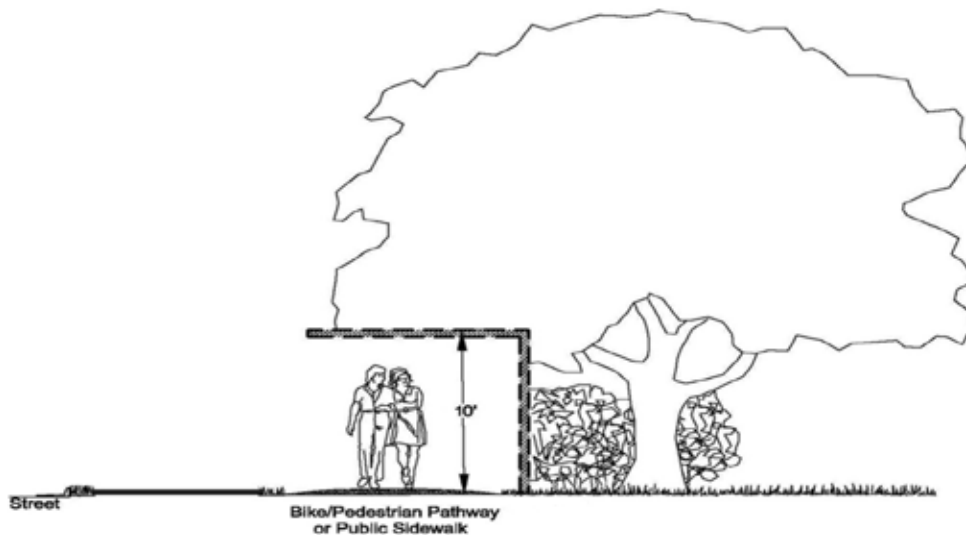


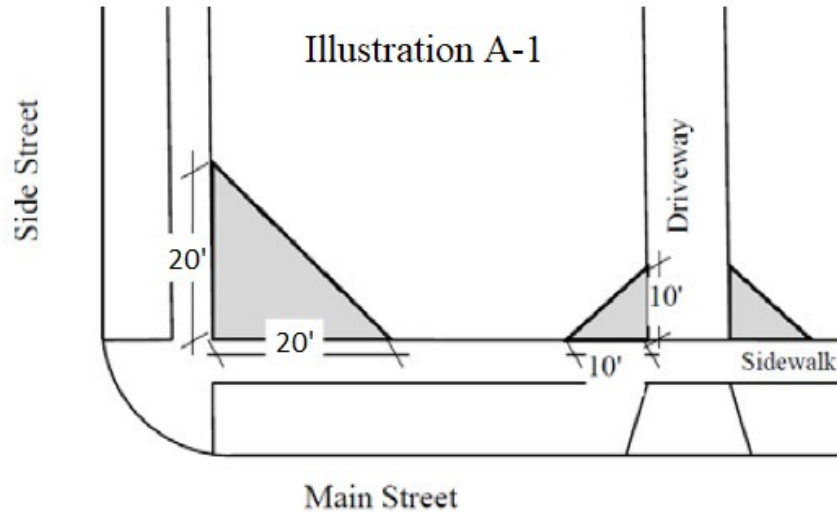
ILLUSTRATION  
A-0 (Above)

B. For purposes of this section trees shall mean trees, and shrubs shall include bushes, woody vegetation and plantings. Shrubs on private property located within a clear vision area, as described below, shall not be permitted to extend or grow to a height of more than thirty (36) inches above the top of the curb at the street level in order that the view of a pedestrian or driver of a vehicle approaching a driveway or street intersection shall not be obstructed. Trees may be planted and maintained on private property in a clear vision area so long as all branches are trimmed to maintain a clear vision for a vertical height of ten (10) feet above the street level. A clear vision area shall be measured as follows:



1. A clear vision area for a driveway means a triangular area formed by the intersection of a street right of way line and a driveway line and extending ten (10) feet from the intersection of the lines, or in the case of a rounded line from the intersection of the line extended (see following illustration A-1).

2. A clear vision area for a corner lot means a triangular area formed by the intersection of two (2) street right of way lines and extending twenty (20) feet from the intersection of the lines, or in the case of a rounded line from the intersection of the line extended (see following illustration A-1).



C. Any property owner failing to trim or maintain any trees or shrubs in conformity with this chapter shall be notified by the director of city public works or his/her designee.. Such notice shall require trimming or maintenance in conformity with this chapter within ten (10) days after service of such notice. Upon the expiration of such period, the director of public works may cause the trimming or maintenance to be done and the cost thereof may be collected from the owner of said property as a single lot assessment in accordance with section 1.306 of this code.

Section 2. This ordinance shall be effective on August \_\_\_\_\_, 2019.

Section 3. Notice of adoption of this ordinance shall be published within 10 days of its enactment by publication of a digest, summary, or statement of purpose of the ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:**

Notice is hereby given that on August \_\_\_\_, 2018, the City Commission of the City of East Grand Rapids adopted an ordinance amending Section 3.38 of Chapter 32 of Title III of the City Code. This ordinance deals with a clear vision setback area for driveways and intersections with regard to the location of trees, shrubs, and plants. The full text of the ordinance is available for inspection

by and distribution to the public at the office of the City Clerk. No further or additional publication of this ordinance is required or contemplated.

City of East Grand Rapids

By \_\_\_\_\_  
Karen K. Brower  
City Clerk.



CITY OF  
EAST GRAND RAPIDS

9

750 LAKESIDE DRIVE SE · EAST GRAND RAPIDS, MICHIGAN 49506  
(616) 949-2110                      www.eastgr.org

KAREN BROWER  
CITY CLERK

**MEMORANDUM**

TO:                      Mayor and City Commissioners  
FROM:                  Karen Brower, City Clerk  
DATE:                  August 7, 2019  
  
RE:                      Freedom of Information Act Changes

Action Requested: That the City Commission adopt the revised “Freedom of Information Act Procedures & Guidelines,” the “Public Summary of FOIA Procedures & Guidelines,” and the “FOIA Request Itemized Cost Worksheet.”

Background: Late in 2018, the Michigan Legislature adopted two amendments to the Michigan Freedom of Information Act that necessitate changes in our local policies and procedures.

The first change requires that a requestor must include their complete name, address and a phone number and/or email address in the request. This allows public bodies to have the necessary information to contact an individual or company about their request.

The second change provides that if a public body requests a deposit as allowed under FOIA and that deposit is not received within 45 days or the requestor has not filed an appeal regarding the deposit within that 45 days, the request is considered abandoned and the public body is no longer required to fulfill the request.

We have revised our policy, summary and our worksheets to reflect these changes in State law.

---

Doug La Fave  
Interim City Manager

BD/kb/9536  
Attachments



# CITY OF EAST GRAND RAPIDS

750 LAKESIDE DRIVE SE · EAST GRAND RAPIDS, MICHIGAN 49506

Adopted by the  
East Grand Rapids City Commission  
September 1, 2019

## SUMMARY OF FOIA PROCEDURES AND GUIDELINES

Consistent with Public Act 563 of 2014 and Public Act 523 of 2018 amending the Michigan Freedom of Information Act (FOIA), the following is the Written Public Summary of the City's FOIA Procedures and Guidelines relevant to the general public.

### **1. How do I submit a FOIA request to the City of East Grand Rapids?**

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City of East Grand Rapids must be submitted in writing.
- A request must sufficiently describe a public record so as to enable the City to find it.
- Requests must contain the first and last name, street address and phone number or email address of the person requesting the information.
- No specific form to submit a written request is required. However a FOIA Request form is available on the City's website at [www.eastgr.org/FOIA](http://www.eastgr.org/FOIA).
- Written requests can be made in person by delivery to any City office in person or by mail.
- Requests can also be made by facsimile to 616-940-4884.
- A request may also be submitted by e-mail. To ensure a prompt response, e-mail requests should contain the term "FOIA" or "FOIA Request" in the subject line and be sent to [kbrower@eastgr.org](mailto:kbrower@eastgr.org).

*Note: If you are serving a sentence of imprisonment in a local, state or federal correctional facility you are not entitled to submit a request for a public record.*

### **2. What kind of response can I expect to my request?**

- Within 5 business days of receipt of a FOIA request the City will issue a response. If a request is received by facsimile or e-mail the request is deemed to have been received on the following business day. The City will respond to your request in one of the following ways:
  - Grant the request.
  - Issue a written notice denying the request.
  - Grant the request in part and issue a written notice denying in part the request.
  - Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond.
  - Issue a written notice indicating that the public record requested is available at no charge on the City's website.
- If the request is granted, or granted in part, the City will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available. If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the City will require a deposit before processing the request.

### 3. What are the City's fee deposit requirements?

- If the City has made a good faith calculation that the total fee for processing the request exceeds \$50.00, the City will require that you provide a deposit in the amount of 50% of the total estimated fee. When the City requests the deposit it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the City of your deposit.
- If the City receives a request from a person who has not paid the City for copies of public records made in fulfillment of a previously granted written request, the City will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:
  - the final fee for the prior written request is not more than 105% of the estimated fee;
  - the public records made available contained the information sought in the prior written request and remain in the City's possession;
  - the public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
  - 90 days have passed since the City notified the individual in writing that the public records were available for pickup or mailing;
  - the individual is unable to show proof of prior payment to the City; and
  - the City has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The City will not require the 100% estimated fee deposit if any of the following apply:
  - the person making the request is able to show proof of prior payment in full to the City;
  - the City is subsequently paid in full for all applicable prior written requests; or
  - 365 days have passed since the person made the request for which full payment was not remitted to the City.
- If the City requests a deposit and that deposit is not received by the City within 45 days of the request for deposit, the request shall be considered abandoned and the City will no longer be required to fulfill the request. Records associated with the request will not be retained if they have reached the end of their retention period as stated in the City's Records Retention Policy.

### 4. How does the City calculate FOIA processing fees?

- A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs.
- The Michigan FOIA statute permits the City to assess and collect a fee for six designated processing components. The City may charge for the following costs associated with processing a request:
  - Labor costs associated with searching for, locating and examining a requested public record.
  - Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
  - The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media.
  - The cost of duplication or publication, not including labor, of paper copies of public records.
  - Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to nonpaper physical media or through the Internet.
  - The cost to mail or send a public record to a requestor.
- Labor Costs
  - All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
  - Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work.
  - In the event the City does not employ a person capable of separating exempt from non-exempt information, as determined by the FOIA Coordinator, the City may employ an outside contractor or attorney to perform the work. The cost of an outside contractor or attorney will be billed at six times the current minimum hourly wage.
  - Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.

- Non-paper Physical Media
  - The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
  - This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.
  
- Paper Copies
  - Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets will reflect the actual cost of reproduction.
  - The City may provide records using double-sided printing, if cost-saving and available.
  
- Mailing Costs
  - The cost to mail public records will use a reasonably economical and justified means.
  - The City may charge for the least expensive form of postal delivery confirmation.
  - No cost will be made for expedited shipping or insurance unless requested.

**5. How do I qualify for a reduction of the processing fees?**

- The City may waive or reduce the fee associated with a request when City determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.
- The City will waive the first \$20.00 of the processing fee for a request if you submit an affidavit stating that you are:
  - indigent and receiving specific public assistance; or
  - if not receiving public assistance, stating facts demonstrating an inability to pay because of indigency.
  - a nonprofit organization which meets all of the following conditions:
    - § the organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act;
    - § the request is made directly on behalf of the organization or its clients;
    - § the request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and
    - § the request is accompanied by documentation of the organization’s designation by the State
- You are not eligible to receive the \$20.00 waiver if you:
  - have previously received discounted copies of public records from the City twice during the calendar year; or
  - are requesting information on behalf of other persons who are offering or providing payment to you to make the request.
- An affidavit is sworn statement. For your convenience the City has provided an Affidavit of Indigency form for the waiver of FOIA fees on its website.

**6. How may I challenge the denial of a public record or an excessive fee?**

- Appeal of a Denial of a Public Record. If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may file an appeal of the denial with the Office of the Mayor. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons you are seeking a reversal of the denial.

Within 10 business days of receiving the appeal the Mayor will respond in writing by:

- reversing the disclosure denial;
- upholding the disclosure denial; or
- reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the Mayor, you may file a civil action in Kent County Circuit Court within 180 days after the City's final determination to deny your request. Should you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.00

· Appeal of an Excessive FOIA Processing Fee. If you believe that the fee charged by the City to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the Office of the Mayor. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

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

- waiving the fee;
- reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Mayor will respond to the written appeal.

Within 45 days after receiving notice of the Mayor's determination of the processing fee appeal, you may commence a civil action in Kent County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.00.

#### **Need more details or information?**

This is only a summary of the City of East Grand Rapids FOIA Procedures and Guidelines. For more details and information, copies of the City of East Grand Rapids FOIA Procedures and Guidelines are available at no charge at any City office and on the City's website, [www.eastgr.org/FOIA](http://www.eastgr.org/FOIA).



# CITY OF EAST GRAND RAPIDS

750 LAKESIDE DRIVE SE · EAST GRAND RAPIDS, MICHIGAN 49506

Adopted by the  
East Grand Rapids City Commission  
September 1, 2019

## FREEDOM OF INFORMATION ACT PROCEDURES & GUIDELINES

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

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

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

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

### **Section 1: General Policies**

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

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

The FOIA Coordinator shall review City spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with City Information Technology staff to develop administrative rules for handling spam and junkmail so as to protect City 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.

<b>General Info</b>	<b>City Manager</b>	<b>Engineering</b>	<b>Assessor</b>	<b>Parks &amp; Recreation</b>	<b>Public Safety</b>	<b>Streets &amp; Utilities</b>
949-2110	949-2110	940-4817	940-4818	949-1750	949-7010	940-4870
<i>fax 940-4884</i>	<i>fax 940-4884</i>	<i>fax 940-4884</i>	<i>fax 940-4884</i>	<i>fax 940-4884</i>	<i>fax 940-4829</i>	<i>fax 940-4872</i>



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

The FOIA Coordinator shall keep a copy of all written requests for public records received by the City on file for a period of at least one year.

## **Section 2: Requesting a Public Record**

A person requesting to inspect or obtain copies of public records prepared, owned, used, possessed or retained by City of East Grand Rapids must do so in writing. The request must sufficiently describe a public record so as to enable City personnel to identify and find the requested public record. The request must also contain the requestor's complete name, address and valid telephone number or email address.

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Written requests for public records may be submitted in person or by mail to any City office. Requests may also be submitted electronically by facsimile and e-mail. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, electronically mailed or other otherwise provided to him or her in lieu of paper copies. The City will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by the City of East Grand Rapids on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person who makes a verbal, non-written request for information believed to be available on the City's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

## **Section 3: Processing a Request**

Unless otherwise agreed to in writing by the person making the request, within 5 business days of receipt of a FOIA request the City will issue a response. If a request is received by facsimile, e-mail or other electronic transmission, the request is deemed to have been received on the following business day. The City will respond to the request in one of the following ways:

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

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request. A copy of these Procedures and Guidelines shall be provided to the requestor with the response to a written request for public records, provided however, that if these Procedures and Guidelines, and its Written Public Summary are maintained on the City's website, then a website link to those documents may be provided in lieu of providing paper copies.

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

If based on a good faith calculation by the City, the cost of processing a FOIA request is expected to exceed \$50, or if the requestor has not fully paid for a previously granted request, the City will require a good-faith deposit before processing the request. See Section 4.

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the City; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the office of the Mayor or seek judicial review in the Kent County Circuit Court; and
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

The City shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect City records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal City operations.

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

#### **Section 4: Fee Deposits**

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation by the City, the requestor will be asked to provide a deposit not exceeding on-half of the total estimated fee.

If a request for public records is from a person who has not fully paid the City for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- the final fee for the prior written request is not more than 105% of the estimated fee;
- the public records made available contained the information sought in the prior written request and remain in the City's possession;
- the public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
- 90 days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- the individual is unable to show proof of prior payment to the City; and
- the FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

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

- the person making the request is able to show proof of prior payment in full to the City;
- the City is subsequently paid in full for the applicable prior written request; or
- 365 days have passed since the person made the request for which full payment was not remitted to the City.

If the City requests a deposit and that deposit is not received by the City within 45 days of the request for deposit, the request shall be considered abandoned and the City will no longer be required to fulfill the request. Records associated with the request will not be retained if they have reached the end of their retention period as stated in the City's Records Retention Policy.

## **Section 5: Calculation of Fees**

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

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

- The particular request incurs costs greater than incurred from the typical or usual request received by the City. See *Bloch v Davison Community Schools*, 2011 Mich App Lexis 771, 2011 WL 1564645
- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- Whether public records from more than one City department or various City offices is necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The City may charge for the following costs associated with processing a FOIA request:

- Labor costs directly associated with searching for, locating and examining a requested public record.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
- The actual cost of computer discs, computer tapes or other digital or similar media.
- The cost of duplication of publication, not including labor, of paper copies of public records.
- The cost of labor associated with duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means.
- The actual cost of mailing or sending a public record.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
- Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work. In the event the City does not employ a person capable of separating exempt from non-exempt information, as determined by the FOIA Coordinator, the City may employ an outside contractor or attorney to perform the work. The cost of an outside contractor or attorney will be billed at six times the current minimum hourly wage.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The City may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs until agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.

- In order to ensure the integrity and security of the City’s technological infrastructure, the City will procure any requested non-paper media and will not accept non-paper media from the requestor unless it is unused in the original sealed packaging.

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for nonstandard sized sheets of paper will reflect the actual cost of reproduction.
- The City may provide records using double-sided printing, if cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- The City may charge for the least expensive form of postal delivery confirmation.
- No charge will be made for expedited shipping or insurance unless requested.

If the FOIA Coordinator does not respond to a written request in a timely manner, the following shall be required:

- Reduce the labor costs by 5% for each day the City exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
  - The late response was willful and intentional.
  - The written request, within the first 250 words of the body of a letter facsimile, e-mail or e-mail attachment conveyed a request for information.
  - The written request included the words, characters, or abbreviations for “freedom of information”, “information”, “FOIA”, “copy” or a recognizable misspelling of such, or legal code reference to MCL 15. 231 et seq or 1976 Public Act 442 on the front of an envelope or in the subject line of an e-mail, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form

## **Section 6: Waiver of Fees**

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because such can be considered as primarily benefitting the general public.

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

- indigent and receiving specific public assistance; or
- if not receiving public assistance stating facts demonstrating an inability to pay because of indigency.
- A nonprofit organization designated to by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 200 and the Protection and Advocacy for Individuals with Mental Illness Act, or their successors, if the request meets all of the following requirements:
  - is made directly 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, MCL 330.1931;
  - is accompanied by documentation of its designation by the State.

An individual is not eligible to receive the waiver if:

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

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

## **Section 7: 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 file an appeal of the denial with the Office of the Mayor. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial.

Within 10 business days of receiving the appeal the Mayor will respond in writing by:

- reversing the disclosure denial;
- upholding the disclosure denial; or
- reverse the disclosure denial in part and uphold the disclosure denial in part.
- Under unusual circumstances, such as the need to examine or review a voluminous amount of separate and distinct public records or the need to collect the requested records from numerous facilities located apart from the office receiving or processing the request, the Mayor may issue not more than 1 notice of extension for not more than 10 business days to respond to the appeal

Whether or not a requestor submitted an appeal of a denial to the Mayor, he or she may file a civil action in Kent County Circuit Court within 180 days after the City's final determination to deny the request.

If the court determines that the public record is not exempt from disclosure, the court will award the appellant reasonable attorneys' fees, cost and disbursements. If the court determines that the appellant prevails only in part, the court in its discretion may award all or an appropriate portion of reasonable attorneys' fees, costs and disbursements.

If the court determines that the City arbitrarily and capriciously violated the FOIA by refusing or delaying the disclosure of copies of a public record, it shall award the appellant punitive damages in the amount of \$1,000. Court shall also order that the public body pay a civil fine of \$1000 to the general fund of the State treasury.

### **Section 8: Appeal of an Excessive FOIA Processing Fee**

If a requestor believes that the fee charged by the City to process a FOIA request exceeds the amount permitted by state law, he or she must first submit a written appeal for a fee reduction to the Office of the Mayor. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

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

- waiving the fee;
- reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee, accompanied by a certification by the Mayor that the statements in the determination are accurate and the reduced fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA;
- upholding the fee and issuing a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee, accompanied by a certification by the Mayor that the statements in the determination are accurate and the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA; or
- issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Mayor will respond to the written appeal.

Within 45 days after receiving notice of the Mayor's determination of a fee appeal, a requestor may commence a civil action in Kent County Circuit Court for a fee reduction. If a civil action is filed appealing the fee, the City is not obligated to process the request for the public record until the Court resolves the fee dispute.

If the court determines that the City required a fee that exceeds the amount permitted, it shall reduce the fee to a permissible amount. If the appellant in the civil action prevails by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements.

If the court determines that City has acted arbitrarily and capriciously by charging an excessive fee, the court shall also award the appellant punitive damages in the amount of \$500.

### **Section 9: Conflict with Prior FOIA Policies and Procedures; Effective Date**

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by City Commission or the City Administration these Procedures and Guidelines are controlling. To the extent that any

administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the City Commission or the City Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the City Commission or the City Administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the City Commission of any change these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

### **Section 10: Penalty for Violation of the Act**

If the court determines in either an appeal of a denial of a public record, or the appeal of an excessive fee, that the public body willfully and intentionally failed to comply with the FOIA or otherwise acted in bad faith, then in addition to any another award or sanction, the court shall impose a civil fine of not less than \$2500 or more than \$7500 for each occurrence.

The court is required to consider the budget of the public body and whether the public body has been previously been assisted penalties for violations of the FOIA.

The civil fine is to be deposited to the general fund of the State treasury.

### **Section 11: Appendix of City of East Grand Rapids FOIA Forms**

- Request Form
- Detailed Itemization of Fees Form
- Summary of FOIA Procedures and Guidelines

# City of East Grand Rapids Freedom of Information Act Request Itemized Cost Worksheet

*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 Fee Schedule adopted and periodically revised by the City Commission.*

## 1. Labor Cost to Locate

Cost of labor directly associated with necessary searching for, locating and examining public records in conjunction with receiving and fulfilling a granted written request.

Actual minutes \_\_\_\_\_  
 1/4-hr increments (rounded down) \_\_\_\_\_ x \$25.75/hr = \$ \_\_\_\_\_

## 2. Labor Cost for Copying

Cost of labor directly associated with duplication, including making paper copies, digital copies or transferring digital records on non-paper physical media or by electronic means as stipulated by the requestor.

Actual minutes \_\_\_\_\_  
 1/4-hr increments (rounded down) \_\_\_\_\_ x \$25.75/hr = \$ \_\_\_\_\_

## 3. Labor Cost for Separating Exempt from Non-Exempt

Cost of labor directly associated with separating and deleting exempt from nonexempt information.

Actual minutes \_\_\_\_\_  
 1/4-hr increments (rounded down) \_\_\_\_\_ x \$25.75/hr = \$ \_\_\_\_\_

\*\*\*\*\*

The City does not employ a person capable of separating exempt from non-exempt information, as determined by the FOIA Coordinator. This is the cost of a labor of a contracted attorney/consultant: \_\_\_\_\_

Cost \$56.70/hr (6x\$9.45 minimum wage) \$ \_\_\_\_\_

The City will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

*The City will not charge more than the hourly wage of its lowest-paid employee capable of performing the tasks listed above (currently \$25.75 per hour), regardless of who actually performs the labor. Costs will be estimated and charged in 15-minute increments; all partial time increments will be rounded down. If the number of minutes is less than 15, there is no charge.*

## 4. Copying, Duplication or Printing

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (ie, to allow for blacking out exempt information, to protect old/delicate originals, or because the original record is a digital file or database not available for public inspection).

### Copies / Cost Per Copy

_____ Letter (8½x11"), BLACK 1-side 4¢ / 2-side 7¢ per page	\$ _____
_____ Letter (8½x11"), COLOR 1-side 7¢ / 2-side 10¢ per page	\$ _____
_____ Legal (8½x14"), BLACK 1-side 4¢ / 2-side 7¢ per page	\$ _____
_____ Legal (8½x14"), COLOR 1-side 7¢ / 2-side 10¢ per page	\$ _____
_____ Ledger (11x17"), BLACK 1-side 10¢ / 2-side 15¢ per page	\$ _____
_____ Ledger (11x17"), COLOR 1-side 15¢ / 2-side 20¢ per page	\$ _____
_____ Plotter Prints (larger than 11x17"), \$1.00 per sheet	\$ _____

Actual and most reasonably economical cost of non-paper physical digital media (circle one): Disc / Tape / Flash Drive / Other \_\_\_\_\_ \$ \_\_\_\_\_

## 5. Mailing

Actual cost of mailing for sending records in a reasonable economical and justifiable manner. The City will not charge more for expedited shipping or insurance unless specifically requested by the requestor. The City may charge for the least expensive form of postal delivery confirmation.

Envelope/Packing Material	\$ _____
Postage (stamp / pound / package)	\$ _____
Postal Delivery Confirmation	\$ _____
Expedited Shipping / Insurance <i>(if requested)</i>	\$ _____

Proof or Affidavit of Indigence Submitted: Yes \_\_\_\_\_ No \_\_\_\_\_ (\$20.00)

Reduction for late response, if necessary  
 5% per day x \_\_\_\_\_ days past deadline (up to 50% of cost) = \$ \_\_\_\_\_ \$ \_\_\_\_\_

Total or Estimated Total Cost: \$ \_\_\_\_\_  
*If estimate exceeds \$50.00, a 50% deposit will be required before processing.*

*Note: Request will be processed, but balance must be paid before copies may be picked up, delivered or mailed. Date Paid: \_\_\_\_\_*