

OVID TOWNSHIP, CLINTON COUNTY

RESOLUTION TO ADOPT ENHANCED ACCESS TO PUBLIC RECORDS POLICY

RESOLUTION NUMBER 2021-09

At a Special Meeting of the Township Board of Ovid Township, Clinton County, Michigan, held at the Ovid Township Hall, 1015 Baese Court, Ovid, MI, on June 25, 2021, at 12:00 p.m.

PRESENT: Supervisor Debbie Shaughnessy, Treasurer Nancy Hughson,

Clerk Claudia Barrett Pluger, Trustee Patricia Hibbard, Trustee Arlene Pesik

ABSENT: None

The following Resolution was offered by Treasurer Nancy Hughson and supported by Clerk Claudia Barrett Pluger:

WHEREAS, the Township desires to provide enhanced access to certain public records under the Enhanced Access to Public Records Act, 1996 PA 462, MCL 15.441 *et seq.* (the "Act"); and

WHEREAS, the Act allows enhanced access for inspecting, copying, or purchasing certain public records at reasonable fees in an Enhanced Access to Public Records Policy.

NOW, THEREFORE, BE IT RESOLVED, by the Ovid Township Board, Clinton County, Michigan as follows:

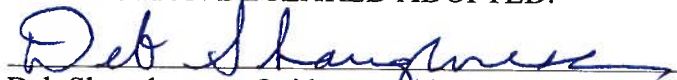
1. The Township hereby adopts the attached Enhanced Access to Public Records Policy.
2. All prior resolutions inconsistent herewith are hereby rescinded.

ROLL CALL VOTE:

Trustee Patricia Hibbard - "Yes"
Trustee Arlene Pesik - "Yes"
Treasurer Nancy Hughson - "Yes"
Clerk Claudia Barrett Pluger - "Yes"
Supervisor Debbie Shaughnessy - "Yes"


All in favor, Motion carried.

RESOLUTION DECLARED ADOPTED.


Deb Shaughnessy, Ovid Township Supervisor

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk for Ovid Township, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township of Ovid at a meeting held on June 25, 2021, and further certify that the above Resolution was adopted at said meeting.


Claudia Barrett Pluger, Ovid Township Clerk

**OVID TOWNSHIP
ENHANCED ACCESS TO PUBLIC RECORDS POLICY**

Pursuant to the Michigan Enhanced Access to Public Records Act, MCL 15.441 *et seq.* (the "Act"), Ovid Township (the "Township") establishes this Policy imposing reasonable fees to recoup the costs related to enhanced access requests, especially since these requests involve information assembled, maintained, stored, and kept by the Township at great cost and could result in an unusually high cost to the Township. Therefore, Ovid Township will charge reasonable fees to recover the costs of providing the enhanced access to public records, in accordance with this Policy and the Act.

1. AUTHORIZATION

- A. Pursuant to the Act, the Township establishes this Policy in order to provide enhanced access for the inspection, copying, or purchasing of certain public records that are not confidential or otherwise exempt by law from disclosure.
- B. This Policy does not require the Township to provide enhanced access to any specific public record other than those identified herein.
- C. The Township may make the following public records available for enhanced access:
 - 1. Tax roll information;
 - 2. Assessment roll information;
 - 3. Voter registration lists;
 - 4. Voter records; and
 - 5. GIS records.
- D. The enhanced access provided by the Township entails placing all or a portion of a public record listed above on electronic media or in a digital format compatible with the Township's computer equipment and the requestor's preference for delivery or disclosure.

2. DEFINITIONS

- A. "Enhanced access" includes a public record's availability for public inspection, purchase or copying by electronic or digital means. Enhanced access does not include the transfer of ownership of a public record.
- B. "Geographical Information System" (GIS) means an informational unit or network capable of producing customized maps based upon a digital or electronic representation of geographical data.

- C. "Operating expenses" include, but are not limited to, the Township's direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, systems development, employee time, the review and redaction of any private, confidential, or other information that may be protected from disclosure by law, and the actual cost of supplying the information or record in the form requested by the requestor.
- D. "Person" means that term as defined in Section 2 of the Freedom of Information Act (the "FOIA"), Act No. 442 of the Public Acts of 1976, MCL 15.232.
- E. "Public Body" means that term as defined in Section 2 of the FOIA.
- F. "Public Record" means that term as defined in Section 2 of the FOIA.
- G. "Reasonable fee" means a charge calculated to enable the Township to recover over time those operating expenses directly related to the Township's provision of enhanced access.
- H. "Software" means that term as defined in Section 2 of the Act.

3. FEES

- A. It is the policy of the Township to charge a reasonable fee for providing enhanced access to a public record subject to this Policy.
- B. Except as otherwise provided by law, the Township Clerk or FOIA Coordinator may propose reasonable fees for each public record made available for enhanced access and propose amendments to the Fee Schedule attached as Exhibit A. The Township Clerk or FOIA Coordinator shall present all proposed amendments to this Policy or the Fee Schedule to the Township Board for approval before such any fees authorized by such amendments are charged.
- C. Except as otherwise provided by law or this Policy, the Township shall charge all requestors reasonable fees in accordance with this Policy and the Fee Schedule approved by the Township Board for enhanced access to public records.
- D. The Township may furnish enhanced access to public records without charge or at a reduced fee if the Township Clerk or FOIA Coordinator determines that a waiver or reduction of a fee is in the public interest because enhanced access would primarily benefit the general public. Examples of when a fee may be reduced or waived include, but are not limited to, when:
 - 1. The information is critical to public health or public safety.
 - 2. The information is required to meet legal or governmental objectives, as opposed to private objectives of the requestor.

3. The information explains the rights, entitlements and/or obligations of the requestor.
 4. The cost of administering the fees would exceed the fees collected by the Township.
 5. The reasonable fee would have a serious detrimental impact on the financial position of groups or classes of citizens.
 6. Controlling law on enhanced access to such public records at no cost or a reduced fee.
- E. The Fee Schedule in Exhibit "A" attached hereto is adopted and established as the Fee Schedule for obtaining any information under this Policy, subject to amendment of this Policy or the Fee Schedule, as stated otherwise herein or therein.

4. DISCLAIMERS

- A. Recipients of enhanced access public records receive all information "AS IS." The Township, its officers, officials, employees, agents, volunteers, contractors, and public agencies make no warranties of any kind, including but not limited to warranties of accuracy, fitness for a particular purpose, or of a requestor's right of use.
- B. Enhanced access does not include the transfer of ownership of a public record.
- C. This Policy and the attached Fee Schedule are subject to amendment by the Township Board, including amendments that may be deemed necessary by the Township Board after the Township receives a request for enhanced access that is not specifically or adequately addressed in this Policy or the attached Fee Schedule, in the Township Board's determination, since the Township may receive specific requests for enhanced access that are not yet known or fixed, and this Policy and the attached Fee Schedule are intended to assure the Township's ability to recover a reasonable fee for enhanced access under all the considerations above.

Policy Adopted by the Ovid Township Board June 25, 2021.



Claudia Barrett Plugger, Clerk
Ovid Township

Exhibit A

ENHANCED ACCESS FEE SCHEDULE

1. Ovid Township will charge reasonable fees to recover the costs of providing enhanced access to public records.
2. The reasonable fees shall include, but not be limited to, the direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the pro-rated cost of computer hardware and software, system development, employee time, the cost to review and redact any private, confidential, or other information that may be protected from disclosure by law, and any other actual costs incurred in creating, recording, storing, keeping and supplying the information or record in the form requested by the requestor.
3. When calculating employee time, the Township shall utilize the actual wage (plus benefits) of the lowest paid employee capable of performing the task.
4. The Township Clerk shall estimate the reasonable fee for a request for enhanced access to public records in accordance with the foregoing and present the estimate to the requestor. Prior to the Township incurring costs in response to the request, the requestor shall post a cash deposit with the Township Clerk equal to at least $\frac{1}{2}$ of the estimated cost before providing the enhanced access public records.
5. The Township shall not provide the requested enhanced access to public records to a requestor until full payment therefor has been made to the Township.
6. This Fee Schedule is subject to amendment by the Township Board, including amendments that may be deemed necessary by the Township Board after the Township receives a request for enhanced access that is not specifically or adequately addressed in this Fee Schedule, since specific requests for enhanced access that the Township may receive are not yet known or fixed, and the policy of this Fee Schedule is to assure the Township's ability to recover a reasonable fee for enhanced access under all the considerations above.