1. Roll Call
   Bob Guenzel, Roger Hewitt, Marie Klopf, Joan Lowenstein, Al McWilliams, John Mouat, Rishi Narayan, Keith Orr, Steve Powers, Sandi Smith, John Splitt

2. Audience Participation (4 people maximum, 4 minutes each)
   · Deb Polich, Arts Alliance

3. Reports from City Boards and Commissions
   · Ray Detter, Downtown Area Citizens Advisory Council

4. DDA Members Communications

5. Executive Director Communications

6. Approval of Minutes: May 2015 meetings

7. Subcommittee Reports
      · Parking Report
      · Request for free parking at Ann Ashley during Farmers Market hours
      · Art Fair date change logistics planning update
      · Downtown Street Design Manual project update
      · Fourth and William construction update
      · Ann Ashley bike house construction update
      · Future projects design and construction planning
      · Next Committee meeting: Wednesday, June 24 at 11am

   b. Finance Committee – R. Narayan
      · FY 2016 DDA budget – update
      · Financial feasibility of capital improvements planning
      · Next Committee meeting: Tuesday, June 23 at 1pm

   c. Partnerships/Economic Development Committee – J. Lowenstein & A. McWilliams
      · Partner updates
      · Next Committee meeting: Wednesday, June 10 at 11am

   d. Communication Committee – A. McWilliams
      · Next Committee meeting: Wednesday, June 10 at 12:30pm
e. Executive Committee – J. Mouat, R. Hewitt, R. Narayan, K. Orr, S. Smith
   · Resolution to Modify Ann Arbor DDA FOIA Policies
   · Next Committee meeting: Wednesday, July 1 at 11am

8. New Business

9. Other Audience Participation (4 minutes each)

10. Adjournment
ANN ARBOR DOWNTOWN DEVELOPMENT AUTHORITY MEETING MINUTES  
Wednesday, May 6, 2015

Place:    DDA Office, 150 S. Fifth Avenue, Suite 301, Ann Arbor, 48104  
Time:    Mr. Mouat called the meeting to order at 12:00 p.m.

1. ROLL CALL

Present:    Bob Guenzel, Roger Hewitt, Marie Klopf, Joan Lowenstein, Al McWilliams, John Mouat, Rishi Narayan, Keith Orr, Steve Powers, John Splitt  
Absent:   Sandi Smith  
Staff Present:  Susan Pollay, Executive Director  
Joseph Morehouse, Deputy Director  
Amber Miller, Planning & Research Specialist  
Jada Hahlbrock, Management Assistant  
Audience:  Frances Todoro, State Street Area Association  
Maggie Ladd, South University Area Association  
Nancy Shore, getDowntown  
Bob Livingston, State Street Area Association  
Max Clayton, The Ann Arbor Art Fair  
Maureen Riley, Ann Arbor Street Art Fair  
Karen Dechey, Ann Arbor Art Fair

2. AUDIENCE PARTICIPATION

Maggie Ladd said that Art Fair directors have been working on a plan aimed at sustaining the Fair long term, and their efforts have included gathering input from downtown constituents, the Ann Arbor community and artists. They are proposing moving the Fair days to Thursday-Sunday, beginning in 2016.

Bob Livingston said that as part of the Art Fair discussion the 6 downtown churches have been meeting to consider how the addition of Sunday Fair hours would impact access to church services. He said free parking and reserved parking will be important to maintain access for attendees. In general the churches support the change if it means the continued sustainability of the event.

Max Clayton shared that a switch in Fair dates would align the Ann Arbor event with most other large art fairs in the country. Families and demographics have changed since the 1960’s when the Fair originated, and the Ann Arbor event needs to evolve to meet the attendee expectations.

3. REPORTS FROM CITY BOARDS AND COMMISSIONS

None
4. **COMMUNICATIONS FROM DDA MEMBERS**

Mr. Powers shared that the deadline for responses to the Library Lane RFP had been extended to June 1st.

Mr. Powers said that Police Chief John Seto will be retiring in July of this year.

Mr. Mouat said that DDA and AAATA Board members met to continue the discussion that began at the joint retreat earlier in the year. He said the conversations about shared interests are very helpful to both Boards. These meetings will be scheduled to occur a few times a year.

5. **EXECUTIVE DIRECTOR REPORT**

Ms. Pollay said that 8 Power Art installations will take place the third week of the month. The discussion about a possible Phase II is already underway with the downtown associations.

Ms. Pollay said that the Operations Committee had discussed concerns about future parking demand. To help it formulate strategies to address this demand, a Parking and Transportation Demand Management Study RFQ has been released. Responses will be shared with the Operations Committee to determine next steps.

Ms. Pollay said downtown tree planting continues, with another 60 trees being planted in the next few weeks. The DDA has been partnering with several organizations to ensure continued care for the trees, including watering. She thanked the Area Associations, the Main Street BIZ and the City’s Give365 program for their help supporting the downtown trees.

Ms. Pollay said a sidewalk maintenance work list has been assembled, and the DDA will coordinate its work with the City who is also repairing downtown sidewalks. Much of the DDA’s work will focus on brick repairs and will begin in July.

Ms. Pollay shared that the International Downtown Association is hosting a Mid-West forum in Detroit in June. Sessions will include information on shifting demographics, the new workforce, and the ways public/private partnerships can successfully activate public spaces.

6. **APPROVAL OF MINUTES**

Mr. Hewitt moved and Ms. Lowenstein supported approval of the April 2015 DDA meeting minutes.

A vote on the motion showed:

**AYES:** Guenzel, Hewitt, Klopf, Lowenstein, Mc Williams, Mouat, Narayan, Orr, Powers, Splitt

**NAYS:** none

**ABSENT:** Smith

**ABSTAIN:** none

The motion carried.
7. A. SUBCOMMITTEE REPORTS - PARTNERSHIPS COMMITTEE

Resolution regarding the SU BIZ. Ms. Lowenstein moved and Mr. McWilliams supported the following resolution.

RESOLUTION TO EXTEND THE DDA GRANT TO SUPPORT THE DEVELOPMENT OF A BUSINESS IMPROVEMENT ZONE (BIZ) IN THE SOUTH UNIVERSITY AREA

Whereas, The DDA Plan sets forward that the DDA will work to make it possible for downtown businesses and civic groups to undertake efforts to keep sidewalks cleaned of snow and debris;

Whereas, Business Improvement Districts (BID) and Business Improvement Zones (BIZ) enable property owners to select services they wish to privately fund as a group that are over and above the services provided by local governmental agencies;

Whereas, In 2013 South University property owners requested a DDA grant for $59,200 grant to help them create a BIZ in the South University area;

Whereas, The DDA approved this grant in July 2013;

Whereas, Planning efforts have begun, and a portion of the DDA’s grant has been expended;

Whereas, Representatives of the South University BIZ project have communicated to the DDA that work on this project will not be completed by June 30th, when the DDA grant is set to expire;

Whereas, The Partnerships Committee recommends that the grant period be extended to allow this project to be completed;

RESOLVED, The DDA approves an extension of its grant until June 30, 2016 to support the creation of a new Business Improvement Zone in the South University area.

Ms. Lowenstein said that work to form the BIZ is underway, but will not be complete this fiscal year. The grant needs to be extended or the unused funds will expire June 30th, 2015.

A vote on the resolution showed:

AYES: Guenzel, Hewitt, Klopf, Lowenstein, McWilliams, Mouat, Narayan, Orr, Powers, Splitt
NAYS: none
ABSENT: Smith
ABSTAIN: None

The resolution carried.
Ms. Lowenstein shared partner updates from the meeting. Planning Commission reported on possible plans to study accessory dwelling units. City Council is expected to vote on the budget at their May 18th meeting.

The next Partnerships/ Economic Development Committee meeting will be May 13th at 11 am.

7. B. SUBCOMMITTEE REPORTS- COMMUNICATION COMMITTEE

**DDA Spring Update.** Mr. McWilliams shared a copy of a DDA Spring Update, which will serve as a mid-year supplement to the annual State of the Downtown report which will come out in August. The Update aims to include interesting information about downtown, such as new downtown businesses, and will highlight DDA projects. The Committee will discuss methods of distribution at its next meeting.

The next Communication Committee meeting will be on May 13th at 12:30 pm.

7. C. SUBCOMMITTEE REPORTS- OPERATIONS COMMITTEE

**Resolution Regarding Art Fair Dates.** Mr. Splitt moved and Mr. Narayan supported the following resolution.

**RESOLUTION TO SUPPORT A CHANGE IN ART FAIR DATES, INCLUDING THE PROVISION OF FREE PARKING**

Whereas, the DDA Plan directs the DDA to encourage programs that promote activity and pedestrian enjoyment of downtown by encouraging an active street life, including public art and exhibits, and the regular use of public areas for entertainment, parades or street fairs;

Whereas, The Ann Arbor Art Fair is a nationally-renowned, signature Ann Arbor event that draws hundreds of thousands of fairgoers to downtown during a period that is otherwise very slow, and has been measured to generate more than $78 Million in area economic impact;

Whereas, The Art Fair is organized by several organizations, and now includes more than 1,000 artists, in the South University, Central UM Campus, State Street, and Main Street areas;

Whereas, The DDA has regularly demonstrated its support of Art Fair with funding for a survey, an annual grant of $10,000/year for the Art Fair trolley, and an annual grant of $5,000 for the Art Fair walk map, and over $60,000 annually in meter bag fee waivers;

Whereas, Fair organizers have received artist feedback making a compelling case that for the sustainability of the event, Art Fair must shift its days from Wednesday through Saturday, to Thursday through Sunday;

Whereas, If this date change were made, the DDA would operate its parking facilities on the Sunday of Art Fair to accommodate Fair participants and visitors;
Whereas, An important constituency that would be affected by this shift is the six downtown and downtown-area churches, and the DDA has received a request from Art Fair organizers to provide free parking for church attendees if the event dates are shifted, estimated at this time to be approximately 500 spaces before noon and approximately 300 spaces after noon;

Whereas, The Operations Committee discussed this request and recommends DDA support for the event date change beginning with the 2016 Art Fair;

Whereas, The Operations Committee also recommends that the DDA provide free parking to downtown church attendees as requested in support of this change, using the 2016 Art Fair to assess actual costs and parking revenues;

RESOLVED, The DDA supports a change in Art Fair dates from Wednesday through Saturday, to Thursday through Sunday.

RESOLVED, The DDA approves the provision of free parking for church attendees as needed as part of this change in Art Fair dates.

Mr. Splitt said that the four fairs are proposing a plan to move Art Fair from Wednesday-Saturday to Thursday-Sunday to encourage the sustainability of the event. As part of the shift, the Fair is requesting that the DDA provide free parking for downtown church attendees on the new Sunday of Art Fair. The Operations Committee discussed this and indicated its support to put forward a resolution at this meeting.

Mr. Hewitt proposed and Mr. Narayan supported two amendments. The first amendment would change the word “would” in the 6th Whereas clause to “may”. The second amendment would add the following language to the last Resolved clause- “The Operations Committee is authorized to determine the policies concerning this resolution”.

A vote on the proposed amendments showed:
AYES: Guenzel, Hewitt, Klopf, Lowenstein, McWilliams, Mouat, Narayan, Orr, Powers, Splitt
NAYS: none
ABSENT: Smith
ABSTAIN: None
The amendments carried.

The amended resolution is as follows;

RESOLUTION TO SUPPORT A CHANGE IN ART FAIR DATES, INCLUDING THE PROVISION OF FREE PARKING
Whereas, the DDA Plan directs the DDA to encourage programs that promote activity and pedestrian enjoyment of downtown by encouraging an active street life, including public art and exhibits, and the regular use of public areas for entertainment, parades or street fairs;

Whereas, The Ann Arbor Art Fair is a nationally-renowned, signature Ann Arbor event that draws hundreds of thousands of fairgoers to downtown during a period that is otherwise very slow, and has been measured to generate more than $78 Million in area economic impact;

Whereas, The Art Fair is organized by several organizations, and now includes more than 1,000 artists, in the South University, Central UM Campus, State Street, and Main Street areas;

Whereas, The DDA has regularly demonstrated its support of Art Fair with funding for a survey, an annual grant of $10,000/year for the Art Fair trolley, and an annual grant of $5,000 for the Art Fair walk map, and over $60,000 annually in meter bag fee waivers;

Whereas, Fair organizers have received artist feedback making a compelling case that for the sustainability of the event, Art Fair must shift its days from Wednesday through Saturday, to Thursday through Sunday;

Whereas, If this date change were made, the DDA may operate its parking facilities on the Sunday of Art Fair to accommodate Fair participants and visitors;

Whereas, An important constituency that would be affected by this shift is the six downtown and downtown-area churches, and the DDA has received a request from Art Fair organizers to provide free parking for church attendees if the event dates are shifted, estimated at this time to be approximately 500 spaces before noon and approximately 300 spaces after noon;

Whereas, The Operations Committee discussed this request and recommends DDA support for the event date change beginning with the 2016 Art Fair;

Whereas, The Operations Committee also recommends that the DDA provide free parking to downtown church attendees as requested in support of this change, using the 2016 Art Fair to assess actual costs and parking revenues;

RESOLVED, The DDA supports a change in Art Fair dates from Wednesday through Saturday, to Thursday through Sunday.

RESOLVED, The DDA approves the provision of free parking for church attendees as needed as part of this change in Art Fair dates. The Operations Committee is authorized to determine the policies concerning this resolution.

Questions were asked and answered about community support for the switch, as well as timing of the DDA resolution of support.
A vote on the amended resolution showed:

AYES:    Guenzel, Hewitt, Klopf, Lowenstein, McWilliams, Mouat, Narayan, Powers, Splitt
NAYS:    Orr
ABSENT:  Smith
ABSTAIN: None

The amended resolution carried.

Ann Ashley Free Parking.  Mr. Split said that Ms. Carrie DeWitt from the Farmers Market presented a request for free parking at the Ann Ashley structure on Saturdays. The goal would be to alleviate parking pressures around the Farmers Market by making the parking at Ann Ashley more attractive. Mr. Splitt said the committee requested additional information, including data about Saturday usage at Ann Ashley and revenue implications. Discussion will continue at the May committee meeting.

4th & William Construction update. Mr. Splitt shared that demolition work to remove the brick on the stair tower has begun. During the work pedestrian traffic on the sidewalk is being re-routed to the south William sidewalk.

Ann Ashley Bike House Construction Update. Mr. Orr reported that the design has been finalized. Construction will begin soon and will last about 2 months. Many nearby businesses have expressed interest in pre-leasing bike parking spaces.

Downtown Street Design Manual (Framework Plan). Mr. Mouat said that the project will be complete in a few weeks. There will be two final products; a technical document and a best practice findings document that speaks to policy questions.

The next Operations Committee meeting will be on May 27th at 11:00 am.

7. D. SUBCOMMITTEE REPORTS - FINANCE COMMITTEE

Quarterly Financials. Ms. Narayan reviewed the third quarter financial statements and the funds committed report. Questions were asked and answered.

The next Communication Committee meeting will be May 26th at 1:00 p.m.

7. E. SUBCOMMITTEE REPORTS – EXECUTIVE COMMITTEE

Mr. Mouat said that the state law regarding FOIA had been changed and the DDA needed to revised its FOIA policy. The Executive Committee reviewed an early draft, and will complete its work at the next Committee meeting. The board will be asked to vote on this policy at the June board meeting.

The next Executive Committee meeting will be June 3rd at 11 am.

8. NEW BUSINESS
Resolution Thanking Cyndi Clark. Mr. Guenzel moved and Mr. Hewitt supported the following resolution.

RESOLUTION THANKING CYNDI CLARK

Whereas, Cyndi Clark has contributed time, energy and passion to the Downtown Development Authority since 2013;

Whereas, Cyndi Clark contributed important insights into DDA discussions, including an experienced awareness of the unique needs and challenges of small businesses in the downtown;

Whereas, Through her efforts and involvement, Cyndi Clark helped to increase the positive visibility of the DDA in the downtown business community and in the community at large; and

Whereas, Cyndi Clark’s warm presence and keen intelligence has been appreciated by all who have had the pleasure of working with her at the DDA;

RESOLVED, The Ann Arbor Downtown Development Authority extends its great thanks and best wishes to Cyndi Clark for her contributions to the downtown, and indeed to the community as a whole, through her work on the Ann Arbor Downtown Development Authority.

A vote on the resolution showed:
AYES: Guenzel, Hewitt, Klopf, Lowenstein, McWilliams, Mouat, Narayan, Orr, Powers, Splitt
NAYS: none
ABSENT: Smith
ABSTAIN: None
The resolution carried.

9. OTHER AUDIENCE PARTICIPATION
None

10. ADJOURNMENT
There being no other business, Mr. Hewitt moved and Mr. Narayan supported a motion to adjourn. Mr. Mouat declared the meeting adjourned at 12:55 pm.

Respectfully submitted,
Susan Pollay, Executive Director
Committee actions and discussions

Agenda Review. The group reviewed the May DDA monthly meeting agenda.

Art Fair. Ms. Pollay reported that three people had signed up at the beginning of the meeting to share comments about moving the Art Fair event from Wednesday through Saturday to Thursday through Sunday. She said that the DDA was being asked to help address the downtown church’s concern about access for their parishioners on that Sunday morning if this move were made.

Committee members talked about the difference between providing free parking versus making the decision not to apply a parking fee where traditional there had not been a parking fee. There is a request to the DDA to provide free parking at Ann Ashley during Saturday Farmers Market hours. This was seen as different than the request that if the Art Fair dates were moved to include Sunday, and if the DDA opts to charge for parking on that Sunday, that the DDA not charge church goers as they had never been asked to pay on Sundays previously.

Changes at the City. Ms. Pollay shared with the group that Police Chief John Seto will be retiring in July of this year.

There being no other business, the meeting adjourned at 11:40 a.m.
Susan Pollay, Executive Director
1. **Partner Updates**

   **Planning Commission** - Mr. Peters said they are discussing ideas to encourage more affordable housing. This may include changes to rules regarding accessory dwelling units.

   **City Council** - Ms. Lumm said Council will consider proposed amendments as part of the budget approval on May 18th. Ms. Lumm also shared concerns she has heard about the scale and parking impacts of a new proposed development adjacent to the 618 S. Main Street project.

   **DDA** - Ms. Miller provided an update on the Downtown Street Design Manual process. She shared that work is wrapping up. The two final deliverables will include a technical document and best practice research on such things as trash/deliveries, food trucks, and more.

2. **DDA Grants**

   Ms. Pollay shared a history of DDA grants, and said that the board has asked this committee to formulate a process and policies for grants separate from the DDA’s Partnerships, Brownfield, or Housing Grant programs. The Committee discussed ideas, including timing, and whether grants might be received in batches to be evaluated together or one-at-a-time. The discussion will continue at future meetings.

   Ms. Pollay shared that the DDA will be asked by the Parks Department for a grant to help with the construction of a new all-seasons building to be constructed on the Fourth Avenue side of the Market. More information about this grant request will be provided at a future Committee meeting.

4. **Public Comment**

   None

The next committee meeting will take place Wednesday, June 10th at 11:00 am.

The meeting adjourned at 12:50 pm.

Respectfully submitted, Susan Pollay, Executive Director
Place: DDA Office, 150 S. Fifth Avenue, Suite 301, Ann Arbor, 48104

Time: 12:30 p.m.

DDA Present: Al Mc Williams, John Mouat, Keith Orr, Sandi Smith

DDA Absent: Bob Guenzel, Roger Hewitt, Marie Klopf, Joan Lowenstein, Rishi Narayan, Steve Powers, John Splitt

Staff Present: Susan Pollay, Executive Director
               Amber Miller, Planning & Research Specialist
               Jada Hahlbrock, Management Assistant

Public: Sabra Briere, Ray Detter

1. Creating a Communication Plan
   Committee members reviewed and provided feedback on the newly-created DDA Spring Update. The discussion included ideas for distribution as well as content for future DDA updates.

   At the next committee meeting ideas for distribution will be discussed. This may include direct mail, newspaper inserts and ads, and other options.

2. Next meeting.
   The next committee meeting will take place Wednesday, June 10th at 12:30 pm.

3. Public Comment.
   None

The meeting adjourned at 1:40 pm.
Respectfully submitted, Susan Pollay, Executive Director
ANN ARBOR DOWNTOWN DEVELOPMENT AUTHORITY
FINANCE COMMITTEE MEETING MINUTES
Tuesday, May 26, 2015

Place: DDA Office, 150 S. Fifth Avenue, Suite 301, Ann Arbor, 48104
Time: 1:00 p.m.
Present: Roger Hewitt, Marie Klopf, Rishi Narayan, John Split
Absent: Bob Guenzel, Joan Lowenstein, John Mouat, Al McWilliams, Keith Orr, Steve Powers, Sandi Smith
Other Participants: Tom Crawford, City of Ann Arbor
Staff: Joseph Morehouse, Jada Hahlbrock
Public: Ed Vielmetti

1. Financial Statements
   a. April 2015 Expenses- Listing was reviewed. Questions asked and answered.
   b. FY 2016 DDA Budget- City Council budget amendments and possible budget implications were discussed.

2. New Business
   a. 10-Year Plan Update- Mr. Morehouse reviewed the current 10 year plan highlighting changes and updates. Financial feasibility of the capital improvements plan was discussed.

3. Old Business
   a. Draft DDA Reimbursement Policy- Staff presented a revised draft version of a reimbursement policy. The Committee offered edits. A revised draft will be presented at the June Finance committee meeting.

4. Next meeting- Tuesday June 23 at 1:00 pm.

5. Public Comment- Ed Vielmetti raised questions about the DDA Housing Fund and how best to show grants and fund balance within the fund. He said that having a data base of historical parking data would be important to being able to create a model to predict parking demand.

The meeting adjourned at 2:34 pm
Joseph Morehouse, Deputy Director
ANN ARBOR DOWNTOWN DEVELOPMENT AUTHORITY
OPERATIONS COMMITTEE MEETING MINUTES
Wednesday, May 27, 2015

Place: DDA Office, 150 S. Fifth Avenue, Suite 301, Ann Arbor, 48104
Time: 11:00 a.m.
Present: Roger Hewitt, Joan Lowenstein, John Mouat, Rishi Narayan, John Splitt, Keith Orr
Absent: Bob Guenzel, Marie Klopf, Al McWilliams, Steve Powers, Sandi Smith
Staff: Susan Pollay, Joseph Morehouse, Amber Miller, Jada Hahlbrock
Others: Nancy Shore/getDowntown, Judy Comstock/RPS, Andrea Miller/RPS
Public: Ray Detter, Ed Vielmetti, Maggie Ladd

1. Old Business
   Art Fair Move to Sunday- Committee discussed the logistics of accommodating the Sunday Art fair
   parking. DDA staff will work with Republic Parking to develop a set of recommendations. Information
   will be collected at this year’s Fair to help with planning for 2016.
   Ann Ashley Free Parking for Farmers Market- DDA staff will work with City/Market staff to find ways to
   incentivize employee parking at Ann Ashley to help free up spaces adjacent to the market for shoppers.
   Parking Demand RFQ: The DDA received 1 full and 1 partial response to the RFQ. Staff will follow up
   with Nelson Nygaard and request a proposal. DDA staff will also contact consultants on the prospect
   list to find out why they elected not to submit a bid.
   Downtown Street Design Manual- The project is complete.

2. New Business- none

3. Parking
   Parking Report- Committee members said that they like the new monthly parking report as a way to
   share information about the parking system. Questions were asked and answered. Committee was
   asked to provide feedback on what additional content they might like to see in the report.

4. Construction
   4th & William- Demolition work is ongoing. Steel erection will begin in June. Steel for the new stair
   tower will be complete by Art Fair. Work at the site will stop during the week of the Art Fair.
   Ann Ashley Bike House- Work is progressing well. Steel will be installed in early June and work on the
   bike house is scheduled be done by the end of June.
   Tree Installation & Sidewalk Repairs- Tree planting work is wrapping up this week. A total of 114 have
   been planted. DDA sidewalk work will begin in July with a focus on repairs to brick work.
   TIF Construction- Committee reviewed a TIF Project Scenario. Staff will work to create a two or three
   schedule scenarios to share at the next committee meeting.

5. Transportation
   Mr. Orr provided updates on WATS, Arbor Bike and AAATA. Ms. Shore reported that this year’s
   Commuter Challenge has been very successful, with lots of new participants.
6. Next Meeting June 24 at 11:00 am

7. Public Comment
   Ed Vielmetti thanked the committee for sharing the meeting agenda ahead of time. He said the parking report was helpful. He suggested that public comment be offered at the beginning of the meeting as well as at the end.

The meeting adjourned at 1:08 pm.
Susan Pollay, Executive Director
1. **Parking Operations**

**Special Events In May**
- UM Graduation May 1 and May 2
- Goddess 5K May 10
- MSAA Ladies Night May 15
- Live on Washington May 30
- Dexter AA Run & Taste of Ann Arbor May 31

**Meter Bag Fee Waivers in May**
- Taste of Ann Arbor May 31 $120
- Dexter Ann Arbor Run May 31 Approx. $1000

**Personnel Changes**
Art Low has left Ann Arbor to seek other opportunities. Brian Kern, Republic Parking’s Regional Manager is working with a potential candidate to fill this position as Ann Arbor General Manager. Meanwhile, day-to-day parking operations are continuing to be run smoothly under the direction of Republic’s senior Ann Arbor managers, as well as with regular oversight by Brian Kern.

**Condominium Associations**
The Tally Hall (Liberty Square) Condominium Association met recently. The City and McKinley are the two members of the Association, but the DDA is a key participant because it manages the parking structure on behalf of the City. The common areas affecting both owners includes the stairwells, elevators, lobbies, external walls, and more. A budget for the next fiscal year (July 1, 2015 – June 30, 2016) was approved. Major work being planned will include a repair of the deteriorating stairwells. Another major issue will include an effort to combat graffiti on the building.

**Cell Towers**
Metro PCS decommissioned its cell tower site at the Forest parking deck. This will reduce the amount of electricity usage, and the DDA will no longer receive a $240/month utility reimbursement.

**Loading Zones**
The DDA is responsible for management of the loading zones within the DDA Parking District (the City takes responsibility for enforcement). About three years ago, staff at the DDA, Republic Parking, and City began a project together to change the signage at approximately 90 loading zone locations. The project encompassed making changes to 1) remove the signage for the City’s color-coordinated loading zone permits (the program was never implemented), 2) create greater consistency in messaging, and 3) make it possible for taxi cabs to some of these loading zones after 6pm for staging to pick up customers.

The project has been delayed a couple times, primarily due to the time needed to get this unusually large number of signs reviewed and approved by the City. The City Signs and Signals Department has bid the work, but the project is on hold again while the City reviews the text on the signs to ensure that these after-hours taxi staging loading zone locations are not utilized by Uber and Lyft.
2. Parking System Maintenance

Landscaping
Republic Parking planted flowers in planters at all locations. Republic’s landscape subcontractor also installed mulch in the parking lots.

Spring wash downs
Spring wash downs at all parking structures began in April and are anticipated to be complete by the end of June. Republic Parking reports that they are currently two days ahead of schedule. As in the past, neighbors are notified in advance because work is conducted at night using power washers.

After power washing is complete, Republic personnel will then touchup or repaint directional arrows as needed. Window washing is also planned after the wash downs. Currently Republic Parking is working in the Maynard, Library Lane and Liberty Square structures.

Summer parking structure repairs and maintenance
Summer parking structure repair & maintenance work will begin on July 1st. RAM is the low bidder and Carl Walker Inc. engineers are overseeing this work. Work will be done in the Forest, Ann/Ashley, Fourth/Washington and Maynard decks. The main focus of this work will be sealants and deck coatings, along with a new directional signage package for Ann & Ashley. As in the past, DDA staff will work with RPS to minimize the impact to parkers and to communicate with parkers and neighbors.

3. Parking Equipment

New equipment
New equipment was installed at 4th & Washington to facilitate the testing of pre-paid debit cards. The contractor has addressed some minor operational glitches, but overall, it appears that the system is working. We will allow this pilot project to continue for a few months to determine if there are any major issues before we offer this payment option to the public.

Elevators
There were 10 elevator service calls during the last month. They were distributed as follows:

- Fourth and William: 2 Alley Elevator Calls, 2 William Street Calls
- Maynard: 4 Main Elevator Calls
- Ann & Ashley: 2 North Elevator Calls

4. Construction

Bike House
The bike house is under construction at the Ann & Ashley parking deck. There has been no impact to parking operations from this work.

Fourth & William Stair/Elevator Improvement Project
Phase I continues with demolition work at the stair tower. The William Street vehicle entrance will reopen to patrons by May 22nd. The pedestrian walkway through the garage to the alley and Palio (Main/William) parking lot is open and in use. Republic Parking is working closely with Spence Brothers to minimize negative impacts to patrons from traffic backups in the drive lanes or delays while exiting.
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RESOLUTION TO MODIFY ANN ARBOR DDA FOIA POLICIES

Whereas, The State of Michigan has put forward new Freedom of Information Act (FOIA) requirements for public agencies effective July 1, 2015 which necessitates that the DDA modify its FOIA policies;

Whereas, Upon consultation with the DDA Attorney, the DDA Executive Committee developed a set of new FOIA procedures and guidelines, which it recommends for approval by the DDA and are attached to this resolution;

RESOLVED, The DDA approves its revised FOIA policies and guidelines effective July 1, 2015.

RES FOIA Policies 060315.doc
June 3, 2015
FREEDOM OF INFORMATION ACT PROCEDURES & GUIDELINES

Introduction

The DDA’s 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.

The DDA acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The DDA 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 DDA will protect the public’s interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The DDA’s policy is to disclose public records consistent with and in compliance with State law.

Section 1: General Policies

The DDA, acting pursuant to MCL 15.236 designates its Executive Director as the FOIA Coordinator. He or she is authorized to designate other DDA staff to act on his or her behalf to accept and process written requests for the DDA’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 DDA 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 work with DDA Information Technology staff to develop administrative rules for handling spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall review DDA spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with DDA Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect DDA systems from computer attacks which may be imbedded in an electronic FOIA request.

The DDA 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 DDA 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 DDA 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 DDA must do so in writing. The request must sufficiently describe a public record so as to enable DDA personnel to identify and find the requested public record.

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 the DDA 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 DDA 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 DDA 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 DDA’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 DDA 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 DDA 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 DDA 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 DDA’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 DDA’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 DDA, the cost of processing a FOIA request is expected to exceed $50, or if the requester has not fully paid for a previously granted request, the DDA will require a good-faith deposit before processing the request. In making the request for a good-faith deposit the FOIA Coordinator shall provide the requester with a detailed itemization of the allowable costs estimated to be incurred by the DDA to process the request and also provide a best efforts estimate of a time frame it will take the DDA to provide the records to the requester. The best efforts estimate shall be nonbinding on the DDA, but will be made in good faith and will strive to be reasonably accurate.

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 DDA; 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 DDA Board, which is the head of the agency, or seek judicial review in the Washtenaw County Circuit Court; and
- An explanation of the right to receive attorneys’ fees, costs, and disbursements as well as 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 DDA 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 DDA records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal DDA 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 DDA, 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 DDA 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 DDA's possession;
- the public records were made available to the individual, subject to payment, within the time frame estimated by the DDA 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 DDA; 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 DDA;
- the DDA 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 DDA.

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 DDA because of the nature of the request in the particular instance, and the DDA specifically identifies the nature of the unreasonably high costs.

The following factors shall be used to determine an unreasonably high cost to the DDA:
• The particular request incurs costs greater than incurred from the typical or usual request received by the DDA. 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.
• The available staffing to respond to the request.
• Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The DDA 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 or 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. The cost of labor directly associated with duplication, publication or transferring records to non-paper physical media can be charged in time increments of the public body’s choosing with all partial increments rounded down.
• Labor costs will be charged at the hourly wage of the lowest-paid DDA employee capable of doing the work in the specific fee category, regardless of who actually performs work. If using contract or outside labor to separate and delete exempt material from non-exempt material, the public body must clearly note the name of person or firm who does the work and the total labor cost may not exceed an amount 6 times the state minimum hourly wage, which is currently $8.15.
• Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The DDA 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, if any, 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 DDA 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 DDA’s technological infrastructure, the DDA will procure any requested non-paper media and will not accept non-paper media from the requestor.

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 (8 ½ x 14) sized paper will not exceed $.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
• The DDA 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 DDA may charge for the least expensive form of postal delivery confirmation.
• No cost 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 DDA 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.

An individual is not eligible to receive the waiver if:

• the requester has previously received discounted copies of public records from the DDA twice during the calendar year; or
• the requester 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.

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 2000 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.

Section 7: Appeal of a Denial of a Public Record

When a requester 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 DDA Board, which is the head of the agency. If the head of the public body is a board or commission, it is not considered to have received a written appeal of either a denial or a fee amount until its first regularly scheduled meeting following the submission of the appeal. It then has 10 business days to respond to the appeal. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requester is seeking a reversal of the denial.

Within 10 business days of receiving the appeal the DDA Board 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 DDA Board 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 DDA Board, he or she may file a civil action in Washtenaw County Circuit Court within 180 days after the DDA’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 DDA 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 $1,000 and 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 DDA 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 DDA Board. 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 DDA Board will respond in writing by:

- waive the fee;
- reduce the fee and issue a written determination indicating the specific basis that supports the remaining fee, accompanied by a certification by the DDA Board 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;
- uphold the fee and issue a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee, accompanied by a certification by the DDA Board 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
- issue a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the DDA Board will respond to the written appeal.

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

If the court determines that the DDA 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 DDA 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: 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 additional 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 10: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by DDA these Procedures and Guidelines are controlling.

To the extent that any provision of these Procedures and Guidelines pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control.

The DDA may amend this policy as necessary.

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

Section 11: Appendix of DDA Forms

- FOIA Request Form and Waiver of Fee Form
- Detailed Itemization of Fees Form
- Affidavit of Indigency
# Freedom of Information Act Request Detailed Cost Itemization

Date: __________  Date Request Received: __________

The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the DDA’s FOIA Policies and Guidelines.

## 1. Labor Cost for Copying / Duplication

This is the cost of labor directly associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.

This shall not be more than the hourly wage of the DDA’s lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15-minute time increments; all partial time increments will be rounded down. If the number of minutes is less than one increment, there is no charge.

**Hourly Wage with Fringe Benefit Cost: $_____**  **Charge per increment: $_____**

To figure the number of increments, take the number of minutes & divide by 15-minute increments, and round down.

Enter below:

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<thead>
<tr>
<th>Number of increments</th>
<th>1. Labor Cost</th>
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<td>x _______ =</td>
<td>$________</td>
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## 2. Labor Cost to Locate:

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. **This fee is being charged because failure to do so will result in unreasonably high costs to the DDA that are excessive and beyond the normal or usual amount for those services compared to the DDA’s usual FOIA requests, because of the nature of the request in this particular instance, specifically:**

________________________________________________________________________________________

________________________________________________________________________________________

The DDA will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15-minute time increments; all partial time increments will be rounded down. If the number of minutes is less than 15, there is no charge.

**Hourly Wage with Fringe Benefit Cost: $_____**  **Charge per increment: $_____**

To figure the number of increments, take the number of minutes & divide by 15-minute increments, and round down.

Enter below:

<table>
<thead>
<tr>
<th>Number of increments</th>
<th>2. Labor Cost</th>
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<tbody>
<tr>
<td>x _______ =</td>
<td>$________</td>
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</tbody>
</table>
### 3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

The DDA 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.

This fee is being charged because failure to do so will result in unreasonably high costs to the DDA that are excessive and beyond the normal or usual amount for those services compared to the DDA’s usual FOIA requests, because of the nature of the request in this particular instance, specifically:

_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________

This is the cost of labor of a DDA employee, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the DDA’s lowest-paid employee capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15-minute time increments; all partial time increments will be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage with Fringe Benefit Cost $_________  Charge per increment: $_________

To figure the number of increments, take the number of minutes & divide by 15-minute increments, and round down. Enter below:

Number of increments x _________ = 3a. Labor Cost $_________

### 3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):

The DDA 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.

This fee is being charged because failure to do so will result in unreasonably high costs to the DDA that are excessive and beyond the normal or usual amount for those services compared to the DDA’s usual FOIA requests, because of the nature of the request in this particular instance, specifically:

_______________________________________________________________________________
_______________________________________________________________________________
_______________________________________________________________________________

As this DDA does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a contractor (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of $8.15.

Name of contracted person or firm: _______________________________________________

These costs will be estimated and charged in 15-minute time increments all partial time increments will be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Cost Charged: $_________ Charge per increment: $_________

To figure the number of increments, take the number of minutes & divide by 15-minute increments, and round down. Enter below:

Number of increments x _________ = 3b. Labor Cost $_________
4. Copying / Duplication Cost:

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

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- **Letter** (8 ½ x 11-inch, single and double-sided): __ cents per sheet
- **Legal** (8 ½ x 14-inch, single and double-sided): __ cents per sheet

If the nature of the duplication necessitates publication by an outside company, the cost to be charged will be the actual costs as incurred by the DDA.

- Other duplication charges_____________________

Actual and most reasonably economical cost of non-paper physical digital media:

- **Circle applicable:** Thumb Drive / Other Digital Medium  Cost per Item: __________

5. Mailing Cost:

The DDA will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The DDA may charge for the least expensive form of postal delivery confirmation.
- The DDA cannot charge more for expedited shipping or insurance unless specifically requested by the requestor.*

Actual Cost of Envelope or Packaging: $________

Actual Cost of Postage: $________ per stamp
$________ per pound
$________ per package

Actual Cost (least expensive) Postal Delivery Confirmation: $________

*Expedited Shipping or Insurance as Requested: $________

☐ * Requestor has requested expedited shipping or insurance
### 6a. Copying/Duplicating Cost for Records Already on DDA’s Website:

If the DDA has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the DDA will provide the public records in the specified format and may charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- **Letter** (8 ½ x 11-inch, single and double-sided): __ cents per sheet
- **Legal** (8 ½ x 14-inch, single and double-sided): __ cents per sheet

If the nature of the duplication necessitates publication by an outside company, the cost to be charged will be the actual costs as incurred by the DDA.

- Other duplication charges

**Actual and most reasonably economical cost of non-paper physical digital media:**

- **Circle applicable:** Thumb Drive / Other Digital Medium  Cost per Item: __________

☐ Requestor has stipulated that some / all of the requested records that are already available on the DDA’s website be provided in a paper or non-paper physical digital medium.

### 6b. Labor Cost for Copying/Duplicating Records Already on DDA’s Website:

This shall not be more than the hourly wage of the DDA’s lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in 15-minute time increments; all partial time increments will be rounded down. If the number of minutes is less than 15, there is no charge.

- **Hourly Wage with Fringe Benefit Cost:** $_________  Charge per increment: $_________

To figure the number of increments, take the number of minutes & divide by 15-minute increments, and round down. Enter below:

- **Number of increments**

- **6b. Web Labor Cost**

### 6c. Mailing Cost for Records Already on DDA’s Website:

- **Actual Cost of Envelope or Packaging:** $_________

- **Actual Cost of Postage:** $_________ per stamp / per pound / per package

- **Actual Cost (least expensive) Postal Delivery Confirmation:** $_________

  *Expedited Shipping or Insurance as Requested: $_________

☐ * Requestor has requested expedited shipping or insurance
### Detailed Cost Itemization Form

**Subtotal Fees Before Waivers, Discounts or Deposits:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Labor Cost for Copying:</td>
<td>$________</td>
</tr>
<tr>
<td>2. Labor Cost to Locate:</td>
<td>$________</td>
</tr>
<tr>
<td>3a. Labor Cost to Redact:</td>
<td>$________</td>
</tr>
<tr>
<td>3b. Contract Labor Cost to Redact:</td>
<td>$________</td>
</tr>
<tr>
<td>4. Copying/Duplication Cost:</td>
<td>$________</td>
</tr>
<tr>
<td>5. Mailing Cost:</td>
<td>$________</td>
</tr>
<tr>
<td>6a. Copying/Duplication of Records on Website:</td>
<td>$________</td>
</tr>
<tr>
<td>6b. Labor Cost for Copying Records on Website:</td>
<td>$________</td>
</tr>
<tr>
<td>6c. Mailing Costs for Records on Website:</td>
<td>$________</td>
</tr>
</tbody>
</table>

**Subtotal Fees:** $________

---

**Estimated Time Frame to Provide Records:**

_________________________ (days or date)

The time frame estimate is nonbinding upon the DDA, but the DDA is providing the estimate in good faith. Providing an estimated time frame does not relieve the DDA from any of the other requirements of this act.

---

**Waiver: Public Interest**

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the DDA determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

- **All fees are waived**
- **All fees are reduced by:** ________%

**Subtotal Fees After Waiver:** $________

---

**Discount: Indigence**

A public record search must be made and a copy of a public record must be furnished without charge for the first $20.00 of the fee for each request by an individual who is entitled to information under this act and who:

1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR

2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if ANY of the following apply:

(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, OR

(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

- **Eligible for Indigence Discount**

**Subtotal Fees After Discount (subtract $20):** $________

---

**Discount: Nonprofit Organization**

A public record search must be made and a copy of a public record must be furnished without charge for the first $20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:

(i) Is made directly on behalf of the organization or its clients.


(iii) Is accompanied by documentation of its designation by the state, if requested by the DDA.

- **Eligible for Nonprofit Discount**

**Subtotal Fees After Discount (subtract $20):** $________
### Deposit: Good Faith

The DDA may require a good-faith deposit before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds $50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. **Percent of Deposit:** _________

<table>
<thead>
<tr>
<th>Date Paid:</th>
<th>Deposit Amount Required:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

### Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full

After a DDA has granted and fulfilled a written request from an individual under this act, if the DDA has not been paid in full the total amount of fees for the copies of public records that the DDA made available to the individual as a result of that written request, the DDA may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:

- (a) The final fee for the prior written request was not more than 105% of the estimated fee.
- (b) The public records made available contained the information being sought in the prior written request and are still in the DDA’s possession.
- (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request.
- (d) Ninety (90) days have passed since the DDA notified the individual in writing that the public records were available for pickup or mailing.
- (e) The individual is unable to show proof of prior payment to the DDA.
- (f) The DDA calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.

A DDA can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:

- (a) The individual is able to show proof of prior payment in full to the DDA, OR
- (b) The DDA is subsequently paid in full for the applicable prior written request, OR
- (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the DDA.

### Late Response Labor Costs Reduction

If the DDA does not respond to a written request in a timely manner as required under MCL 15.235(2), the DDA must do the following:

- (a) **Reduce the charges for labor costs** otherwise permitted by 5% for each day the DDA exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:
  - (i) The late response was willful and intentional, OR
  - (ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for “freedom of information,” “information,” “FOIA,” “copy,” or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.

<table>
<thead>
<tr>
<th>Number of Days Over Required Response Time:</th>
<th>Total Labor Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Multiply by 5% = Total Percent Reduction:</th>
<th>Reduced Total Labor Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

The Public Summary of the DDA FOIA Procedures and Guidelines is available free of charge from:

- Website: a2dda.org
- Email: dda@a2dda.org
- Phone: 734-994-6997
- Address: 150 S Fifth Ave Suite 301 Ann Arbor MI 48104

Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed

<table>
<thead>
<tr>
<th>Date Paid:</th>
<th>Total Balance Due:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>
# FOIA Request for Public Records


<table>
<thead>
<tr>
<th>Request No.:</th>
<th>Date Received:</th>
<th>Check if received via:</th>
<th>Email</th>
<th>Fax</th>
<th>Other Electronic Method</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm/Organization</td>
<td>Fax</td>
</tr>
<tr>
<td>Street</td>
<td>Email</td>
</tr>
<tr>
<td>City</td>
<td>State</td>
</tr>
</tbody>
</table>

(Please Print or Type)

Date delivered to junk/spam folder: __________________

Date discovered in junk/spam folder: __________________

**Request for:**

- [ ] Copy
- [ ] Certified copy
- [ ] Record inspection
- [ ] Subscription to record issued on regular basis

**Delivery Method:**

- [ ] Will pick up
- [ ] Will make own copies onsite
- [ ] Mail to address above
- [ ] Email to address above
- [ ] Deliver on digital media provided by the DDA: __________________________________________________________

**Note:** The DDA is not required to provide records in a digital format or on digital media if the DDA does not already have the technological capability to do so.

**Describe the public record(s) as specifically as possible.** You may use this form or attach additional sheets:

<table>
<thead>
<tr>
<th>Request Form</th>
</tr>
</thead>
</table>

**Consent to Non-Statutory Extension of DDA’s Response Time**

I have requested a copy of records or a subscription to records or the opportunity to inspect records, pursuant to the Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq. I understand that the DDA must respond to this request within five (5) business days after receiving it, and that response may include taking a 10-business day extension. However, I hereby agree and stipulate to extend the DDA’s response time for this request until: ________________ (month, day, year).

**Requestor's Signature**

<table>
<thead>
<tr>
<th>Date</th>
</tr>
</thead>
</table>

*Note: Requestors are not required to use this form. The DDA may complete one for recordkeeping if not used.*
**Records Located on Website**

If the DDA directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (separate exempt information from non-exempt information).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the DDA must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the DDA must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the DDA has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the DDA must provide the public records in the specified format (if the DDA has the technological capability), fees not to exceed the actual costs of providing the information in the specified format.

### Request for Copies/Duplication of Records on DDA Website

I hereby stipulate that, even if some or all of the records are located on a DDA website, I am requesting that the DDA make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

<table>
<thead>
<tr>
<th>Requestor's Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

### Request for Discount: Indigence

A public record search must be made and a copy of a public record must be furnished without charge for the first $20.00 of the fee for each request by an individual who is entitled to information under this act and who:

1. Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR
2. If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body’s written response. An individual is ineligible for this fee reduction if ANY of the following apply:

(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,
(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Office Use: ☐ Affidavit Received ☐ Eligible for Discount ☐ Ineligible for Discount

<table>
<thead>
<tr>
<th>Requestor's Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

### Request for Discount: Nonprofit Organization

A public record search must be made and a copy of a public record must be furnished without charge for the first $20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:

(i) Is made directly on behalf of the organization or its clients.
(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
(iii) Is accompanied by documentation of its designation by the state, if requested by the DDA.

Office Use: ☐ Documentation of State Designation Received ☐ Eligible for Discount ☐ Ineligible for Discount

<table>
<thead>
<tr>
<th>Requestor's Signature</th>
<th>Date</th>
</tr>
</thead>
</table>
Affidavit of Indigency

Submit this affidavit if you are seeking a waiver of costs due to indigency.

Under the Michigan FOIA, a public record search will be made and copy of a public record furnished without charge for the first $20.00 of the fee for each request made by an individual who is entitled to information and who submits an affidavit stating that the individual is receiving public assistance or stating facts showing inability to pay due to indigency.

AFFIDAVIT

Date of Request__________________ Name________________________________________

Address

Telephone __________________________ Email ________________________________

I am entitled to request waiver of the first $20.00 of fees under the Michigan FOIA for the following reason(s):

☐ I am currently receiving public assistance in the amount of $ ________ per ________ week/month/year

Case No. ______________ Type of Assistance ____________________________

☐ I am unable to pay the fee because of indigency, based on the following facts:

Income:

Employer name and address _____________________________________________

Length of present employment Average annual gross pay Average net pay week/month

Assets: State the value of all real property, vehicles, bank deposits, bonds, stocks, or other assets owned by you; use the back of this form, if necessary.

Other Facts: State any other facts showing indigency; use the back of this form, if necessary.

____________________________________________________________

Signature

Sworn or affirmed before me on__________________________,

______________________________________________, Notary Public Commission Expires:____________________

__________________________________________County, State of Michigan Acting in the County of ____________________
Affidavit of Indigency
Designated Requester Form

Complete this form only if you are preparing an Affidavit of Indigency for someone other than yourself.

1. I have personal knowledge of the facts appearing in this affidavit.

2. The person on whose behalf this affidavit is filed is unable to sign it because he/she is:

   □ Under 18
   (Please provide the person’s date of birth.)

   □ Other
   (Please describe.)

Please describe your relationship to person on whose behalf the affidavit is filed:

__________________________________________________________________________

__________________________________________________________________________

Your name (type or print)__________________________________________________________________________

Address__________________________________________________________________________

Street\tCity\tState\tZip

Phone________________________ Email________________________

__________________________________________________________________________

Signature

Date________

Sworn or affirmed before me on________________________,

__________________________________________, Notary Public

Commission Expires:________________________

________________________ County, State of Michigan

Acting in the County of________________________
FREEDOM OF INFORMATION ACT SUMMARY OF PROCEDURES & GUIDELINES

Consistent with Public Act 563 of 2014 amending the Michigan Freedom of Information Act (FOIA), the following is the Written Public Summary of the DDA’s FOIA Procedures and Guidelines.

1. How do I submit a FOIA request to the DDA?

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the DDA must be submitted in writing.
- A request must sufficiently describe a public record so as to enable the DDA to find it.
- No specific form to submit a written request is required. However, a FOIA Request form for your use and convenience is available on the DDA’s website at www.a2dda.org.
- Written requests can be made in person by delivery to the DDA office in person or by mail.
- 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 www.a2dda.org.

   Note: If you are serving a sentence or 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 responses can I expect to my request?

- Within 5 business days of receipt of a FOIA request, the DDA 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 DDA 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 DDA 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 DDA’s website.

• If the request is granted, or granted in part, the DDA 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 DDA will require a deposit before processing the request.

3. What are the DDA’s fee deposit requirements?

• If the DDA has made a good faith calculation that the total fee for processing the request exceeds $50.00, the DDA will require that you provide a deposit in the amount of 50% of the total estimated fee. When the DDA requests the deposit it will provide you a non-binding best effort estimate of how long it will take to process the request following receipt by the DDA of your deposit.

• If the DDA receives a request from a person who has not paid the DDA for copies of public records made in fulfillment of a previously granted written request, the DDA 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 DDA’s possession;
  • the public records were made available to the individual, subject to payment, within the time frame estimated by the DDA to provide the records;
  • 90 days have passed since the DDA 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 DDA; and
  • the DDA has calculated an estimated detailed itemization that is the basis for the current written request’s increased fee deposit.

• The DDA 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 DDA;
  • the DDA 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 DDA.

4. How does the DDA 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 DDA because of the nature of the request in the particular instance, and the DDA specifically identifies the nature of the unreasonably high costs.

• The Michigan FOIA statute permits the DDA to assess and collect a fee for six designated processing components. The DDA 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 on non-paper physical media.
  • The cost of duplication or publication, not including labor, of paper copies of public records.
  • Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
  • 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 DDA employee capable of doing the work in the specific fee category, regardless of who actually performs work.
  • 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 DDA 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 of paper will reflect the actual cost of reproduction.
  • The DDA 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 DDA 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 DDA may waive or reduce the fee associated with a request when DDA determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.

• The DDA 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.

• You are not eligible to receive the $20.00 waiver if you:
  • have previously received discounted copies of public records from the DDA 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 a sworn statement. For your convenience, the DDA has provided an Affidavit of Indigency form for the waiver of FOIA fees on its website.

• The DDA will waive the fee for 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.

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 DDA Board. 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 DDA Board 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 DDA Board, you may file a civil action in Washtenaw County Circuit Court within 180 days after the DDA’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 DDA 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 DDA 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 DDA Board. The appeal must be in writing, specifically state the word “appeal” and identify how the requested fee exceeds the amount permitted.

  Within 10 business days after receiving the appeal, the DDA Board 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 DDA Board will respond to the written appeal.

Within 45 days after receiving notice of the DDA Board’s determination of the processing fee appeal, you may commence a civil action in Washtenaw 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 reasonably attorneys’ fees, costs and disbursements. If the court determines that the DDA acted arbitrarily and capriciously by charging an excessive fee, the 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 DDA’s FOIA Procedures and Guidelines. For more details and information, copies of the DDA’s FOIA Procedures and Guidelines are available at no charge at the DDA office and on the DDA’s website, [www.a2dda.org](http://www.a2dda.org).