1. Roll Call
   Bob Guenzel, Tyler Kinley, Marie Klopf, Howard Lazarus, Jessica A. S. Letaw, Joan Lowenstein, Molly McFarland, Darren McKinnon, John Mouat, Rishi Narayan, Keith Orr, Phil Weiss

2. Approval of the Board Meeting Agenda

3. Audience Participation (4 people maximum, 4 minutes each)
   1.
   2.
   3.
   4.

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

5. DDA Members Communications

6. Executive Director Communications

7. Approval of Minutes: June meeting minutes

8. Subcommittee Reports
   A. Capital Improvements Committee – J. Mouat
      · Resolution to Modify the Project Budget for the First & Ashley Street Project
      · Resolution To Approve First & Ashley Street Design
      · Resolution To Pilot Vault Program FY20
      · 5th & Detroit, Huron, William, 4th Avenue Canopy – project updates
      · Next meeting: Wednesday, July 17 at 11 am

   B. Operations Committee –K. Orr & P. Weiss
      · Ann Ashley Expansion Project - Office Build Out
      · Upcoming Equipment Purchase
      · Parking and Transportation Report-June
      · Maynard office, mobility/parking communications – project updates
      · Next Committee meeting: Wednesday, July 31 at 11am
C. Finance Committee – B. Guenzel
   - Resolution to Adopt a Revised DDA Credit Card Policy
   - Next Committee meeting: Thursday, August 1 at 1:00 pm

D. Partnerships/Economic Development Committee – J. Lowenstein & J. A. S. Letaw
   - Partner Updates
   - Next Committee meeting: Wednesday, August 14 at 9:00 am (DDA only)

E. Executive Committee – M. Klopf
   - Resolution Regarding DDA Executive Director Annual Evaluation and Recommended Compensation Change
   - Resolution to Modify DDA FOIA Policies/Procedures
   - Next Committee meeting: Wednesday, September 4 at 11 am

9. New Business

10. Other Audience Participation (4 minutes each)

11. Adjournment
Ms. Pollay said that DDAs must now hold at least two informational meetings per year. Ms. Pollay gave a presentation on DDA projects and impacts.

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**Ann Arbor Downtown Development Authority Meeting Minutes**  
**Wednesday, June 12, 2019**

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

### 1. ROLL CALL

**Present:** Bob Guenzel, Howard Lazarus, Tyler Kinley, Marie Klopf, Jessica A. S. Letaw, Molly McFarland, Darren McKinnon, John Mouat, Rishi Narayan, Keith Orr, Phil Weiss  
**Absent:** Joan Lowenstein  
**Staff:** Susan Pollay, Executive Director  
Sara McCallum, Deputy Director  
Maura Thomson, Communications Manager  
Amber Miller, Capital & Private Projects Manager  
Jada Hahlbrock, Manager of Parking Services  
Kelley Graves, Management Assistant  
**Audience:** Matt Carpenter, AAATA  
Ray Detter, Downtown Area Citizens Advisory Council  
David Diephuis  
Josie Parker, Ann Arbor District Library  
Michael Quintos  
Chris Simmons, get!Downtown  
Chris Taylor, Republic Parking System

### 2. APPROVAL OF THE BOARD MEETING AGENDA

Mr. Orr moved and Mr. Lazarus seconded the motion to approve the agenda. Prior to the vote, Ms. Letaw moved and Mr. McKinnon seconded a motion to amend the agenda to add a resolution from the Partnerships Committee.

A vote on the motion to amend the agenda showed:

**Ayes:** Guenzel, Lazarus, Kinley, Klopf, Letaw, McFarland, McKinnon, Mouat, Narayan, Orr, Weiss  
**Nays:** None  
**Absent:** Lowenstein  

The motion was approved.
A vote on the motion to approve the amended agenda showed:
Ayes: Guenzel, Lazarus, Kinley, Klopf, Letaw, McFarland, McKinnon, Mouat, Narayan, Orr, Weiss
Nays: None
Absent: Lowenstein
The motion was approved.

3. AUDIENCE PARTICIPATION
Ms. Parker stated her appreciation of the DDA’s continued support of the Ann Arbor District Library. She spoke of the DDA’s support for a ramp outside the Library’s front door a few years ago, and that the DDA designed Library Lane as a safe passenger drop off/pick up location for Library patrons. She said that an ongoing collaborative relationship between the AADL and the DDA continues; noting that the Library will be moving its book drop away from William Street given the DDA’s new two-way protected bikeway project on William.

4. REPORTS FROM CITY BOARDS AND COMMISSIONS
Downtown Area Citizens Advisory Council: Mr. Detter reported there was general support to demolish the 415 W. Washington building with hopes that affordable housing might be considered for this location. There was discussion about a proposed development at S. Main/Scio Church even though it is outside downtown. There was consensus support for the proposed 19-story E. Washington development, and a hope that this and future projects could be designed so resident can rely on transit. Mr. Detter said that the CAC urged him to accept an invitation from Library Lane Civic Commons representatives to provide feedback.

5. DDA MEMBER COMMUNICATIONS
Ms. Letaw said that she will hold another downtown “Walk and Talk” on June 8th with a particular focus on the DDA’s William Street project, and her next “Downtown Hall” to answer questions about the DDA will be held tonight at 7pm at the Ann Arbor Downtown Library. All are welcome.

6. EXECUTIVE DIRECTOR COMMUNICATIONS
Ms. Pollay reminded the Board that the July Board meeting will be held one week later than usual, on July 10th. This will be immediately followed by the DDA’s Annual Meeting at which time the DDA will vote to approve its committees and officers for the following year.

7. APPROVAL OF MINUTES
Ms. Letaw moved and Mr. Guenzel seconded the motion to approve the May minutes.

A vote on the motion to approve the agenda showed:
Ayes: Guenzel, Lazarus, Kinley, Klopf, Letaw, McFarland, McKinnon, Mouat, Narayan, Orr, Weiss
Nays: None
Absent: Lowenstein
The motion was approved.

8A. SUBCOMMITTEE REPORTS - OPERATIONS COMMITTEE

Mr. Weiss moved and Mr. Mouat seconded the following resolution:

RESOLUTION TO ACCEPT A PROPOSAL FOR THE REPAIR AND PAVING OF THE SOUTH ASHLEY PARKING LOT

Whereas, The DDA has managed the public parking system since 1992 in support of its mission;

Whereas, The DDA strives to keep the parking system in excellent repair;

Whereas, The DDA’s parking operator and DDA staff recommend making repairs to the South Ashley parking lot that will include removal of deteriorated asphalt, repaving and restriping;

Whereas, Bids were received from 3 paving contractors;

Whereas, Asphalt Solutions provided the lowest responsible bid in the amount of $149,635.00;

Whereas, Asphalt Solutions is registered with the City of Ann Arbor as an approved applicator of pavement sealant;

RESOLVED, The DDA authorizes the DDA Board Chair and Executive Director to sign a proposal with Asphalt Solutions for $149,635.00 for the repair, paving, and other related work at the South Ashley Lot.

A vote on the motion to approve the resolution showed:
Ayes: Guenzel, Lazarus, Kinley, Klopf, Letaw, McFarland, McKinnon, Mouat, Narayan, Orr, Weiss
Nays: None
Absent: Lowenstein
The resolution was approved.

Mr. Weiss moved and Mr. Mouat seconded the following resolution:

RESOLUTION TO APPROVE A CONTRACT FOR 2019 PARKING SYSTEM REPAIRS WITH PULLMAN SST, INC. AND ESTABLISH A PROJECT BUDGET

Whereas, The DDA has managed the public parking system since 1992 in support of its mission;

Whereas, Annually the DDA undertakes necessary repairs to keep the facilities in good condition;
Whereas, The DDA’s engineer, Restore Consulting LLC, has provided the DDA with a list of recommended parking structure repairs for the 2019 construction season;

Whereas, The work was solicited and seven companies expressed interest and three companies submitted a bid;

Whereas, Pullman SST, Inc. submitted the lowest responsible bid in the amount of $623,885.00;

Whereas, a contingency equal to 20% of the estimated work will be set aside, thus creating a project budget of $748,662.00;

RESOLVED, The DDA selects Pullman SST, Inc. for its 2019 repairs and authorizes the Board Chair and the Executive Director to sign a contract with Pullman SST Inc. in the amount of $623,885.00;

RESOLVED, The DDA establishes a project budget for calendar year 2019 repairs of $748,662.00;

A vote on the motion to approve the resolution showed:
Ayes: Guenzel, Lazarus, Kinley, Klopf, Letaw, McFarland, McKinnon, Mouat, Narayan, Orr, Weiss
Nays: None
Absent: Lowenstein
The resolution was approved.

Mr. Orr moved and Ms. Letaw seconded the following resolution:

RESOLUTION TO APPROVE THE ANNUAL PERFORMANCE-BASED INCENTIVE FEE FOR REPUBLIC PARKING - CONTRACT YEAR 2018/2019

Whereas, The DDA entered into a contract with Republic Parking System (RPS) beginning July 1, 2017 for management of the DDA’s parking system;

Whereas, According to this contract the fee paid to RPS is paid in two parts: The first part, $125,000 is paid on a monthly basis. The second part, up to $50,000, is paid on the anniversary date of the contract based upon a DDA review of RPS’s performance;

Whereas, After reviewing RPS’s performance, and in acknowledgement of their efforts this year, the Operations Committee recommends that the DDA provide RPS with the full $50,000 year-end management incentive;

RESOLVED, The DDA authorizes a 2018/19 year-end management incentive of $50,000 for Republic Parking System.

A vote on the motion to approve the resolution showed:
Ayes: Guenzel, Lazarus, Kinley, Klopf, Letaw, McFarland, McKinnon, Mouat, Narayan, Orr, Weiss
Mr. Orr moved and Mr. Weiss seconded the following resolution:

RESOLUTION TO APPROVE A PARKING CONTRACT WITH THE DEVELOPMENT AT 616 E. WASHINGTON STREET (CERCA TROVA)

Whereas, The DDA mission is to strengthen the downtown area and attract new private investments, which includes managing the public parking system to accomplish this mission;

Whereas, In 2012 City Council set forward a Contribution in Lieu Parking Policy that defines how private development projects can meet zoning requirements for parking through a long-term parking contract;

Whereas, The developers of The Cerca Trova Development (616 E. Washington) met with the Operations Committee to discuss their project, and requested 15 parking permits from the DDA parking system utilizing the Contribution in Lieu framework so their project will meet the City’s zoning requirement for parking;

Whereas, The Operations Committee discussed the request and determined that the project would provide important public benefits including 19 affordable housing units and an area for solid waste/refuse collection for this project and other nearby buildings;

Whereas, The Operations Committee recommends that the DDA provide 15 off-peak monthly parking permits and the term of the agreement for this parking be limited to the duration necessary for the project to meet current city zoning requirement, which is estimated to be 15 years;

Resolved, the DDA approves the provision of 15 off-peak monthly parking permits for the Cerca Trova project (616 E. Washington Street) as recommended by its Operations Committee to enable the project to move forward with the site plan process;

Resolved, the DDA Chair and Executive Director are authorized to work with the DDA Attorney and City to execute a parking contract consistent with the provisions of this resolution and the City Contribution in Lieu Policy.

Mr. Weiss moved and Mr. Orr seconded the following amendment to the resolution:

- Striking the word ‘zoning’ from the last sentence of the third “Whereas”
- Adding the following new Resolved clause:
  
  Resolved, DDA approval is subject to the petitioner providing the following beneficial elements as part of the project. As described in their May 22, 2019 memo:
Two refuse collection areas designed to manage the solid waste for the proposed project as well as tenants of the adjacent buildings
- Inclusion of affordable housing (19 units up to 60% & 80% AMI)
- On-site car share
- A single curb cut for the entire project

A vote on the motion to approve the amendment to the resolution showed:
Ayes: Guenzel, Lazarus, Kinley, Klopf, Letaw, McFarland, McKinnon, Mouat, Narayan, Orr, Weiss
Nays: None
Absent: Lowenstein
The motion to amend was approved.

A vote on the motion to approve the amended resolution showed:
Ayes: Guenzel, Lazarus, Kinley, Klopf, Letaw, McFarland, McKinnon, Mouat, Narayan, Orr, Weiss
Nays: None
Absent: Lowenstein
The motion was approved.

Solar Carport/EV Project: Mr. Weiss said that the Committee supports the City’s installation of a solar carport/EV station in the Main/William lot. Data, such as battery usage will be collected and shared with the DDA.

Ann Ashley Expansion: The project site plan was reviewed by the Planning Commission; this site plan will be attached to the bond issuance resolution to be presented to City Council on July 1st.

Parking & Transportation Report: There were no questions.

The next Operations Committee meeting will be Wednesday, June 26 at 11 am.

8B. SUBCOMMITTEE REPORTS – FINANCE COMMITTEE

Mr. Guenzel moved and Mr. Weiss seconded the following resolution:

RESOLUTION TO ADOPT THE DDA BUDGET FOR FISCAL YEAR 2020

Whereas, PA 57 of 2018 requires that the Director of the Authority will prepare and submit for the approval of the Board a budget for the operation of the Authority for the ensuing fiscal year; and

Whereas, The statute also requires that the budget be prepared in the manner and contain the information required of municipal departments; and
Whereas, Before the budget may be adopted by the board, the statute requires that it be approved by the governing body of the municipality; and

Whereas, At its March 6, 2019 meeting the DDA Board accepted the recommendation of its Finance Committee and put its FY 2020 budget forward to the City Council for approval; and

Whereas, The Ann Arbor City Council adopted its fiscal year 2020 budget at a regular meeting on May 20, 2019, which included the DDA fiscal year 2020 budget, as presented,

NOW THEREFORE, BE IT RESOLVED, that the Ann Arbor Downtown Development Authority hereby adopts the following revenue and expenditure appropriations as its fiscal year 2020 budget:

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Name</th>
<th>Revenue</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>DDA Housing</td>
<td>$720,880</td>
<td>$720,880</td>
</tr>
<tr>
<td>003</td>
<td>DDA</td>
<td>8,836,572</td>
<td>8,836,572</td>
</tr>
<tr>
<td>033</td>
<td>DDA Parking Maintenance</td>
<td>3,575,000</td>
<td>3,267,536</td>
</tr>
<tr>
<td>063</td>
<td>DDA Parking</td>
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<td>23,387,772</td>
</tr>
<tr>
<td></td>
<td>Total All Funds</td>
<td>$36,520,224</td>
<td>$36,212,760</td>
</tr>
</tbody>
</table>

A vote on the motion to approve the resolution showed:
Ayes: Guenzel, Lazarus, Kinley, Klopf, Letaw, McFarland, McKinnon, Mouat, Narayan, Orr, Weiss
Nays: None
Absent: Lowenstein
The resolution was approved.

Parking System Expense Reporting: Mr. Guenzel said that the Committee discussed how best to respond to the request for additional reporting on parking system expenses. After much discussion, the Committee resolved that receiving information quarterly and annually is most useful, and when possible to present information graphically. He said the Committee expressed confidence in staff’s oversight of including supervising parking system expenses.

The next Finance Committee meeting will be on Thursday, June 27 at 11 am.

8C. SUBCOMMITTEE REPORTS – CAPITAL IMPROVEMENTS
First & Ashley Street Project: Mr. Mouat said that the project budget is $8.3M and the estimated cost for all proposed elements is $11.5M, so the design team presented three design concepts so the Committee could direct the design focus. These were: prioritizing First Street, prioritizing utilities/infrastructure improvements, or an approach balancing dollars between First & Ashley Streets. The Committee consensus was to focus on improving First Street, as this would have the most transformative impact, but also to see if some amount of streetscape could be installed on the active pedestrian blocks on Ashley. He said installing lighting on
Ashley will be challenging due to the number and size of vaults; staff have been directed to speak with property owners to see if they will agree to abandon their vaults.

**Project Updates:** Remaining work on 5th & Detroit is largely brick installation on Detroit which is expected to be completed in July. Work is underway between 1st and 4th on Huron including electrical conduit, light pole foundations and sidewalks. On William Street curb work between Maynard and Thompson to accommodate the bikeway is underway; resurfacing between State & Division is scheduled to be completed by Art Fair. The 4th Avenue canopy and columns were removed and footing removal is underway.

The next Capital Improvements Committee meeting will be on Wednesday, June 19 at 1 pm.

### 8D. SUBCOMMITTEE REPORTS- PARTNERSHIPS COMMITTEE

Ms. Letaw provided highlights from the May 8th Committee meeting with DDA partners. WCC’s Brenda Prebo reported on the growing list of union training events, the 16% increase in certificates and degrees awarded by the College, and the awarding of a state grant for an advanced transportation building. Mr. Carpenter said the AAATA is celebrating its 50th anniversary and reported that there may be another try for a regional transit in SE Michigan with a potential millage in fall 2020. Ms. Gibbs-Randall reported the revised sign ordinance will be considered at next month’s City Council meeting, and the Planning Commission is working on a Night Sky lighting ordinance. City Councilmember Ramlawi restated his desire to have the DDA expediently demolish the 415 W. Washington building and replace it with an urban farm. Out of that discussion came the idea of a DDA grant to the city to hire a consultant to lead a public process to delineate future uses of the site. There appeared to be support for this concept, and discussion of this idea was to be continued at the next Partners meeting in July. However, there was a push for more urgent action, so at the Committee meeting earlier in the morning it was decided to present the following resolution. **Ms. Letaw moved and Ms. Klopf seconded the following resolution:**

**RESOLUTION TO PROVIDE A GRANT TO FUND THE CREATION OF A REUSE STRATEGY FOR THE 415 W. WASHINGTON PROPERTY**

Whereas, The Ann Arbor DDA Renewal Plan makes repeated reference to the DDA supporting projects that meet community goals;

Whereas, Over the years a variety of ideas and proposals have been put forward to reuse the City’s 415 W. Washington Street property but there has never been an agreed-upon strategy to move forward;

Whereas, The 415 W. Washington site is approximately 2 acres, and has assets including its location adjacent to Downtown, Old West Side, and YMCA and its future connection to the Treeline, as well as challenges including limitations imposed by its location within a floodway and floodplain, the need for soil remediation, and its proximity to an active railroad line;
Whereas, The Partnerships Committee recommends that the City pursue a reuse strategy for this site that begins with a community visioning process spearheaded by a professional consultant team with technical expertise in feasibility analyses and effective experience eliciting a diversity of public input;

Whereas, This would be the same approach the City is expected to follow to develop a strategy to redevelop the former Y-lot, with a consultant hired to develop a public input facilitation process which utilizes feasibility analyses;

Whereas, The strategy being implemented at the former Y-lot will be partially paid for with a grant from the DDA;

Whereas, The Partnerships Committee recommends that the DDA similarly provide a not-to-exceed $75,000 grant to the City so it can hire a consultant to oversee a comparable public facilitation and feasibility analyses process for the 415 W. Washington property;

RESOLVED, The DDA approves a not-to-exceed $75,000 grant to the City in support of the goal to create a successful process to shape feasible options for the redevelopment of the 415 W. Washington property in support of community goals.

A vote on the motion to approve the resolution showed:

Ayes: Guenzel, Lazarus, Kinley, Klopf, McFarland, Mouat, Narayan, Orr, Weiss
Nays: Letaw
Recused: McKinnon
Absent: Lowenstein
The resolution was approved.

Ms. Letaw said that additionally, at this morning’s Committee meeting, Peter Allen presented an update on his students’ conceptual plan for public properties for Committee feedback.

The next Partnerships Committee meeting will be Wednesday, July 10 at 9 am. (with Partners).

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8E. SUBCOMMITTEE REPORTS- EXECUTIVE COMMITTEE

Ms. Klopf reported that the committee reviewed the board meeting agenda.

Ms. Klopf moved and Mr. Weiss seconded the following resolution:

RESOLUTION OF THE ANN ARBOR DOWNTOWN DEVELOPMENT AUTHORITY TO AUTHORIZE SARA MCCALLUM TO AUTHORIZE BANK TRANSFERS

Whereas, The Ann Arbor DDA Board opened four Agency Accounts with the Bank of Ann Arbor for the purpose of banking and/or investment management purposes and those accounts are,

3. Housing Fund Investment Account #19-1022 opened March 2, 2004
4. TIF Fund Investment Account #19-1023 opened March 2, 2004
5. Parking Maintenance Fund Account #19-1030 opened February 2, 2005;

Whereas, Sara McCallum has been hired by the Ann Arbor Downtown Development Authority to serve as the DDA’s Deputy Director and Accounting Manager, and in this role is responsible for the financial planning, direction, administration and management of all DDA financial-related activities;

RESOLVED, Effective June 12, 2019, the Ann Arbor DDA board designates Sara McCallum as duly authorized to direct Bank of Ann Arbor via emails, telephone conversations, in writing, and/or any other form necessary regarding inter DDA fund transfers, fund transfers to Republic Parking, and access to any information from any accounts held at the Bank of Ann Arbor (retail or trust).

A vote on the motion to approve the resolution showed:
Ayes: Guenzel, Lazarus, Kinley, Klopf, Letaw, McFarland, McKinnon, Mouat, Narayan, Orr, Weiss
Nays: None
Absent: Lowenstein
The resolution was approved.

The next Executive Committee will be on Wednesday, July 10 at 11 am.

9. NEW BUSINESS
The change in July Board and Annual Meeting date to July 10 was noted.

10. OTHER AUDIENCE PARTICIPATION
Mr. Diephuis expressed his objection to the manner in which the resolution to provide a grant to the City to fund a public input process for a reuse strategy for the 415 W. Washington property was brought forward for a vote at today’s meeting without the public having an opportunity to view it ahead of time. He recommended the Board not bring a resolution forward in this manner in the future.

11. ADJOURNMENT
There being no other business, Ms. Letaw moved and Mr. Mouat seconded the motion to adjourn. Ms. Klopf declared the meeting adjourned at 1:30 pm.

Respectfully submitted,
Susan Pollay, Executive Director
Public Comment: Ms. Dimond, Kingsley/Ashley Condo Association Board member requested on behalf of the association that the DDA consider extending the streetlight improvements from Miller to Kingsley and then Kingsley to Main to First Street. She understands it may not be part of the current project elements but, asked that it be considered in the future both to enhance the aesthetics of the area and well as improving safety for residents.

First and Ashley Street Project: Mr. Billetdeaux provided a section by section overview of the prioritized elements of the project based on the direction the Design Team received at last month’s committee meeting. Priority to be given to maximizing First Street impact with two-way restoration, safety improvements, raised bikeway, watermain upsizing, Treeline improvements, street resurfacing and lighting and, two-way restoration, safety improvements and light street resurfacing to enhance Ashley Street as well. If budget dollars are available, Ashley Street landscaping and lighting between Huron and William Street would be included. Ms. Miller shared that the bond costs came in less than estimated, resulting in a $600K savings. She presented two resolutions-one to approve the recommended street design and a second one to amend the project budget from $9.4M to $10M, an increase of $600K with $450K for capital expenditure and $150K for design. With these dollars the recommended lighting and landscaping work on Ashley Street can be completed. Questions were asked and answered regarding the floodway areas, signage and signalization. There was support to take both resolutions to the Board.

Project Updates: Mr. Wall provided a summary of the results from the first post-construction traffic study conducted in the Sth & Detroit project area the last week of school before street striping was complete. The video recordings from different days and times of day show 628 pedestrian crossings of which 57% had no vehicle encounters and 43% vehicle encounters of which only 1% of those encounters resulted in a vehicle not stopping. These results are very positive as the pre-construction study showed very little compliance. The removal of the
temporary asphalt and installation of the new brick on Detroit is underway and is expected to be complete by mid-July. Huron Street construction is underway, hampered by weather delays but is moving forward. Curb work is underway on William at Thompson and Maynard, moving to State next week with plans to have the asphalt done before Art Fair, weather permitting. The 4th Avenue Canopy removal is complete. The restoration of the bump out and the sidewalk seating is underway.

Vault Program: Ms. Miller shared with the committee that interest in vault fill/removal is increasing and thus, asked for support to continue the DDA’s grant program whereby business owners are reimbursed for fill and sidewalk restoration expenses to fill the vaults. Ms. Miller anticipates more requests and recommends continuing the vault program using $100,000 from the TIF Capital Repair dollars in the FY20 budget. Ms. Miller also shared that vaults vary greatly in size and recommended increasing the maximum allowable reimbursement from $5,000 to $25,000. There was support to bring a vault policy forward to the Board.

Other Business: Ms. Letaw shared the positive feedback she heard from the residents and members of the VOCAL group at Avalon regarding the improvements underway on Huron. They are very appreciative of the work of the DDA.

Mr. Mouat will not be at the July Board meeting and Ms. Letaw will provide the CIC update.

Other Public Comment: Mr. Detter reminded the committee of the importance of considering the overall connectivity of all projects. He mentioned the City’s decision to demolish three historic homes in the Glen/Huron Streets area to make way for a new development without input from the residents and surrounding community and asked that the dangerous crosswalk in the Fletcher/Thayer area be kept in the forefront for improvement as projects are being worked on. He asked and received confirmation that the historic street exhibit is on track to be complete by Art Fair.

The next Capital Improvements Committee meeting is scheduled for Wednesday, July 17 at 11 am.

The meeting adjourned at 1:45 pm.
Equipment: Ms. Hahlbrock said that in January 2020 Windows 7 will no longer be supported which require a significant amount of parking equipment replacement. She said that she and RPS staff have begun drafting an RFP and researching equipment options. The Operations Committee will be kept informed throughout the process.

Communication About Mobility and Parking: Ms. Thomson gave a presentation conveying how the DDA works to support a variety of downtown commutes, including images of new signs and advertising. She said DDA staff participated in recent downtown events to share information about what the DDA does and upcoming projects.

Ann Ashley: Ms. Pollay noted that the DDA office lease will expire in two years, and said that if there was an interest in pursuing a DDA office move to the Ann Ashley garage discussion should start now to allow time for design, approval, and construction. Ms. Hahlbrock shared early conceptual images; after discussion there was consensus support to explore this question further, including funding options and design refinement.

4th & Washington Fencing: Mr. Hahlbrock said shop drawings are being drawn so the project can be bid.

Customer Service/Admin Office: Ms. Hahlbrock reported that she, Mr. Fournier, and Mr. Forsberg had met to discuss the possibility of an RPS/police office swap at Maynard, but this wouldn’t result in a much improvement. The committee consensus was to not move forward with work at Maynard until it becomes more clear if a parking services office build out at Ann Ashley is feasible.

Parking and Transportation Report: Ms. Hahlbrock and Mr. Simmons provided highlights.

Miscellaneous: Mr. McKiness shared information about a recent acquisition and consolidation process involving Republic Parking and its parent company. Ms. Hahlbrock said that the
elevator upgrade work in the NW elevator at 4th & William will begin in late July and last 10 weeks.

Public Comment: None

The next Operations Committee meeting is scheduled for Wednesday, July 31 at 11 am. Traditionally the Committee does not meet in July. The Committee will decide about cancelling the meeting closer to the meeting date.

The meeting adjourned at 12:45 pm.

Respectfully submitted,
Susan Pollay, Executive Director
May Expense Register: Expenses were reviewed. Questions were asked and answered.

Parking Equipment. Ms. Hahlbrock reported that $3M will be needed for the purchase of new parking equipment due to a required upgrade from Windows 7 to Windows 10. Mr. Crawford offered City IT support on the equipment selection. Questions were asked and answered.

Credit Card Policy: Ms. McCallum recommended updating a 2018 purchasing card policy with revised language more closely mirroring the City’s policy. There was support to bring this to the board with added text about the Executive Director’s oversight. There was also support to increase the individual card limits to $6,000 with the policy limit of a maximum of $10,000. The DDA Attorney will review proposed revisions before the board is asked to vote.

Ann Ashley Office: There was consensus support at the Operations Committee to pursue a build out of the Ann Ashley commercial space. This would increase the project budget by $4M; Mr. Morehouse showed how this could be done if the project bond were increased. Questions were asked and answered. There was consensus support to 1) delay City Council’s vote on the bond resolution until early August, 2) share this update with the DDA at its July meeting, 3) bring updated information to the Operations Committee at its July meeting, and 4) schedule an August DDA meeting to approve a project budget increase. If there is support from City Council and the DDA design work would take place in FY20, and construction costs included in the DDA’s FY21 budget.

Public Comment: None.

The next Finance Committee meeting is scheduled for Thursday, August 1 at 1 p.m.

The meeting adjourned at 1:45 p.m.

Respectfully submitted
Susan Pollay, Executive Director
PARTNERSHIPS & ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES  
Wednesday, June 12, 2019

Place: DDA Office, 150 S. Fifth Avenue, Suite 301, Ann Arbor, 48104
Time: 9:10 a.m.
Present: Bob Guenzel, Tyler Kinley, Jessica A.S. Letaw
Absent: Marie Klopf, Howard Lazarus, Joan Lowenstein, Molly McFarland, Darren McKinnon, Rishi Narayan, John Mouat, Keith Orr, Phil Weiss
Staff: Susan Pollay, Kelley Graves
Public: Peter Allen, Michael Quintos

415 W. Washington: Ms. Pollay restated her suggestion made at the previous Committee meeting that the DDA provide a $75K grant to the City so it could select a consultant to guide a public process to find elements of community agreement on the preferred future reuse of the site. Committee members commented that they felt the discussion about this at the May Partnerships meeting had felt productive and collaborative, thus there were questions about the urgency to move forward ahead of the next joint Partners meeting. There was discussion about the matter; in the end, there was Committee concurrence to recommend DDA approval of a $75,000 grant to the City for this purpose at the board meeting later in the day.

Student Conceptual Plan: Mr. Allen and Mr. Quintos said they had met with representatives of the Library Lane Civic Commons group, the AADL, City Council, and others to get their input into a proposed vision for the reuse of publically-owned downtown properties that would help meet community goals of affordability, sustainability and mobility. Their proposed plan would have the DDA constructing underground parking to free up the properties from the need to provide parking. They recommended focusing on the former Y-Lot, the Main & Ann Lot and air rights on top of Liberty Square, and shaping plans that the City would pre-entitle. Committee members provided feedback on these concepts.

Affordable Housing: Ms. Letaw said that the proposed speaker series program would be set aside temporarily and instead recommended that informational materials should be gathered and made available to the public; there was consensus support for this suggestion.

Next Partnerships Committee meeting: Scheduled for Wednesday, July 10 at 9:00 am (with Partners)

The meeting adjourned at 10:30 am.

Respectfully submitted
Susan Pollay, Executive Director
ANN ARBOR DOWNTOWN DEVELOPMENT AUTHORITY
Executive Committee Meeting
Wednesday, June 12, 2019

Place: DDA Office, 150 S. Fifth Avenue, Suite 301, Ann Arbor, 48104
Time: 11:00 a.m.
Present: Marie Klopf, Darren McKinnon, Keith Orr, Susan Pollay (ex officio), Phil Weiss (ex officio)
Absent: Tyler, Kinley, Howard Lazarus, Joan Lowenstein
Others: None

Committee actions and discussions

Agenda Review. Ms. Pollay noted two items on the board meeting agenda that would be coming from the Executive Committee, namely the resolution to authorize Sara McCallum and the letter to engage the auditors. The Committee reviewed the remained of the agenda. Ms. Pollay noted a recommended change to the resolution approving a parking contract with 616 E. Washington Street development. She said that it was suggested that language be added outlining the public benefits the project will be providing, including providing affordable housing and an area for neighborhood solid waste management. As co-chairs of the Operations Committee, Mr. Weiss and Mr. Orr said that they would put this amendment forward. Ms. Pollay said that a new resolution would be added to the board packet from the Partnerships Committee, which had just met earlier in the morning. This resolution would provide a not-to-exceed $75,000 grant to the City to enable it to hire a consultant to guide a public input process including feasibility analyses to develop a reuse strategy for the 415 W. Washington property. The DDA had provided a similar grant to the City in July 2018 to hire a consultant to help develop a reuse strategy for 350 S. Fifth Avenue lot (former Y-Lot), and a recommended consultant will be presented to City Council on July 1st. DDA approval of this new grant could enable the City to expand its contract with that consultant if it chose, to facilitate a similar process for the 415 W. Washington site. Mr. Orr said that given this new resolution he would ask to amend the agenda at the beginning of the meeting.

Miscellaneous. Ms. Pollay asked the Committee’s help with her annual performance review. She said she would be undertaking similar reviews of her staff later in the month. Ms. Pollay reported that representatives of the various taxing authorities had been invited to attend the DDA’s first Informational Meeting, as required by the State.

There being no other business, the meeting adjourned at 11:43 a.m.

Susan Pollay, Executive Director
RESOLUTION TO MODIFY THE PROJECT BUDGET
FOR THE FIRST AND ASHLEY STREET PROJECT

Whereas, The DDA’s Development Plan highlights identity, infrastructure, and transportation as overarching strategy areas, which include improving safety and economic vitality through pedestrian improvements;

Whereas, In November 2017 the DDA established a project budget of $11.4M for its First and Ashley and William Street projects, of which $9.4M was attributed to First & Ashley Street Improvements;

Whereas In July 2018 the DDA approved bonding the projects, and in January 2019, the City issued the project bond;

Whereas, Bond costs were less than anticipated, resulting in a $600,000 savings that the Capital Improvements Committee recommends should be applied to the First and Ashley project budget for construction and design costs;

Whereas, This would increase the First and Ashley Improvements Project budget to $10M;

Resolved, The DDA Board approves a modified budget for the First and Ashley Street project of $10M which reflects an increase of $600,000, of which $450K is for capital expenditure and $150K for design;
RESOLUTION TO APPROVE A DESIGN
FOR THE FIRST AND ASHLEY STREET PROJECT

Whereas, The DDA’s Development Plan highlights identity, infrastructure, and transportation as overarching strategy areas, which include improving safety and economic vitality through pedestrian & bicycle improvements;

Whereas, In November 2017 the DDA began work on its First and Ashley Streetscape project, including selecting its consultants and establishing its project budget;

Whereas, In May 2019 the DDA approved a slate of important First and Ashley design elements based on public input and detailed analysis, and these improvements were also approved by the City’s Transportation Commission;

Whereas, A design has taken shape that responds to public input and reinforces the project goals and recommended transportation and safety improvements;

Whereas, The DDA Capital Improvements Committee reviewed the proposed final design and recommends approval;

Resolved, The DDA Board approves a design for the First and Ashley Street Project as recommended by its Capital Improvements Committee;

Resolved, The DDA Capital Improvements Committee will bring the DDA a resolution to initiate construction services after construction bids have been received.
RESOLUTION TO CREATE A GRANT PROGRAM TO ENCOURAGE VAULT FILLING

Whereas, The DDA’s Development Plan highlights identity, infrastructure, and transportation as overarching strategy areas, which include improving safety and economic vitality through pedestrian improvements;

Whereas, In 2017 The City of Ann Arbor Engineering Department undertook a ground-penetrating radar study to reveal that there may be more than 200 underground building vaults within the DDA District;

Whereas, Through DDA and City projects, efforts have been made to encourage property owners to make building repairs and fill vaults that impede safety and pedestrian improvements;

Whereas, The DDA Capital Improvements Committee recommends creating a pilot grant program further encourage vault filling, which will also enable the DDA to gain a better understanding of the range of costs and hurdles associated with filling vaults to inform the grant program in future years.

Resolved, The DDA Board approves the attached DDA Grant Policy for Fiscal Year 2020, with $100,000 dollars from the TIF General Repair Funds;
DDA Vault Fill Grant Program

**Grant Purpose:** To reimburse property owners for the fill and sidewalk repairs associated with closing and permanently abandoning an underground building vault in the public right of way (ROW). The work and costs associated with sealing the building basement to enable the abandoned vault to be eliminated will remain the responsibility of the property owner.

**Grant Amount:** Up to $25,000 per vault for the fill and sidewalk within the public ROW only, based on the size of the vault.

**Grant Process:**
1. Grant information is shared with DDA District property owners with known vaults, particularly those within DDA or City project areas.

2. Property owners that agree to permanently close or fill their vault, contact Ann Arbor DDA Staff and provide the following:
   - A quote that itemizes the costs associated with the fill and sidewalk repairs in the public ROW, including the size of the vault area to be filled.
   - Timing of the planned work.

If the request is under $25,000 and DDA grant dollars are still available within FY20:

3. DDA staff will reserve those funds within the $100,000 set aside for the grant program in FY20. This will allow the property owner to confidently proceed with their work.

4. Property owners obtain the necessary permits, undertake the building, vault, and sidewalk work, and provide DDA staff with a paid invoice and confirmation from the City of Ann Arbor that the work has been inspected and approved.

5. The DDA reimburse the property owner for the amount invoiced for fill and sidewalk repairs, up to $25,000.

If the request is over $25,000 and/or grant dollars are no longer available:

1. DDA staff help the property owner create a formal request for the Capital Improvements Committee. The Committee discusses and determines if additional dollars from the TIF General Repair Fund can be provided.

The intent of the 2020 Vault Fill Grant Program is to gain a better understanding of the range of costs and hurdles associated with filling vaults to inform the grant program in future years.
Resolution to Modify the DDA’s Purchasing Card Policies

Whereas, The DDA has an Accounting Procedures Manual which includes policies regarding the issuance of purchasing cards for DDA employees to enable them to make purchases for items such as meeting refreshments, office supplies, and expenses related to staff training;

Whereas, The Finance Committee recommends that the DDA revise these policies to better mirror the City’s purchasing card policies, and that the spending limit for monthly charges be increased;

RESOLVED, The DDA approves changes to its purchasing card policies as recommended by its Finance Committee.
RESOLUTION APPROVING A COMPENSATION CHANGE FOR THE ANN ARBOR DDA EXECUTIVE DIRECTOR FOR FY19

Whereas, Susan Pollay has served as the DDA Executive Director since 1996;

Whereas, DDA members evaluated Ms. Pollay’s efforts in FY19, and these reviews noted accomplishments, including working effectively with DDA board members, adept management of DDA operations and administration, and oversight of important DDA projects including:

- Fifth & Detroit project constructed, including Farmers Market improvements, Community High School campus improvements, and safer pedestrian crossings
- Huron Street and William Street projects are under construction, and First and Ashley project designed. A project bond for these four streets was approved by City Council
- Bids for annual parking structure repairs were assembled, bid, and construction underway. Planning for future parking equipment upgrades is underway
- The Ann Ashley expansion site plan was assembled, revised, reviewed by Planning Commission, and project financing will be considered by City Council in August
- Four DDA Housing Fund grants were issued this year
- Several sustainability initiatives were undertaken, including installation of new EVs, a solar carport, new rain gardens, dark-sky friendly LED street lights, and new bicycle facilities
- DDA received a clean audit once again. Financial statements throughout the year are accurate and timely
- A new Accounting Manager was hired to succeed a long-time DDA employee

Whereas, Ms. Pollay is often called upon to address City Council and does so with tact and proficiency, and she serves as a vital resource for downtown and the community at large;

Whereas, The Executive Committee recommends that Ms. Pollay be provided with the following compensation change XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX retroactive to July 1, 2019;

RESOLVED, The DDA board recognizes Ms. Pollay’s performance and accomplishments, and approves a compensation adjustment as recommended by its Executive Committee.
RESOLUTION TO MODIFY ANN ARBOR DDA FOIA POLICIES

Whereas, The State of Michigan made amendments to its Freedom of Information Act (FOIA) statute at the end of 2018 which necessitated that the DDA modify its FOIA policies;

Whereas, As necessary the DDA revisits its costs associated with FOIA requests and makes updates to its Cost Itemization document;

Whereas, Upon consultation with the DDA Attorney, the DDA FOIA Coordinator drafted recommended updates to the existing policies and forms;

Whereas, The DDA Executive Committee reviewed the updates and recommends approval;

### Construction Cost – Commercial Space

**Ann Street Commercial (west)**
- 3,900 sf Street Level / 1,200 sf Mezzanine
- Shell Space Cost: $970K
- Finish Cost: $200K to $385K
- Total: $1.17M to $1.36M
- With soft costs: $1.46M to $1.69M

**Ann Street Commercial (east)**
- 3,900 sf Street Level / 1,200 sf Mezzanine
- Shell Space Cost: $970K
- Finish Cost: $200K to $385K
- Total: $1.17M to $1.36M
- With soft costs: $1.46M to $1.69M

**Miller Ave Commercial**
- 2,300 sf Street Level / 1,150 sf Mezzanine
- Shell Space Cost: $1.05M
- Finish Cost: $160K to $295K
- Total: $1.20M to $1.35M
- With soft costs: $1.50M to $1.69M
Parking & Transportation Report June 2019

Parking

Special Events in June
African American Festival 5/31 & 6/1
Treeverb 6/1
Dexter AA Run 6/2
Taste of Ann Arbor 6/2
Sonic Lunch Thursdays at noon beginning 6/6
Teck Trek 6/7
Live on Washington 6/8
YMCA Block Party 6/9
Restaurant Week 6/9-14
Movies on Maynard 6/13
Mayors Green Fair 6/14
Summer Fest nightly beginning 6/14
Juneteenth 6/15
Event on Main 6/20

Special Event Meter Bag Fee Waivers/ Free Parking in June
African American Festival 5/31 & 6/1 $2,400
Treeverb 6/1 $425
Dexter AA Run 6/2 $1,080
Taste of Ann Arbor 6/2 $200
Sonic Lunch 6/6, 13, 20 & 27 $800
Teck Trek 6/7 $325
Live on Washington 6/8 $300
YMCA Block Party 6/9 $200
Movies on Maynard 6/13 $200
Mayors Green Fair 6/14 $2,075
Summer Fest June & July $35,775
Juneteenth 6/15 $800

Meters
Use of the Epark payment app continues to grow.

Payment type breakdown for May 2019

<table>
<thead>
<tr>
<th>Payment Method</th>
<th>Transactions</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash at Epark</td>
<td>37,426</td>
<td>18%</td>
</tr>
<tr>
<td>Credit at Epark</td>
<td>80,577</td>
<td>40%</td>
</tr>
<tr>
<td>Epark App</td>
<td>85,871</td>
<td>42%</td>
</tr>
<tr>
<td>Total Transactions</td>
<td>203,874</td>
<td></td>
</tr>
</tbody>
</table>

Work to replace the single space coin meters with epark kiosks was completed last fall. This means that all spaces are now tied to the epark system and payment app. The ability to compare across years and be better able to recognize payment trends will be available later this year.

Meter department staff are working with the equipment vendor to upgrade 3G modems in the older epark kiosks.

Meter department staff will do another abandoned bike sweep with Community Standards officers ahead of Art Fair.
General Operations
Signage was posted at the South Ashley lot ahead of the July 1st rate increase as well as ahead of the paving work and lot closure.

Operations and DDA staff met with representatives from a Kalamazoo hotel to discuss parking equipment and show them around the Ann Arbor system.

Operations staff began work on the Art Fair schedule with a focus on continued improvements and efficiency with scheduled hours and overtime. As crowd size and peak periods change over the years so does staffing.

Parking System Maintenance/Equipment
The annual restoration work got underway in late June. DDA staff communicated the work to monthly parkers, neighbors and area associations, and will provide updates as needed throughout the project.

Sealing and striping at the Fourth & Catherine and Main & Ann lots was completed in early June. Repairs and paving in the South Ashley lot are scheduled for the end of June.

Touch up painting of curbs, bollards and directional arrows is underway in the structures.

IT staff implemented a software update that allows for real time status alerts to be emailed when there are equipment issues. Staff also worked to upgrade the network firewall.

City/DDA Parking Enforcement and Operations Group
The group met on June 20th. Community Standards, Treasury, Republic Parking, and DDA staff shared updates and information.

Tally Hall Condominium Meeting
The group had no meeting scheduled this month. The next meeting will take place in July.

First & Washington Condominium Meeting
The next meeting has yet to be scheduled. The structure opened in late 2013 and a condominium board has yet to be formally established.

Parking Construction
Ann Ashley
At its July 1 meeting City Council will consider the bond issuance for the project.

Transportation
Bike Parking
Current rentals:
- Bike Locker Rentals: 6 rentals of 10 available lockers (60%)
- Maynard Bike House Rentals: 11 of 28 spaces (39%)
- Ann Ashley Bike House Rentals: 37 of 27 spaces (137%)

Go!pass Summary - May
Total # of companies in program = 416
Total # of active passes = 5,425
Total # of unique passes used = 3,247
New go!pass companies for May 2019
• Autaza Technology
• PassiveBolt
• Vie Fitness & Spa

Engagement for May 2019
Social Media:
• Facebook
  o 1599 Page Likes
  o 27 Engaged Users
  o 508 Average Daily Reach
    ▪ 272 Organic Reach
    ▪ 236 Paid Reach
• Twitter
  o 1,115 Profile Visits
  o 34,600 tweet impressions

Quarterly Ridership to be reported in July

Other Activities
• Commuter Challenge Final Report
  o Commuting Statistics
    ▪ 2,200 Participants from 275 organizations (essentially flat)
    ▪ 39,900 logged commutes (up 12.7% from last year)
    ▪ Top Modes
      • Walk (15,109 trips, up 17.9%)
      • Bus (11,820 trips, up 19.5%)
      • Bike (8,551, down 2.9%)
  o Engagement
    ▪ 43,667 people reached via social media ads
    ▪ 1,304 people engaged with those ads
    ▪ Cost of $0.33 per engagement
    ▪ 120 photos submitted
    ▪ 44 #NoMoHaiku submissions
• ArborBike update—Permits have been submitted to the City for approval. On approval of the permits, the system can be up and running within a week.

• getDowntown is always looking for additional business testimonials on how the program or how go!pass contributes to their success. Board members are encouraged to contact the office and provide their success stories, or provide staff with information on stories they’ve heard for follow-up.
1. Introduction

The DDA provides credit cards to its staff members to support operations by establishing a convenient and cost-effective way to make purchases for items such as meeting refreshments, office supplies, and expenses related to staff training. Often these items are procured online, necessitating an electronic form of payment. The DDA has established guidelines for the issuance and use of these cards within its Accounting and Procedures Manual which sets limits and establishes internal controls.

Credit cards that are used to procure goods and services are commonly referred to in the government realm as “purchasing cards” to distinguish them from credit cards that are accepted by the unit to receive payment from its customers.

The City of Ann Arbor has an adopted City Issued Purchasing Card Policy which establishes controls for the issuance of purchasing cards to its employees. The DDA Finance Committee recommends that the DDA Board adopt a formal purchasing card policy separate from its Accounting Procedures Manual to better mirror the City’s policy and to also provide clear guidance for staff on the issuance, monitoring, and use of purchasing cards.

2. Purpose

To set forth the official policy of the Ann Arbor DDA regarding the use of purchasing cards issued by the DDA to its employees for the purpose of acquiring goods and services for the official business of the organization. This policy provides guidelines on the proper use of DDA-issued purchasing cards as a supplement the DDA’s general purchasing policy.

3. Designation of Oversight Responsibility

Under the direction of the Finance Committee the Accounting Director is hereby designated with responsibility for the DDA’s purchasing card issuance, accounting, monitoring, retrieval, and general oversight of compliance with the Purchasing Card Policy.

Under the direction of the Finance Committee the Accounting Director is authorized to execute purchasing card arrangements on behalf of the DDA and to set limits for monthly charges to individual cards, which shall not in any case exceed $10,000 per card.

The Accounting Director is charged with the following responsibilities:

a) To create procedures for the oversight of purchasing card activities of employees of the DDA that facilitate operations while preserving the integrity of the DDA’s internal controls and to include in these procedures a process for the approval of purchasing card invoices before their payment.

b) To ensure that credit card charges are paid within 60 days of the initial statement date as required by MCL 129.243, but also to strive to ensure that payment is made within 30 days to avoid the accrual of interest charges.
c) To periodically review this policy and present revisions to the Finance Committee and DDA Board of Directors as necessary.

4. Responsibility of Card Holder

Before being issued a purchasing card, each employee will be provided with a copy of this policy and will be required to sign a statement of compliance agreeing to the following provisions:

a) To be responsible for compliance with this policy, and all regulations related to the use of purchasing card established by law.

b) To be responsible for the protection and custody of the purchasing card and to immediately notify the Accounting Director if the card is lost or stolen.

c) To only use the card for the purchase of goods or services for the official business of the DDA which have been made in compliance with general procurement policy, being properly authorized and budgeted, and never for personal use or cash advances.

d) To not duplicate, post, or otherwise share the purchasing card for use by a third party.

e) To retain detailed receipts for each purchase made with the card and to provide the original receipts to the Accounting Director as a part of the monthly reconciliation process. The receipts shall include detail of the goods or services purchased, the cost of the goods or services, the date of the purchase, and the official business for which they were purchased.

f) To ensure that a sales tax exemption certificate has been provided to all vendors and that sales tax is not included in charges made to the card.

g) To monitor for unauthorized charges, to be responsible for working with merchants to resolve any non-authorized or errant charges, and to notify the Accounting Director of any charges that cannot be resolved so that the Accounting Director can file a formal dispute with the issuing bank.

h) To immediately submit the card upon termination of employment.
Attachment A

Ann Arbor DDA
Purchasing Cardholder Statement of Compliance

Credit Card Account Number: ____________________________

Received by: ____________________________
Name (Please Print)

I acknowledge that I have been provided with a copy of the DDA’s Purchasing Card Policy. In accepting a purchasing card issued to me by the DDA, I agree to comply with the following provisions as established by state law and the DDA Board:

a) To be responsible for compliance with the DDA’s Purchasing Card Policy, and all regulations related to the use of purchasing card established by law.

b) To be responsible for the protection and custody of the purchasing card and to immediately notify the Accounting Director if the card is lost or stolen.

c) To only use the card for the purchase of goods or services for the official business of the DDA which have been made in compliance with general procurement policy, being properly authorized and budgeted, and never for personal use or cash advances.

d) To not duplicate, post, or otherwise share the purchasing card for use by a third party.

e) To retain detailed receipts for each purchase made with the card and to provide the original receipts to the Accounting Director as a part of the monthly reconciliation process. The receipts shall include detail of the goods or services purchased, the cost of the goods or services, the date of the purchase, and the official business for which they were purchased.

f) To ensure that a sales tax exemption certificate has been provided to all vendors and that sales tax is not included in charges made to the card.

g) To monitor for unauthorized charges, to be responsible for working with merchants to resolve any non-authorized or errant charges, and to notify the Accounting Director of any charges that cannot be resolved so that the Accounting Director can file a formal dispute with the issuing bank.

h) To immediately submit the card upon termination of employment.

Violations of these requirements may result in revocation of use privileges. Employees found to have inappropriately used the credit card will be required to reimburse the DDA for all costs associated with such improper use through direct payment or payroll.
deduction. Disciplinary action(s) may be taken per the DDA’s Personnel Policy, up to and including termination. The DDA will investigate and commence, in appropriate cases, criminal prosecution against any employee found to have misused the credit card or who violates the provisions of the cardholder agreement.

Acknowledgement

I acknowledge receipt of the attached Credit Card Policy and agree to abide by said Policy and the provisions contained herein.

Signature: ____________________________________________________________

Date: ____________________

(Below, For Deputy Director’s use only)

Credit Card Returned

Authorized Signature: ________________________________________________

Date: ____________________
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 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 is 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.

A request from a person, other than an individual who qualifies as indigent under section 4(2)(a), must include the requesting person’s complete name, address, and contact information, and if the request is made by a person other than an individual, the complete name, address, and contact information of the person’s agent who is an individual.

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.

At the time of the request, 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.

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 subscription fee schedule shall be generated as necessary by the FOIA Coordinator, taking into account the medium, volume and frequency of issuance.

Generally, an oral request does not constitute a valid request for public records under the FOIA and the person attempting to make an oral FOIA request should be directed to make the request in writing. The exceptions to this are: (1) If a person is disabled and unable to make a written request; (2) The request is for records publicly available on a DDA web site; or (3) The request is for generally distributed public records.

If a person making an oral FOIA request is disabled, either temporarily or permanently, and unable to make the request in writing, the FOIA Coordinator contacted by the requester must make an appropriate accommodation under the Americans with Disabilities Act (for example, writing out the request for the person may be an appropriate accommodation).

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 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.
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 one-half of the total estimated fee. To preserve public resources, the DDA generally requires a deposit when permitted under the FOIA. The FOIA Coordinator should determine as soon as possible whether a request requires a deposit. The notice requiring a deposit must be included in the DDA’s initial response or in the 10-day extension.

When a deposit is required, the FOIA Coordinator shall send a deposit letter containing:
- the total estimated fee in the standard form for detailed itemization costs
- that ½ the total estimated fee is required as deposit
- that the request will not be processed until the deposit is received
- that the balance of actual final fee must be paid after processing before the records will be released
- that the actual final fee may be greater or less than the estimate

The period of time to produce records is tolled from the date the deposit notice is sent until the deposit is paid.

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.

If a deposit that is required is not received by the public body within 45 days from receipt by the requesting person of the notice that a deposit is required, and if the requesting person has not filed an appeal of the deposit amount, the request shall be considered abandoned by the requesting person and the public body is no longer required to fulfill the request. Notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of transmission. Notice of a deposit requirement must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent.

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.
- A request that entails any staff time over 1 hour
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The FOIA Coordinator shall use a standard form for detailed itemization of fees that clearly lists and explains the allowable charges for each of the 6 fee components that compromise the total fee used for estimating or charging purposes.

Based on the volume and complexity of requests that the DDA receives, the expense of training staff to perform certain FOIA-related tasks, and to preserve public resources and recover costs, the DDA shall charge a fee composed of the following:

- 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 nonpaper 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.

Inspection Costs:

Inspection and examination of public records must be conducted in the presence of a DDA employee under conditions which protect the public records and prevent excessive and unreasonable interference with the discharge of municipal functions. The fees set forth in this policy and permitted under the FOIA for copying, publication, search, examination, review and the deletion and separation of exempt from nonexempt information may be charged for preparing a public record for inspection. Additional fees may be charged for the presence of staff during an inspection.

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

Payment of Costs:

Copies of public records shall not be released until the DDA has received payment of all fees. Where inspection of public records has been requested, the inspection shall not be permitted until the DDA has received payment for the associated costs for preparing the documents for inspection. Costs for staff time in monitoring an inspection shall be computed and charged after the inspection is complete.

Combination of Requests:

When a requester or associated group of requestors submits two or more simultaneous, proximate, or overlapping requests, the DDA may, in the interest of efficiently using and conserving DDA resources, combine its responses to such requests for the purpose of calculating fees. Requests submitted on the same day by the same person or group will generally be combined.

Effective July 2019
Requests Less than $1.00:
In the interest of cost effectiveness, FOIA requests that cost $1.00 or less to process will be provided at no charge.

Costs Set By Law:
The FOIA provides that the cost calculations described in this policy do not apply to public records prepared under an act or state specifically authorizing the sale of those records to the public or for which a specific fee is authorized under Michigan or federal law. Such records shall be sold at the cost provided for by the law.

Section 6: Waiver of Fees
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 consider the appeal, and make a decision:

- 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 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 how the required fee exceeds the amount permitted.

Within 10 business days of receiving the appeal the DDA Board will make a decision to:

- 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 assessed 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; Changes

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.

These FOIA Policies and Guidelines become effective February 1, 2016.

The DDA Board or the DDA Executive Director may amend this policy and fee schedule as necessary.

Section 11: Appendix of DDA Forms

• FOIA Request Form
• Detailed Itemization of Fees Form
• Affidavit of Indigency
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.
- All requests must include the person’s complete name, address, and contact information and the person’s agent’s complete name, address, and contact information when applicable.
- 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 dda@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.

If a deposit that is required is not received by the DDA within 45 days from receipt of notice that deposit is required, and no appeal of the deposit amount has been filed by the requestor, the request shall be considered abandoned and the DDA is no longer required to fulfill the request.

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 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.

Effective July 2019
• 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.
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 5-minute time increments as set by the DDA; all partial time increments will be rounded down. If the number of minutes is less than one increment, there is no charge.

Hourly Wage: $24.08  Benefit Multiplier: 59%
Hourly Wage with Fringe Benefit Cost: $38.29  Charge per increment: $3.19

To figure the number of increments, take the number of minutes & divide by 5-minute increments, and round down. Enter below:

Number of increments  x __________ = __________

1. Labor Cost  $________
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:** $24.08
- **Benefit Multiplier:** 59%
- **Hourly Wage with Fringe Benefit Cost:** $38.29
- **Charge per increment:** $9.57

Enter below:

Number of increments \( \times \) \( \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \) =

2. Labor Cost \$_________

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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:** $24.08
- **Benefit Multiplier:** 59%
- **Hourly Wage with Fringe Benefit Cost:** $38.29
- **Charge per increment:** $9.57

Enter below:

Number of increments \( \times \) \( \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \) =

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 $9.25.

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: $________

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): 5 cents per sheet
- Legal (8 ½ x 14-inch, single and double-sided): 6 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 ($9.99 each) / Other Digital Medium  Cost per Item: _____________

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>3b. Labor Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>x _________</td>
<td>= $________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Sheets:</th>
<th>Costs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>x _________</td>
<td>= $________</td>
</tr>
<tr>
<td>x _________</td>
<td>= $________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. of Items:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>x _________</td>
<td>= $________</td>
</tr>
</tbody>
</table>

4. Total Copy Cost
$________
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: $________ |
| Business Envelope $.06/each |
| 9 x 12 Mailing Envelope $.10/each |

| Actual Cost of Postage: $.55 per first class stamp |

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

| *Expedited Shipping or Insurance as Requested: $________ |

| Number of Envelopes or Packages: |
| Costs: |
| x _________ = $________ |
| x _________ = $________ |
| x _________ = $________ |
| x _________ = $________ |
| x _________ = $________ |

5. Total Mailing Cost $________

☐ * 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): 5 cents per sheet
- **Legal** (8 ½ x 14-inch, single and double-sided): 6 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 ($9.99 each) / 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.

<table>
<thead>
<tr>
<th>Number of Sheets:</th>
<th>Costs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>x __________ = $ __________</td>
<td></td>
</tr>
<tr>
<td>x __________ = $ __________</td>
<td></td>
</tr>
</tbody>
</table>

No. of Items:

x __________ = $ __________

6a. Web Copy Cost

$ __________

### 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:** $24.08  
**Benefit Multiplier:** 59%  
**Hourly Wage with Fringe Benefit Cost:** $38.29  
**Charge per increment:** $9.57

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>6b. Web Labor Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>x __________ = $ __________</td>
<td></td>
</tr>
</tbody>
</table>
### 6c. Mailing Cost for Records Already on DDA’s Website:

<table>
<thead>
<tr>
<th>Description</th>
<th>Actual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual Cost of Envelope or Packaging:</td>
<td>$__________</td>
</tr>
<tr>
<td>Business Envelope $0.06/each</td>
<td>$__________</td>
</tr>
<tr>
<td>9 x 12 Mailing Envelope $0.10/each</td>
<td>$__________</td>
</tr>
<tr>
<td>Actual Cost of Postage: $0.55 per first class stamp</td>
<td>$__________</td>
</tr>
<tr>
<td>Actual Cost (least expensive) Postal Delivery Confirmation: $_________</td>
<td></td>
</tr>
<tr>
<td>Expedited Shipping or Insurance as Requested: $________</td>
<td></td>
</tr>
</tbody>
</table>

*Requestor has requested expedited shipping or insurance

<table>
<thead>
<tr>
<th>Number</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>x _______ = $__________</td>
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<tr>
<td>x _______ = $__________</td>
<td></td>
</tr>
<tr>
<td>x _______ = $__________</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6c. Web Mailing Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$__________</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Costs</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: $_______

<table>
<thead>
<tr>
<th>Estimated Time Frame to Provide Records: (days or date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>___________________________ (days or date)</td>
</tr>
</tbody>
</table>

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.
### 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.

<table>
<thead>
<tr>
<th>Eligible for Indigence Discount</th>
<th>$________</th>
</tr>
</thead>
</table>

### 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.

<table>
<thead>
<tr>
<th>Eligible for Nonprofit Discount</th>
<th>$________</th>
</tr>
</thead>
</table>

### 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>
<th>$________</th>
</tr>
</thead>
</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.

The Public Summary of the DDA FOIA Procedures and Guidelines is available free of charge from:
Website: a2dda.org
Email: dda@a2dda.org
Phone: 734-994-6697
Address: 150 S Fifth Ave Suite 301 Ann Arbor MI 48104

The DDA Board or the DDA Executive Director may amend this policy and fee schedule as necessary.

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