



TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Derek Delacourt, Community Services Area Administrator
Craig Hupy, Public Services Area Administrator
Raymond Hess, Transportation Manager
Nick Hutchinson, City Engineer
Matt Kulhanek, Fleet and Facilities Manager
Brett Lenart, Planning Manager
Marti Praschan, Chief of Staff, Public Services
Brian Steglitz, Water Treatment Plant Manager

SUBJECT: September 16 Council Agenda Responses

DATE: September 12, 2019

MC-1 – Appointments - Confirmations

Question: Please attach applications/resumes for the individuals. (Councilmember Bannister)

Response: Staff no longer prints or publishes applications due to personal information. Councilmembers can view all applications through Granicus Boards & Commissions. If councilmembers have any difficulty with Granicus access, please contact the IT HelpDesk.

CA-2 – Resolution to Approve Street Closure for Washtenaw County Climate Strike on Friday, September 20, 2019 from 9:00 A.M. to 7:00 P.M.

Question: Regarding CA-2, there is not the standard language in the resolution about the sponsor obtaining permits, liability insurance and reimbursing the city for event-related expenses. Was that just an omission or are the requirements being waived for this one? (Councilmember Lumm)

Response: While the language was omitted in this resolution, there is some redundancy in that staff does not issue permits unless these requirements are met. The insurance for this particular event has been waived, however, as a First Amendment event.

CA-3 – Resolution to Waive \$75,000.00 Community Development Block Grant (CDBG) 1997 Mortgage for Ozone House’s Youth Shelter at 1705 Washtenaw Avenue

Question: Q1. I recognize this is a unique situation, but are there any precedents for how past requests for loan/mortgage forgiveness under similar circumstances were handled? Also, are there other outstanding loans/mortgages like this for non-profit service provider facilities (other than those for affordable housing properties)? (Councilmember Lumm)

Response: This is the only case we are aware of where there is a loan/mortgage for a non-profit service provider. As described in the memo – we use the Housing Program Guidelines or City of Ann Arbor Housing Policy to guide decisions related to the term of mortgages/liens/affordability agreements. We are not aware of another properties in similar circumstances. What is most unique in this mortgage is that there is no end date for the requirement as a youth homelessness shelter.

Question: Q2. If the City required some portion of the loan be repaid, how would that money be utilized? (In other words, what would be foregoing by forgiving the entire loan)? (Councilmember Lumm)

Response: HUD requires that if all or a portion of CDBG funds are repaid, that the funding be returned to the program and used according to HUD and local program guidelines. If any funds are to be repaid at the point of sale, the funds would return to the CDBG program and could be spent on eligible projects within the City limits. Eligible projects could include affordable rental rehabilitation, demolition, community center improvements in eligible areas or serving eligible clientele (e.g. previous contributions to Bryant Community Center rehabilitation).

Question: Q3. Would this loan forgiveness have any impact on this years’ (or next years) allocations to Ozone House under the coordinated funding process? (I was a bit confused by the language in the 2nd resolved clause that the forgiveness be considered a contribution.) (Councilmember Lumm)

Response: The lien/mortgage forgiveness would not have any impact on the Coordinated funding process including current or future allocations. The forgiveness, as drafted, would be considered as a contribution to their capital campaign, separate from the City of Ann Arbor’s Coordinated Funding general fund contributions which are in the category of program operations.

Ozone staff describe the forgiveness as a contribution from their lens, as they would not have to use \$75,000 of the sale proceeds to repay the CDBG funds, but instead can apply that toward the larger project.

Question: Q4. The cover memo indicates that closing on the property is on or before September 20. That’s a short fuse - when did we receive the request for loan forgiveness? (Councilmember Lumm)

Response: While staff had knowledge of the property being on the market, we received notification on July 31 that there was a purchase offer with a tentative date of Sept. 20 for closing. Based on the council meeting submission schedule, August 5 was the deadline for submission through Legistar to go through the approval process to be considered by City Council for September 16, 2019.

CA-4 – Resolution Adopting the City of Ann Arbor Brownfield Policy

Question: Q1. Can you please provide a list of the Brownfield tax abatements (and amounts) the City has approved previously for non-environmental activities? (Councilmember Lumm)

Response: Making the assumption that by tax abatement you mean Tax Increment Financing, here is a chart of previously approved Brownfield Tax Increment Financing amounts for environmental and non-environmental activities. The chart provides the individual and average proportions between environmental and non-environmental expenses.

summary of Eligible Expenses - Brownfield Projects within the City of Ann Arbor

Project	Year Complete	Environmental Expenses	Non-Environmental Expenses	Env/Non-Env Proportion	Length of TIF Period (YRS)
Michigan Inn	2010	0	\$ 400,000	0/100	12
Maple Shoppes	2011	\$ 1,010,000	0	100/0	22
601 Forest	2012	\$ 240,000	\$ 3,705,000	6/94	6
Zingerman’s	2013	0	\$ 829,000	0/100	30
Arbor Hills	2013	\$ 1,828,000	\$ 3,572,000	33/66	13
618 S. Main	2015	\$ 140,000	\$ 3,088,000	15/85	18
544 Detroit	2015	\$ 180,000	\$ 274,000	40/60	17
615 S. Main	2018	\$ 2.6 M	0	100/00	7
Packard Square	2019	\$ 190,000	\$ 3,410,000	7/93	5
Kingsley Condos	2019	\$ 293,000	\$ 3,707,000	12/88	9
1514 White St. (NO TIF)	2019	\$ 50,000	\$ 1,221,387	4/96	N/A
1140 Broadway	2020-2025	\$ 5.7 M	\$ 5.2 M	52/48	9
Broadway Park	2024	\$ 9.3 M	\$ 8 M	54/46	12
TOTALS		\$21,531,000	\$33,406,387	39/61 avg.	13.3 yrs avg.

Question: Q2. Has the City ever approved an abatement solely for non-environmental activities? Is that allowed under the current policy and would it be allowed under the revised policy? (Councilmember Lumm)

Response: Zingerman's and Michigan Inn included Non-Environmental expenses only. Current brownfield policy does not address non-environmental vs. environmental expenses. The proposed policy states that non-environmental expenses should not exceed environmental expenses, unless affordable housing, or a fee in lieu, is provided.

Question: Q3. The cover memo indicates the new draft has been developed by city and county OCED staff. Does that mean the County will also be adopting this policy as well? If not, what will be the major differences between the City's new and the county's existing Brownfield policies? (Councilmember Lumm)

Response: The County Brownfield Authority is a regional organization whose main mission is to support local unit participating members in achieving their community goals. If any local unit participating member adopted policies or conditions under which it would support brownfield incentives, the Brownfield Authority will support those policies. Act 381 requires local unit approval/concurrence of all Brownfield Plans prior to any action being taken by the Brownfield Authority or County Board of Commissioners. This is a City policy, not County, so the County would not adopt the policy, but would follow the City's lead for brownfield projects in the City limits.

Question: Q4. Since the City's granting a tax abatement impacts other taxing jurisdictions and the changes here are substantive, is there a plan to review (or at least share) the changes with the other taxing authorities? (Councilmember Lumm)

Response: This policy does not fundamentally change the authority under Act 381 to develop and adopt Brownfield Plans to assist with redeveloping challenging brownfield sites. Part of the Brownfield Plan adoption process under Act 381 requires notification of all taxing jurisdiction of a proposed Plan, and public hearing, prior to adoption by the Board of Commissioners.

CA-7 – Resolution to Approve the Extension of Temporary Employment Agreement between Abigail Elias and the City of Ann Arbor (\$24,000.00)

Question: Please include total compensation of \$49K in Resolution memorandum. Explain how the decision to simultaneously retire and rehire impacted overall compensation. (Councilmember Bannister)

Response: The resolution text has been edited to include the total of \$49,000. Concerning Attorney Elias, there was no decision to "simultaneously" retire and rehire her. Attorney Elias retired on April 12, 2019. At that time, there was no decision or need to re-hire her. However, as I informed the Council in early June, her replacement, Attorney Rehtien resigned effective July 2, 2019 after receiving a job offer in late May to become General Counsel of a corporation. Attorney Elias was hired in as a temporary employee in July to cover the significant volume of work of the Public Services Area while a hiring

process took place. Pursuant to HR policies, her work is both transitional and training, as she will also be training new hire Attorney Wilhelm who began work September 9, 2019. For this temporary work, she is now paid an hourly rate for her time worked; she is paid at the same hourly rate as when employed (and received a salary), pursuant to HR policy.

CA-9 - Resolution to Authorize the Purchase of a Bobcat Toolcat Utility Work Machine from Clark Equipment Company dba Bobcat Company (MIDeal Bid - \$67,403.56)

Question: How many streets does the City have that include a protected bike lane? (Councilmember Eaton)

Response: Currently there are no protected bike lanes in the City of Ann Arbor.

Question: The William Street protected bike lane is entirely within the DDA area. Was the DDA asked to contribute to the cost of this machine? (Councilmember Eaton)

Response: The DDA was not approached about paying for this piece of equipment. Snow removal and maintenance of downtown streets is the responsibility of the City, therefore we have always paid for our own equipment even if it is used in the DDA district. Further, as the city builds more protected bike lanes this piece of equipment will be used proportionately less and less in the DDA district, and more throughout the entire city.

Question: Regarding CA-9, since the purchase of this new addition to the fleet is “primarily used to support maintenance of the protected bike lanes being installed in the City”, why wouldn’t the Alternative Transportation Fund be the appropriate funding source? (Councilmember Lumm)

Response: Typically, equipment is not owned or purchased by the Alternative Transportation Fund, which is actually a sub-set of the Major & Local Street Fund. The Alternative Transportation Fund’s financial plan is programmed to support system capital improvements and maintenance, including the Allen Creek Berm project. Additionally, the purchase of bike lane snow removal equipment was presented in the February 25, 2109 FY20-21 Public Services Budget work-session as a one-time impact to the Major Street Fund, and it was ultimately budgeted there.

CA-10 - Resolution to Approve a General Services Agreement for Dive Inspection Services between the Water Treatment Service Unit and Sea-Side Diving; RFP #19-22

Question: The memo accompanying the resolution notes that Sea-Side Diving received a score of 85, and Underwater Construction Corporation received a score of 75 of 100 possible points. Please provide the itemized scoring for the two bids. (Councilmember Eaton)

Response: Please see information below.

<u>Evaluation Criteria</u>	<u>Seaside Diving</u>	<u>Underwater Construction</u>
Qualifications – 20 points	15	15
Past involvement with Similar Projects – 30 points	25	25
Proposed Work Plan – 30 points	25	25
Fee Proposal - 20 points	20	10
Total Score	85	75

CA-12 – Resolution to Approve an Agreement between the City of Ann Arbor, Pittsfield Charter Township, and the Washtenaw County Road Commission for the Swift Run Drain Culvert Replacement Project (Estimated \$53,750.00)

Question: Regarding CA-12, what is the basis for the 25% city cost share? (Councilmember Lumm)

Response: Under the existing drain code, the City’s obligation for the Swift Run Drain maintenance is 59.61%. For this particular project, the 25% was a negotiated share between the City of Ann Arbor, Pittsfield Township, and the Washtenaw County Road Commission.

Question: Please send map and sketches showing the location and project. (Councilmember Bannister)

Response: Attached please find a map of the project location. Sketches of the project are pending approval of the agreement and design.

CA-13 - Resolution to Authorize a Sole Source Purchase Order to Gridsmart Technologies, Inc. in the amount of \$43,452.00 for Traffic Signal Detection Devices

Question: Which seven intersections are currently using the non-intrusive detection system? (Councilmember Nelson)

Response: The seven intersections which use Gridsmart detection systems which were authorized as part of R-17-410 are as follows:

- Plymouth & Green
- Pauline & Stadium (moved from Glen & Catherine due to changes in planned development)
- Liberty & Stadium (moved from Glen & Ann due to changes in planned development)
- S. Industrial & Eisenhower
- Turnberry & Packard
- Maple & Maple Village
- Bonisteel & Fuller (moved from First and Miller)

Additionally, the following locations also use Gridsmart detection systems and were procured through methods other than the original authorization:

- Huron Pkwy & Plymouth (purchased by DTE as part of duct bank project)
- Main & Stadium (first pilot test location)
- Industrial & Stimson (purchased by DTE as part of duct bank project)
- Main & Madison (purchased by private development)
- State & Stimson (purchased by DTE as part of duct bank project)

B-1 - An Ordinance to Amend the Zoning Map, Being a Part of Section 5:10.2 of Chapter 55 of Title V of the Code of Ann Arbor, Rezoning of 0.2 Acre from C1B (Community Convenience Center District) to C1A (Campus Business District) WITH CONDITIONS, The Garnet Rezoning, 325 East Summit Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-19-24) (8 Votes Required)

Question: A member of the development team notified some Council members that the developer intends to submit a request to rezone this property to PUD rather than seek this rezoning. Has the developer notified staff of that intention or initiated that process? (Councilmember Eaton)

Response: The petitioner has provided numerous communications since the last meeting. The most recent has been added to the packet and requests that the rezoning and site plan be tabled or postponed until they are able to complete the process to submit an application as a PUD. The petitioner has not yet initiated such process.

Question: Regarding the Garnet project (B-1 and DB-1), when do you anticipate the rezoning and site plan will come back to council? (Councilmember Lumm)

Response: If no action is taken on the current petition, and a new rezoning petition is initiated, it is estimated that it would return to City Council in January or February of 2020.

Question: Please include update on the timeline for this project and whether it will receive any expedited process. (Councilmember Bannister)

Response: The petitioner has not yet initiated a PUD review process, but once initiated, it is anticipated that it will move through the required process efficiently, as many of the site plan details have previously been reviewed for technical compliance. The petitioners are currently contemplating their request for postponement, based on evaluation of the affordable housing requirements of any proposed PUD zoning.

DC-1 – Resolution to Waive Fees Associated with Freedom of Information Act (FOIA) Request 2147

Question: Regarding DC-1, at the same meeting this item was postponed, council approved a resolution directing the City Administrator to take a look at the overall FOIA

fee structure and process. When is that report likely to be delivered to council?
(Councilmember Lumm)

Response: Resolution [R-19-367](#) directed the City Administrator to work with the City Attorney to provide recommendations to Council regarding the City's policy for assessing fees for FOIA requests within 90 days of August 5th. The report will be delivered within that timeframe.

Question: Please include details on City's FOIA policy and what updates to sections were made over the years since it was first adopted. (Councilmember Bannister)

Response: The current FOIA Policy is attached. It has been periodically updated to conform with updates to the FOIA statute. The most recent update was made in January of this year in response to PA 2018, No. 523 (HB 6582).

DC-4 – Resolution to Approve an Agreement with Avalon Housing Inc. for Reimbursement of Services Related to the 1146 S. Maple Road Sanitary Sewer Extension (Estimated \$115,000.00)

Question: Regarding DC-4, I support this approach/resolution and assuming it passes, can you please remind me of the tentative timeline for the sewer project, the annexation of the property to the city, and the ultimate sale of the property to Avalon?
(Councilmember Lumm)

Response: The sewer project is expected to occur in September or October. City-initiated annexation had been expected to occur within the next few years, although no firm timeline had been established. However, if the property is sold to Avalon, they would need to initiate annexation to connect to City sewer and water. Once the City acquires the property, staff will prepare an option agreement with Avalon, which generally would give Avalon the right to purchase the property contingent upon annexation, zoning, site plan approval, tax credits, and funding for the project. Staff's understanding is that it typically requires about 24 months to complete these items and close sale of the property.

DC-5 - Resolution to Support and Authorize Staff Participation in Washtenaw County Climate Strike on September 20, 2019

Question: The resolution encourages City staff to participate in the Climate Strike. Will staff be compensated for the time spent engaging in strike activities? If not, can staff provide language to amend the resolution to make clear that staff will not lose pay for participation? (Councilmember Eaton)

Response: The resolution states that, "City Council directs the City Administrator to share this resolution with all City staff and requests that the municipal organization support all who may be interested in joining in on the strike and to authorize the use of staff personal or leave time."

Question: Regarding DC-5, will city hall remain open during the climate strike hours and if so, how will the staffing of customer-facing offices/activities be handled? (Councilmember Lumm)

Response: Yes. Staff and supervisors will work out scheduling to assure customer-facing offices/activities are handled.

DC-7 – Resolution to Appropriate Funds and to Approve Amendment No. 1 to Professionals Services Agreement with Tetra Tech of Michigan, PC for Soil Borings, Testing, and Remediation at Leslie Science and Nature Center (\$431,000.00) (8 Votes Required)

Question: Regarding DC-7, the cover memo indicates the County has provided significant support to date. Can you please elaborate a bit on what the support was? (Councilmember Lumm)

Response: County Brownfield staff have assisted with the creation of the Brownfield and Remediation plans for the site. They have also facilitated the application and approval of \$250,000.00 in Local Site Revolving Fund monies to assist with the cost of investigation and remediation.

DB-1 - Resolution to Approve The Garnet Site Plan and Development Agreement, 325 East Summit Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

Question: Would the denial of this site plan have any adverse impact on the developer's new efforts to build this project as a PUD? (Councilmember Eaton)

Response: Denial of the site plan would not have an adverse impact on a subsequent PUD application, as such application would result in a new review process.

DS-1 - Resolution to Proceed with a Road Reconfiguration Pilot for Traverwood Drive, from Huron Parkway to Plymouth Road

Question: This resolution was postponed to allow staff to receive public input. Please provide a summary of those discussions and any recommendations staff have as a result of those discussions. (Councilmember Eaton)

Response: Staff asserts that either configuration (on-street parking on one side with buffered bike lane on the other versus buffered bike lanes on both sides) can be implemented.

Below is the response provided by the Muslim Community Association of Ann Arbor (MCA):

From: MCA BT <btchairman@mca-a2.org>
Sent: Friday, September 6, 2019 1:23 PM
To: Lazarus, Howard <HLazarus@a2gov.org>
Cc: CityCouncil <CityCouncil@a2gov.org>; Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Hupy, Craig <CHupy@a2gov.org>; Hutchinson, Nicholas <NHutchinson@a2gov.org>; Hess, Raymond <RHess@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; Fournier, John <JFournier@a2gov.org>
Subject: Re: on-street parking on Traverwood Dr.

September 6, 2019

The Honorable Ann Arbor City Council

Dear Ann Arbor City Council:

We would like to thank you for reconsidering the amendment passed on August 19 and for listening to our community. We want to reiterate that our position on the matter has not changed. We support the proposed (and previously approved) on-street parking on Traverwood Dr, between Plymouth and Huron Pkwy, and emphasize that we have planned according to that direction over the past year. We support the proposal of making the on-street parking 3-hour parking slot. This will not only help the Islamic Center but all of the non-profit organizations on Traverwood Dr as well, such as the Turner Senior Center and the AAPL.

The main focus of the Islamic Center of Ann Arbor is to provide a venue for Ann Arborites whereby they can fulfill their religious duty of attending the congregational prayer on Fridays. As was mentioned in the Council meeting, the Islamic Center also accommodates for funeral services, and we appreciate that the city would help us assist Ann Arborites who are mourning the loss of a loved one. With a successful implementation of the city's decision to provide on-street parking on Traverwood, we feel that both of these goals will be accomplished.

In addition, we are very appreciative of being governed by a city council where ideas are considered and contemplated based on merits and not on prejudice or xenophobia. In today's world, where the Muslim community is constantly confronting Islamophobia, we are very thankful for the efforts of Ann Arbor's leadership to make our Muslim community feel more welcome. Many of us, including the Imam, were born and raised in Southeast Michigan and do not know of any other place to call home. But in the current political climate, politicians, whether ill-intentioned or naive, use rhetoric that harms not only the Muslim community, but the nation at large.

We thank you for your strong support and treating this issue with the highest level of professionalism, in line with our shared values.

The Muslim Community of Ann Arbor Executive Committee and Board of Trustees

Question: Regarding DS-1 (Traverwood), I'm assuming there will be a memo or report on the discussions staff have had with stakeholders on the parking question and the feedback/input. Is that correct, and if so, when do you anticipate sharing it with council? (Councilmember Lumm)

Response: Please see response above.

Question: Q1. Given the body of transportation engineering standards, why is this a pilot? (Councilmember Griswold)

Response: The term "pilot" is used here to indicate staff's commitment to conducting a post implementation review and making a determination of the project's satisfaction of the stated goals. Staff anticipates that the results of this review will be provided as an information item to the Transportation Commission and City Council.

Question: Q2. A standard road diet is two thru lanes and a shared middle turn lane. What justification is there for removing the middle turn lane? (Councilmember Griswold)

Response: The concept of a "road diet" is to remove unnecessary vehicular lanes in an effort to rebalance the use of available space in the public right of way. Many of the first road diets did involve reducing the number of through lanes from 4 to 3 to allow for the installation of two-way left turn lanes and parking or bike lanes. Every lane conversion project, the modern term for this type of work, must focus on the site specific conditions and the information that can be applied from transportation research. In this case, the traffic volumes and peaking characteristics indicate that the street will function well without the left turn lane.

Question: Q3. The proposal on the agenda does not include parking, but given that it is still an option, the following questions relate to the parking. (Councilmember Griswold)

- a. Does Complete Streets support ADDING parking on a nonresidential street?

Response: As stated by the National Complete Streets Coalition: "A Complete Streets approach integrates people and place in the planning, design, construction, operation, and maintenance of our transportation networks." People have expressed an interest in additional parking on Traverwood, and the places adjacent to the corridor will support the use of additional parking. Both of these factors support the inclusion of parking as a holistic complete street design for this location.

- b. Who committed the city to providing parking on Traverwood?

Response: The City indicated it would analyze the request from the Muslim Community Association of Ann Arbor (MCA) for on-street parking and determine its feasibility. Providing parking in the area of a religious organization is consistent with past practices on other streets.

- c. How much will it cost the city to enforce time-limited parking on Traverwood?

Response: Staff anticipate working with Community Standards to conduct targeted enforcement at the opening of the facility. Community Standards will then set an enforcement schedule consistent with identified needs.

- d. Will the time-limited parking be allowed during peak travel times?

Response: Staff will work with the identified stakeholders to develop a parking scenario that would best suit the corridor.

- e. My primary concern is parking for the Islamic Center during religious services. How will the city ensure parking for religious services or will we abandon that commitment?

Response: On street public parking is not reserved for anyone in particular. In this instance, the new spaces provide added parking capacity that can serve the needs of the MCA and others.

- f. How many on street parking spaces has the city removed in the last two years? Some examples include Hoover and William streets.

Response: The decision to provide or not provide parking is very site specific and is reliant on the context of the street and the available street width or right of way. Staff does not keep a tally of the total number of parking spaces throughout the City. Parking decisions are made on an individual project basis while working with affected stakeholders.

- g. How do we reconcile with the business owners who lost on street parking that we are now adding it on Traverwood? How do we explain it given that it seems inconsistent and looks like we are responding to special interests?

Response: The inclusion of parking is determined on a project by project basis and is determined on the basis of stakeholder interactions and stated project objectives.

- h. What is the impact of on street parking on roadway safety, especially for cyclists?

Response: The original staff proposal for Traverwood Blvd. was developed in response to multiple requests for improvements to the on street parking adjacent to the AADL Traverwood building and requests for on street parking from the

Michigan Islamic Center. This design maintains the existing shared used paths, provides a buffered bike lane for northbound (uphill) travel by bicycle, and provides a shared use condition for southbound (downhill) travel by bicycle. The following are safety considerations for this design:

Pros:

- Shared use paths provide separate facility for people on bicycles who are not comfortable riding in the street
- Separate facilities are preferred for people using bicycles in uphill segments as the grade impacts their ability to maintain speed
- The presence of parked cars provides a visual narrowing and encourages lower speed selection from people driving vehicles
- Narrowed pedestrian crossing of Traverwood Boulevard at Huron Parkway
- Illegal passing in the two way left turn lane will be eliminated

Cons:

- The presence of parked cars adjacent to a shared lane may lead to collisions between people opening car doors in front of, and in the path of, people riding bicycles

The design developed by staff in response to Council request maintains the existing shared used paths, provides a buffered bike lane for northbound (uphill) travel by bicycle, and provides a buffered bike lane for southbound (downhill) travel by bicycle. The design does not include any improvements to the on street parking adjacent to the AADL Traverwood building. The design does include reconstruction of curb radii at Huron Parkway to narrow the crossing and slow turning speeds.

Pros:

- Shared use paths provide separate facility for people on bicycles who are not comfortable riding in the street
- Buffered bicycle lanes will provide more space for cyclists
- Slightly narrowed pedestrian crossing of Traverwood Boulevard at Huron Parkway

Cons:

- Without vertical elements to provide a visual narrowing the speed selection by people driving vehicles is not expected to reduce by much

- Illegal passing in the two way left turn lane will be eliminated
- i. Do we have any other examples of the city providing free, time-limited, on street parking outside the DDA area?

Response: Yes. Residential parking permit program areas and time limitations on streets near the University of Michigan medical campus are examples.

- j. Does the city have any plan to add on street parking on other connector roads? (I am aware of the limited commuter parking on Huron Parkway north of Plymouth.)

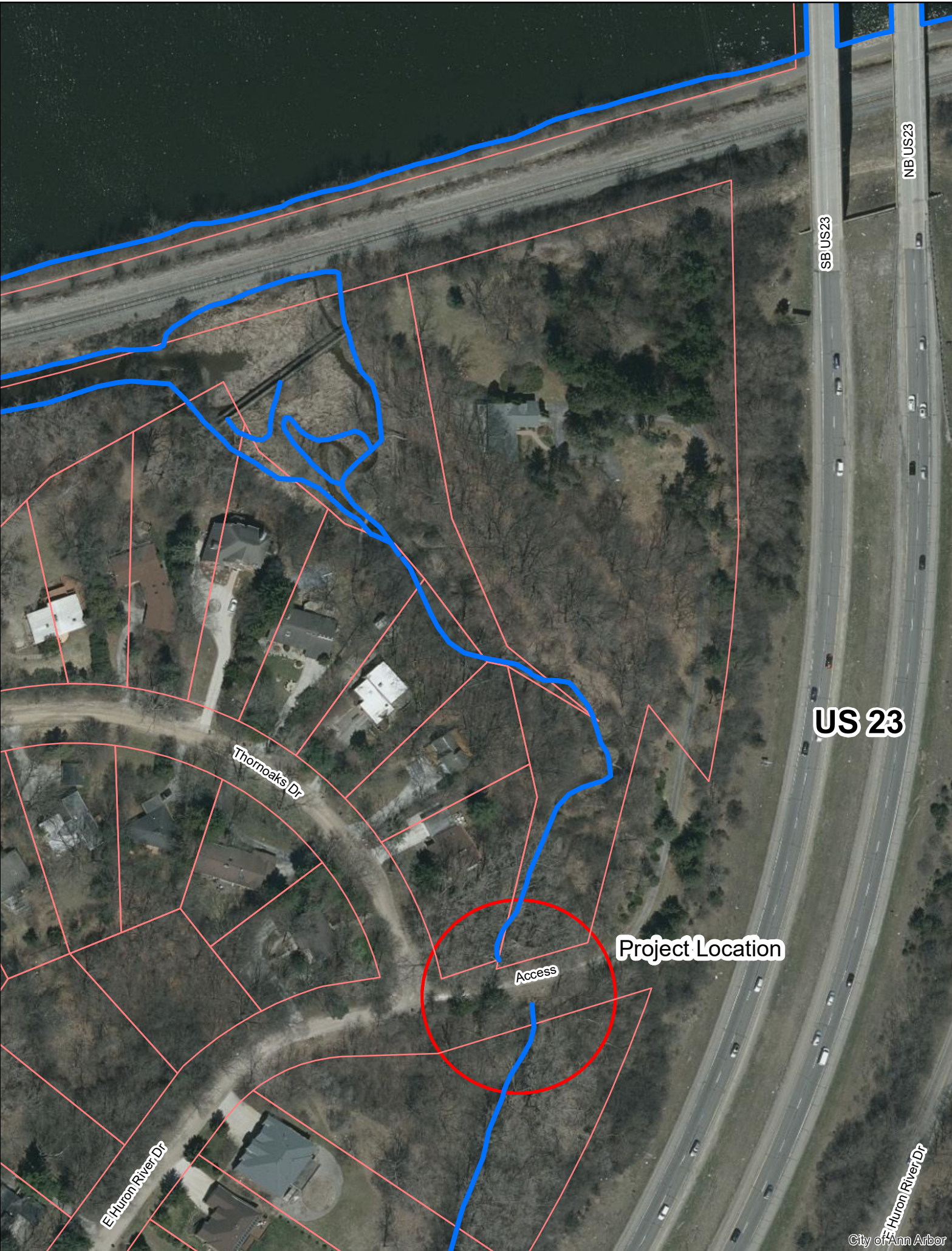
Response: No such plans exist at this time.

- k. Will the AADL be contributing to the cost of the project for the portion abutting their property?

Response: No.

- l. Given that we want to encourage mass transit, will future AAATA buses be able to make the turn from Traver if Traverwood is narrowed at the intersection.

Response: Yes.



US 23

SB US 23

NB US 23

Thornocks Dr

El Huron River Dr

El Huron River Dr

Project Location

Access



Administrative Policies and Procedures

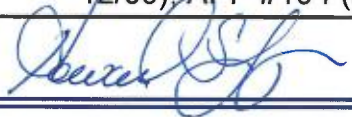
Policy Title: FOIA Procedures and Guidelines	Policy Number: 104
Effective: 1/19	
Supersedes: APR #106 (dated 3/99), APP #104 (dated 6/08), APP #104 (dated 12/09), APP #104 (dated 3/10), APP #104 (dated 7/15)	
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1.0 Purpose

To provide procedures and guidelines to implement the Michigan Freedom of Information Act (MCL 15.231 et seq.).

2.0 Policy

It is the policy of the City of Ann Arbor that public records of the City be provided when requested consistent with the Michigan Freedom of Information Act ("FOIA"), the City Charter, this policy, and other applicable law.

3.0 FOIA Coordinators – Designation and Authority

- 3.1 The City Administrator designates the Chief of Police as the FOIA Coordinator for Police records.
- 3.2 The City Administrator designates the City Clerk as the FOIA Coordinator for all other City records.
- 3.3 The City Clerk and Chief of Police may, in turn, designate persons under their respective supervision to perform the duties of FOIA Coordinator.
- 3.4 Each FOIA Coordinator shall have the authority to implement procedures to administer the FOIA process, consistent with these procedures and guidelines, the FOIA, and other applicable City policies and law.

4.0 FOIA Coordinator Responsibilities

Each FOIA Coordinator shall:

- (1) Perform duties consistent with the FOIA and this policy, including accepting and processing requests and approving grants and denials;
- (2) Accept FOIA requests, gather responsive public records, review or perform the separation or deletion of exempt information from nonexempt information, calculate fees, and transmit responses;
- (3) Process and collect information for FOIA appeals as necessary to provide the City Administrator with sufficient information to decide the appeal;
- (4) Retain records of FOIA requests and appeals;
- (5) Consult with the City Attorney's Office and any applicable Service Area as necessary to ensure compliance with the FOIA.

5.0 Service Area Responsibilities

Failure to respond promptly and properly to a FOIA request may subject the City to Court action and monetary damages. Each Service Area shall ensure that its employees:

- (1) Immediately forward any written request for public records or appeal of a FOIA response to the FOIA Coordinator via email, hand-delivery, or other immediate delivery method;
- (2) Promptly respond to internal requests regarding FOIA;
- (3) Provide the FOIA Coordinator initial estimates of time and costs required to search for, examine, and copy the requested public records in the manner requested by the FOIA Coordinator and, upon completion, an account of actual time spent and costs incurred;
- (4) Inform the FOIA Coordinator if the employee believes any of the requested records are available on the City's public internet sites and identify the specific internet address of the records. The employee need not provide those records to the FOIA Coordinator unless subsequently requested;
- (5) Search for and retrieve public records as necessary to respond to a FOIA request. The FOIA does not require the City to answer questions, to make a compilation, summary, or report of information, or to create a new public record to respond to a request. However, the City must produce existing City public records, including those residing in a computer database, upon request;
- (6) Advise the FOIA Coordinator of appropriate redactions, exemptions, and omissions;
- (7) Consult with the City Attorney's office and any applicable Service Area as necessary to ensure compliance with the FOIA;
- (8) Accommodate or assist a person with a disability who requests public records, but is unable to make a written request. Questions concerning equipment and service accommodations should be directed to the City Clerk;
- (9) If a verbal, non-written request is received for information that the employee believes is publicly available on a City's internet site, where practicable and to the best of the employee's knowledge, inform the requester of the internet address.

6.0 Manner of Requesting Public Records

- 6.1 A person requesting to obtain a copy of or inspect a City public record must do so in writing. The request must describe the public record sufficiently to enable the City to find the public record. If the request is made by a person, other than an individual who qualifies as indigent under section 4(2)(A) of the FOIA, the request must include the requesting person's complete name, address, and contact information. If the request is made by a person other than an individual, the request must include the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with the United States Postal Service addressing standards. If the request is made by a person who qualifies as indigent under section 4(2)(A) of the FOIA, the request must include the name and the mailing address of the requester or other information sufficient to contact the requester and transmit a response.
- 6.2 If a request is too vague to identify or find the public record, the FOIA Coordinator shall contact the requester for clarification. A clarification or amendment of a request must be in writing and shall be considered a new request subject to the full time permitted for response under the FOIA.
- 6.3 The requester may stipulate that the public records be provided on nonpaper physical media, electronically mailed, or otherwise electronically provided unless the City lacks the technological capability to do so. For security of the City's information technology systems, a requester is not permitted to provide their own media.
- 6.4 A person has the right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis (for example, board minutes, or agendas). Subscription requests are valid for up to six months at the request of the subscriber and can be renewed. A subscription fee schedule shall be generated as necessary by the FOIA Coordinator, taking into account the medium, volume, and frequency of issuance.
- 6.5 A written request made by facsimile, electronic mail, or other electronic transmission is not deemed received until 1 business day after the electronic transmission is made. If a written request is sent by electronic mail and delivered to a spam or junk-mail folder of the City, the request is not deemed received until 1 day after the City first becomes aware of the written request. The FOIA Coordinator shall note both the date and time a written request is delivered to the spam or junk-mail folder and the date and time the City first becomes aware of that request.

6.6 An individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state, or in a federal correctional facility is not entitled to make a request under the FOIA.

7.0 Oral Requests for Public Records

7.1 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 City internet site;
- (3) The request is for generally distributed public records.

7.2 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 or City employee 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). If a City employee is unable or unsure how to make an appropriate accommodation, the employee should immediately contact the FOIA Coordinator. Questions concerning equipment and service accommodations should be directed to the City Clerk's Office.

7.3 If a verbal, non-written request is received for information that an employee believes is publicly available on a City internet site, the employee shall, where practicable and to the best of the employee's knowledge, inform the requester of the internet address.

7.4 Generally distributed public records include brochures, questionnaires, activity application forms, voter registration forms, public meeting agendas, and similar public records that are printed and distributed without charge as a matter of course. Requests for such records, if in writing as required by FOIA, must be treated as FOIA requests and responded to within FOIA deadlines; however, requests for reasonable quantities of such records may be responded to without charge in the normal course of business.

8.0 Processing Requests for Copies of Public Records

8.1 The FOIA Coordinator shall identify the Service Area or employee(s) that have the requested records, notify them of the due date for response, and request an estimate of the time and cost to search for, examine, and copy the records for

the lowest-paid employee(s) capable of doing so in accordance with the fee components listed in this policy.

- 8.2 The FOIA Coordinator shall calculate the estimated cost of responding to the request based on the estimates received from the employee(s) and shall determine whether a deposit will be required. This determination must be made within 5 days of receipt of the request.
- 8.3 If the FOIA Coordinator knows or has reason to know that all or a portion of the requested records are publicly available on a City internet site, the FOIA Coordinator need not collect the records, but must, to the extent practicable, identify the specific internet address of the records and provide it to the requester in the response. The FOIA Coordinator shall also inform the requester of the additional charge to obtain copies.
- 8.4 Upon receiving the requested records, the FOIA Coordinator shall review any recommended redactions or omissions, make any redactions or omissions appropriate under the FOIA, and request the assistance of the City Attorney's Office as necessary to ensure compliance with applicable law.
- 8.5 When the requested records are ready for release, the FOIA Coordinator shall calculate the final costs and prepare and transmit a response to the requester as provided in this policy that shall identify costs in the form prescribed by the FOIA, redactions or omissions along with the applicable exemptions, the internet address of any publicly available internet records, and a description of the requester's rights of appeal.

9.0 Processing Requests for Inspection of Public Records

- 9.1 The FOIA Coordinator shall identify the Service Area or employee(s) that have the requested records, notify them of the due date for response, and request an estimate of the time and cost of the lowest-paid employee(s) capable of finding and preparing the records for inspection.
- 9.2 The FOIA Coordinator shall calculate the estimated cost of responding to the request based on the estimates received from the employee(s) and shall determine whether a deposit will be required. This determination must be made within 5 days of receipt of the request.
- 9.3 If the FOIA Coordinator knows or has reason to know that all or a portion of the requested records are publicly available on a City internet site, the FOIA Coordinator need not collect the records, but must, to the extent practicable, identify the specific internet address of the records and provide it to the requester in the response. The FOIA Coordinator shall also inform the requester of the additional charge to inspect the records and obtain copies.

- 9.4 The FOIA Coordinator shall review any redactions, omissions, and exemptions and request the assistance of the City Attorney's Office as necessary to ensure compliance with applicable law.
- 9.5 Once the requested records are ready for inspection, the FOIA Coordinator shall prepare and transmit to the requester a response as provided in this policy that includes the rules for inspection of public records, the estimated cost per hour that will be charged for the inspection, notice of the right to have copies made of any public record being inspected, the estimated cost of such copies, and a bill of costs incurred to date. The response shall identify costs in the form prescribed by the FOIA, redactions or omissions along with the applicable exemptions, the internet address of any publicly available internet records, and a description of the requester's rights of appeal. The response shall contain an acknowledgement provision, which shall state that the requester has read the response, understands the rules for inspection and agrees to them, including the payment of all inspection fees. The requester must sign the acknowledgement and provide it to the FOIA Coordinator prior to inspection. The requester is entitled to a copy of the response.
- 9.6 Upon receipt of the signed acknowledgment and payment of the costs incurred to date, the FOIA Coordinator shall arrange reasonable facilities and schedule a time for the requester to inspect the records and make notes from the records. If a person has been granted access to a public record, the FOIA Coordinator or designee shall be present at all times to ensure that the City's public records are protected from loss, unauthorized alteration, mutilation, or destruction, and that nothing is removed from or added to City files. No public record shall be removed from the inspection facility without the prior approval of the FOIA Coordinator or designee.
- 9.7 At the completion of the requester's inspection, the FOIA Coordinator or designee shall calculate the costs incurred and the requester shall be required to present payment in the stated amount.

10.0 Retention of FOIA Requests and Appeals

- 10.1 The FOIA Coordinator shall maintain a chronological file of all FOIA requests for one year plus one day after the date the request has been completed by the City, including a copy of all responses, originals or copies of all public records produced, both with and without redactions, and copies or originals of omitted records that are responsive to the request (omitted records may be maintained in the applicable service area, as appropriate). If the request is for inspection of public records, the FOIA Coordinator shall also retain documentation of the date

of inspection. The FOIA Coordinator may retain the originals or copies of public records electronically.

- 10.2 If the requester fails to pay the final costs due or fails to pick up the copies within one year, the request shall be deemed abandoned, any amounts paid by the requester shall be forfeited to the City, and the originals or copies of public records may be recycled, destroyed, or returned to the processing service area, as appropriate.
- 10.3 If an action is commenced regarding the City's response to a FOIA request, including a lawsuit or administrative appeal, the FOIA Coordinator shall retain the relevant records until the City Attorney's Office informs the FOIA Coordinator that the records no longer need to be retained.
- 10.4 For appeals, the FOIA Coordinator shall retain a copy of the appeal request and written decision along with all responses, originals or copies of all public records produced, both with and without redactions, and copies or originals of omitted records that are responsive to the request (omitted records may be maintained in the applicable service area, as appropriate) for one year plus one day from the date of the written appeal decision. If an action is commenced regarding the City's response to an appeal, including a lawsuit or further administrative appeal, the FOIA Coordinator shall retain the relevant records until the City Attorney's Office informs the FOIA Coordinator that the records no longer need to be retained.

11.0 Handling Specific Types of Record Requests

Requests for certain types of public records may require special handling or redactions. This section contains some examples. If a City employee has questions about these types of records, they should contact the City Attorney's Office for advice.

11.1 Copyrighted Public Records

Generally, copyrighted public records may not be duplicated in response to a FOIA request if there is notice that the records have been copyrighted. There is notice if the word "copyright" (or symbol ©), the date of copyright, and the name of the copyright owner appear on the public record. If the copyright is owned by the City and the City allows distribution of the copyrighted material, then the records may be copied and released, but the copyright identification must be visible on the copy. If a FOIA request is for copyrighted public records and the copyright is not owned by the City, the FOIA Coordinator should consult with the City Attorney's Office.

A requester may inspect a copyrighted public record in person under the FOIA. If the City receives a request for a copy of copyrighted materials when the City is

not the owner of the copyright, the FOIA Coordinator should inform the requester that the record may not be copied, but may be inspected.

11.2 Trade Secrets/Confidential Financial Public Records Submitted to the City

Information or public records submitted to obtain a contract, license, or some other benefit from the City generally are not exempt from disclosure under the FOIA. A City employee that has a question about whether a public record falls under this exemption should contact the City Attorney's Office for advice.

11.3 Public Records Governed by Other Statutes

Some public record requests are governed by other statutes that may require specific redactions or processing. For example, public records that disclose the social security number of an individual, a public body's security measures, or conservation plans approved in connection with certain easements require redactions.

11.4 Personnel File/Employee Information

Employees may obtain access to their own personnel files under the Bullard-Plawecki Employee Right to Know Act. The law also imposes other response requirements upon the City, including protecting certain kinds of public records that might be found within personnel files. Requests for personnel files or other employee information should be referred directly to Human Resources.

If personnel file/employee information requests are made in the course of a grievance or other labor arbitration or administrative proceeding, the request may have to be responded to in accordance with the rules and procedures for that proceeding, but may also be subject to disclosure under the FOIA. These requests should be referred to the City Attorney's Office.

11.5 Creation of Public Records/Reports

The FOIA does not generally require the City to create public records, including reports, in response to FOIA requests. However, the City must, to the extent possible, provide requested records in their original format if requested.

11.6 Subpoenas

A subpoena is a court order mandating that an individual provide documents or appear for deposition or in court. A City employee who receives a subpoena must immediately deliver it to the City Attorney's Office for review.

11.7 Internet Records

The FOIA provides that public records that are publicly available on the City's internet sites are exempt from charges unless, after being informed that the records are on the internet, the requester specifically requests that the City provide copies. To meet FOIA requirements, a City employee asked to provide public records in response to a FOIA request must inform the FOIA Coordinator if they believe that any requested records are publicly available on a City internet site and provide the specific internet address of those records, if known.

12.0 Requests Requiring Significant Staff Time to Complete

If a FOIA Coordinator receives a request that will require significant staff time to complete, the FOIA Coordinator may communicate with the requester to explain the breadth and cost of the request and ask if the requester would like to narrow the request or break the request into parts. The FOIA Coordinator must obtain a written modification from the requester for any revision to the request. If the requester does not wish to narrow the request and the FOIA Coordinator has reason to believe that the City will have difficulty responding to the request within the time period set forth in the FOIA, the FOIA Coordinator should inform the requester of the estimated time it will take and the reason, and seek the requester's written agreement to a timetable for delivery of the response and to pay the applicable costs.

13.0 Deposits

13.1 The City may require a deposit prior to processing a FOIA request if the estimated fees exceed \$50.00. To preserve public resources, the City 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 City's initial response or in the notice of a 10-day extension.

13.2 When a deposit is required, the FOIA Coordinator shall send a deposit letter containing:

- (1) the total estimated fee in the standard form for detailed itemization of costs;
- (2) that ½ the total estimated fee is required as deposit;
- (3) that the request will not be processed until the deposit is received;
- (4) that the balance of actual final fee must be paid after processing before the public records will be released;
- (5) that the actual final fee may be greater or less than the estimate;

- (6) a best efforts estimate regarding the time the records will be provided.
 - (7) notice of the date by which the deposit must be received if the requester does not want the City to consider the request abandoned. Such a date must be 48 days after the notice is sent.
- 13.3 The period of time to respond to the request is tolled from the date the deposit notice is sent until the deposit is paid.
- 13.4 If the City receives a request from an individual who has not paid for copies of public records collected for a prior request, the FOIA Coordinator shall require a deposit of 100% of the estimated total fee before the new request is processed, if all of the following conditions exist:
 - (1) the final fee for the prior request was not more than 105% of the estimated fee;
 - (2) the public records made available contained the information sought and remain in the City's possession;
 - (3) the public records were made available within the estimate time frame;
 - (4) 90 days have passed since the City notified the individual in writing that the public records were ready;
 - (5) the individual is unable to show proof of payment for that prior request; and
 - (6) the City has calculated an estimated detailed itemization for the new request's fee deposit.
- 13.5 The FOIA Coordinator shall not require the 100% estimated fee deposit if any of the following applies:
 - (1) the individual is able to show proof of full payment for the prior request;
 - (2) the individual pays in full the amount due for the prior request; or
 - (3) 365 days have passed since the individual made the request that was not paid for.
- 13.6 If the City requires a deposit and the deposit is not received by the City with 45 days from the receipt by the requestor of the notice that a deposit is required, and if the requester has not filed an appeal of the deposit, the request shall be

deemed abandoned and the City is not required to fulfill the request. A notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of transmission.

- 13.7 When the City has received a deposit, the request is processed, and the requester does not pay all remaining costs within one year from the date of notification that the public records are available, the request shall be deemed abandoned and the deposit forfeited.

14.0 Responses

- 14.1 Unless otherwise agreed to in writing by the requester, the FOIA Coordinator shall provide a written response to all requests within 5 business days after the request is received doing 1 of the following:

- (1) Granting the request.
- (2) Denying the request.
- (3) Granting the request in part and denying the request in part.
- (4) Issuing a notice extending the time to respond for not more than 10 business days, which must specify the reasons for the extension and the date by which the City will respond.

- 14.2 The final determination of the City must either grant or deny the request, in whole or in part, and contain the following:

- (1) A statement specifying the request has been “granted,” “denied,” or “granted in part and denied in part.”
- (2) If denied, a description of the public records or portions of public records exempted from disclosure (without revealing the contents of the exempt information) and an explanation of the basis for the exemptions.
- (3) A certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the City, if that is the reason for denying the request or a portion of the request.
- (4) If there is a charge, a standard form containing a detailed itemization of costs, how to make payment, and how the records will be delivered. The itemization shall contain the following statement specifying how to appeal a fee:

If you believe that you have been charged a fee in excess of that permitted by the FOIA or the City's FOIA Procedures and Guidelines, you must submit to the City Administrator, within 45 days of the date of this response, a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the City's Procedures and Guidelines or section 4 of the FOIA. Within 45 days after the appeal determination, you may commence a civil action in Washtenaw County Circuit Court for a fee reduction.

- (5) A link to the City internet address of these procedures and guidelines the written public summary required under the FOIA or, if those documents are not on a City internet site, copies of those documents.
- (6) The City internet address of any publicly available internet records, and a statement that there will be an additional charge if the requester wishes the City to create copies.
- (7) If any portion of the request is denied, the following statement specifying the requester's right to appeal:

If you receive written notice that all or a portion of your request has been denied, then under Sec. 10 of the Freedom of Information Act (FOIA) and Sec. 16 of the City's FOIA Procedures and Guidelines you may, at your option, either 1) submit to the City Administrator, within 180 days of the date of this response, a written appeal that specifically states the word "appeal" and identifies the reason(s) for reversal of the denial; or 2) commence a civil action in the Washtenaw County Circuit Court to compel the City's disclosure of the record. If, after judicial review, the circuit court determines that the City has not complied with the Act and orders disclosure of all or a portion of a public record, you may be awarded reasonable attorney's fees and damages as specified under the FOIA.

- (8) The signature of the FOIA Coordinator or their designee.

15.0 Appeals

15.1 Head of the Public Body

The City Administrator or, if the City Administrator is unavailable, their designee, shall be the head of the public body for all appeals.

15.2 Appeal of Denial

If the City makes a final determination to deny any part of a request, the requester may appeal the decision to the City Administrator within 180 days after the date the final determination is sent.

15.3 Appeal of Fees

If the City makes a final determination to require a fee, the requester may submit an appeal for a fee reduction to City Administrator within 45 days after notice of the required fee is sent.

15.4 Validity of Appeal

The FOIA provides that in order to be a valid appeal, the appeal must be in writing, addressed to the City Administrator, and specifically state the word "appeal" and identify the reason or reasons for reversal of the denial or, for a fee appeal, how the fee exceeds the fee permitted by the FOIA and this policy.

15.5 Appeal Procedure

- (1) Upon receipt of a valid appeal, the FOIA Coordinator shall provide the City Administrator and the City Attorney's Office with a copy of the appeal, the due date, and the necessary information to make a decision on the appeal.
- (2) A written decision on an appeal must be issued to the requester within 10 business days after receiving the appeal, unless an extension is issued.
- (3) On the direction of the City Administrator, the FOIA Coordinator shall prepare a draft written decision for the City Administrator's review or transmit the final written decision after the City Administrator's approval.

15.6 Written Decision

The written decision on an appeal shall contain the following:

- (1) For an appeal of a denial, the written decision shall (a) reverse the disclosure denial, (b) uphold the disclosure denial, or (c) reverse the disclosure denial in part and uphold the disclosure denial in part.
- (2) For a fee appeal, the written decision shall (a) waive the fee, (b) reduce the fee, indicate the specific basis under section 4 of the FOIA that supports the remaining fee, and include a certification from the City Administrator that the statements therein are accurate and that the reduced fee amount complies with the City's publicly available procedures and guidelines and section 4 of the FOIA, (c) uphold the fee, indicate the

specific basis under section 4 of the FOIA that supports the fee, and include a certification from the City Administrator that the statements therein are accurate and that the fee amount complies with the City's publicly available procedures and guidelines and section 4 of the FOIA.

- (3) If the result is a reversal of a denial in whole or in part, the written decision shall include a statement specifying any additional costs for provision of the public records, including a detailed itemization of costs on the standard form.
- (4) The signature of the City Administrator or designee.

15.7 Extension of Appeals

The time for responding to an appeal of a denial may, under unusual circumstances, be extended for up to 10 business days. "Unusual circumstances" means any 1 or a combination of the following, but only to the extent necessary for the proper processing of a request:

- (1) The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.
- (2) The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.

The time for responding to an appeal of a fee may be extended for up to 10 business days for a detailed reason explaining why the extension is necessary.

If an extension of an appeal for either a fee or a denial is warranted, the FOIA Coordinator or City Administrator shall advise the City Attorney's Office as soon as possible of the reasons.

16.0 Fee Calculation

16.1 Standard Form for Detailed Itemization of Fees

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 compose the total fee used for estimating or charging purposes.

16.2 Fee Components

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

- (1) That portion of labor costs directly associated with the necessary searching for, locating, and examining of public records. These labor costs shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. These costs will only be included if they are unreasonably high as defined in these policies and guidelines.
- (2) That portion of labor costs, including necessary review, if any, directly associated with the separating and deleting of exempt information from nonexempt information. These labor costs shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. These costs will only be included if they are unreasonably high as defined in these policies and guidelines.
- (3) For public records provided to the requester on nonpaper physical media, the actual and most reasonably economical cost of the computer discs, computer tapes, or other digital or similar media.
- (4) For paper copies of public records provided to the requester, the actual cost of necessary duplication or publication, not including labor. The City shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost-saving and available.
- (5) 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 requester on nonpaper physical media or through the internet or other electronic means as stipulated by the requester. For City employees, these labor costs shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. For duplication or publication that must be done, or is more economically done, off-site, the City shall charge the requester the actual costs charged to the City for the work.
- (6) The actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner, including costs to ship public records off-site to be copied, if necessary or more economical. The City shall not charge more for expedited shipping or insurance unless specifically stipulated by the requester, but may otherwise charge for the least expensive form of postal delivery confirmation when mailing public

records. Postage costs will be waived for up to 8 pages (including the City's written response) that fit into a business envelope.

16.3 Charges for Search, Examination, Review, Deletion and Separation

The City shall charge a fee for labor costs for the search, examination, review, and the deletion and separation of exempt from nonexempt information in responding to FOIA requests when failure to do so would result in unreasonably high costs incurred. Unreasonably high costs means a request that entails any one or a combination of the following:

- (1) Any staff time over 1 hour;
- (2) Any staff time spent by the IT department performing a search for or retrieval of electronic public records;
- (3) Any staff time spent separating or deleting exempt information from nonexempt information from video recordings, including necessary review

16.4 Labor Costs

When charging for City staff labor, the City shall charge the hourly wage, plus a multiplier reflecting the actual costs of fringe benefits, of its lowest-paid employee capable of performing the labor. Regardless of actual costs, the multiplier shall not exceed 50% of the hourly wage unless the FOIA specifically permits otherwise. Labor fee components shall be itemized in a manner that expresses both the hourly wage and the number of hours charged. The percentage multiplier used to account for benefits in the detailed itemization shall be clearly noted. Overtime wages shall not be included unless specifically stipulated by the requester and clearly noted on the detailed itemization.

If the requester is informed that public records are available on a City internet site and the requester still would like the City to copy those records, the costs of labor and materials for duplication and publication shall be added to the fee for the request. The fringe benefit multiplier for these costs is permitted to exceed 50% of the hourly wage, reflecting actual costs. Note that labor costs for duplication and publication are not subject to the free hour for search, examination, review, and redaction.

16.5 Inspection Costs

Inspection and examination of public records must be conducted in the presence of a City 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 any inspection.

16.6 Payment of Costs

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

16.7 Combination of Requests

When a requester or associated group of requesters submits two or more simultaneous, proximate, or overlapping requests, the City may, in the interest of efficiently using and conserving City staff and 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.

16.8 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.

16.9 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 statute 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 law.

16.10 Disability

The City shall not charge a disabled individual additional costs to provide special accommodations required by the Americans With Disabilities Act.

16.11 Public Assistance/Indigence

The City shall provide a copy of a public record without charge for the first \$20.00 of the fee for each request by either of the following:

- (1) Persons receiving public assistance or presenting facts showing an inability to pay due to indigency. The person must complete and submit an affidavit, the form of which may be provided by the City Clerk. The person may be required to submit a copy of relevant documents showing receipt of public assistance (such as a copy of a Medicaid card) or otherwise substantiating a claim of indigency. In the response, the FOIA Coordinator shall fully note the discount on the detailed cost itemization or, if the requester is ineligible for the discount, inform the requester specifically of the reason for ineligibility. 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 under this subsection from the City twice during that calendar year.
 - (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request.

- (2) A nonprofit organization formally designated by the state to carry out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
 - (i) Is made directly on behalf of the organization or its clients.
 - (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
 - (iii) Is accompanied by documentation of its designation by the state.

16.12 Late Responses

If the City does not respond to a request in a timely manner as required under the FOIA, the FOIA Coordinator shall reduce fees if required by section 4(9) of the FOIA.

16.13 Waiver Or Reduction of Fees for Public Benefit

The City's provision of many public records free of charge on its internet site and the provision of 1 free hour of staff time for search, examination, review, or the deletion or separation of exempt from nonexempt information for FOIA requests

reflect the City's determination to provide reasonable quantities of public records free of charge to benefit the general public. However, in special circumstances, the FOIA Coordinator may additionally waive some or all of the fee if the FOIA Coordinator determines that it is in the public interest because searching for or furnishing copies of the public record primarily benefits the general public.