

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES
JUNE 1, 2015 WORK STUDY MEETING, TENTATIVE AGENDA**

ROLL CALL:

| | | | |
|------------------|-------|----------------------|-------|
| Supervisor Combs | _____ | Trustee McClanahan | _____ |
| Clerk Wright | _____ | Trustee Miller | _____ |
| Treasurer Budd | _____ | Engineer Nummer | _____ |
| Trustee Hart | _____ | Attorney McCauley | _____ |
| Trustee Jahr | _____ | Secretary Montgomery | _____ |

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Discussion on Resolution 2015-22 the Van Buren Charter Township Freedom of Information Policy.
2. Discussion on the Pump Station Replacement Project Services and the contract with Wade Trim, in the amount of \$38,700.00, to provide the engineering services identified in the "Scope of Services".
3. Discussion on Resolution 2015-23 the Wade Trim 2015 rate schedule.
4. Discussion on the resignation of Robert Cook from the Water & Sewer Commission and appointment of Loretta Speaks to fill the remainder of the term expiring May 31, 2016.

PUBLIC COMMENT:

ADJOURNMENT:

CLOSED SESSION:

ADJOURNMENT:

Charter Township of Van Buren

Agenda Item _____

REQUEST FOR BOARD ACTION

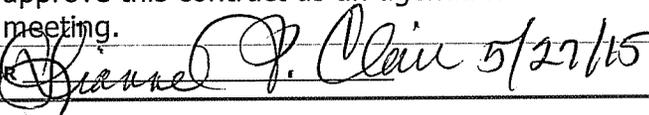
WORK STUDY MEETING DATE:
2015-06-01

BOARD MEETING DATE:
2015-06-16

Consent Agenda _____ New Business X Unfinished Business _____ Public Hearing _____

| | |
|---|---|
| ITEM (SUBJECT) | Pump Station Replacement Project Services |
| DEPARTMENT | Public Services |
| PRESENTER | Director James T. Taylor |
| PHONE NUMBER | 734-699-8947 |
| INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER) | Dave Nummer – Township Engineer |

Agenda topic

| | |
|--|--|
| ACTION REQUESTED | |
| Recommend to the Township Board to award a contract to Wade Trim in the amount of \$38,700.00 to provide the list of engineering services listed in the attached letter, under "Scope of Services". | |
| BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS) | |
| As noted in the attached letter, Harbor Club Lift Station is the oldest and deepest station in the township. The station has been experiencing increasing equipment failures, including the elevator that is used to provide staff access for maintenance 45 feet below the top of the station. It has become a priority to replace and relocate this station to improve the functionality and accessibility to the station. Wade Trim is recommended to provide us with the needed engineering services to complete this project. | |
| BUDGET IMPLICATION | This proposal is for an amount of \$38,700.00 The project is being funded from Sewer Capital Outlay Account 592-537-970-000 |
| IMPLEMENTATION NEXT STEP | Approval by Township Board, execute contract. |
| DEPARTMENT RECOMMENDATION | Approval of contract with Wade Trim and authorize Supervisor and Clerk to execute contract. |
| COMMITTEE/COMMISSION RECOMMENDATION | |
| ATTORNEY RECOMMENDATION | |
| (May be subject to Attorney/Client Privilege and not available under FOIA) | |
| ADDITIONAL REMARKS | The Director of Public Works requests that the Board of Trustees approve this contract as an agenda item at the June 16, 2015 Board meeting. |
| APPROVAL OF SUPERVISOR |  5/27/15 |



CHARTER TOWNSHIP OF VAN BUREN DEPARTMENT OF PUBLIC SERVICES

DATE: June 1, 2015
TO: Township Board of Trustees
FROM: James T. Taylor, Director of Public Services
RE: Request for Board Action – Harbor Club Lift Station Replacement Project Services

Harbor Club Lift Station is the oldest and deepest sanitary lift station in the township. The station has been experiencing increasing equipment failures, including the elevator that is used to provide staff access for maintenance 45 feet below the top of the station. The location of this station, at a high point on the property, places the well at a depth that requires an elevator for access and makes the well inaccessible to the Vactor. It has become a priority to replace and relocate this station to improve the functionality and accessibility to the station.

Engineer Nummer and I have been in conversation with the management of Harbor Club, who are very agreeable to relocate the station to a more desirable location between two apartment buildings on the west side of the parking structure seen in the attached photos. In our preliminary conversations, they have indicated that they will provide an easement for us at that location.

Despite the lack of quorum at the Water & Sewer Commission Meeting on Tuesday, May 26th, we did receive a consensus from the attending members to move forward with this project. Thus, I am requesting that the Board of Trustees approve the request to award a contract in the amount of \$38,700.00 to Wade Trim to provide the engineering services for this project detailed in the attached memo from Engineer Nummer. Let me know if you have any questions or concerns that we may address in the presentation at the June 1st work study.

MISSION STATEMENT

“The Van Buren Public Services Department is committed to a clean and safe environment, enhanced service delivery to its customers and protection of the significant public investment in the township’s buildings and grounds, and water distribution and sanitary collection systems.”

March 13, 2015

Charter Township of Van Buren
46425 Tyler Road
Van Buren Township, MI 48111

Attention: Mr. James Taylor, Director of Public Works

Re: Proposal to Provide Plans and Specifications for
Harbor Club Pump Station Replacement

Dear Mr. Taylor:

You have requested a proposal for engineering services to replace the Harbor Club sanitary pump station. The Harbor Club station was constructed in 1970 as a dry well/wet well station. The dry well contains the pumps and controls while the wet well collects sewage to be pumped out. This pump station serves approximately 240 residential units.

The Harbor Club station is the deepest in the township. In order to operate the station township employees must enter the dry well and go down 45 feet below grade to reach the controls. The station is equipped with a small elevator which is used to access the station. This elevator requires frequent service and must be certified on an annual basis. Inspection and certification of the elevator must be done by a licensed contractor. We have been informed that the requirements for recertification are being changed from once per year to once per month which will greatly increase the operating cost of the station. The depth of the station also makes it impossible to clean out the wet well with the current township equipment.

The pump station is 45 years old and is experiencing periodic equipment failures. While the Township staff has done an excellent job of maintaining the station in working order it is becoming harder to find replacement parts. The result is that the station is becoming cost prohibitive to operate and maintain.

In addition to the physical condition, maintenance concerns and cost considerations, the Township has been approached several times by the management of the Harbor Club Apartments who have indicated they suspect that the station and/or force main may be leaking and causing damage to their parking areas. While we have not been able to confirm if there is a leak coming from the station we do know that a repair was done on the force main in the area of the reported leak just a few years ago. It may be possible that the repair has developed a problem and is now leaking.

Due to the condition of the station, the increasing cost of operation and the potential leak the station and force main need to be replaced. The proposal is to convert this station over to a submersible pump configuration with the controls located at grade. This type of pump station does not require the operator to enter the station in order to access the controls, and

the pumps are installed on rails which allow the pumps to be removed and reinstalled from outside the station. We also plan to work with the owners of the Harbor Club property to relocate the station such that the wet well is not so deep and can be serviced by the Township equipment.

The scope of the project will include the design of the Harbor Club sanitary sewer pump station including relocation of the existing back-up generator and abandonment of the existing structure. A new control panel will be designed and installed. SCADA equipment will be salvaged from the existing pump station and reinstalled in the new control panel. Our scope includes preparation of plans, specifications and bidding documents. We also anticipate the need for a permanent easement to accommodate the relocated pump station and associated equipment. Specific work items are outlined below.

Scope of Services

We propose to provide the following services for this project:

1. Topographic Survey – We will collect topographic survey data at the location for the relocated station as well as the existing conditions. Survey data will also include property corners, monuments and other reference points necessary to draft an easement for the relocated station.
2. Geotechnical Services – Soil borings will be necessary to determine the subsurface conditions and to design the foundations for the new pump station. We are proposing to obtain one soil boring at the pump station location to a depth of 60 feet.
3. Locate existing utilities – we will contact utility companies to determine the location and capacity of electric and natural gas service necessary to operate the pump station and the back-up generator. These utilities will be shown on the plans and an allowance for reconnection of the utilities will be provided for in the contract documents.
4. Prepare preliminary engineering plans for the sanitary pump station. Preliminary plans will include existing utilities, proposed pump station location, size and pump selection and preliminary electrical drawings. These plans will be provided to the Township staff for review and comment.
5. Property owner meeting – we anticipate the need to meet with the owners of the Harbor Club Apartments during the preliminary design phase to determine a suitable location for the new pump station and to address any concerns they might have.
6. Conduct an “in-house” quality review meeting and make necessary changes to the plans and specifications.
7. Permits – Wade Trim will make submittals to permitting agencies and complete permit applications to secure the necessary permits for this project. All permit fees are to be paid by the Township or reimbursed to Wade Trim as additional scope of services. We assume that the following permits will be required for this project:

- a. Wayne County Soil Erosion
 - b. Michigan Department of Environmental Quality (MDEQ) Waste Water Permit
8. Prepare final engineering plans based on comments from the in-house review and permitting agencies.
 9. Prepare technical specifications and contract documents for use in bidding work.
 10. Prepare an easement document, legal description and easement sketch for the new pump station location. Assist the Township in securing the easement from the property owner.
 11. Attend meetings with Van Buren Township's staff and any regulatory agencies that require special assistance. Wade Trim will include in our cost one public information meeting to discuss any questions or concerns the homeowners involved may have.
 12. Assist the Township in bidding the work including attending the bid opening, tabulating the bids and preparing a recommendation for award letter.

Compensation and Schedule

We propose to complete the scope of services as detailed above for a lump sum amount of \$38,700. We understand that the Township would like to have the pump station constructed this summer, and we are ready to begin work upon your acceptance of the proposal.

We welcome the opportunity to provide these services for Van Buren Township. If there are any questions, please feel free to contact this office.

Submitted by Wade Trim Associates

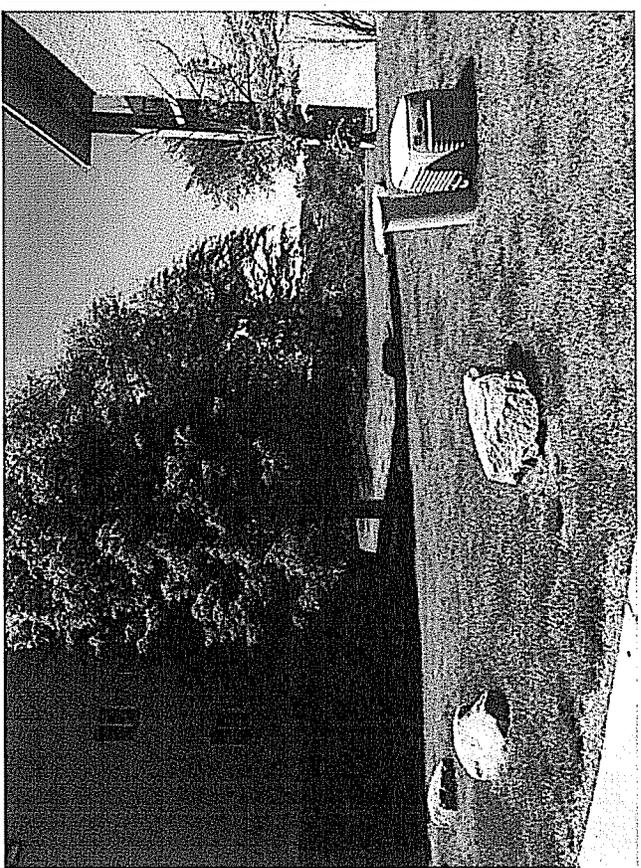
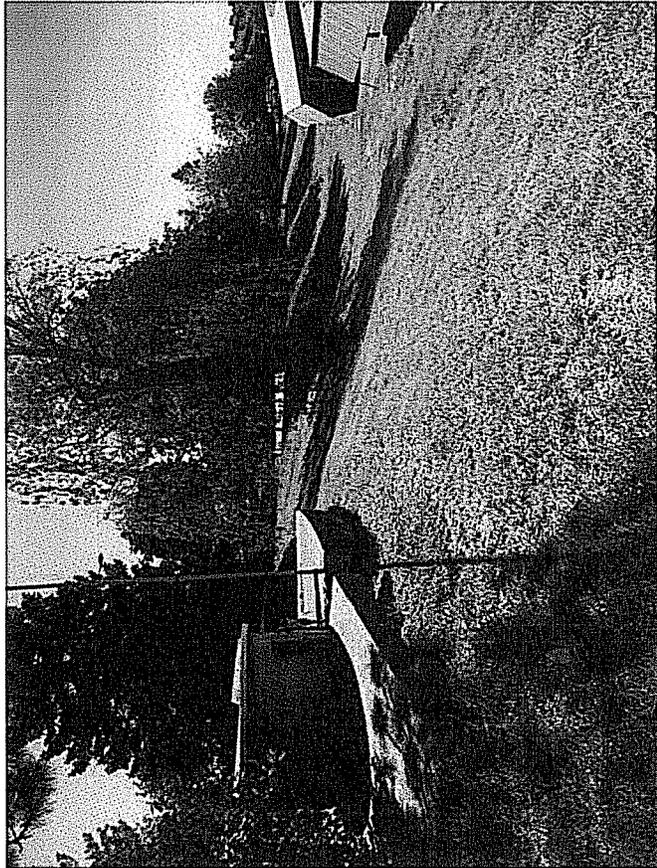
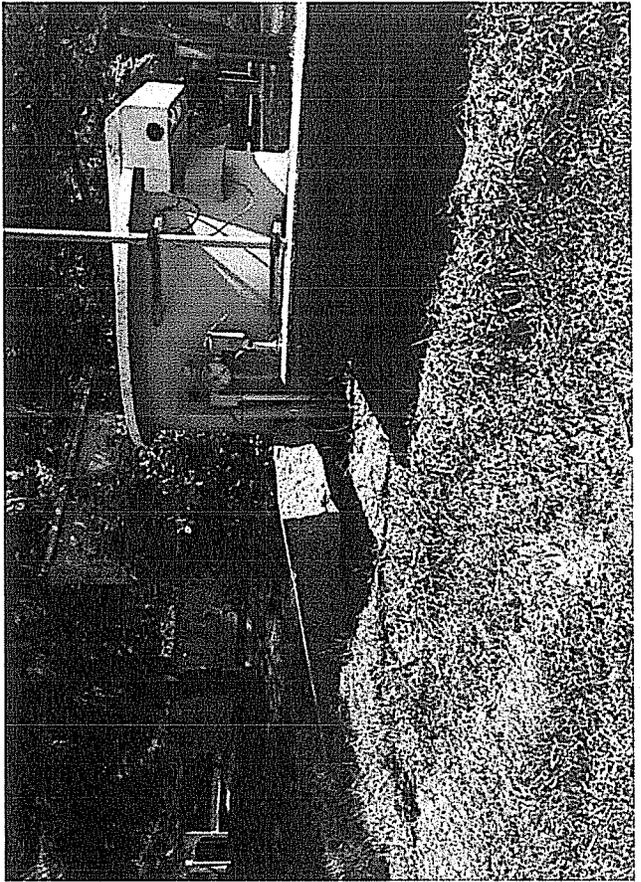
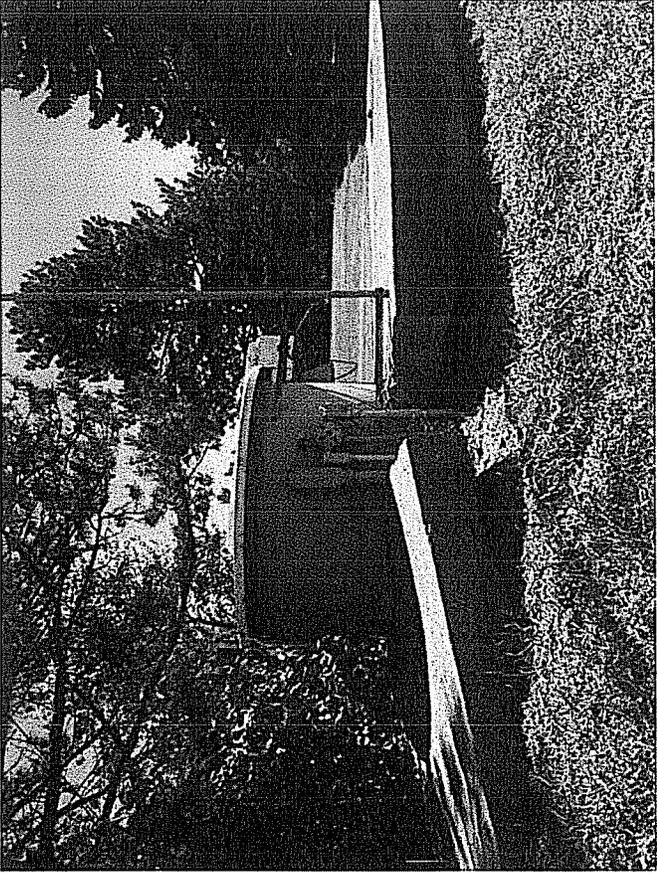
Acceptance by Van Buren Township

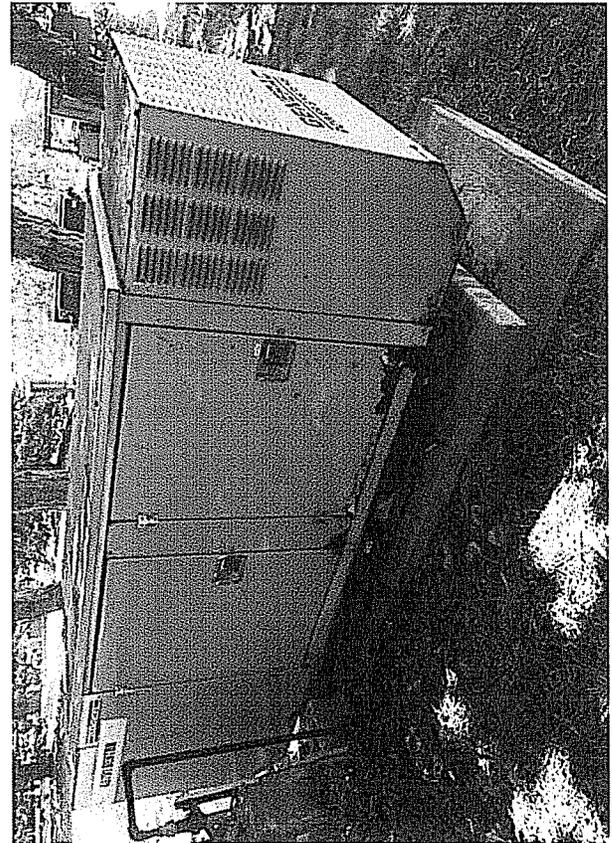
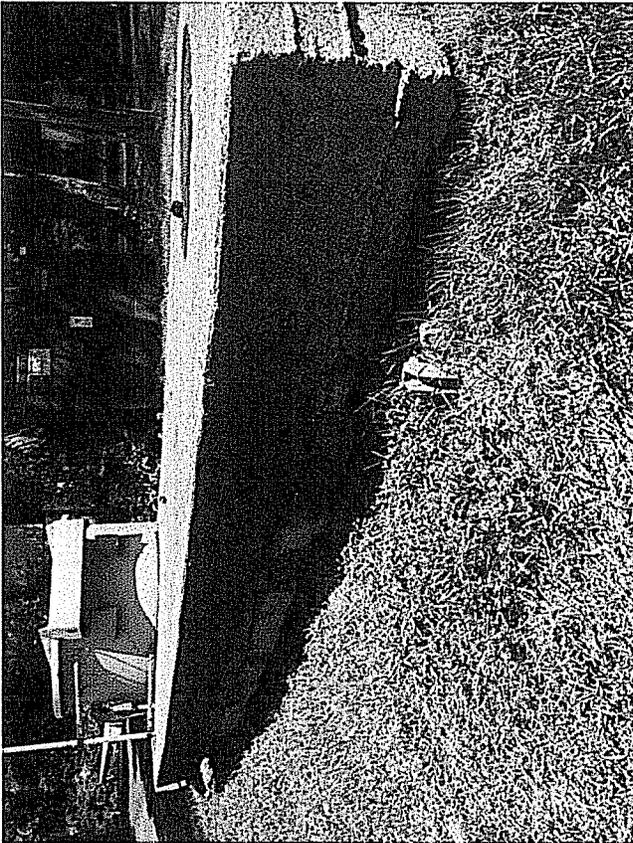
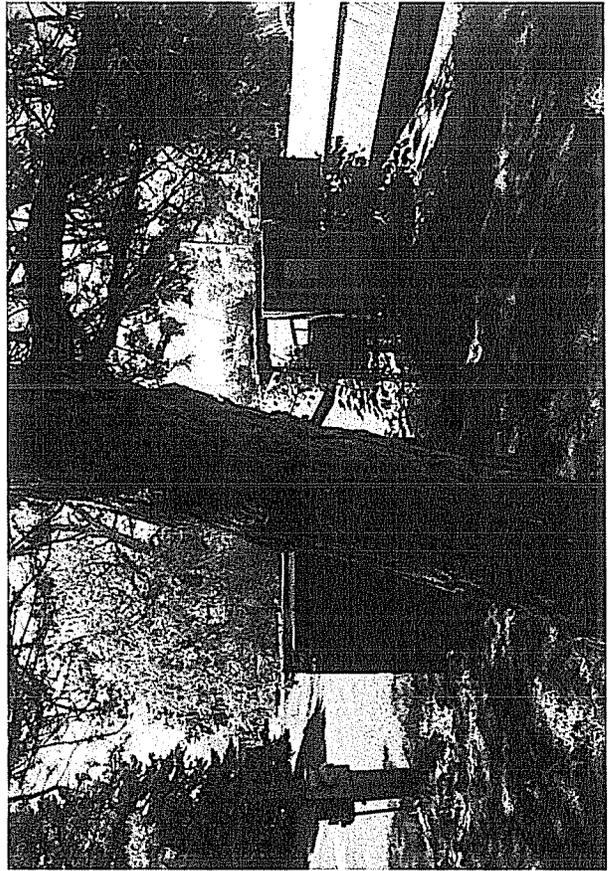
David M. Nummer, PE, Client Representative

Linda Combs, Township Supervisor

Leon Wright, Township Clerk

DMN





Charter Township of Van Buren

Agenda Item: _____

Work Study Meeting Date: June 1, 2015
Board Meeting Date: June 16, 2015

REQUEST FOR BOARD ACTION

| | Consent Agenda | x | New Business | Unfinished Business | Public Hearing |
|---|---|---|--------------|---------------------|----------------|
| ITEM (SUBJECT) | To consider approval of Resolution 2015-23: Wade Trim Engineering Services 2015 Rate Schedule | | | | |
| DEPARTMENT | Public Works | | | | |
| PRESENTER | Director Taylor | | | | |
| PHONE NUMBER | 734-699-8947 | | | | |
| INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER) | Engineer David Nummer, P.E. | | | | |

Agenda topic

| | |
|---|--|
| ACTION REQUESTED: | |
| To approve Resolution 2015-23: Wade Trim Engineering Services 2015 Rate Schedule. | |
| BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS) | |
| This is the first increase in rates since 2009. Reference the attached Proposed 2015 Rate Schedule dated February 17, 2015. | |
| BUDGET IMPLICATION | The proposed Rate Schedule reflects an average increase in fees of 0.59% per year. |
| IMPLEMENTATION NEXT STEP | Distribute to affected staff. |
| DEPARTMENT RECOMMENDATION | Approve Resolution 2015-23 as proposed. |
| COMMITTEE/COMMISSION RECOMMENDATION | |
| ATTORNEY RECOMMENDATION | N/A |
| (May be subject to Attorney/Client Privilege and not available under FOIA) | |
| ADDITIONAL REMARKS | |
| APPROVAL OF SUPERVISOR | <i>Dianna J. Clair 5/27/15</i> |



WADE TRIM

February 17, 2015

Charter Township of Van Buren
46425 Tyler Road
Van Buren Township, MI 48111

Attention: Ms. Linda Combs, Supervisor

Re: Proposed 2015 Rate Schedule

Dear Ms. Combs:

Wade Trim has been honored to be able to serve Van Buren Township and its residents since 2001. We highly value being able to build a long-term relationship with a community that allows us to develop a history and working knowledge of the utility systems and developments within the Township. We are also very proud to be able to assist with the many accomplishments the Township had made over the years such as completion of the water tower and equalization basin projects, numerous improvements to your water and sanitary sewer systems, the recent roadway improvements to Ecorse and Belleville Roads, and securing over \$7 million in grant funding for projects. These improvements have positioned the Township to be very attractive for development that can add significantly to your tax base and improve the quality of life for your residents.

In the years prior to 2008, Wade Trim would typically approach the Township at the beginning of the year to request an incremental adjustment to our hourly rate schedule. These incremental adjustments (some up and some down) allowed us to remain competitive within the industry and to provide the best value to the Township. With the economic disaster in 2008, we agreed to work with the Township to reduce the cost of our services in recognition of the severe financial stress that was being experienced locally by the Township and by the nation as a whole. The rate schedule for 2009 reflects reductions in specific classification rates based on discussions with the administration and the Board at the time. This reduced 2009 rate schedule has been used for the past six years with no adjustments.

With the economy beginning to recover, we would like to once again request an adjustment to our rate schedule. There are two reasons for this request. First, we would like to realign our rates with the industry so we can remain competitive and continue to provide a high value service to the Township. Secondly, over the past six years, we have made changes to several of our employee classifications from those in the 2009 rate schedule and the conversion between old and new is causing additional effort for our accounting department and billing clerks.

Wade Trim Associates, Inc. 734.947.9700
25251 Northline Road 800.482.2864
P.O. Box 10 734.947.9726 fax
Taylor, MI 48180 www.wadetrim.com



We know that with the recession the Township has made several adjustments in staffing and budgets to control costs so that your residents know that you are taking action to be financially responsible; Wade Trim has done this as well. In the past six years we have made adjustments to our staff to right size from 471 employees in 2007 to 290 employees in 2013. Right sizing of the staff allows us to deliver services in a cost effective manner. As we start to grow again we are recruiting younger staff that can, with appropriate direction from senior staff, deliver services in a very cost effective manner. We have also taken steps to reduce our overhead expenses such as renegotiating leases and managing vehicle fleets and equipment in order to keep costs as low as possible for our clients.

Wade Trim has also changed how we present cost proposals to the Board for consideration in an effort to further control the cost of the services we provide. When possible, we will present a lump sum price quote for work. The lump sum pricing for work provides the Township with a guaranteed cost based on a certain scope of services. The cost is tailored to the project and reflects the staff that will be assigned to that job. This is done primarily for design projects where the scope of services can be well defined. Projects such as construction engineering and development reviews are still done on a time and materials basis using the rate schedule because the duration of that work is dictated by the Contractor and/or Developer and cannot be known up front. Development review work is paid for by Developers; therefore, changes in the rate schedule for this work do not affect the Township. Development review work accounts for approximately 30% of the services provided each year.

Our proposed 2015 rate schedule is attached, along with an analysis of how the proposed rates compare to the current rates. When we adjust rates we typically do not change all the classifications in a given year; some may increase while others decrease. This is the case with the proposed 2015 rates. The analysis is divided into two sections. One section shows the classifications which have changed to new classifications. The old classifications ranged from \$35/hour to \$175/hour and the new classifications range from \$45/hour to \$145/hour. You will notice that the new classifications have taken the technician positions and broken them down into survey, construction and CADD technicians. We did this so that the classifications can be more narrowly defined and applied to the appropriate staff members so the cost can accurately reflect (as much as possible) the actual cost of that employee. The second portion of the analysis compares the current 2009 rates to the proposed 2015 rates. As this analysis shows, some of the rates go back to 2009 while others have remained unchanged since 2001 when we began working for the Township. The percentage change in the rates on an annual basis ranges from a reduction of 5.13% to an increase of 3.47%, with the average increase per year being 0.59%.

Charter Township of Van Buren
February 17, 2015
Page 3

We appreciate this opportunity to present our proposed 2015 rates to the Township Board for consideration. If there are any questions, we invite any of the Directors or Board Members to contact us directly at (734) 947-2793.

Very truly yours,

Wade Trim Associates, Inc.



David M. Nummer, PE

DMN:ka
VBN 1000-15T
20150217Combs.docx
Enclosures

cc: Mr. James Taylor, Director of Public Works
Mr. Jack Knowles, Director of Planning and Economic Development
Ms. Susan Ireland, Executive Director, Downtown Development Authority

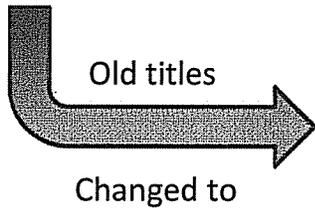
Rate Schedule Analysis
Revised Job Classifications

Old titles range
from \$35 to \$175

| | |
|------------------------------|-------|
| Technician VI | \$75 |
| Technician V | \$65 |
| Technician IV | \$55 |
| Technician III | \$45 |
| Technician II | \$40 |
| Technician I | \$35 |
| Administrative Manager | \$175 |
| Administrative Supervisor II | \$115 |
| Administrative Supervisor I | \$90 |
| Project Administrator III | \$95 |
| Project Administrator II | \$80 |
| Project Administrator I | \$60 |

New titles range
from \$45 to \$145

| | |
|-----------------------------|-------|
| Surveyor Technician VI | \$105 |
| Surveyor Technician V | \$95 |
| Surveyor Technician IV | \$85 |
| Surveyor Technician III | \$70 |
| Surveyor Technician III | \$60 |
| Surveyor Technician I | \$45 |
| Construction Technician VI | \$115 |
| Construction Technician V | \$105 |
| Construction Technician IV | \$95 |
| Construction Technician III | \$85 |
| Construction Technician II | \$75 |
| Construction Technician I | \$65 |
| CADD Technician VI | \$110 |
| CADD Technician V | \$100 |
| CADD Technician IV | \$90 |
| CADD Technician III | \$80 |
| CADD Technician II | \$70 |
| CADD Technician I | \$45 |
| Engineering Specialist II | \$145 |
| Engineering Specialist I | \$135 |
| Engineering Technician IV | \$105 |
| Engineering Technician III | \$90 |
| Engineering Technician II | \$65 |
| Engineering Technician I | \$45 |
| Project Aide III | \$110 |
| Project Aide II | \$85 |
| Project Aide I | \$60 |



Rate Schedule Analysis
Comparison of Current and Proposed Rates

| Title | Current Rate | Proposed Rate | Year | |
|-------------------------------|-----------------|------------------|-----------------|---------------|
| | | | Last Changed | % change/year |
| Prof. Landscape Architect II | \$90 | \$110 | 2001 | 1.59% |
| Landscape Architect I | \$50 | \$55 | 2001 | 0.71% |
| Professional Scientist II | \$90 | \$95 | 2001 | 0.40% |
| Professional Scientist I | \$80 | \$80 | 2001 | 0.00% |
| Professional Planner II | \$90 | \$110 | 2002 | 1.71% |
| Scientist II | \$65 | \$70 | 2002 | 0.59% |
| Professional Engineer II | \$110 | \$125 | 2003 | 1.14% |
| Professional Engineer I | \$90 | \$105 | 2003 | 1.39% |
| Scientist I | \$55 | \$55 | 2003 | 0.00% |
| Professional Planner III | \$125 | \$140 | 2006 | 1.33% |
| Scientist III | \$80 | \$105 | 2006 | 3.47% |
| Planner I | \$60 | \$65 | 2007 | 1.04% |
| Prof. Landscape Architect I | \$87 | \$85 | 2007 | -0.29% |
| Landscape Architect II | \$70 | \$70 | 2007 | 0.00% |
| Professional Engineer III | \$145 | \$160 | 2008 | 1.48% |
| Engineer II | \$85 | \$100 | 2008 | 2.52% |
| Engineer I | \$70 | \$80 | 2008 | 2.04% |
| Professional Planner I | \$80 | \$95 | 2008 | 2.68% |
| Planner II | \$70 | \$70 | 2008 | 0.00% |
| Professional Scientist III | \$135 | \$135 | 2008 | 0.00% |
| Professional Surveyor III | \$125 | \$125 | 2008 | 0.00% |
| Professional Surveyor I | \$95 | \$95 | 2008 | 0.00% |
| Surveyor II | \$70 | \$65 | 2008 | -1.02% |
| Engineer III | \$130 | \$130 | 2009 | 0.00% |
| Planner III | \$105 | \$105 | 2009 | 0.00% |
| Prof. Landscape Architect III | \$140 | \$145 | 2009 | 0.60% |
| Landscape Architect III | \$90 | \$90 | 2009 | 0.00% |
| Professional Surveyor II | \$105 | \$105 | 2009 | 0.00% |
| Surveyor III | \$90 | \$85 | 2009 | -0.93% |
| Surveyor I | \$65 | \$45 | 2009 | -5.13% |
| Senior Principal | \$185 | \$205 | 2009 | 1.80% |
| Principal | \$180 | \$195 | 2009 | 1.39% |
| Senior Professional | \$175 | \$185 | 2009 | 0.95% |

Average increase/year 0.59%

Rate Schedule Analysis
Comparison of Current and Proposed Expenses

| Expenses | 2009 Rates | 2015 Rates | Difference |
|--|------------------|------------------|--------------|
| Computer Aided Design & Drafting (CADD) | \$6.25/hour | \$6.25/hour | 0 |
| Survey Equipment | \$6.00/hour | \$6.00/hour | 0 |
| Field Vehicle | \$0.63/mile | \$0.63/mile | 0 |
| Robotic Survey Equipment | | \$15.00/hour | new |
| SSES - Includes Van and Standard Equipment | \$14.75/hour | \$14.75/hour | 0 |
| SSES - Equipment (Van and Miscellaneous) | \$8.50/hour | \$8.50/hour | 0 |
| GPS Equipment | \$20.00/hour | \$20.00/hour | 0 |
| First Order Leveling Equipment | | \$20.00/hour | new |
| Construction Vehicle | | \$16.00/hour | new |
| Traxler Nuclear Densimeter | \$5.50/hour | \$5.50/hour | 0 |
| Cylinder Breaking | \$12.00/cylinder | \$12.00/cylinder | 0 |
| Concrete Testing Equipment | \$5.00/hour | \$5.00/hour | 0 |
| Photocopies | \$0.10/copy | \$0.10/copy | 0 |
| Color Copies | \$0.25/copy | \$0.25/copy | 0 |
| Color Printer (per print) | \$0.15/print | \$0.15/print | 0 |
| Travel | \$0.505/mile | \$0.57/mile | \$0.065/mile |
| Laptop Computers | \$9.50/day | \$9.50/day | 0 |
| 3-D Laser Scanner | \$40.00/hour | \$95.00/hour | \$55/day |
| OCE Printer | \$1.40/sheet | \$1.40/sheet | 0 |
| OCE Printer/Mylars | | \$4.00/sheet | new |
| Flow Meter (single site) | \$625.00 | \$625.00 | 0 |
| Flow Meter (dual site) | | \$875.00 | new |
| Sampler (monthly) | \$500.00 | \$500.00 | 0 |
| Saximeter | | \$12.00/hour | new |
| Rain Gauge (monthly) | \$225.00 | \$225.00 | 0 |
| Recorder (monthly) | \$150.00 | \$150.00 | 0 |

**Wade Trim Billing Rate Schedule
 VBN2015A
 With Equipment Billed Separately
 Effective January 2015**

| <u>Labor Cost Classification Code</u> | <u>Title</u> | <u>2015 Rate Per Hour</u> |
|---|-------------------------------|-----------------------------------|
| 236 | Professional Engineer III | \$160 |
| 235 | Professional Engineer II | \$125 |
| 234 | Professional Engineer I | \$105 |
| 233 | Engineer III | \$130 |
| 232 | Engineer II | \$100 |
| 231 | Engineer I | \$80 |
| 246 | Professional Planner III | \$140 |
| 245 | Professional Planner II | \$110 |
| 244 | Professional Planner I | \$95 |
| 243 | Planner III | \$105 |
| 242 | Planner II | \$70 |
| 241 | Planner I | \$65 |
| 256 | Prof. Landscape Architect III | \$145 |
| 255 | Prof. Landscape Architect II | \$110 |
| 254 | Prof. Landscape Architect I | \$85 |
| 253 | Landscape Architect III | \$90 |
| 252 | Landscape Architect II | \$70 |
| 251 | Landscape Architect I | \$55 |
| 266 | Professional Scientist III | \$135 |
| 265 | Professional Scientist II | \$95 |
| 264 | Professional Scientist I | \$80 |
| 263 | Scientist III | \$105 |
| 262 | Scientist II | \$70 |
| 261 | Scientist I | \$55 |
| 286 | Professional Surveyor III | \$125 |
| 285 | Professional Surveyor II | \$105 |
| 284 | Professional Surveyor I | \$95 |
| 283 | Surveyor III | \$85 |
| 282 | Surveyor II | \$65 |
| 281 | Surveyor I | \$45 |
| 786 | Surveyor Technician VI | \$105 |
| 785 | Surveyor Technician V | \$95 |
| 784 | Surveyor Technician IV | \$85 |
| 783 | Surveyor Technician III | \$70 |
| 782 | Surveyor Technician II | \$60 |
| 781 | Surveyor Technician I | \$45 |
| 716 | Construction Technician VI | \$115 |
| 715 | Construction Technician V | \$105 |
| 714 | Construction Technician IV | \$95 |
| 713 | Construction Technician III | \$85 |
| 712 | Construction Technician II | \$75 |
| 711 | Construction Technician I | \$65 |
| 726 | CADD Technician VI | \$110 |
| 725 | CADD Technician V | \$100 |
| 724 | CADD Technician IV | \$90 |
| 723 | CADD Technician III | \$80 |
| 722 | CADD Technician II | \$70 |
| 721 | CADD Technician I | \$45 |

| | | |
|-----|----------------------------|-------|
| 736 | Engineering Specialist II | \$145 |
| 735 | Engineering Specialist I | \$135 |
| 734 | Engineering Technician IV | \$105 |
| 733 | Engineering Technician III | \$90 |
| 732 | Engineering Technician II | \$65 |
| 731 | Engineering Technician I | \$45 |
| 753 | Project Aide III | \$110 |
| 752 | Project Aide II | \$85 |
| 751 | Project Aide I | \$60 |
| 203 | Senior Principal | \$205 |
| 202 | Principal | \$195 |
| 201 | Senior Professional | \$185 |

Outside expenses and subconsultants at cost times 1.15.

Special billing rates will apply in matters requiring expert witnesses or other consulting as it relates to legal matters.

Reviewed and Revised Annually

| Other Direct Cost | Rate Per Hour |
|--|----------------------|
| Computer Aided Design & Drafting (CADD) | \$6.25/hour |
| Survey Equipment | \$6.00/hour |
| Field Vehicle | \$0.63/mile |
| Robotic Survey Equipment | \$15.00/hour |
| SSES - Includes Van and Standard Equipment | \$14.75/hour |
| SSES - Equipment (Van and Miscellaneous) | \$8.50/hour |
| GPS Equipment | \$20.00/hour |
| First Order Leveling Equipment | \$20.00/hour |
| Construction Vehicle | \$16.00/hour |
| Traxler Nuclear Densimeter | \$5.50/hour |
| Cylinder Breaking | \$12.00/cylinder |
| Concrete Testing Equipment | \$5.00/hour |
| Photocopies | \$0.10/copy |
| Color Copies | \$0.25/copy |
| Color Printer (per print) | \$0.15/print |
| Travel | \$0.57/mile |
| Laptop Computers | \$9.50/day |
| 3-D Laser Scanner | \$95.00/hour |
| OCE Printer | \$1.40/sheet |
| OCE Printer/Mylars | \$4.00/sheet |
| Flow Meter (single site) | \$625.00 |
| Flow Meter (dual site) | \$875.00 |
| Sampler (monthly) | \$500.00 |
| Saximeter | \$12.00/hour |
| Rain Gauge (monthly) | \$225.00 |
| Recorder (monthly) | \$150.00 |

Reviewed and Revised Annually

Charter Township of Van Buren

Agenda Item: _____

Work Study Meeting Date: June 1, 2015
Board Meeting Date: June 16, 2015

REQUEST FOR BOARD ACTION

| | Consent Agenda | x | New Business | Unfinished Business | Public Hearing |
|---|--|---|--------------|---------------------|----------------|
| ITEM (SUBJECT) | To acknowledge the resignation of Robert Cook from the Water & Sewer Commission and to appoint Loretta Speaks to fill the remainder of the term. | | | | |
| DEPARTMENT | Supervisor's Office/Public Services | | | | |
| PRESENTER | Supervisor Combs/Director James T. Taylor | | | | |
| PHONE NUMBER | 734-699-8910/734-699-8947 | | | | |
| INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER) | | | | | |

Agenda topic

| | |
|---|--|
| ACTION REQUESTED: | |
| To acknowledge the resignation of Robert Cook from the Township's Water & Sewer Commission effective April 28, 2015 and to approve the appointment of Loretta Speaks to fill the remainder of the term expiring May 31, 2016. | |
| BACKGROUND -- (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS) | |
| Ms. Speaks submitted an application to the Supervisor's Office, was interviewed by Public Works Director Taylor and was found to be a more-than-acceptable candidate to fill the position vacated by Mr. Cook. | |

| | |
|--|--|
| BUDGET IMPLICATION | \$25.00 per meeting |
| IMPLEMENTATION NEXT STEP | Board acknowledgement of resignation and approval of new appointment |
| DEPARTMENT RECOMMENDATION | Approval by the Township Board |
| COMMITTEE/COMMISSION RECOMMENDATION | |
| ATTORNEY RECOMMENDATION | N/A |
| (May be subject to Attorney/Client Privilege and not available under FOIA) | |
| ADDITIONAL REMARKS | |
| APPROVAL OF SUPERVISOR | <i>James P. Clair 5/27/15</i> |

Charter Township of Van Buren

Agenda Item: 1

Work Study Meetings Date: June 1, 2015
Board Meeting Date: June 16, 2015

REQUEST FOR BOARD ACTION

| | Consent Agenda <input checked="" type="checkbox"/> | New Business | Unfinished Business | Public Hearing |
|---|--|--------------|---------------------|----------------|
| ITEM (SUBJECT) | To consider approval of Resolution 2015-22 the Van Buren Township Michigan Freedom of Information Policy | | | |
| DEPARTMENT | Clerk's Office | | | |
| PRESENTER | Clerk Leon Wright | | | |
| PHONE NUMBER | | | | |
| INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER) | Attorney Carlito Young | | | |

Agenda topic

| | |
|--|--|
| ACTION REQUESTED: | |
| Approval of Resolution 2015-22 the Van Buren Township Michigan Freedom of Information Policy. | |
| BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS) | |
| PA 563 of 2014 was enacted by the Michigan State Legislature during the final session in 2014. The act mandates changes regarding Michigan Freedom of Information Act processes and procedures. Among these changes is the requirement for municipalities to establish a Freedom of Information Act Procedure and Guidelines, Public Summary of the FOIA statute and Cost Itemization Form. Before you today is the draft policies and summary for your review. The Township's final version of the aforementioned documents must be available for the public by July 1, 2015. | |
| BUDGET IMPLICATION | None |
| IMPLEMENTATION NEXT STEP | Posting on web and copies available at the Clerk's Office. |
| DEPARTMENT RECOMMENDATION | |
| COMMITTEE/COMMISSION RECOMMENDATION | |
| ATTORNEY RECOMMENDATION | This policy was prepared and reviewed and is recommended for adoption by Township council (Carlito Young-Johnson Rosati Schultz Joppich) |
| (May be subject to Attorney/Client Privilege and not available under FOIA) | |
| ADDITIONAL REMARKS | |
| APPROVAL OF SUPERVISOR | <i>Jeanne P. Clair 5/27/15</i> |

DRAFT

VAN BUREN CHARTER TOWNSHIP

Freedom of Information Act ("FOIA") Procedures and Guidelines

Section 1: General Policies

The Township Board, acting pursuant to the authority at MCL 15.236, designates the Township Clerk ("Clerk") as the FOIA Coordinator. He or she is authorized to designate other Township staff to act on his or her behalf to accept and process written requests for the Township's public records and approve denials.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a Township 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 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 may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The Township 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 Township staff, are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

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

The Township will make these Procedures and Guidelines, as well as, the Written Public Summary publicly available without charge.




Section 2: Requesting a Public Record

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Township may be submitted on the Township's FOIA Request Form, in any other form of writing (letter, fax, email, etc.). A request must sufficiently describe a public record so as to enable Township personnel to identify and find the requested public record. Verbal requests for records may be processed, but will be documented by the Township. The FOIA Coordinator may insist on a written request.

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

Written requests for public records may be submitted in person or by mail to the Township office. Requests may also be submitted electronically by fax and email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

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

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

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

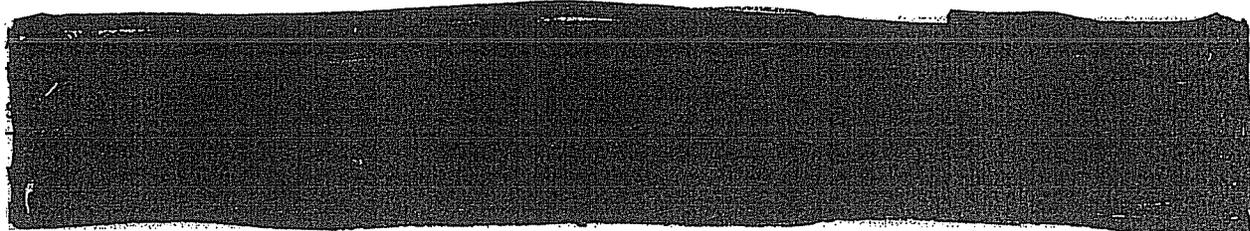
Unless otherwise agreed to in writing by the person making the request, the Township will issue a response within 5 business days of receipt of a FOIA request. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day.

The Township will respond to a 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 written notice indicating that the public record requested is available at no charge on the Township's website.
- Issue a notice indicating that due to the nature of the request the Township needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.

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. The FOIA Coordinator will use the Township's Cost Itemization Form.



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 the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requester has not paid in full for a previously granted request, the Township will require a good-faith deposit pursuant to Section 4 of this policy 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 Township to process the request and also provide a best efforts estimate of a time frame it will take the Township to provide the records to the requester. The best efforts estimate shall be nonbinding on the Township, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

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 requester, or another name reasonably known by the Township; 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 Township Supervisor or seek judicial review in the Wayne 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 or the Coordinator's designee.

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

If there is a request to inspect public records, the Township 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 Township records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal Township operations.

If there is a request for certified copies, 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, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not paid the Township in full 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 Township's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by the Township to provide the records;
- Ninety (90) days or more 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 Township; and
- The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

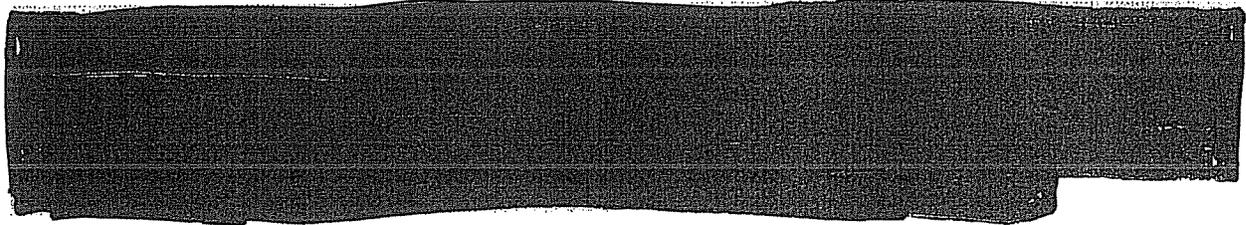
The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the Township;
- The Township is subsequently paid in full for the applicable prior written request; or

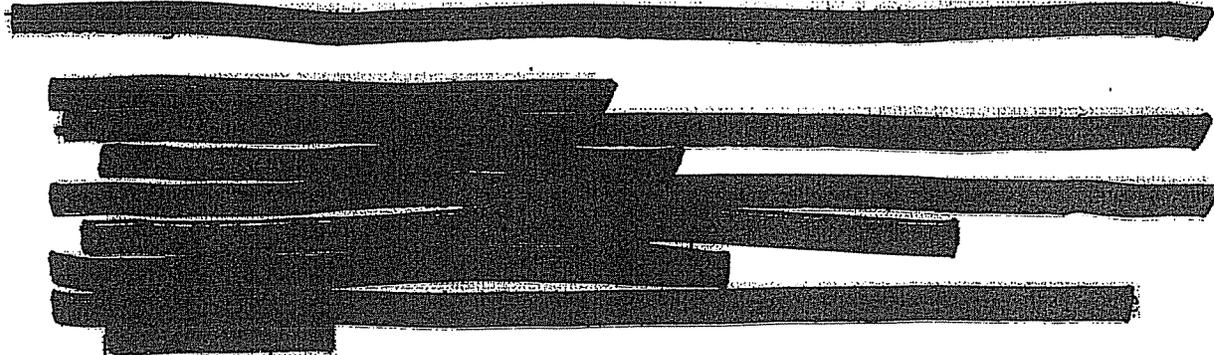
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

Section 5: Calculation of Fees

A fee may be charged for the labor cost of copying/duplication.



Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are "unreasonably high" when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the Township's usual FOIA requests, not compared to the Township's operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011)



The Township may only charge for the following six (6) tasks associated with processing a request:

1. Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Township. These labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
2. Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Township. These labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.

3. The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the Township's website if you ask for the Township to make copies.
4. The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the Township's website if you ask for the Township to make copies.
5. Labor costs associated with copying or duplication, 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. These labor costs will be estimated and charged in one minute increments, with all partial time rounded down.
6. The cost to mail or send a public record to a requestor.

Labor costs will be calculated based on the following requirements:

- Labor costs will be charged at the hourly wage of the lowest-paid Township 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.
- The Township 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 shall the fringe benefit costs exceed the actual cost of labor.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage).

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 Township has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- The Township will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the Township's technology infrastructure.

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 1/2 x 11) or legal (8 1/2 x 14) sized paper will be at the actual cost to the Township but will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The Township will provide records using double-sided printing, if there are cost-saving and available.

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

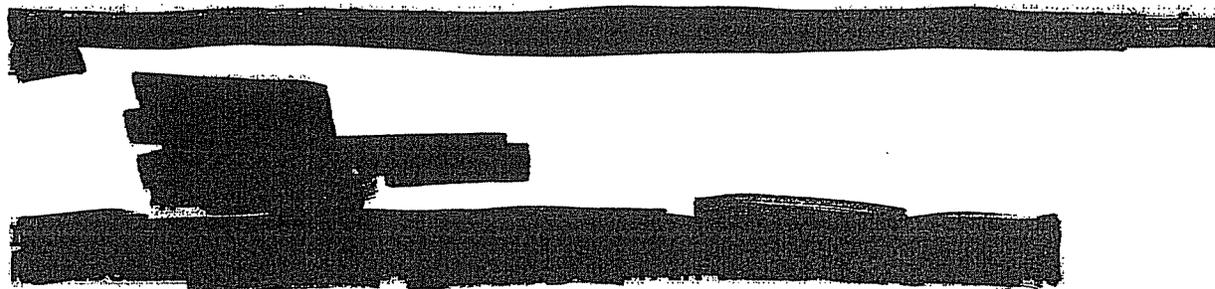
- The actual cost to mail public records using a reasonably economical and justified means.
- The Township may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless specified by the requestor.

If the FOIA Coordinator does not respond to a written request in a timely manner, the Township will:

- Reduce the labor costs by 5% for each day the Township exceeds the time permitted under FOIA up to a 50% maximum reduction, if **any** of the following applies:
 - The Township's late response was willful and intentional,
 - The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment, or
 - 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 email, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form.

Section 6: Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The Township board may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.



Section 7: Discounted Fees

Indigence:

The FOIA Coordinator will discount 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 indigence.

An individual is not eligible to receive the waiver if:

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

An affidavit is sworn statement.

Nonprofit organization advocating for developmentally disabled or mentally ill individuals:

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:

- 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, 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:
 - o Is made directly on behalf of the organization or its clients.
 - o 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.
 - o Is accompanied by documentation of its designation by the state, if requested by the Township.

Section 8: Appeal of a Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the Township Supervisor by filing an appeal of the denial with the office of the Township Supervisor, 46425 Tyler Road, Van Buren Township, Michigan 48111.

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial.

Within 10 business days of receiving the appeal the Township Supervisor 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; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Township Supervisor shall respond to the written appeal. The Township Supervisor shall not issue more than 1 notice of extension for a particular written appeal.

If the Township Supervisor fails to respond to a written appeal, or if the Township Supervisor upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in the Wayne County Circuit Court, Coleman A. Young Municipal Center, 2 Woodward Avenue Detroit, Michigan 48226.

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

Section 9: Appeal of an Excessive FOIA Processing Fee

"Fee" means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit. If a requestor believes that the fee charged by the Township to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the Township Supervisor by submitting a written appeal for a fee reduction to the office of the Township Supervisor, 46425 Tyler Road, Van Buren Township, Michigan 48111. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

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

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing 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 Township Supervisor will respond to the written appeal. The Township Supervisor shall not issue more than 1 notice of extension for a particular written appeal.

Where the Township Supervisor reduces or upholds the fee, the determination must include a certification from the Township Supervisor that the statements in the determination are accurate and that the reduced fee amount complies with the Township's publicly available procedures and guidelines and Section 4 of the FOIA.

Within 45 days after receiving notice of the Township Supervisor's determination of an appeal, the requesting person may commence a civil action in the Wayne County Circuit Court for a fee reduction.

If a civil action is commenced against the Township for an excess fee, the Township is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless one of the following applies:

- The Township does not provide for appeals of fees,
- The Township Supervisor failed to respond to a written appeal as required, or
- The Township Supervisor issued a determination to a written appeal.

Section 10: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by Township Board or the Township Administration, these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the Township Board or the Township Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

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

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

Van Buren Charter Township FOIA Fee Itemization Form
(Effective July 1, 2015)

| <u>Component</u> | <u>Cost Calculations</u> | <u>Total</u> |
|--|---|----------------|
| <p>1. Labor Costs – Search, Location, and Examination of Records*</p> | <p>Enter the hourly wage of lowest paid employee capable of performing the search, location and examination \$_____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost) _____%</p> <p>Multiply the hourly wage times the fringe benefit multiplier \$_____ x 1.____ = \$_____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs) \$_____ + _____ = \$_____</p> <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment \$_____ / 4 = \$_____</p> <p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate _____ x \$_____ = \$_____</p> | <p>\$_____</p> |
| <p>2. Employee Labor Costs – Redaction*</p> | <p>If performed by the public body’s employee:</p> <p>Enter the hourly wage of lowest paid employee capable of performing the redaction \$_____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost) _____%</p> <p>Multiply the hourly wage times the fringe benefit multiplier \$_____ x 1.____ = \$_____</p> | |

| | | |
|--|---|----------|
| | <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> <p style="text-align: center;">\$ _____ + _____ = \$ _____</p> <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment</p> <p style="text-align: center;">\$ _____ / 4. _____ = \$ _____</p> <p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p style="text-align: center;">_____ x \$ _____ = \$ _____</p> | \$ _____ |
| <p>3. Contracted Labor Costs – Redaction*</p> | <p>If performed by Contracted Labor (Only permitted if the public body does not employ a person capable of redacting the records as determined by the FOIA Coordinator):</p> <p>Name of person or firm contracted:</p> <p>_____</p> <p>Enter the hourly rate charged by the contractor (may not exceed six (6) times the State minimum wage (i.e. \$8.15x6=\$48.90)</p> <p style="text-align: right;">\$ _____ per hour</p> <p>Divide the hourly rate by four (4) to determine the charge per fifteen (15) minute increment</p> <p style="text-align: center;">\$ _____ / 4 = \$ _____</p> <p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p style="text-align: center;">_____ x \$ _____ = \$ _____</p> | \$ _____ |
| <p>4. Non-Paper Physical Media</p> | <p>Actual and most reasonably economical cost of:</p> <p>Flash Drives \$ _____ x number used _____ = \$ _____</p> <p>Computer Discs \$ _____ x number used _____ = \$ _____</p> <p>Other Media \$ _____ x number used _____ = \$ _____</p> | \$ _____ |
| <p>5. Paper Copies</p> | <p>Actual total incremental cost of duplication (not including labor) up to a <u>maximum of 10 cents per page</u>:</p> <p>Letter paper (8 ½” x 11”)</p> <p style="text-align: right;">number of sheets _____ x \$0. _____ = \$ _____</p> <p>Legal paper (8 ½” x 14”)</p> <p style="text-align: right;">number of sheets _____ x \$0. _____ = \$ _____</p> | |

| | | |
|---|---|-----------------|
| | <p>Actual cost of other types of paper:</p> <p>Type of Paper: _____ number of sheets ___ x \$ _____ = \$ _____</p> <p>Type of Paper: _____ number of sheets ___ x \$ _____ = \$ _____</p> <p>(NOTE: Must print double-sided if available and costs less.)</p> | <p>\$ _____</p> |
| <p>6. Labor Cost – Duplication Copying, and transferring records to non-paper physical media</p> | <p>Enter the hourly wage of lowest paid employee capable of performing the duplication, copying, or transferring digital records to non-paper physical media</p> <p style="text-align: right;">\$ _____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)</p> <p style="text-align: right;">_____ %</p> <p>Multiply the hourly wage times the fringe benefit multiplier</p> <p style="text-align: right;">\$ _____ x 1. _____ = \$ _____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> <p style="text-align: right;">\$ _____ + _____ = \$ _____</p> <p>Divide the resulting hourly wage by _____ to determine the charge per _____ () minute increment</p> <p style="text-align: right;">\$ _____ / 4 = \$ _____</p> <p>(NOTE: May use any time increment for this category)</p> <p>Number of _____ minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p style="text-align: right;">x \$ _____ = \$ _____</p> | <p>\$ _____</p> |
| <p>7. Mailing</p> | <p>Actual cost of mailing records in a reasonable and economical manner:</p> <p style="text-align: right;">Cost of mailing: \$ _____</p> <p>Cost of least expensive form of postal delivery confirmation:</p> <p style="text-align: right;">\$ _____</p> | <p>\$ _____</p> |

| | | |
|-------------------------------|---|----------|
| | Cost of expedited shipping or insurance only if specifically stipulated by the requestor: \$_____ | |
| | Subtotal | \$_____ |
| Waivers and Reductions | <p>Subtract any Fee Waiver or Reduction: \$20.00 for indigency or nonprofit organization as further described in the Public Body's procedures and guidelines.</p> <p>Any amount determined by the Public Body due to the search and furnishing of the Public Record determined to be in the public interest. \$_____</p> <p>The reduction amount due to the late response of the Public Body. 5% of fee x _____ days late = _____% reduction (maximum reduction is 50%)</p> | -\$_____ |
| Deposit | Subtract any good-faith deposit received: \$_____ | -\$_____ |
| | Total Due | \$_____ |
| | | |
| | | |
| | | |

*Note: Labor costs for search, location, examination and redaction (categories 1 and 2 on the itemization form) may not be charged unless the failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs.

DRAFT

Van Buren Charter Township

Public Summary of FOIA Procedures and Guidelines

It is the public policy of this state that all persons (except those persons incarcerated in state or local correctional facilities) are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees. The people shall be informed so that they may fully participate in the democratic process.

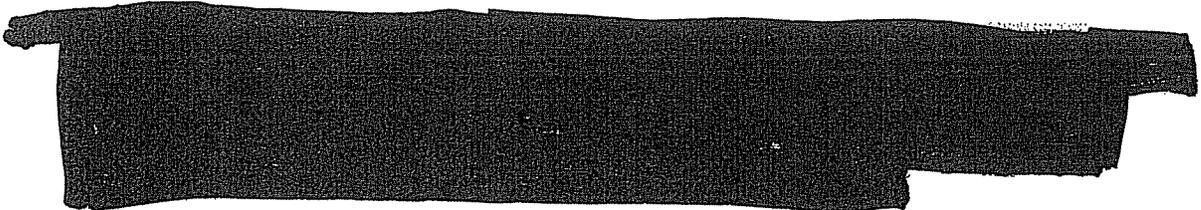
Consistent with the Michigan Freedom of Information Act ("FOIA"), Public Act 442 of 1976, the following is the Written Public Summary of Van Buren Township's FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of the Township's FOIA Procedures and Guidelines. For more details and information, copies of the Township's FOIA Procedures and Guidelines are available at no charge at any Township office and on the Township's website: www.vanburen-mi.org.

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

- A request must sufficiently describe a public record so as to enable the Township to find it.
- Please include the words "FOIA" or "FOIA Request" in the request to assist the Township in providing a prompt response.
- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Township may be submitted on the Township's FOIA Request Form, in any other form of writing (letter, fax, email, etc.).

No specific form to submit a written request is required. However, a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the Township's website at www.vanburen-mi.org, and at the Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111.



- Requests may be faxed to: 734-699-5213. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.

- Requests may be emailed to: [REDACTED] To ensure a prompt response, email requests should contain the term "FOIA" or "FOIA Request" in the subject line.

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

- Within 5 business days after receiving a FOIA request the Township will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. The Township will respond to your request in one of the following ways:
 - 1) Grant the request,
 - 2) Issue a written notice denying the request,
 - 3) Grant the request in part and issue a written notice denying in part the request,
 - 4) Issue a notice indicating that due to the nature of the request the Township needs an additional 10 business days to respond, or
 - 5) Issue a written notice indicating that the public record requested is available at no charge on the Township's website
- If the request is granted, or granted in part, the Township 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 Township will require a deposit before processing the request.

3. What are the Township's deposit requirements?

- If the Township has made a good faith calculation that the total fee for processing the request will exceed \$50.00, the Township will require that you provide a deposit in the amount of 50% of the total estimated fee. When the Township requests the deposit, it will provide you a non-binding, best efforts estimate of how long it will take to process the request after you have paid your deposit.
- If the Township receives a request from a person who has not paid the Township for copies of public records made in fulfillment of a previously granted written request, the Township 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:
 - 1) The final fee for the prior written request is not more than 105% of the estimated fee;
 - 2) The public records made available contained the information sought in the prior written request and remain in the Township's possession;

- 3) The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the Township to provide the records;
- 4) Ninety (90) days have passed since the Township notified the individual in writing that the public records were available for pickup or mailing;
- 5) The individual is unable to show proof of prior payment to the Township; and
- 6) The Township has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.

The Township will not require the 100% estimated fee deposit if any of the following apply:

- 1) The person making the request is able to show proof of prior payment in full to the Township;
- 2) The Township is subsequently paid in full for all applicable prior written requests; or
- 3) Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the Township.

4. How does the Township calculate FOIA processing fees?

The FOIA permits the Township to charge for the following costs associated with processing a granted request:

- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Township.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Township.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the Township's website if you ask for the Township to make copies.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the Township's website if you ask for the Township to make copies.
- Labor costs associated with copying or duplication, 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 as allowed in FOIA and the Township's FOIA Procedures and Guidelines.
- Labor costs will be charged at the hourly wage of the lowest-paid Township employee *capable* of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs may also include a charge to cover or partially cover the cost of fringe benefits. The Township may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage).

A labor cost will not be charged for the 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 Township. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the Township's usual FOIA requests, because of the nature of the request in the particular instance. The Township must specifically identify the nature of the unreasonably high costs in writing.

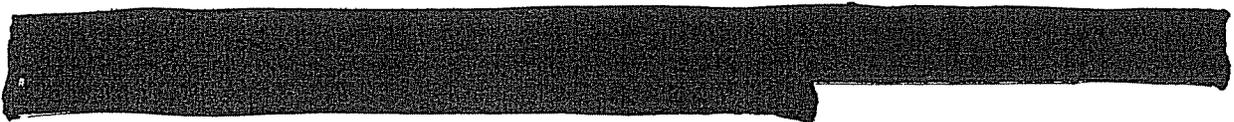
Copying and Duplication

The Township will use the most economical method for making copies of public records, including using double-sided printing, if there will be cost-saving and the method is available.

Non-paper Copies on 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 be charged only if the Township has the technological capability necessary to provide the public record in the requested non-paper physical media format.

Paper Copies



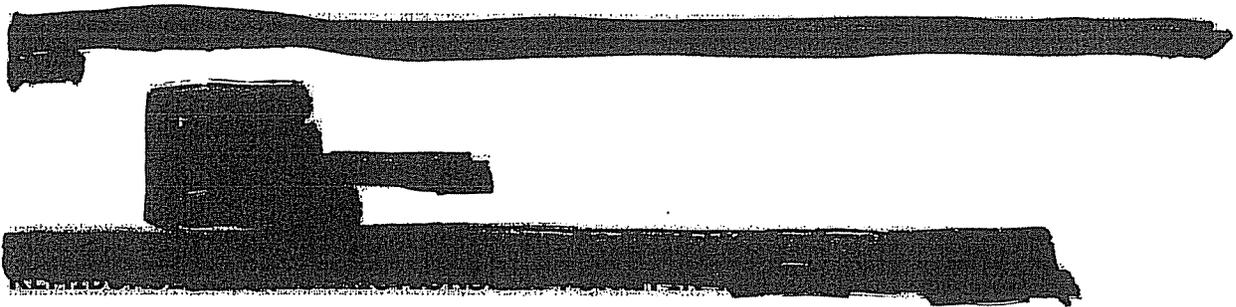
- Copies for non-standard sized sheets will paper will reflect the actual cost of reproduction.

Mailing Costs

- The cost to mail public records will use a reasonably economical and justified means.
- The Township may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless you request it.

Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The Township board may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.



5. How do I qualify for an indigence discount on the fee?

The Township will discount the first \$20.00 of fees 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 indigence.

You are not eligible to receive the \$20.00 discount if you:

- Have previously received discounted copies of public records from the Township twice during the calendar year; or
- Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

An affidavit is sworn statement. For your convenience, the Township has provided an Affidavit of Indigence for the waiver of FOIA fees on the back of the Township FOIA Request Form, which is available on the Township's website: www.vanburen-mi.org.

6. May a nonprofit organization receive a discount on the fee?

A nonprofit organization advocating for developmentally disabled or mentally ill individuals that is 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, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, may receive a \$20.00 discount if the request meets all of the following requirements in the Act:

- 1) Is made directly on behalf of the organization or its clients.
- 2) 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.
- 3) Is accompanied by documentation of its designation by the state, if requested by the public body.

7. 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 appeal to the Township Supervisor by filing a written appeal of the denial with the office of the Township Supervisor, 46425 Tyler Road, Van Buren Township, Michigan 48111.

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. You may use the Township FOIA Appeal Form (To Appeal a Denial of Records), which is available on the Township's website: www.vanburen-mi.org.

Within 10 business days of receiving the appeal the Township Supervisor 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 Township Supervisor, you may file a civil action in the Wayne County Circuit Court, Coleman A. Young Municipal Center, 2 Woodward Avenue Detroit, Michigan 48226, within 180 days after the Township's final determination to deny your request. If you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the Township 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.

Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by the Township to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the Township Supervisor by filing a written appeal for a fee reduction to the office of the Township Supervisor, 46425 Tyler Road, Van Buren Township, Michigan 48111.

The appeal must specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. You may use the Township FOIA Appeal Form (To Appeal an Excess Fee), which is available at the Township Hall and on the Township's website: www.vanburen-mi.org.

Within 10 business days after receiving the appeal, the Township Supervisor 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 Township Supervisor will respond to the written appeal.

Within 45 days after receiving notice of the Township Supervisor's determination of the processing fee appeal, you may commence a civil action in the Wayne County Circuit Court, Coleman A. Young Municipal Center, 2 Woodward Avenue Detroit, Michigan 48226, for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that the Township acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.