

**CITY OF FENTON**  
**ENHANCED ACCESS TO PUBLIC RECORDS POLICY**

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

**1. AUTHORIZATION**

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

**2. DEFINITIONS**

- A. “Enhanced access” includes a public record's availability for public inspection, purchase, or copying by electronic or digital means. Enhanced access does not include the transfer of ownership of a public record.
- B. “Geographical Information System” (GIS) means an informational unit or network capable of producing customized maps based upon a digital or electronic representation of geographical data.
- C. “Operating expenses” include, but are not limited to, the City’s direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data

in a form available for enhanced access, including the cost of computer hardware and software, systems development, employee time, and the actual cost of supplying the information or record in the form requested by the requestor.

- D. "Person" means that term as defined in Section 2 of the Freedom of Information Act (the "FOIA"), Act No. 442 of the Public Acts of 1976, MCL 15.232.
- E. "Public Body" means that term as defined in Section 2 of the FOIA.
- F. "Public Record" means that term as defined in Section 2 of the FOIA.
- G. "Reasonable fee" means a charge calculated to enable the City to recover over time those operating expenses directly related to the City's provision of enhanced access.
- H. "Software" means that term as defined in Section 2 of the Act.

### **3. FEES**

- A. It is the policy of the City to charge a reasonable fee for providing enhanced access to a public record subject to this Policy.
- B. Except as otherwise provided by law, the City Treasurer may propose reasonable fees for each public record made available for enhanced access and propose amendments to the Fee Schedule attached as Exhibit A. The City Treasurer shall present all proposed amendments to this Policy or the Fee Schedule to the City Council for approval before any fees authorized by such amendments are charged.
- C. Except as otherwise provided by law or this Policy, the City shall charge all requestors reasonable fees in accordance with this Policy and the Fee Schedule approved by the City Council for enhanced access to public records.
- D. The City may furnish enhanced access to public records without charge or at a reduced fee if the City Treasurer determines that a waiver or reduction of a fee is in the public interest because enhanced access would primarily benefit the general public. Examples of when a fee may be reduced or waived include, but are not limited to, when:
  - 1. The information is critical to public health or public safety.
  - 2. The information is required to meet legal or governmental objectives, as opposed to private objectives of the requestor.
  - 3. The information explains the rights, entitlements and/or obligations of the requestor.
  - 4. The cost of administering the fees would exceed the fees collected by the City.
  - 5. The reasonable fee would have a serious detrimental impact on the financial position of groups or classes of citizens.

6. Controlling law on enhanced access requires disclosure of such public records at no cost or a reduced fee.

E. The Fee Schedule in Exhibit "A" attached hereto is adopted and established as the Fee Schedule for obtaining any information under this Policy, subject to amendment of this Policy or the Fee Schedule, as stated otherwise herein or therein.

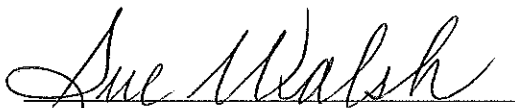
#### 4. DISCLAIMERS

A. Recipients of enhanced access public records receive all information "AS IS." The City, its officers, officials, employees, agents, volunteers, contractors, and public agencies make no warranties of any kind, including but not limited to warranties of accuracy, fitness for a particular purpose, or of a requestor's right of use.

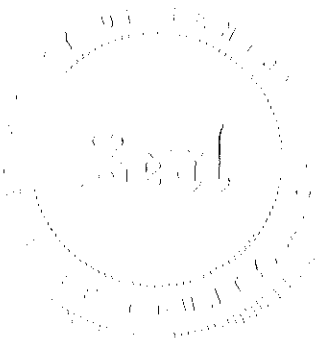
B. Enhanced access does not include the transfer of ownership of a public record.

C. This Policy and the attached Fee Schedule are subject to amendment by the City Council, including amendments that may be deemed necessary by the City Council after the City receives a request for enhanced access that is not specifically or adequately addressed in this Policy or the attached Fee Schedule, in the City Council's determination, since the City may receive specific requests for enhanced access that are not yet known or fixed, and this Policy and the attached Fee Schedule are intended to assure the City's ability to recover a reasonable fee for enhanced access under all the considerations above.

Policy Adopted by the Fenton City Council on August 26, 2019.



Sue Walsh, Clerk  
City of Fenton



## **Exhibit A**

### **ENHANCED ACCESS FEE SCHEDULE**

1. The City of Fenton will charge reasonable fees to recover the costs of providing enhanced access to public records.
2. The reasonable fees shall include, but not be limited to, the direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the pro-rated cost of computer hardware and software, system development, employee time, and any other actual costs incurred in creating, recording, storing, keeping and supplying the information or record in the form requested by the requestor.
3. When calculating employee time, the City shall utilize the actual wage (plus benefits) of the lowest paid employee capable of performing the task.
4. The City Treasurer shall estimate the reasonable fee for a request for enhanced access to public records in accordance with the foregoing and present the estimate to the requestor. Prior to the City incurring costs in response to the request, the requestor shall post a cash deposit with the City Clerk equal to at least ½ of the estimated cost of providing the enhanced access public records.
5. The City shall not provide the requested enhanced access to public records to a requestor until full payment therefor has been made to the City.
6. This Fee Schedule is subject to amendment by the City Council, including amendments that may be deemed necessary by the City Council after the City receives a request for enhanced access that is not specifically or adequately addressed in this Fee Schedule, since specific requests for enhanced access that the City may receive are not yet known or fixed, and the policy of this Fee Schedule is to assure the City's ability to recover a reasonable fee for enhanced access under all the considerations above.