

## CITY OF LUNA PIER

### Summary of Instructions on Freedom of Information Act (FOIA) Procedures and Guidelines

**Send your request for information** by mail, in person, or delivery service to the **City of Luna Pier**, P.O. Box 375, 4357 Buckeye Street, Luna Pier, MI 48157, or by e-mail to [cityhall@cityoflunapier.com](mailto:cityhall@cityoflunapier.com).

**The City will respond** within five business days of receiving your request, in one or more of the following ways:

- Grant the request.
- Deny the request, in writing.
- Grant part of the request, and deny part, in writing.
- Notify you in writing that the City needs an additional ten business days to respond, due to the nature of the request.
- Notify you that the information is available at no charge on the City's website.

**If the City denies all or part of a request**, you may file an appeal with the Mayor or you may file a civil action in the Circuit Court in the Monroe County Courthouse within 180 days.

- **An Appeal to the Mayor** should state APPEAL near the top of the first page and should state the reasons you believe the request should be granted. The Mayor will decide your appeal within ten business days.
- **An Appeal to Circuit Court** must be filed within 180 days of the City's or the Mayor's decision to deny all or part of your request for records.

**The City may require payment** of a fee to cover allowable costs associated with requests granted in whole or in part. If the costs are expected to exceed \$50.00, the City may require a deposit of 50% of the expected costs. The City may require a deposit of 100% of estimated costs, in certain circumstances which are detailed in the City of Luna Pier's FOIA Procedures and Guidelines.

**Costs of records** are based on the actual cost of copying the records, whether on paper or an electronic media, including a portion of the labor costs. You may qualify for a waiver of costs by filing an affidavit.

**You may challenge the cost** that the City requires you to pay by filing an appeal with the Mayor, and by filing suit in Circuit Court in the Monroe County Courthouse.

- **An Appeal to the Mayor** should state APPEAL near the top of the first page and should state the reasons you believe that the requested costs are excessive. The Mayor will decide your appeal within ten business days.

**The Mayor's decision or response** will be issued within ten business days, and will state the City of Luna Pier

- Waives the required costs,
  - Reduces the costs and states why the remaining costs are required,
  - Upholds the required costs and states the reasons the costs are required, or
  - Notifies you why the time for the Mayor decision on costs is being extended another ten business days.
- **An Appeal to Circuit Court** is available. If you dispute the costs required by the City or the Mayor's decision, you may file a civil action within 45 days after you receive notice of the City's or the Mayor's decision about the required costs. If you prevail in the civil action by receiving a reduction of 50% of the total costs, the Court may award you attorney fees, costs and disbursements. Further, if the Court decides that the City acted arbitrarily and capriciously by charging an excessive fee, it may also award you punitive damages of \$500.00.

**More detailed information** is available in the City of Luna Pier's Procedures and Guidelines on the Freedom of Information Act. A copy is available at no charge, or on the City's website, <http://www.cityoflunapier.com>.