

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 15, 2015**

Mayor Waltz called the meeting to order at 7:40 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan, 48854. Councilmember Droscha led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah J. Cwierniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Ken Baker, DPW Director
Tom Silsby, DPW Superintendent
John Stressman, Chief of Police
Kathy Revels, Human Resource Coordinator
Tom Hitch, City Attorney

ANNOUNCEMENTS

- Farewell Open House – Martin A. Colburn, City Administrator – June 19, 2015
- Relay for Life Fund Raiser – Steak Dinner at Darrell's Market and Hardware
- Blood Drive - St. James Church - June 18, 2015
- Thursday Night Live – June 18, 2015
- Outdoor Expo/Car Show – Spartan Speedway – June 20, 2015
- Relay for Life – June 20, 2015
- Sesquicentennial Celebration July 2 - July 4, 2015
- July 4th Parade and Fireworks
- Community Worship Service – Mason First United Methodist Church – July 5, 2015
- Sesquicentennial Trees are available

Mayor Waltz recognized Mr. Colburn's final City of Mason Council meeting.

PEOPLE FROM THE FLOOR

Jack Carmichael of 519 South Rogers provided Council a copy of a letter he wrote to Mr. Colburn. He stated concern regarding the proposed oil and mineral drilling project being considered by West Bay Exploration and invited Council to a town hall meeting scheduled by State Representative Tom Cochran on the subject.

PRESENTATIONS

2014 Annual Report – Mason Library – Cheryl Lyons

Mason Head Librarian Cheryl Lyons introduced Capital Area District Library (CADL) representatives present: Executive Director Maureen Hirten, Vice Chairperson Sally Trout, and Chairperson Deb Bloomquist. Ms. Lyons gave a brief presentation on the 2014 Mason Library Annual Report.

CONSENT AGENDA

It was the consensus of Council to remove Agenda Item No. 7(L) Motion – Directory of Charges from the Consent Agenda.

MOTION by Brown, second by Droscha,
to approve the Consent Agenda as follows:

- A. Approval of Minutes
 - Regular Council Meeting – June 1, 2015
 - Special Council Meeting – June 1, 2015
- B. Approval of Bills: \$83,001.05
- C. Resolution 2015-33 – Designate Authorizing Signatories

**CITY OF MASON
CITY COUNCIL RESOLUTION 2015-33
DESIGNATE AUTHORIZING SIGNATORIES
June 15, 2015**

BE IT HEREBY RESOLVED, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of the two following names: Eric E. Smith, Finance Director/Treasurer, and Deborah Cwierniewicz, City Clerk, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by the Clerk of the City of Mason.

- D. Resolution 2015-34 – Amend the 2014-2015 Fiscal Year Budget

**CITY OF MASON
CITY COUNCIL RESOLUTION 2015-34
AMEND THE 2014-2015 FISCAL YEAR BUDGET
June 15, 2015**

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2014-2015 Fiscal Year Budget is hereby amended as per the attached Exhibit "A."

- E. Resolution 2015-35 – Return Delinquent Water and Sewer Bills to July Tax Roll

**CITY OF MASON
CITY COUNCIL RESOLUTION 2015-35
RETURN DELINQUENT WATER AND SEWER BILLS TO THE JULY 2015 TAX ROLL
June 15, 2015**

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached Exhibit "A" entitled Delinquent Water & Sewer Bills to the July 2015 Tax Roll, pursuant to Mason City Code Section 82-246 (a).

- F. Resolution 2015-36 – Levy 1% Tax Administration Fee

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-36
LEVY 1% TAX ADMINISTRATION FEE
June 15, 2015**

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all Ingham County, Mason Public School, Ingham Intermediate School, State Education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2015 tax rolls of the City of Mason.

NOW THEREFOR BE IT FURTHER RESOLVED, that the City Treasurer is hereby authorized to collect 4% interest on any taxes that remain unpaid from the July tax roll after August 31, 2015, and 3% penalty from the December tax roll after February 16, 2016.

G. Resolution 2015-37 – Return Miscellaneous Bills to July 2015 Tax Roll

**CITY OF MASON
CITY COUNCIL RESOLUTION 2015-37
RETURN MISCELLANEOUS BILLS TO THE JULY 2015 TAX ROLL
June 15, 2015**

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached Exhibit "A" entitled Miscellaneous Bills to the July 2015 Tax Roll.

H. Motion – Accept 2014 Annual Report – Mason Library – Cheryl Lyons

- accept the 2014 Annual Report for the Mason Library and place it on file.

I. Motion – Street Closure Request – Annual Car Show

- approve street closures, Jefferson Street from Ash Street to Sycamore Street; Maple Street from Barnes Street to the Mason State Bank parking lot entrance; and the parking lane behind the Court House from Maple Street to Ash Street between the hours of 8:00 a.m. – 5:00 p.m.

J. Motion – Street Closure Request – 2015 Relay for Life

- approve the request of Relay for Life, to close Maple Street between Jefferson and Barnes Streets, Saturday, June 20, at 12:00 noon – Sunday, June 21, at 2:00 a.m., as well as granting an extension of the Mason Code Section 22-36(2), from 10:00 p.m., Saturday, June 20 – 12:00 midnight., Sunday, June 21.

K. Motion – Street Closure – Mason Farmers Market Association, Inc.

- approve the request of the Mason Farmers Market Association to use the public right-of-way by allowing the closure of East Maple Street from South Barnes Street to the west edge of the Ingham County Hilliard Building, Saturday mornings, July 11, 2015 through October 24, 2014, between the hours of 6:00 a.m. and 2:00 p.m., also, occupy the city right-of-way in front of Mason State Bank, allowing for a walkway between the tables of produce and the curb, Thursday, July 30 and Thursday, August 13 from 5:30 p.m. – 8:30 p.m., along with the loan of four (4) sawhorse barriers and 8 cones from DPW for the season.

MOTION APPROVED

REGULAR BUSINESS

Motion – Directory of Charges

The Directory of Charges is reviewed periodically by staff. The last update was October 6, 2014. The proposed changes would be effective July 1, 2015 unless otherwise stated. Discussion was held regarding setting a fee and application process for events involving the Rayner Park Stage.

MOTION by Brown, second by Droscha,
to approve the Directory of Charges dated June 15, 2015.

MOTION APPROVED

**Resolution 2015-31 – Authorizing Mayor Waltz and City Administrator Colburn to Sign
MDOT Contract Number 15-5317, Job Number 127074A**

MOTION by Droscha, second by Ferris,
to consider Resolution No. 2015-31 read.

MOTION APPROVED

Resolution No. 2015-31 was introduced by Droscha and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-31
AUTHORIZING MAYOR WALTZ AND CITY ADMINISTRATOR COLBURN
TO SIGN MDOT CONTRACT NUMBER 15-5317, JOB NUMBER 127074A
June 15, 2015**

WHEREAS, the City of Mason has been awarded Contract Number 15-5317, Job Number 127074A through the Michigan Department of Transportation (MDOT); and

WHEREAS, the contract includes hot mix asphalt cold milling and resurfacing work along Cedar Street from West Oak Street southerly to the Willow Creek Bridge, including crushing and shaping, concrete sidewalks and sidewalk ADA ramp work, and all together with necessary related work; and

WHEREAS, the Mason City Council is charged with naming the officials who are authorized to sign said contract.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council authorizes Mayor Waltz and City Administrator Colburn to sign the MDOT Contract Number 15-5317, Job Number 127074A.

MOTION APPROVED

Resolution 2015-32 – Changing MERS Benefits

Effective October 1, 1997, AFSCME Local #1390 (General Union group in MERS) was approved by Resolution of the Mason City Council to move from the Defined Benefit Retirement Plan B-2 to the Defined Benefit Retirement Plan B-3. The B-2 plan has a 2.0% benefit multiplier, and the B-3 plan has a 2.25% benefit multiplier. At the time of the change, the employer contribution was 0.00%.

The Mason City Council agreed the City would pay 6.13% for the lifespan of the current contract, which terminates September 2016, with the approval of Resolution No. 2014-56 on December 1, 2014. It was further stated that the AFSCME Union members are responsible for any increased adjustments for the lifespan of the current contract. The July 1, 2015 contribution is 20.89% of payroll. The new employee contribution would be 14.76%

MOTION by Droscha, second by Ferris,
to consider Resolution No. 2015-32 read.

MOTION APPROVED

Resolution No. 2015-32 was introduced by Droscha and seconded by Bruno,



Defined Benefit Plan Adoption Agreement

1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

The Employer, a participating municipality or participating court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with the MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

I. Employer Name _____ **Municipality #:** _____

If new to MERS, please provide your municipality's fiscal year: _____ through _____.
Month Month

II. Effective Date

Check one:

A. If this is the **initial** Adoption Agreement for this group, the effective date shall be the first day of _____, 20____.

This municipality or division is new to MERS, so vesting credit prior to the **initial** MERS effective date by each eligible participant shall be credited as follows (choose one):

- All prior service from date of hire
- Prior service proportional to assets transferred; all service used for vesting
- Prior service and vesting service proportional to assets transferred
- No prior service but grant vesting credit
- No prior service or vesting credit

Link this new division to division number _____ for purposes of determining contributions (Unless otherwise specified, the standard transfer/rehire rules apply)

B. If this is an **amendment** of an existing Adoption Agreement (Defined Benefit division number _____), the effective date shall be the first day of _____, 20____. *Please note:* You only need to mark **changes** to your plan throughout the remainder of this Agreement.

C. If this is a **temporary benefit** that lasts 2-6 months, the effective dates of this temporary benefit are from ___/01/___ through ___/___/___ for Defined Benefit division number _____.
Last day of month
Please note: You only need to mark **changes** to your plan throughout the remainder of this Agreement.

D. If this is to **separate employees from an existing Defined Benefit division** (existing division number(s) _____) into a new division, the effective date shall be the first day of _____, 20____.

E. If this is to merge division(s) _____ into division(s) _____, the effective date shall be the first of _____, 20____.

Defined Benefit Plan Adoption Agreement

III. Eligible Employees

Only those Employees eligible for MERS membership may participate in the MERS Defined Benefit Plan. A copy of ALL employee enrollment forms must be submitted to MERS. The following groups of employees are eligible to participate:

(Name of Defined Benefit division – e.g. All Full Time Employees, or General after 7/01/13)

Only retirees will be in this division.

These employees are (check one or both):

In a collective bargaining unit (attach cover page, retirement section, signature page)

Subject to the same personnel policy

To receive one month of service credit (check one):

An employee shall work 10 _____ hour days.

An employee shall work _____ hours in a month.

All employees as classified under eligible employees, whether full or part time, who meet this criteria must be reported to MERS. If you change your current day of work definition to be more restrictive, the new definition only applies to employees hired after the effective date.

To further define eligibility, check all that apply:

Probationary Periods are allowed in one-month increments, no longer than 12 months. During this introductory period, the Employer will not report or provide service time for this period, including retroactively. Service will begin after the probationary period has been satisfied.

The probationary period will be _____ month(s).

Temporary employees in a position normally requiring less than a total of 12 whole months of work in the position may be *excluded* from membership. These employees must be notified in writing by the participating municipality that they are excluded from membership within 10 business days of date of hire or execution of this Agreement.

The temporary exclusion period will be _____ month(s).

IV. Provisions

Valuation Date: _____, 20____

1. Review the valuation results

It is recommended that your MERS representative presents and explains the valuation results to your municipality before adopting. Please choose one:

Our MERS representative presented and explained the valuation results to the

_____ on _____.
(Board, Finance Cmte, etc.) (mm/dd/yyyy)

As an authorized representative of this municipality, I _____
(Name)

_____ waive the right for a presentation of the results.
(Title)

Defined Benefit Plan Adoption Agreement

2. This Adoption Agreement will be implemented in conjunction with a current actuarial valuation certified by a MERS actuary that sets contribution rates.
3. Annually, the MERS actuary will conduct an actuarial valuation to determine the employers' contribution rates. Employers are responsible for payment of said contributions at the rate, in the form and at the time that MERS determines.
4. Benefit Multiplier (1%-2.5%, increments of 0.05%) _____ % (max 80% for multipliers over 2.25%)

Check here if multiplier will be effective for existing active members' future service only (Bridged Benefit as of effective date on page 1)

If checked, select one below:

- Termination Final Average Compensation (calculated over the members entire wage history)
- Frozen Final Average Compensation (FAC is calculated twice, once for the timeframe that matches the original multiplier, and once for the new multiplier)

5. Final Average Compensation (Min 3 yr, increments of 1 yr) _____ years
6. Vesting (5 -10 yrs, increments of 1 yr) _____ years
7. Required employee contribution (Max 10%, increments of 0.01%) _____ %
8. Compensation, for retirement purposes, is defined as base wages and all of the following. Check applicable boxes to *exclude* these types from your MERS reported wages:
 - Longevity pay
 - Overtime pay
 - Shift differentials
 - Pay for periods of absence from work by reason of vacation, holiday, and sickness
 - Workers' compensation weekly benefits (if reported and are higher than regular earnings)
 - A member's pre-tax contributions to a plan established under Section 125 of the IRC
 - Transcript fees paid to a court reporter
 - A taxable car allowance
 - Short term or long term disability payments
 - Payments for achievement of established annual (or similar period) performance goals
 - Payment for attainment of educational degrees from accredited colleges, universities, or for acquisition of job-related certifications
 - Lump sum payments attributable to the member's personal service rendered during the FAC period
 - Other: _____
 - Other 2: _____

Defined Benefit Plan Adoption Agreement

9. Early Normal Retirement with unreduced benefits

- | | |
|--|--|
| <input type="checkbox"/> Age 50 with 25 years of service | <input type="checkbox"/> Age 50 with 30 years of service |
| <input type="checkbox"/> Age 55 with 15 years of service | <input type="checkbox"/> Age 55 with 20 years of service |
| <input type="checkbox"/> Age 55 with 25 years of service | <input type="checkbox"/> Age 55 with 30 years of service |
| <input type="checkbox"/> Any age with (20-30 yrs, in 1 yr increments) _____ years of service | |
| <input type="checkbox"/> _____ | |

10. Other

- Surviving Spouse will receive _____% of Straight Life benefit without a reduction to the participant's benefit
- Duty death or disability enhancement (add up to additional 10 years of service credit not to exceed 30 years of service)
- Deferred Retirement Option Program (DROP)
- Annuity Withdrawal Program (AWP)
 - Calculation of the actuarial equivalent of the lump sum distribution made under AWP will be done using:
 - Interest rate for employee contributions as determined by the Retirement Board, or
 - MERS' assumed rate of return as of the date of the distribution.

11. Cost-of-Living Adjustment

<input type="checkbox"/> All current retirees as of effective date <input type="checkbox"/> Retirees who retire between ____/01/____ and ____/01/____ <i>(one time increase only)</i>	<input type="checkbox"/> Future retirees who retire after effective date
Increase of ____% or \$____ per month	Increase of ____% or \$____ per month
Select one: <input type="checkbox"/> Annual automatic increase <input type="checkbox"/> One-time increase	<input type="checkbox"/> Annual automatic increase
Select one: <input type="checkbox"/> Compounding <input type="checkbox"/> Non-compounding	Select one: <input type="checkbox"/> Compounding <input type="checkbox"/> Non-compounding
Employees must be retired ____ months (6-12 months, increments of 1 month)	Employees must be retired ____ months (6-12 months, increments of 1 month)

V. Appointing MERS as the Plan Administrator

The Employer hereby agrees to the provisions of this *MERS Defined Benefit Plan Adoption Agreement* and appoints MERS as the Plan Administrator pursuant to the terms and conditions of the Plan. The Employer also agrees that in the event any conflict between MERS Plan Document and the MERS Defined Benefit Plan, the provisions of the Plan Document control.

Defined Benefit Plan Adoption Agreement

VI. Modification Of The Terms Of The Adoption Agreement

If the Employer desires to amend any of its elections contained in this Adoption Agreement, including attachments, the Governing Body or Chief Judge, by resolution or official action accepted by MERS, must adopt a new Adoption Agreement. The amendment of the new Agreement is not effective until approved by MERS.

VII. Enforcement

1. The Employer acknowledges that the Michigan Constitution of 1963, Article 9, Section 24, provides that accrued financial benefits arising under a public Employer's retirement plan are a contractual obligation of the Employer that may not be diminished or impaired, and prohibits the use of the Employer's required current service funding to finance unfunded accrued liabilities.
2. The Employer agrees that, pursuant to the Michigan Constitution, its obligations to pay required contributions are contractual obligations to its employees and to MERS and may be enforced in a court of competent jurisdiction;
3. In accordance with the Constitution and this Agreement, if at any time the balance standing to the Employer's credit in the reserve for employer contributions and benefit payments is insufficient to pay all service benefits due and payable to the entity's retirees and beneficiaries, the Employer agrees and covenants to promptly remit to MERS the amount of such deficiency as determined by the Retirement Board within thirty (30) days notice of such deficiency.
4. The Employer acknowledges that wage and service reports are due monthly, and the employee contributions (if any) and Employer contributions are due and payable monthly, and must be submitted in accordance with the MERS Enforcement Procedure for Prompt Reporting and Payment, the terms of which are incorporated herein by reference.
5. Should the Employer fail to make its required contribution(s) when due, the retirement benefits due and payable by MERS on behalf of the entity to its retirees and beneficiaries may be suspended until the delinquent payment is received by MERS. MERS may implement any applicable interest charges and penalties pursuant to the MERS Enforcement Procedure for Prompt Reporting and Payment and Plan Document Section 79, and take any appropriate legal action, including but not limited to filing a lawsuit and reporting the entity to the Treasurer of the State of Michigan in accordance with MCL 141.1544(d), Section 44 of PA 436 of 2012, as may be amended.
6. The Employer acknowledges that changes to the Employer's MERS Defined Benefit Plan must be made in accordance with the MERS Plan Document and applicable law, and agrees that MERS will not administer any such changes unless the MERS Plan Document and applicable law permit same, and MERS is capable of administering same.

Defined Benefit Plan Adoption Agreement

VIII. Execution

Authorized Designee of Governing Body of Municipality or Chief Judge of Court

The foregoing Adoption Agreement is hereby approved by _____ on
the ____ day of _____, 20____. (Name of Approving Employer)

Authorized signature: _____

Title: _____

Witness signature: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20____ Signature: _____
(Authorized MERS Signatory)

RESOLUTION APPROVED

Resolution 2015-38 – Amend FY 2014-2015 Budget and Waive the Formal Bid Process to Award the Sewer Inspection Camera Equipment Rebuild Project to Telespector Corporation

Baker elaborated on his submitted report regarding staff's request to amend the FY 2014-2015 Budget and waive the formal bid process to rebuild the failing sewer inspection camera system. Mr. Baker stated that a grant has been obtained for a portion of the cost that will update the system with current technology. Telespector Corporation is a single source provider for this system.

MOTION by Brown, second by Droscha,
to consider Resolution No. 2015-38 read.

MOTION APPROVED

Resolution No. 2015-38 was introduced by Droscha and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-38
AMEND FY 2014-2015 BUDGET AND WAIVE THE FORMAL BID PROCESS TO AWARD
THE REBUILDING OF THE SEWER INSPECTION CAMERA EQUIPMENT TO
TELESPECTOR CORPORATION**

June 15, 2015

WHEREAS, it is in the best interest of the City of Mason to maintain its sewer equipment; and

WHEREAS, it is necessary to rebuild the sewer inspection camera equipment; and

WHEREAS, it is necessary to amend the FY 2014-2015 budget to rebuild the sewer inspection camera equipment; and

WHEREAS, it is requested by Staff to waive the formal bid process due to it being a single source provider.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve waiving the formal bid process and does hereby award the rebuilding of the City of Mason sewer inspection camera equipment to Telespector Corporation, in the amount of \$33,116.52.

RESOLUTION APPROVED

Resolution 2015-39 – Establishing Freedom of Information Act (FOIA) Policies, Procedures and Guidelines for the City of Mason

Attorney Hitch commented on PA 563 of 2014 which made significant changes, as well as implementing uniform policies, for charging fees for Freedom of Information requests. Legislature was precise on what could or could not be considered chargeable. There are considerable changes and requirements that must be met by the public body.

MOTION by Droscha, second by Ferris,
to consider Resolution No. 2015-39 read.

MOTION APPROVED

Resolution No. 2015-39 was introduced by Bruno and seconded by Droscha.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-39
RESOLUTION ESTABLISHING FREEDOM OF INFORMATION ACT (FOIA)
POLICIES, PROCEDURES AND GUIDELINES FOR THE CITY OF MASON**

June 15, 2015

WHEREAS, from time to time, various departments of the City of Mason will receive Freedom of Information Act ("FOIA") requests; and

WHEREAS, these FOIA requests must be responded to in adherence with the Freedom of Information Act, being MCL 15.231, *et seq* (the "Act"); and

WHEREAS, due to the necessity of having a policy to ensure that FOIA requests are addressed in an efficient and consistent manner and pursuant to established published procedures and guidelines to implement charges for responding to FOIA requests, Council adopted Resolution No. 2000-06; and

WHEREAS, there were significant changes in the FOIA procedures and requirements adopted pursuant to 2014 PA 563, to be effective July 1, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason hereby adopts the following Freedom of Information Act Policies, Procedures, and Guidelines:

1. The City Clerk is hereby designated the FOIA Coordinator for the City of Mason and is responsible for accepting and processing all FOIA requests in accordance with these Policies, Procedures, and Guidelines, with the exception of those submitted to the Police Department.
2. The Chief of Police or his or her designee, upon the designation of the City Clerk, is responsible for accepting and processing all FOIA requests submitted to the Police Department and all requests concerning Police Department documents in accordance with these Policies, Procedures, and Guidelines.
3. Each department other than the Police department receiving a FOIA request shall promptly forward the request to the FOIA Coordinator. Each department shall provide the requested information unless a determination is made that it is exempt from disclosure. If the record contains both exempt and nonexempt material, the nonexempt material shall, if possible, be separated and made available. The FOIA Coordinator shall sign and provide the final response to the requestor.
4. Unless otherwise agreed to in writing by the person making the request, the FOIA Coordinator shall respond to the request not more than five (5) business days after the request has been received, unless a 10 business day extension has been issued, in which case the FOIA Coordinator shall respond within 15 business days after the request has been received.
5. The response shall either grant the request, deny the request, or grant the request in part and deny the request in part.
6. If the request is granted in whole or in part, the response shall:
 - (1) State the fees, if any, for the public record search, for the necessary copying of a public record for inspection, or for providing a copy of the public record. The fees shall be charged in accordance with the Act and only those set forth in Attachment A, which is incorporated herein. The fees charged shall be itemized on a form in accordance with Attachment B. If the FOIA Coordinator has failed to respond within the time frames set forth in Paragraph 6 and either the delay was willful and intentional or the request was properly identified as a FOIA request pursuant to Section 4(9)(a)(ii) of the Act, the charges for labor costs set forth in this resolution and the attachments shall be reduced by 5% for each day the City exceeded the time for a response, with a maximum of a 50% reduction.
 - (2) State the amount of any deposit required pursuant to the terms of this resolution and the Act.

(3) Contain a best efforts estimate setting forth the time frame it will take the FOIA Coordinator to comply with the request.

(4) Explain which, if any, of the requested documents or information is available on the City's website, including the City's web page address and location on the website where the information can be located. The FOIA Coordinator shall identify separately in Attachment B the charges to receive copies of those documents that are available on the City's website.

(5) Fully explain the right to file a "fee appeal" to the City Administrator or commence an action in circuit court if fees are charged in excess of the amount permitted by the Act or these policies and procedures, including the possibility of being awarded all or a portion of the requesting person's attorney fees if the court reduces the fees by 50% or more of the total fee.

(6) Include a website link to these policies, procedures and guidelines on the City's website.

(7) Include a signature of the FOIA coordinator.

7. If the request is denied in whole or in part, the response shall:

(1) Explain the statutory basis for the determination that the public record, or a part thereof, is exempt, if that is the reason for denying all or part of the request.

(2) Certify that the public record does not exist under the name given by the requestor or any other name reasonably known to the City, if that is the reason for denying all or part of the request.

(3) Describe any material that has been separated or deleted as required by the Act.

(4) Fully explain the requesting person's right to appeal to the City Manager or seek judicial review of the denial in circuit court, including the right to receive attorney fees if the court determines that the City has not complied with the Act and orders disclosure of all or a portion of the public record.

(5) Include a website link to these policies, procedures and guidelines on the City's website.

(6) Include a signature of the FOIA coordinator.

8. A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the FOIA Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public. In addition, a public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by either of the following:

(a) An individual who is entitled to information under this Act and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency. If the requestor is eligible for a requested discount, the public body shall fully note the discount on the detailed itemization described under subsection (4). If a requestor is ineligible for the discount, the FOIA Coordinator shall inform the requestor specifically of the reason for ineligibility in the written response. An individual is ineligible for this fee reduction if any of the following apply:

(i) The individual has previously received discounted copies of public records under this subsection from the same public body twice during that calendar year.

(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. The FOIA Coordinator may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

(b) A nonprofit organization formally designated by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, if the request meets all of the following requirements:

(i) Is made directly on behalf of the organization or its clients.

(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, being MCL 330.1931.

(iii) Is accompanied by documentation of its designation by the State, if requested by the public body.

9. Fees for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information shall not be charged unless failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance and the City specifically identifies the nature of these unreasonably high costs. The costs to the City shall be deemed unreasonably high if, because of the nature of the request in the particular instance, the amount of time needed to complete the search, examination, and review, or the deletion and separation of exempt from nonexempt information, will exceed 30 minutes.

10. If a City employee receives a verbal request for information that the employee believes is available on the City's website, the employee shall, where practicable, to the best of the employee's knowledge, inform the requestor about the City's website address. The City employee shall otherwise inform the requestor of the ability to file a written FOIA request with the City.

11. The FOIA Coordinator shall require a good-faith deposit from the requestor of ½ of the total estimated fee before providing public records if the entire fee estimate or charge, as detailed on the form attached hereto as Attachment B, exceeds \$50.00. The FOIA Coordinator shall require a deposit of 100% of the estimated fee if the requestor is more than 90 days and less than 365 days delinquent in paying the fees for and receiving records from a prior request and if all of the following apply:

(1) The final fee for the prior written request was not more than 105% of the estimated fee.

(2) The public records made available contained the information being sought in the prior request and are still in the City's possession.

(3) The public records were made available to the individual, subject to payment, within the time frame estimate provided to the individual.

(4) Ninety days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing.

(5) The individual is unable to show proof of payment.

(6) The fees for the current request are itemized pursuant to Attachment B.

(7) The individual does not subsequently pay in full the applicable fees for the prior request.

12. The City Administrator, being executive officer and head of the administrative branch of the City pursuant to City Charter, is designated the head of the City for purposes of all appeals made pursuant to the Act. The following appeals, together or independently, may be made to the City Administrator.

(a) Fee appeals. A person may appeal the fee by submitting to the City Manager a written appeal for a fee reduction by specifically stating the word "appeal" and identifying how the required fee exceeds the amount permitted under these policies and procedures or the Act.

(b) Denial appeals. A person may appeal the denial of FOIA request, whether said denial was in whole or in part, by submitting to the City Manager a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial.

13. The City Clerk shall create a written public summary, in a manner so as to be easily understood by the general public, of the policies, procedures, and guidelines contained herein that are relevant to the general public regarding how to submit requests to the City and explaining how to understand the City's responses, deposit requirements, fee calculations, and avenues for challenge and appeal.

14. These policies, procedures, and guidelines, along with the written summary described above, shall be posted on the City's website and be provided free of charge to any person who visits the City Clerk's office and requests a copy.

15. The FOIA Coordinators designated herein, the City Manager and all City employees shall, at all times, comply with the Act. To the extent there is a conflict between the Act and the policies, procedures, and guidelines specified herein, the Act controls and shall be followed. To the extent there is an omission of any requirement of the Act and the policies, procedures, and guidelines specified herein, the requirements of the Act control and must be complied with. The City Attorney's office is available for assistance as to compliance with the Act and these policies, procedures and guidelines, the legality of any denial, or other questions relative to FOIA requests.

BE IT FURTHER RESOLVED, that the City Council of the City of Mason hereby authorizes the adoption of this Freedom of Information Act Policies, Procedures, and Guidelines to be effective July 1, 2015.

BE IT FURTHER RESOLVED, that this Resolution replaces Resolution No. 2000-06 on its effective date.

BE IT FURTHER RESOLVED, that the City Clerk shall forward a copy of this Resolution to all offices and departments of the City of Mason.

RESOLUTION APPROVED

UNFINISHED BUSINESS

Council stated appreciation for the cemetery and commended the Cemetery, Parks, and Forestry department.

Council requested a copy of the Goals and Objectives notes from the meeting held May 2, 2015.

A brief discussion was held regarding the \$1,700 cost for a trash container in the pedestrian bridge bid. It was explained that the container is a duplicate of the DDA selection. However, it was pointed out that the total bid amount was approximately \$20,000 lower than all the submitted bids for the project.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Brown informed Council regarding Planning Commission business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business. Mr. Colburn highlighted current projects of the City. He thanked Council Member Ferris for her assistance in cataloging current projects on paper. He thanked the Councils he has served over the years. He stated that he found a home in Mason and in his neighborhood, and stated to staff that it had been a pleasure. Council thanked Mr. Colburn for his service and wished him well in Traverse City.

ADJOURNMENT

The meeting adjourned at 9:03 p.m.

Deborah J. Cwierniewicz, City Clerk

Mike F. Waltz, Mayor