Delta Conservation District (Delta County, Michigan) Policy and Public Summary of Freedom of Information Act (FOIA) Procedures and Guidelines

This summary, *Intended to satisfy the written public summary requirement in MCL 15.234(4),* explains: (1) The Delta Conservation District (the "District") Freedom of Information Act Policy (FOIA; Public Act 44; (2) how to submit a FOIA request, (3) how to understand the District's written response, (4) deposit requirements, (5) how fees are calculated, and (6) avenues for challenge and appeal.

If anything in this policy or summary conflicts with Michigan FOIA, the controlling law governs ((MCL 15.231 et seq.).

FOIA Policy of the Delta Conservation District

It is the public policy of the Delta Conservation District that all persons 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, consistent with the Michigan Freedom of Information Act (FOIA). *Citizens shall be informed so that they may fully participate in the democratic process.* **The District's policy with respect to FOIA requests is to comply with State law (MCL 15.231 et seq.) in all respects and to respond to FOIA requests in a consistent, fair, and equitable manner**

1. FOIA Coordinator and Where to Send Requests

FOIA Coordinator/Assistant FOIA Coordinator	Stephen Benoit
Email (preferred)	deltacdfoia@gmail.com (use subject line: "FOIA request")
Mailing address	Delta Conservation District USDA Gladstone Office 2003 Minneapolis Avenue Gladstone, MI 49837
Phone	(906) 553-7700
Office hours	Monday–Friday 8:30 AM – 4:30 PM

2. How to Submit a FOIA Request

FOIA requests should be in writing (letter, email, or other electronic transmission) and must describe the public records sufficiently to enable the District to identify and locate them.

- Clearly identify that the request is being made under Michigan FOIA (best practice: put "FOIA request" in the first line/subject).
- Describe the records you want and include date ranges, subject matter, names, and any other details that help locate the records.

- State whether you want to inspect records, receive copies, or both. If you want electronic copies, specify preferred format if known.
- Include your name, mailing address, and the date of the request (the District uses this to document and process requests).

If a request does not sufficiently describe the records, the FOIA Coordinator may seek clarification or amendment instead of issuing a denial for deficiency.

3. When a Request Is Considered "Received"

Under the District's FOIA policy, a request is deemed received on the next business day after it is received by the District.

If an emailed request is delivered to a spam or junk folder, it is not deemed received until one day after the FOIA Coordinator first becomes aware of it.

4. How to Understand the District's Written Response

The FOIA Coordinator will issue a written response within five (5) business days after receiving a request, unless an extension is issued as allowed by law.

The District, if necessary, may issue one extension notice of up to an additional ten (10) business days (for a total of up to fifteen (15) business days).

A written response typically will:

- Grant the request (and provide records or instructions for inspection),
- Grant in part and deny in part (with any exemptions explained),
- Deny the request (with the reason(s) and appeal information), and/or
- Provide a fee estimate and any required deposit amount, along with a best-efforts timeframe estimate.

5. Deposits

If the District's total estimated fees and costs exceed $50.00, the FOIA Coordinator may require a good-faith deposit before providing records.

- The deposit may not exceed one-half (1/2) of the total estimated fees and costs.
- When requesting a deposit, the District will provide a best-efforts estimate of the timeframe to provide the records.
- If a requester has not paid in full for copies provided in response to a previously granted request, the District will require a 100% deposit of the estimated processing fee before beginning a subsequent request.

6. Fees and How They Are Calculated

Michigan FOIA permits a public body to charge certain fees and requires detailed itemization. The District's fee schedule includes:

- **Labor:** $26.50 per hour **for searching, reviewing/examining, preparing, and separating exempt from non-exempt material**. This fee is based on the lowest paid staff member capable of doing this work even if a higher paid staff member does the actual work.
- Cost of **nonpaper physical media** (if used).
- Cost of **paper copies** (duplication, not including labor)—with a cap of **10¢ per sheet** for standard paper sizes.
- Labor to **duplicate/publish/transfer** records (including digital copies).
- Actual **mailing** cost.

FOIA allows fee waiver/reduction if it's in the **public interest.**

Indigency waiver: Individuals who submit an affidavit stating they receive public assistance or otherwise show inability to pay due to indigency are not charged the **first $20.00** of the fee for each request (subject to the requirements in Michigan FOIA and the District's policy).

7. Inspection of Records

If you choose to inspect records instead of receiving copies, the District will provide a reasonable opportunity for inspection during usual business hours and will provide reasonable facilities for inspection.

- Inspection is conducted in the presence of a District employee to protect records from loss or damage.
- Original records may not be removed from the premises (copies may be made for the requester).
- The District may charge a reasonable fee for an employee assisting and overseeing the inspection/copying process, consistent with Michigan FOIA.

8. Appeals and Other Avenues for Challenge

A) Appeal of a Denial (records withheld in whole or in part)

If your request is denied (whole or part)

You may either:

- Submit a **written appeal** to the **Head of the Public Body** (The District Board of Directors) that specifically states the word **"appeal"** and identifies the reason(s) the denial should be reversed, **or**

- File a civil action to compel disclosure **within 180 days** after the final determination to deny.

If you appeal to the head of the public body, the Board generally must respond **within 10 business days** (with a possible extension of up to 10 business days under unusual circumstances).

B) Appeal of an Excessive FOIA Fee

If the fee exceeds what is permitted under the public body's procedures/guidelines or MCL 15.234, you may pursue a **fee reduction** by (among other options) submitting a written **"appeal"** to the head of the public body (if provided for), and/or filing a civil action for a fee reduction (subject to statutory requirements and deadlines).

9. Where to Find the District's FOIA Policy

This FOIA policy and public summary is posted on the District website. You may also request a copy from the FOIA Coordinator.

- District's FOIA webpage:
https://www.deltacd.org/foia.html

- Michigan FOIA, Public Act 442 of 1976, as amended:
www.legislature.mi.gov/documents/mcl/pdf/mcl-act-442-of-1976.pdf

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Webpage preamble:

Since 1976, Michigan's Freedom of Information Act (FOIA) has provided the public with the right to access public records from any government agency. It is often described as the law that keeps citizens in the know about their government.

The Delta Conservation District is a local unit of Michigan State government and is subject to FOIA.

Please review our FOIA policy and submit FOIA requests to the District at deltacdfoia@gmail.com with the subject "FOIA request".

Adopted on: 01/21/2026