

From: Jonathan Smith <smithj@villageofclarkston.org>
Sent: Wednesday, June 4, 2025 3:51 PM
To: Susan Bisio <smbisio@gmail.com>
Cc: sylvanlawtr@gmail.com; Clerk <clerk@villageofclarkston.org>
Subject: FOIA Request of May 14, 2025

Hello Susan,

Please find the attached cover letter and Cost Worksheet pertaining to your FOIA request dated 5/14/2025.

Let me know of any questions you may have,

Thank you,

Jonathan Smith

City Manager, City of the Village of Clarkston
375 Depot Road, Clarkston MI 48346
Email: smithj@villageofclarkston.org
Office: (248) 625-1559
Cell: (248) 909-3380



June 4, 2025

Via Email: smbisio@gmail.com

Mrs. Susan Bisio

RE: Deposit Required to Provide Documents for Your FOIA Request of May 14, 2025

Dear Mrs. Bisio:

Recently, on the 15th day of May, 2025, you submitted a FOIA request for the following public records:

1. The three recently filed grant applications seeking federal funds for sidewalk repair and replacement, apron repair, and other construction in downtown Clarkston. If it's not already part of apron repair, and other construction in downtown Clarkston. If it's not already part of the applications, please include a copy of any recent engineering estimate that supports Jonathan Smith's public claim this project will cost approximately \$1.5 million to complete.
2. All records showing the detail regarding the planned salary and benefit increases that underlie the \$36,883 "dollar increase" expressed in Jonathan Smith's "Revisited/ Modified Increases for the 25/26 Fiscal Year." Specifically, I want to know how much each employee will be receiving and any changes to current employee benefits.

Your FOIA request is granted. I have attached the FOIA Itemization Form for the expected costs incurred of this FOIA request. Please remit ½ of this amount, \$31.50 (dollars), before this request is processed. Please make a check payable to City of the Village of Clarkston. I have attached a FOIA Appeal Form if you wish to appeal the fee. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Jonathan Smith
FOIA Coordinator

/JS
Attachments

City: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

City of the Village of Clarkston
375 Depot Clarkston 48346
248-625-1559

Detailed Cost Itemization

Freedom of Information Act Request Itemized Cost Worksheet

Date: June 3, 2025

Prepared for Request No.: S. Bisio 5/14/2025_____

Date Request Received: May 14, 2025

The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the city's FOIA Policies and Guidelines.			
1. Labor Cost for Copying / Duplication This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor. This shall not be more than the hourly wage of the cities lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in <u>15</u> -minute time increments as set by the City Council (for example: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge. Hourly Wage Charged: \$21.00_____ OR Hourly Wage with Fringe Benefit Cost: \$_____ Multiply the hourly wage by the percentage multiplier: _____% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate. \$_____ <input type="checkbox"/> Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)		To figure the number of increments, take the number of minutes: <u>30</u> , divide by <u>15</u> -minute increments, and round down. Enter below: Number of increments x 2_____ =	1. Labor Cost \$10.50 _____

2. Labor Cost to Locate:

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. **This fee is being charged because failure to do so will result in unreasonably high costs to the city that are excessive and beyond the normal or usual amount for those services compared to the city's usual FOIA requests, because of the nature of the request in this particular instance, specifically: to locate the congressional grant applications which were submitted online, not through paper copies.**

The city will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15 -minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$21.00

Charge per increment: \$5.25

OR

Hourly Wage with Fringe Benefit Cost: \$

OR

Multiply the hourly wage by the percentage multiplier: %

(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per increment:

\$

☐ Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the number of minutes: 150, divide by 15 -minute increments, and round down. Enter below:

Number of increments

x 10 =

2. Labor Cost

\$52.50

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a city employee. If contracted, use No. 3b instead).

The city will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the city that are excessive and beyond the normal or usual amount for those services compared to the city's usual FOIA requests, because of the nature of the request in this particular instance, specifically:

This is the cost of labor of a city **employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **city's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in -minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$

Charge per increment: \$

OR

Hourly Wage with Fringe Benefit Cost: \$

OR

Multiply the hourly wage by the percentage multiplier: %

(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Charge per increment: \$

☐ Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the number of minutes: , divide by -minute increments, and round down. Enter below:

Number of increments

x =

3a. Labor Cost

\$

3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)

The city will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the city that are excessive and beyond the normal or usual amount for those services compared to the city's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

As this city does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of _____ (currently \$8.15).

Name of contracted person or firm: _____

These costs will be estimated and charged in _____-minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Cost Charged: \$ _____

Charge per increment: \$ _____

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down to: _____ increments.
Enter below:

Number of increments

x _____
= _____

3b. Labor Cost
\$ _____

4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (*for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection*).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- **Letter** (8 ½ x 11-inch, single and double-sided): _____ cents per sheet
- **Legal** (8 ½ x 14-inch, single and double-sided): _____ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- **Other paper sizes** (single and double-sided): _____ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- **Circle applicable:** Disc / Tape / Drive / Other Digital Medium **Cost per Item:** _____

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed** 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A city **must** utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of Sheets:

x _____
= _____
x _____
= _____

x _____
= _____

No. of Items:

x _____
= _____

Costs:

\$ _____
\$ _____

\$ _____

\$ _____

4. Total Copy Cost
\$ _____

5. Mailing Cost:

The city will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The city **may** charge for the least expensive form of postal delivery confirmation.
- The city **cannot** charge more for expedited shipping or insurance unless specifically requested by the requestor.*

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp
\$ _____ per pound
\$ _____ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

☐ * Requestor has requested expedited shipping or insurance

Number of
Envelopes or
Packages:

x _____
= _____

x _____
= _____

x _____
= _____

x _____
= _____

x _____
= _____

x _____
= _____

Costs:

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

5. Total
Mailing
Cost

\$ _____

6a. Copying/Duplicating Cost for Records Already on City's Website:

If the public body has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the city will provide the public records in the specified format and may charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- **Letter** (8 ½ x 11-inch, single and double-sided): _____ cents per sheet
- **Legal** (8 ½ x 14-inch, single and double-sided): _____ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- **Other paper sizes** (single and double-sided): _____ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- **Circle applicable:** Disc / Tape / Drive / Other Digital Medium Cost per Item: _____

☐ Requestor has stipulated that some / all of the requested records that are already available on the city's website be provided in a paper or non-paper physical digital medium.

Number of
Sheets:

x _____
= _____

x _____
= _____

x _____
= _____

No. of Items:

x _____
= _____

Costs:

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

6a. Web
Copy Cost

\$ _____

6b. Labor Cost for Copying/Duplicating Records Already on City's Website:

This shall not be more than the hourly wage of the city's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in ____-minute time increments (i.e.: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ _____

\$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____

Multiply the hourly wage by the percentage multiplier: _____ %
and add to the hourly wage for a total per hour rate.

\$ _____

The city may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

☐ Overtime rate charged as stipulated by Requestor

Charge per increment: _____

OR

Charge per increment: _____

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:

Number of increments _____

x _____
= _____**6b. Web Labor Cost**

\$ _____

6c. Mailing Cost for Records Already on City's Website:

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp / per pound / per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

☐ * Requestor has requested expedited shipping or insurance

Number: _____

x _____
= _____x _____
= _____x _____
= _____x _____
= _____

Costs: _____

\$ _____

\$ _____

\$ _____

\$ _____

6c. Web Mailing Cost

\$ _____

Subtotal Fees Before Waivers, Discounts or Deposits:

Copying:

Estimated Time Frame to Provide Records:

_____ (days or date)

The time frame estimate is nonbinding upon the city, but the city is providing the estimate in good faith. Providing an estimated time frame does not relieve the city from any of the other requirements of this act.

- ☐
- Cost estimate
-
- ☐
- Bill

1. Labor Cost for

\$ _____

2. Labor Cost to Locate:

\$10.50 _____

3a. Labor Cost to Redact:

\$ _____

3b. Contract Labor Cost to Redact:

\$ _____

4. Copying/Duplication Cost:

\$ _____

5. Mailing Cost:

\$ _____

6a. Copying/Duplication of Records on Website:

\$ _____

6b. Labor Cost for Copying Records on Website:

\$ _____

6c. Mailing Costs for Records on Website:

\$ _____

Subtotal

\$63.00 _____

Fees:

<p>Waiver: Public Interest 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 city 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.</p> <p><input type="checkbox"/> All fees are waived <u>OR</u> <input type="checkbox"/> All fees are reduced by: _____ %</p>	<p>Subtotal Fees After Waiver:</p>	<p>\$ _____</p>
<p>Discount: Indigence A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by an individual who is entitled to information under this act and who:</p> <p>1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR</p> <p>2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.</p> <p>If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if ANY of the following apply:</p> <p>(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, OR</p> <p>(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. A public body 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.</p> <p><input type="checkbox"/> Eligible for Indigence Discount</p>	<p>Subtotal Fees After Discount (subtract \$20):</p>	<p>\$ _____</p>
<p>Discount: Nonprofit Organization A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by 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 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:</p> <p>(i) Is made directly on behalf of the organization or its clients.</p> <p>(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.</p> <p>(iii) Is accompanied by documentation of its designation by the state, if requested by the city.</p> <p><input type="checkbox"/> Eligible for Nonprofit Discount</p>	<p>Subtotal Fees After Discount (subtract \$20):</p>	<p>\$ _____</p>
<p>Deposit: Good Faith The city may require a good-faith deposit <u>in either its initial response or a subsequent response before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00</u>, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee.</p> <p>Percent of Deposit: 50 _____ %</p>	<p>Date Paid:</p> <p>_____</p>	<p>Deposit Amount Required:</p> <p>\$31.50 _____</p>
<p>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full After a city has granted and fulfilled a written request from an individual under this act, if the city has not been</p>		

<p>paid in full the total amount of fees for the copies of public records that the city made available to the individual as a result of that written request, the city may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:</p> <p>(a) The final fee for the prior written request was not more than 105% of the estimated fee. (b) The public records made available contained the information being sought in the prior written request and are still in the city's possession. (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. (d) Ninety (90) days have passed since the city notified the individual in writing that the public records were available for pickup or mailing. (e) The individual is unable to show proof of prior payment to the city. (f) The city calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>A city can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the city, OR (b) The city is subsequently paid in full for the applicable prior written request, OR (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the city.</p>	<p>Date Paid: _____</p>	<p>Percent Deposit Required: _____ %</p> <p>Deposit Required: \$ _____</p>
<p>Late Response Labor Costs Reduction If the city does not respond to a written request in a timely manner as required under MCL 15.235(2), the city must do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted by 5% for each day the city exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:</p> <p>(i) The late response was willful and intentional, OR</p> <p>(ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.</p>	<p>Number of Days Over Required Response Time: _____</p> <p>Multiply by 5% _____</p> <p>= Total Percent Reduction: _____</p>	<p>Total Labor Costs \$ _____</p> <p>Minus Reduction \$ _____</p> <p>= Reduced Total Labor Costs \$ _____</p>
<p>The Public Summary of the city's FOIA Procedures and Guidelines is available free of charge from: Website: villageofclarkston.org _____ Email: clerk@villageofclarkston.org _____ Phone: (248) 625-1559 _____ Address: 375 Depot Road, Clarkston, MI 48346 _____</p> <p style="text-align: center;">Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</p>	<p>Date Paid: _____</p>	<p>Total Balance Due: \$31.50 _____</p>

(2015)

City: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

City of the Village of Clarkston

Fee Appeal Form

375 Depot Road
Clarkston, Michigan 48346
Phone: (248)625-1559

FOIA Appeal Form—To Appeal an Excess Fee
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ **Date Received:** _____ **Check if received via:** ☐ Email ☐ Fax ☐ Other Electronic Method
Date of This Notice: _____ **Date delivered to junk/spam folder:** _____

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

(Please Print or Type)

Date discovered in junk/spam folder: _____

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above

☐ Deliver on digital media provided by the city: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

Reason(s) for Appeal:

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:

Requestor's Signature: _____ **Date:** _____

City Response:

The city must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

City Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until _____ (month, day, year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

City Determination: ☐ Fee Waived ☐ Fee Reduced ☐ Fee Upheld

Written basis for city determination: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the city's written Procedures and Guidelines to the city council or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the city council. If a civil action is commenced in court, the city is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the city required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____

Date: _____

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.
Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body 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 under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

History: Add. 2014, Act 563, Eff. July 1, 2015