

**ST. CLAIR COUNTY COMMUNITY COLLEGE
BOARD OF TRUSTEES
*Minutes of Regular Meeting Held June 11, 2015***

CALL TO ORDER:

Chairman DeGrazia called the Regular Meeting to order at 4:30 pm.

AT ROLL CALL:

Members Present

at Roll Call: Robert Tansky, Nicholas DeGrazia, John Ogden, Geoffry Kusch,
Denise Brooks, John Adair, David Oppliger

Members Absent

at Roll Call: n/a

Also Present: Dr. Kevin Pollock

AGENDA ADOPTION:

It was moved by Mr. Adair, seconded by Dr. Kusch, to remove item ***H.2.e. Headlee Override Proposal for November 2015 Ballot*** and to adopt the agenda as amended.

Motion carried: 7-0

APPROVAL OF MINUTES:

It was moved by Mr. Adair, seconded by Mr. Tansky, to approve minutes of the Public Hearing on the Budget held May 14, 2015, the Regular Meeting held May 14, 2015, and the Special Meeting/Retreat held May 15, 2015 as printed and circulated.

Motion carried: 7-0

FINANCIAL REPORTS:

Chairman DeGrazia acknowledged that financial reports for the month of May 2015 had been provided to Trustees.

COMMUNICATIONS & PETITIONS: n/a

REPORT AND RECOMMENDATIONS OF THE PRESIDENT OF THE COLLEGE

1. INFORMATIONAL ITEMS & PRESENTATIONS

a. A copy of the book, "*Redesigning America's Community Colleges: A Clearer Path to Student Success*", was provided to each Trustee.

2. ACTION ITEMS:

Acceptance of Gift

It was moved by Dr. Kusch, seconded by Mr. Ogden, to accept, with appreciation, a donation of \$450 from Orthopedic Associates of Port Huron, MI, for athletics.

Motion carried: 7-0

Minutes of Regular Meeting June 11, 2015
Page 2.

Library Software and Hardware

It was moved by Ms. Brooks, seconded by Mr. Adair, to approve a seven (7) year agreement with SirsiDynix for a Horizon system subscription and hosted service for a total cost of \$303,836 with annual payments to be made from the Technology Fund.

Motion carried: 7-0

Ellucian Contract Extension

It was moved by Dr. Kusch, seconded by Mr. Adair, to approve a technology management contract extension with Ellucian until 2026 at an annual cost of \$1,560,048 in 2015-16, with future changes in the base annual contract amount tied to Career Plan Blue employee group increases, and to be paid from the General Fund.

Roll Call Vote: Kusch – yes, Adair – yes; Brooks – no; Oppliger – yes; Ogden – no; Tansky – *abstained*; DeGrazia – yes.

Motion carried: 4-2 (Mr. Tansky abstained from the vote.)

City Property Letter of Intent

It was moved by Mr. Tansky, seconded by Dr. Kusch, to approve the attached non-binding letter of intent for city and college property development and direct administration to work with legal counsel, Mr. Chuck Kelly, to finalize a formal agreement.

Motion carried: 6-0 (Mr. Adair abstained from the vote due to self-identified conflict of interest regarding his employment with the Kelly firm.)

OLD BUSINESS: N/A

NEW BUSINESS: N/A

Trustee Professional Development Requests – Tansky/Ogden/DeGrazia/Kusch

It was moved by Mr. Oppliger, seconded by Ms. Brooks, to provide approval for Trustees Tansky, Ogden, DeGrazia, and Kusch to attend the MCCA Summer Workshop to be held July 22 – 25, 2015 in Traverse City.

Motion carried: 7-0

Waiver of Two-Reading Requirement for FOIA Policy

It was moved by Ms. Brooks, seconded by Dr. Kusch, to waive the two-reading requirement for consideration of the proposed FOIA policy in this specific instance only and per recommendation of legal counsel.

Motion carried: 7-0

Minutes of Regular Meeting June 11, 2015
Page 3.

Approval of FOIA Policy

It was moved by Mr. Adair, seconded by Mr. Ogden, to adopt Board Policy 2.30 – Freedom of Information Act and cost itemization worksheet as attached.

Motion carried: 7-0

Cancellation of July 9 Business Meeting

The July 9 meeting was not cancelled.

STAFF CHANGES: N/A

TRUSTEE REPORTS:

Governance Committee: It was reported that the Governance Committee had two (2) recent meetings (May 21 and June 4) to explore HLC criterion and evidence, conflict of interest policy suggestions, and clarifications regarding the Governance Manual.

Finance Committee: It was reported that the Finance Committee met with the auditor on June 11 to review the scope and timing of audit services.

It was reported that Mr. Tansky and Dr. Kusch hosted SEMCOG representatives for a June 4 meeting and campus tour.

ADJOURNMENT:

It was moved by Mr. Adair, seconded by Ms. Brooks, to adjourn the meeting at 5:32 pm.

Motion carried: 7-0

Respectfully submitted,

Mary L. Hawtin
Board Secretary

Certified by,

Nicholas DeGrazia
Board Chair

June _____, 2015

Mr. James Freed
City Manager
City of Port Huron
100 McMorran Blvd.
Port Huron, MI 48060

Re: Non-Binding Letter of Intent for City and College Property Development

Dear Mr. Freed:

The City of Port Huron and St. Clair County Community College have a long shared history of collaboration and development in downtown Port Huron. For example, almost fifty years ago an Urban Renewal Agreement in 1967 between the City and College helped establish the College as a Community College and expand its presence in the City. The College and City have continued since then to work together to improve higher education for the citizens of the City and our entire region resulting also in direct economic benefit to the downtown and the entire area.

Recently, we have discussed the potential of an exciting new joint effort centered around (1) the transfer of the City's McMorran Place Pavilion, its Tower and the Murphy parking lot to the College and (2) the College's granting to the City all of its rights and interests in the Black River water front property from the River Street Fire House west property line to the 10th Street bridge.

As we discussed, the latter will allow the City to develop that Black River water front and the former would expand the College's campus to include the Pavilion, Tower and parking lot and allow the College to explore new opportunities including the following:

- Relocating student gym activities to the Pavilion allowing the College to create space on campus for a future health science complex development and otherwise positively improve our overall site plan allowing for academic growth;
- Providing a collegiate level facility for competitions and additional opportunities beyond our current facilities which are not suitable to host many large scale events;
- Establishing higher profile College signage and physical presence downtown;
- Establishing a large campus field house for large student centered events (e.g. College Night, Career Fair, Robo Frenzy, etc.).

- Providing for permanent additional necessary parking for students while continuing downtown event parking;
- Allowing the College to invest in lot site improvements to directly benefit students;
- Attracting youth and collegiate basketball, volleyball, and other area tournaments and offering other activities not provided in the local area;
- Developing space for signature regional sporting events on campus;
- Increasing collegiate level sport camps;

Pursuing these opportunities will be a major step in fulfilling the College's Facility Master Plan benefiting both academics and athletics and will undoubtedly create very significant positive downtown and area economic activity.

Our Board of Trustees clearly sees the great potential for both the City and College in pursuing this effort and is committed to spend College funds, time and energy to pursue and implement. Accordingly, the Board has directed our Administration to join with you and the City to (1) allow us to proceed with all necessary due diligence including engineering, environmental, surveys, budgets and academic study program planning and (2) to complete the final details of an overall agreement. The terms of that agreement would include those generally outlined below with the final detailed agreement subject, of course, to Board and City Council approval:

- The City transferring the McMorran Pavilion, Tower, and the Murphy parking lot to the College for \$1 with the College assuming responsibility including all existing maintenance, costs, and necessary improvements.
- The College controlling and operating the Pavilion and continuing any current or past events or uses consistent with its plans, but without any obligation to continue any particular event or use.
- The College managing the Murphy parking lot for student parking and for downtown event parking.
- The College granting to the City all of its rights and interests in the Black River water front property from the west property line of the Firehouse to the 10th street bridge.
- The City renaming or appending the name to Stone Street from Glenwood to River as "Skipper Way" and to River Street from Glenwood to Stone as "College Drive".

- The City adopting an ordinance prohibiting smoking on City sidewalks abutting all College properties.
- The City granting the College an option to purchase the Fire House property for \$250,000.00 if and when the City discontinues its present use as an active Fire House with the City also vacating Stone Street from that property to Glenwood upon the College purchasing the Fire House.

We would hope to finalize the formal Agreement with approval by the City Council by its July 27, 2015 meeting and approval by our Board of Trustees by its August 13, 2015 meeting and with completion of the property transfers and other actions by August 20, 2015.

We hope to work with you and the City on what we believe is a clear win-win for the City, the College and our entire community. To that end, we look forward to your approval below of this Letter of Intent so we can immediately begin to proceed with our due diligence and preparation of the agreement.

Sincerely,

St. Clair County Community College

By: _____
Dr. Kevin A. Pollock
Its: President

Approved:

City of Port Huron

By: _____
James Freed
Its: City Manager

Dated: _____, 2015

**ST. CLAIR COUNTY COMMUNITY COLLEGE
BOARD POLICY - FREEDOM OF INFORMATION ACT**

The purpose of this policy is to establish guidelines for the acceptance and processing of requests for public records of St. Clair County Community College (SC4) under the Freedom of Information Act.

POLICY:

A. FREEDOM OF INFORMATION ACT (FOIA)

It is the public policy of the State of Michigan that all persons, except those persons incarcerated in state or local correctional facilities, 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. A person has the right to submit a written request for public record(s) from SC4. The request must sufficiently describe the public record to enable the SC4 FOIA Coordinator or designee to identify the requested public record.

SC4 has a designated individual appointed as the college's FOIA Coordinator. The FOIA Coordinator shall be responsible for accepting and processing requests for SC4's public records under the FOIA and shall be responsible for coordinating Section C of this Policy. The FOIA Coordinator may designate other individual(s) to act on his or her behalf in accepting and processing requests for SC4 in other college departments. SC4's FOIA Coordinator shall maintain a master list of all designees processing FOIA requests within the college and a copy of all official responses.

B. REQUESTOR RESPONSIBILITIES UNDER FOIA

1. The requestor of records must submit a written request for public record(s) from SC4. A specific form to submit a request is not required; however, a FOIA request form is available on the SC4 website.
2. The written request must sufficiently describe the public record to enable the FOIA Coordinator or designee to identify the requested record. The FOIA Coordinator or designee may send a notice requesting clarification of the request. Such notice shall not be interpreted as a denial. Any clarification or amendment will be considered a new request subject to timelines set forth in Sec C.
3. A person has a right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to 6 months, at the request of the subscriber, and shall be renewable. This request is not automatic and the requestor must submit a separate written subscription to the FOIA Coordinator or designee.
4. A person may request the public records be provided on non-paper physical media, electronically mailed, or otherwise provided in lieu of paper copies. This request will be complied with if the college possesses the necessary technological capability to provide the records in the requested format.
5. Any request received that includes information available on the SC4 website will be provided a written response that indicates all or a portion of the information is available on the website and shall include the specific webpage address where the requested information is available and shall inform the requestor of the additional charge to receive copies of the public records that are available on its website.

C. SC4 RESPONSIBILITIES UNDER FOIA

1. The FOIA Coordinator or designee shall respond to all written requests within five (5) business days of receipt of a FOIA in one of the following ways:
 - (a) Grant the request.
 - (b) Issue a written notice denying the request.
 - (c) Grant the request in part and issue a written notice denying in part the request.
 - (d) Issue a notice indicating that due to the nature of the request the college needs an additional 10 business days to respond. Only one such extension is permitted.
2. A written request made by facsimile, electronic mail, or other electronic transmission is not considered received by the FOIA Coordinator or designee until one (1) business day after the electronic transmission is made.

3. If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for allowable fees associated with responding to the request before the public record is made available.
 - (a) If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.
 - (b) If the cost of processing a FOIA request is \$50 or more based on a good-faith calculation, or if the requester has not paid in full a previously granted request, the requester will be required to pay a deposit as set forth in Section D before the request will be fulfilled.
 - (c) A website link to a copy of this policy with procedures and guidelines shall be included with the response.
4. The FOIA Coordinator shall review spam and junk-mail folders on a regular basis, which shall be no less than once a month.
 - (a) Any FOIA request contained within a spam or junk-mail folder shall be considered received one (1) business day after the request is discovered.
 - (b) Both the date the request was delivered into the spam or junk-mail folder and date of discovery shall be noted.
5. If the request indicates that the requestor desires to inspect public records, the FOIA Coordinator or designee will contact the requestor to arrange for inspection of non-exempt public records. The FOIA Coordinator or designee must provide reasonable facilities so that persons making a request may examine and take notes. The facilities are only required to be available during the normal business hours of the college.
6. The custodian of a public record shall provide a certified copy of the record if requested in writing.
7. If the FOIA Coordinator makes a final determination to deny all or a portion of a request, the FOIA Coordinator will issue a Notice of Denial which shall provide the applicable circumstance:
 - (a) An explanation as to why a requested public record is exempt from disclosure.
 - (b) A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the college.
 - (c) An explanation or description of the public record or information within a public record that is separated or deleted from the public record.
 - (d) An explanation of the person's right to submit an appeal of the denial to the SC4 Board of Trustees or to seek judicial review in the St. Clair County Circuit Court.
 - (e) An explanation of the right to receive attorney fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of \$1,000 should they prevail in Circuit Court.
 - (f) The Notice of Denial shall be signed by the FOIA Coordinator.
8. The FOIA does not require a public body to make a compilation, summary, or report of information if it does not already exist, except as required in section 11 of the Act. This exemption includes analyzing, compiling, or summarizing existing information into a new format. It also does not require the FOIA coordinator or other staff to provide answers to questions contained in request for public records or regarding the content of the records themselves.
9. The FOIA Coordinator and designees will utilize their best efforts to respond to all FOIA requests; however, the college will search only the most likely locations for the records. Under the FOIA, the college is not required to search each and every record it maintains in order to discover material that might pertain to a specific request.
10. The FOIA Coordinator shall keep a copy of all written requests for public records on file for no less than one (1) year.

D. FEE DEPOSITS

1. If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation by the college, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.
2. If a request for public records is from a person who has not fully paid the college for copies of public records made in fulfillment of a previously-granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:
 - (a) The final fee for the prior written request is not more than 105% of the estimated fee.
 - (b) The public records made available contained the information sought in the prior written request and remain in the college's possession.

- (c) The public records were made available to the individual, subject to payment within the time frame estimated by the college to provide the records.
 - (d) 90 days have passed since the FOIA Coordinator 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 college.
 - (f) The FOIA Coordinator has calculated a detailed itemization that is the basis of the current written request's increased estimated fee deposit.
3. The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:
- (a) The person making the request is able to show proof of prior payment in full to the college.
 - (b) The college is subsequently paid-in-full for the applicable prior written request.
 - (c) 365 days have passed since the person made the request for which full payment was not remitted to the college.

E. CALCULATION OF FEES.

1. A fee will NOT be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information UNLESS failure to charge a fee would result in unreasonably high costs to the college because of the nature of the request in the particular instance, and the college specifically identifies the nature of the unreasonably high costs.
2. SC4 may charge for the following costs associated with processing a FOIA request:
 - (a) Labor costs directly associated with searching for, locating and examining a requested public record if failure to charge a fee would result in unreasonably high costs to the college and the college specifically identifies the nature of the unreasonably high costs.
 - (b) Labor costs associated with the review of a record to separate and redact information exempt from disclosure from information that is disclosed if failure to charge a fee would result in unreasonably high costs to the college and the college specifically identifies the nature of the unreasonably high costs.
 - (c) The actual cost of computer discs, tapes or other digital or similar media.
 - (d) The cost of duplication or publication of paper copies of public records.
 - (e) The cost of labor associated with duplication or publication, including the production of paper copies, digital copies, or transferring digital public records to non-paper physical media or through the Internet or other electronic means.
 - (f) The actual cost of mailing or sending a public record.
3. Labor costs will be calculated based on the following conditions:
 - (a) All labor costs will be estimated and charged in 15-minute increments with all partial-time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
 - (b) Labor costs will be charged at the hourly wage of the lowest-paid employee capable of doing the work in the specific fee category, regardless of who actually performs the work.
 - (c) Labor costs will also include a charge to cover, or partially cover, the cost of fringe benefits, up to 50% of the applicable labor charge. In no case shall it exceed the actual cost of fringe benefits.
 - (d) Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
4. The cost to provide records on non-paper physical media, when so requested, will be based on the following conditions:
 - (a) Computer disks, tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
 - (b) This cost will only be assessed if the college has the technological capability necessary to provide the public record in the requested non-paper physical media format.
5. The cost to provide paper copies of records will be based on the following conditions:
 - (a) Paper copies of public records produced on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$0.10 per sheet. Copies for non-standard sized papers will reflect the actual cost of reproduction.
 - (b) The college shall provide records using double-sided printing, if cost-saving and available.
6. The cost to mail records to a requestor will be based on the following conditions:
 - (a) The actual cost to mail public records using a reasonably economical and justified means.
 - (b) The college may charge for the least expensive form of postal delivery confirmation.

- (c) No charge will be assessed for expedited shipping and/or insurance, unless expedited shipping and/or insurance are specifically requested.
- 7. In the event the FOIA Coordinator does not respond to a written request in a timely manner as required by the Act, the following shall be implemented:
 - (a) Reduction in labor costs by 5% for each day the permitted time under FOIA is exceeded, up to a 50% maximum reduction if any of the following applies:
 - (i) The late response was willful and intentional.
 - (ii) The written request, within the first 250 words of the body of the request, conveyed a request for information.
 - (iii) The written request included the words, characters, or abbreviations for "Freedom of Information", "information", "FOIA", "copy" or a recognizable misspelling of such; or a legal reference to MCL15.231 et seq or 1976 Public Act 442 on the front of an envelope, in the subject line of an e-mail, letter, or facsimile cover page.
 - (b) The fee reduction shall be fully noted in the Detailed Itemization of Costs form.

F. WAIVER OF FEES

- 1. The cost of the search for and reproduction of a public record may be waived or reduced, if in the sole judgment of the FOIA Coordinator, a waiver or reduced fee is in the public interest because such can be considered as primarily benefitting the general public.
- 2. The FOIA Coordinator shall waive the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating they are:
 - (a) Indigent and receiving specific public assistance.
 - (b) If not receiving public assistance, states facts demonstrating an inability to pay because of indigence.
- 3. An individual is not eligible to receive the waiver if:
 - (a) The requestor has previously received discounted copies of public records from the college twice during the calendar year.
 - (b) The request for information is made in connection with other persons who are offering or providing payment to make the request.
- 4. A nonprofit organization designated by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, or their successors, if the request meets all of the following requirements:
 - (a) Is made directly on behalf of the organization or its clients.
 - (b) Is made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, MCL 330.1931.
 - (c) Is accompanied by documentation of its designation by the State.

G. APPEAL OF DENIAL OF PUBLIC RECORD

- 1. In accordance with the FOIA, if the FOIA Coordinator or designee makes a determination to deny all or a portion of a request, the requestor may file a written appeal of the decision with the SC4 Board of Trustees. The appeal must be in writing, specifically state the word "appeal", and identify the reason(s) the requestor is seeking a reversal of the denial. The SC4 Board of Trustees is not considered to have received a written appeal until the first regularly scheduled meeting of the SC4 Board of Trustees following the submission of the written appeal.
- 2. Within 10 business days of receiving the appeal, the SC4 Board of Trustees will respond in writing by:
 - (a) Reversing the disclosure denial.
 - (b) Upholding the disclosure denial.
 - (c) Reversing the disclosure denial in part and upholding the disclosure denial in part.
 - (d) Under unusual circumstances, the SC4 Board of Trustees may issue not more than one (1) notice of extension for not more than 10 business days to respond to the appeal.
- 3. Whether the requestor has submitted an appeal of denial to the SC4 Board of Trustees or not, he or she may commence a civil action in the St. Clair County Circuit Court within 180 days of the college's final determination to deny the request.
- 4. If the court determines the public record is not exempt from disclosure, the court will award the appellant reasonable attorney fees, costs, and disbursements. If the court determines the appellant

prevails only in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorney fees, costs, and disbursements.

5. If the court determines the college arbitrarily and capriciously violated the FOIA by refusing or delaying the disclosure of copies of a public record, it shall award the appellant punitive damages in the amount of \$1,000.

H. APPEAL OF AN EXCESSIVE FOIA PROCESSING FEE

1. In accordance with the FOIA, if a requestor believes that the fee charged by the college to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the SC4 Board of Trustees. The appeal must be in writing, specifically state the word "appeal", and identify how the required fee exceeds the amount permitted.
2. Within 10 business days of receiving the appeal, the SC4 Board of Trustees will respond in writing by:
 - (a) Waiving the fee
 - (b) Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee
 - (c) Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee
 - (d) Under unusual circumstances, the SC4 Board of Trustees may issue not more than one (1) notice of extension for not more than 10 business days to respond to the appeal.
3. If the SC4 Board of Trustees reduces or upholds the fee, that determination must also include certification that the statements of determination are accurate and that the reduced fee amount complies with this policy.
4. Within 45 days after receiving notice of the SC4 Board of Trustees' determination of an appeal, the requesting person may commence a civil action in the St. Clair County Circuit Court for a fee reduction.
 - (a) If a civil action is commenced against the college for an excessive fee, the college is not obligated to complete processing of the written request for the public record at issue until the court resolves the fee dispute.
 - (b) An action shall not be filed in circuit court unless the SC4 Board of Trustees failed to respond to a written appeal as required or issued a determination to a written appeal.
5. If the St. Clair County Circuit Court determines that the college required a fee that exceeds the amount permitted under the FOIA or its guidelines, the court shall reduce the fee to a permissible amount.
 - (a) If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the St. Clair County Circuit Court may, in its discretion, award all or an appropriate portion of reasonable attorney fees, costs, and disbursements.
 - (b) If the St. Clair County Circuit Court determines that the college arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the college to pay a civil fine of \$500.00 which shall be deposited in the general fund of the state treasury. The St. Clair County Circuit 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.

Policy adopted by the Board of Trustees: June 11, 2015

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

St. Clair County Community College (SC4)

Port Huron, Michigan
Phone: 810.989.5545

Detailed Cost
Itemization Form

SC4 Freedom of Information Act Request Detailed Cost Itemization

Date: _____ Prepared for Request No.: _____ Date Request Received: _____

The following costs are being charged/estimated in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to SC4's FOIA Policies and Guidelines. If SC4 is seeking a 50% deposit prior to providing the public records sought, the estimate is itemized on this form, lines 2-7 below.

1. If all or a portion of the requested information is available on the SC4 website, the College is required to tell you it is available on the website and, where practicable, include a specific webpage address where the information is available. In this case:

- None
- Some
- All

of the requested material can be found at the following webpage(s):

If the webpage is all the information you need, it is provided without charge. If, however, you still wish to receive a copy of material from the webpage, please let us know. A copying charge will apply if SC4 is required to produce copies of material from the webpage. (See section 4.)

2. Labor Cost to Locate Records Not on SC4 Website:

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 SC4 because of the nature of the request in this particular instance, specifically:** _____

SC4 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**; 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 ¼ hour: \$ _____

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.

OR

Charge per ¼ hour: \$ _____

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 15 and round down. Enter below:

Number of increments

2. Labor Cost

x _____ = \$ _____

3. Labor Cost for Copying / Duplication of Records

This is the cost of labor directly associated with duplication of publications, 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 SC4'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 **15 minute time increments**; 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: \$ _____

Charge per ¼ hour: \$ _____

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 ¼ hour: \$ _____

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 15, and round down.
Enter below:

Number of increments

3. Labor Cost

x _____ = \$ _____

4. Labor Cost for Copying/Duplicating Records Already on SC4 Website:

This shall not be more than the hourly wage of SC4'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 **15 minute time increments**; 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: _____%
and add to the hourly wage for a total per hour rate.

Charge per increment: \$ _____

Requestor has stipulated that some / all of the requested records that are already available on the SC4 website be provided in a paper or non-paper physical digital medium.

Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the *number of minutes*: _____, divide by 15, and round down.
Enter below:

Number of increments

4. Web Labor Cost

x _____ = \$ _____

5. Labor Cost for Separating Exempt from Non-Exempt (Redacting): Material Not on SC4 Website

SC4 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 SC4 that are excessive and beyond the normal or usual amount for those services compared to SC4's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

This is the cost of labor of an **SC4 employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of **SC4'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 **15-minute time increments**; 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 15, and round down. Enter below:

Number of increments

x _____ =

5. Labor Cost
\$ _____

6. 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 1/2 x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): _____ cents per sheet

Number of Sheets:

x _____ =

x _____ =

Costs:

x _____ =

\$ _____

\$ _____

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

x _____ =

\$ _____

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

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

No. of Items:

6. Total Copy Cost

x _____ =

\$ _____

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. **SC4 must utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.**

7. Mailing Cost:

SC4 will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- SC4 **may** charge for the least expensive form of postal delivery confirmation.
- SC4 **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 _____ =

Costs:

\$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
7. Total Mailing Cost
 \$ _____

8. Subtotal Fees Before Waivers, Discounts or Deposits:

- Cost estimate
 Bill

Estimated Time Frame to Provide Records:

_____ (days or date)

The time frame estimate is nonbinding upon SC4 but SC4 is providing the estimate in good faith. Providing an estimated time frame does not relieve SC4 from any of the other requirements of this act.

- 1. Records on SC4 Website:
- 2. Labor Cost to Locate:
- 3. Labor Cost for Copying:
- 4. Labor Cost for Copying Records on Website:
- 5. Labor Cost to Redact:
- 6. Copying/Duplication Cost:
- 7. Mailing Cost:
- 8. Subtotal Fees:

No Charge
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____

9. Good-Faith Deposit:

If the estimated cost of responding to this request exceeds \$50.00, SC4 may collect up to 50% of that estimate (i.e., 50% of the amount on line 8) before responding.

x 50%

9. Good Faith Deposit
 \$ _____

<p>10. Waiver: <u>Public Interest</u> 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 SC4 determines, upon request, that a waiver or reduction of the amount on line 8 above 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 OR <input type="checkbox"/> All fees are reduced by: _____%</p>	<p>Subtotal from Line 8 Above as Affected by SC4's Decision Re: Requested Waiver:</p>	<p>\$ _____</p>
<p>11. Discount: <u>Indigence</u> 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 if eligible, otherwise enter amount from Line 10):</p>	<p>\$ _____</p>
<p>12. Discount: <u>Nonprofit Organization</u> 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 SC4.</p> <p><input type="checkbox"/> Eligible for Nonprofit Discount</p>	<p>Subtotal Fees After Discount (subtract \$20 if eligible, otherwise enter amount from Line 11):</p>	<p>\$ _____</p>
<p>13. Deposit: <u>Previously Paid</u> SC4 may require a good-faith deposit before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. Percent of Deposit: 50%</p>	<p>Date paid: _____</p>	<p>13a. \$ _____</p>

<p>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full After SC4 has granted and fulfilled a written request from an individual under this act, if SC4 has not been paid in full the total amount of fees for the copies of public records made available to the individual as a result of that written request, SC4 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 SC4'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 SC4 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 SC4. (f) SC4 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>SC4 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 SC4, OR (b) SC4 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 SC4.</p>	<p>Date paid: _____</p>	<p>Percent Deposit Required _____%</p> <p>13b Deposit Required \$ _____</p> <p>13c Balance from Line 12 after deducting any previously paid deposit. \$ _____</p>
<p>14. Late Response Labor Costs Reduction If SC4 does not respond to a written request in a timely manner as required under MCL 15.235(2), SC4 must do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted by 5% for each day that SC4 exceeds the time permitted for a response to the request, with a maximum 50% reduction.</p> <p>15. Balance Due (Deduct amount on Line 14 from amount on Line 13c)</p>	<p>Number of Days Over Required Response Time: _____</p> <p>Multiply by 5% _____</p> <p>= Total Percent Reduction: _____</p> <p>Date Paid _____</p>	<p>Total Labor Costs \$ _____</p> <p>Minus Reduction \$ _____</p> <p>= Reduced Total Labor Costs \$ _____</p> <p>Total Balance Due: \$ _____</p>
<p>The Public Summary of SC4's FOIA Procedures and Guidelines is available free of charge from: Website: _____ Email: _____ Phone: _____ Address: _____</p> <p>Request Will Be Processed But <u>Balance Must Be Paid Before</u> Copies May Be Picked Up, Delivered, or Mailed</p>		

Adopted by the SC4 Board of Trustees: June 11, 2015