

CITY OF STANTON

FREEDOM OF INFORMATION ACT POLICY RESOLUTION

At a regular meeting of the City of Stanton City Commission held on March 16, 2017, the following Resolution was offered by Commissioner Basom and supported by Commissioner Seaman:

WHEREAS, the Michigan Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended (“Act”), provides for public access to certain public records of public bodies and prescribes the powers and duties of certain public officers and public bodies; and

WHEREAS, it is the public policy of this state 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, and that the people shall be informed so that they may fully participate in the democratic process; and

WHEREAS, the City Commission desires to adopt a FOIA Policy and to establish fees and charges for the processing of requests for public records in accordance with FOIA.

WHEREAS, by a separate resolution, the City Commission has appointed a FOIA Coordinator as required by Section 6 of FOIA; and

NOW, THEREFORE, BE IT RESOLVED that the City of Stanton City Commission hereby adopts the Freedom of Information Policy attached as Exhibit 1.

BE IT FURTHER RESOLVED that the City of Stanton City Commission hereby adopts the following fees for copies of public records under FOIA:

Copy fees (City copier)	\$0.10 per page for standard copies
Copy fees (commercial vendor)	Actual cost
All other fees and charges as permitted by FOIA (as shown on Attachment B of the FOIA Policy)	

BE IT FURTHER RESOLVED that resolutions or portions of resolutions inconsistent with this Resolution are hereby rescinded to the extent of any such conflict.

AYES: Yoder, Basom, Miel, Johnson, and Seaman

NAYS: 0

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

I, the undersigned, the duly qualified and acting Clerk of the City of Stanton, Montcalm County, Michigan, hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the City Commission at a regular meeting of said Commission held on the 16th day of March 2017, at which meeting a quorum was present and voting. I further certify that public notice of said meeting was given pursuant to and in full compliance with Michigan Act 267 of 1967, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Lori Braman
City Clerk

**CITY OF STANTON
FREEDOM OF INFORMATION ACT (FOIA) POLICY**

The following policy was established pursuant to Resolution No. 2017-1 , adopted by the City Commission of the City of Stanton on March 16, 2017. The policy identifies the procedures that the City FOIA Coordinator (as defined below) is to follow when processing a request in accordance with Act No. 442 of the Public Acts of 1976, as amended (the "Act").

SECTION 1.

DEFINITIONS

- Act: The Michigan Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended.
- FOIA Coordinator: The City Clerk, as designated by the City Commission pursuant to Section 6(1) of the Act, and any other individual designated by the City Clerk pursuant to Section 6(3) of the Act, to act on the Clerk's behalf in accepting and processing requests for the City's public records and in approving a denial under Section 5 of the Act.
- Person: An individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity. Person does not include an individual serving a sentence of imprisonment in a state or county correctional facility in Michigan or any other state, or in a federal correctional facility.
- Public Record: A writing which is prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function from the time it is created and as otherwise defined by the Act. Public record does not include computer software.
- City: The City of Stanton and its departments, commissions, boards, and committees.
- Unusual Circumstances: The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct records pursuant to a single request or the need to collect public records from numerous locations apart from the office receiving or processing the request.

Where not otherwise defined, the words and phrases contained in this policy shall have the meaning given to them, if any, by the Act.

SECTION 2 - RIGHT TO RECORDS

A person has the right to review public record(s) from the City. The request must be in writing and sufficiently describe the public record to enable the FOIA Coordinator to identify the requested public record.

Exhibit 1

A person has the right to inspect a public record, or receive copies of requested record, unless exempted by law or court order. Upon written request, a person will be provided with a reasonable opportunity to examine the public records provided by the public body. Inspection of public records shall occur only between the hours of 8 a.m. and 5 p.m., Monday through Friday at the City Hall, unless otherwise agreed by the FOIA Coordinator in his or her sole discretion. When inspecting public records, a person shall not write on, alter, deface, or otherwise place any mark on a public record. Persons with special needs should contact the FOIA Coordinator beforehand to ensure that arrangements for special needs or reasonable facilities are prepared. The City will protect public records from loss, removal, unauthorized alteration, mutilation, or destruction. A person may request that copies of a public record be provided subject to the payment of fees as provided in Section 4.

A person has the right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid up to six months, at the request of the subscriber, and shall be renewable.

SECTION 3 – RIGHTS AND OBLIGATIONS OF THE CITY

The City shall process all written requests for a public record. If a request has not been made in writing, the City shall have the person complete the request form (see FOIA request form, Attachment A). The City shall not deliver or make a public record available to the requesting person until a written request is received and the fees established under Section 4 are paid. If the City delivers or makes a public record available and the requesting person has not made payment at the time, the City shall be entitled to collect payment from the requesting person by any legal means.

The FOIA Coordinator will provide a certified copy of a public record if a person so requests in writing.

The Act does not require the City or the FOIA Coordinator to make a compilation, summary, report of information, or create a new public record (including compiling or summarizing existing information in a new format). Neither the City nor the FOIA Coordinator are obligated to provide answers to oral or written questions. Unless a person expressly requires the City to provide copies to the person, the City may allow for inspection of public records.

The FOIA Coordinator shall keep a copy of all written requests on file for not less than one year.

Whenever copies are made for a requesting party under FOIA, the FOIA Coordinator shall make and keep for its files one extra set of copies thereof, in case it is necessary later to prove which copies were made and provided to the requesting party. Such extra set of copies shall be kept by the City for at least one (1) year. There shall be no charge or fee to the requesting party for the extra set of copies kept by the City.

The City will usually require that a person file with the City a written request under FOIA when seeking to review or receive City documents. If, however, there is a request for a routine document (such as an ordinance, handouts, hearing notice or City form) and the City does not need to undertake a significant document search or perform a segregation of documents, the City may waive the requirement that a formal FOIA request be submitted to the City, but the requesting party shall still pay for the copying costs.

SECTION 4 – PROVISIONS FOR COPYING PUBLIC RECORDS

The City shall adopt, by resolution, a schedule of fees for processing FOIA requests and for providing copies of public records in accordance with the Act. All FOIA requests submitted pursuant to the Act shall be subject to the fees adopted by the City, except any fees as otherwise provided by law. Postage and handling shall also be charged as applicable and shall include the exact postage, as well as the cost for envelopes or other containers used for mailing copies of the public records requested. The City shall use the most reasonably, economical means available for making copies of public records.

The FOIA Coordinator may waive a fee or reduce a fee if it is determined 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.

The FOIA Coordinator may charge a fee for the cost involved with searching for, examining, or reviewing a public record, and the deletion and separation of exempt from nonexempt information, when it results in an unreasonably high cost to the City. The fee may include the cost of labor for searching for, examining, or reviewing a public record, and the deletion and separation of exempt from nonexempt information, in response to a request for the inspection of a public record or a request for copies of a public record as permitted by FOIA. In determining what is an unreasonably high cost to the City, the FOIA Coordinator shall consider the following factors on a case-by-case basis:

- a) Volume of public record requested;
- b) The time frame for the records requested;
- c) Complexity of searching for, examining, reviewing a public record, and the deletion and separation of exempt from non-exempt information;
- d) The need to search for, examine, and review public records from different departments, commissions, boards, or committees for the City;
- e) The anticipated hours of labor;
- f) The available staffing for responding to the request;
- g) Any other similar factors designated by the FOIA Coordinator; and
- h) Complying with any FOIA request is more difficult and costly to the City than might appear at first glance for a variety of different reasons. First, the City's staffing is limited. Furthermore, some City employees are part-time. Second, the costs in complying with FOIA and the requests thereunder are almost never fully covered by the fee that can be charged to the requesting party. For example, in some FOIA situations, City officials must consult with outside legal counsel regarding how to fully comply with the FOIA. At times, FOIA can be a complex statute and contains a number of ambiguities. Such attorney fees generally cannot be passed on to the requesting party. Finally, as with most municipalities across

Michigan, the City's revenues and budget have been significantly reduced over the past decade or longer. Property tax revenues have fallen, as has revenue sharing. Given that it has been difficult for the City's revenues to match the City's local government needs, further subsidizing FOIA requests by waiving or reducing fees only makes a bad budgetary situation worse.

Charges for labor costs shall be determined by using the hourly wages of the lowest paid public body employee capable of retrieving the records requested, as provided in the Act.

A public record search shall be made and a copy shall be furnished without the charge for the first \$20.00 of the fee for each request to any person who submits an affidavit stating that the person is then receiving public assistance or, if not receiving public assistance, stating facts showing an inability to pay the cost because of indigence.

Where total fees are reasonably anticipated to exceed Fifty Dollars (\$50.00), the FOIA Coordinator shall require that fifty percent (50%) of the estimated fees be deposited prior to processing of the request.

The FOIA Coordinator shall not charge additional fees for certification of any copies.

The City has limited in-house capabilities for copying photographs, audio or video tapes, microforms, maps or plans. If a person requests that copies be made of these or large documents which must be copied off-site, the FOIA Coordinator will determine and assess those costs. If an officer or employee of the City is required to deliver and/or pick up the public records and/or copies of public records, the labor hours spent and applicable mileage (at City rates) will also be applied to the charges of the person(s) requesting the public records.

The City may hire third parties to process or assist in the processing of a request in a manner consistent with the Act.

Copy fees and mailing charges for future issuances of regularly published public records will be arranged through the FOIA Coordinator. A person can request that a public record, which is regularly published, be sent to them or they may be called for pickup of the public record for a period of time, not to exceed six months, unless extended.

SECTION 5 – PROCEDURES OF THE PUBLIC BODY IN PROCESSING A FOIA REQUEST

After a person has made a written request for a public record in accordance with the Act, the FOIA Coordinator shall respond within five (5) business days after its receipt. A written request made by facsimile, electronic mail, or other electronic transmission is not considered received by the FOIA Coordinator until one (1) business day after the electronic transmission is made, as provided in the Act.

The FOIA Coordinator will process written requests for a public record by responding within five (5) business days of receipt in one of four ways:

1) Grant the request.

If the request indicates that the person desires to inspect the public records, the FOIA Coordinator will contact the person to arrange for inspection at a reasonable time consistent with this policy.

If the request indicates that the person is requesting copies of a public record, the FOIA Coordinator will forward notification to the requesting person indicating the amount due and where the documents may be released. However, if the request is expected to generate fees of \$50 or more, and except as otherwise provided for in this policy, the FOIA Coordinator shall require fifty percent (50%) of the estimated charges be deposited in advance of the processing of the request. The FOIA Coordinator may not process the request unless and until the deposit is made. The balance must be paid prior to release of documents.

2) Issue a written notice denying the request. The notice of the denial shall include:

- a) an explanation as to why the requested public record is exempt from disclosure in accordance with the Act, or
- b) clarification that the requested public record does not exist under the name given by the requestor or by another name reasonably known to the City, or
- c) a description of a public record or information which had to be separated or deleted from the public record pursuant to Section 14 of the Act.

In addition to the explanations noted above, the denial shall also include an explanation of the person's right to appeal the denial to the City Commission and to seek judicial review in accordance with Section 10 of the Act.

3) Grant the request in part, and issue a written notice denying the request in part. In the latter instance, the public records exempted from disclosure shall be treated as in (2) above.

4) Issue a written notice extending the time in which to respond to the request by ten (10) business days. The notice will specify the reasons for the extension and the date by which the City will grant the request, deny the request, or grant in part and deny in part the request. The City shall not issue more than one such notice of extension for a particular request.

Where a written request is received which does not sufficiently describe the public records requested so as to enable the FOIA Coordinator to reasonably locate the same, the FOIA Coordinator will notify the requester and ask for a clarification. Such notice, if sent, shall not be interpreted as a denial of the request for purposes of the Act or this policy.

SECTION 6 – PROCEDURES FOR SEPARATION OF RECORDS

If a request is made for an existing public record that includes information which is exempt from disclosure under the Act and information which is not exempt, the FOIA Coordinator must separate the material and make the nonexempt material available for examination and copying.

Additionally, if the separation is readily apparent to a person requesting to inspect or receive copies, the FOIA Coordinator shall generally describe the material exempted unless doing so would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

SECTION 7 – DESIGNATION OF FOIA COORDINATOR

The FOIA Coordinator shall be responsible to accept and process requests for public records and approve denials in accordance with Sections 5(4) and (5) of the Act.

SECTION 8 – APPEALS

In accordance with the Act, where a person's request for a public record is denied, in whole or in part, the person shall be entitled to file a written appeal of the decision in accordance with the following process:

- 1) The person shall be advised by the FOIA Coordinator of the right to file a written appeal to the City Commission which shall specifically state the word "appeal" and identify the reason(s) for reversal of the denial. The written appeal shall be filed with the City Manager.
- 2) The City Commission is not considered to have received a written appeal until the first regularly scheduled meeting of the City Commission following submission of the written appeal.
- 3) In its consideration of any written appeal, the City Commission shall review the materials submitted by the appellant, any written comments received from the FOIA Coordinator, any other information which the City Commission deems necessary. Within ten (10) days after receiving the written appeal (as provided in subsection 2) above), the City Commission shall take one of the following actions:
 - a) reverse the disclosure denial, or
 - b) issue a written notice to the requesting person upholding the disclosure denial, or
 - c) reverse the disclosure denial in part and issue a written notice to the requesting person upholding the denial in part, or
 - d) under unusual circumstances, issue a notice extending for not more than ten (10) business days the period during which the City Commission will respond to the written appeal. The City Commission shall not issue more than one notice of extension for a particular written appeal.
- 4) The appellant may choose to commence an action in the circuit court to compel the City's disclosure of public records as provided in Section 10 of the Act.

SECTION 9 – FORMS

The FOIA Coordinator may use the forms (Attachments A-D) attached to this Policy in processing FOIA requests.

ATTACHMENT A

**City of Stanton
Montcalm County, Michigan**

(City FOIA Coordinator Address:)

Phone () _____ Fax () _____

FOIA Request for Public Records

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis
Delivery Method (upon payment of balance due): Pick up records in person Mail to address below

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

(Please Print or Type)

Describe the public record(s) as specifically as possible:

Requestor's Signature	Date
Consent to Non-Statutory Extension of City's Response Time	
I have requested a copy of records or a subscription to records or the opportunity to inspect records, pursuant to the Michigan Freedom of Information Act, Act No. 442 of 1976, MCL 15.231, et seq. I understand that the City must respond to this request within five (5) business days after receiving it, and that response may include taking a 10-business day extension. However, I hereby agree to extend the City's response time for this request until: ____ (month, day, year) ____.	
Requestor's Signature	Date

ATTACHMENT B
City of Stanton
Freedom of Information Act Request Cost Worksheet

<p>Pursuant to Section 4 of the Michigan Freedom of Information Act, MCL 15.234, the following costs will be charged for responses to FOIA requests, according to the FOIA Fee Schedule adopted and periodically revised by the City Commission.</p>		
<p>Copying (per copy cost):</p> <p>Copying costs may be charged if a copy of a public record is requested, or if a copy is required 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.</p> <p style="text-align: right;"> Letter (single-sided): __ cents per page Letter (double-sided): __ cents per page Legal (single-sided): __ cents per page Legal (double-sided): __ cents per page </p> <p style="text-align: right;"> Other: _____ Cost per page: _____ Other Media (tape/disk/drive): _____ Cost: _____ </p>	<p>Number of pages:</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p>	<p>Total Cost</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p>
<p>Labor Cost for Copying (hourly wage):</p> <p style="text-align: right;">Hourly Wage Charged: _____</p>	<p>Number of minutes:</p> <p>x _____ =</p>	<p>Total Cost</p> <p>\$ _____</p>
<p>Mailing:</p> <p style="text-align: right;"> No. 10 Business Envelope: __ cents 9 x 12 Envelope: __ cents 10 x 13 Envelope: __ cents Other: __ cents </p> <p style="text-align: right;"> Postage (select method): \$ _____ per stamp \$ _____ per pound \$ _____ per package </p>	<p>Number of envelopes:</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p> <p>Actual Postage:</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p>	<p>Total Cost</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p>
<p>Labor Cost for Separating Exempt from Non-Exempt Information (hourly wage):</p> <p>Due to the nature of the request, a labor charge may be charged for the search, examination, review, and (if appropriate) the deletion and separation of exempt from non-exempt information as provided in Section 4 of the Freedom of Information Act, MCL 15.234. This fee is being charged because failure to do so would result in unreasonably high costs to the City, specifically:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: right;">Hourly Wage Charged: _____</p>	<p>Number of minutes:</p> <p>x _____ =</p>	<p>Total Cost</p> <p>\$ _____</p>
	Subtotal	\$ _____
Proof or Affidavit of Indigency Submitted	Subtract \$20.00	\$ _____
	Estimated Cost	\$ _____
Note: Estimated Cost Exceeds \$50.00. Good Faith Deposit of 50% Required <u>Before</u> Request Will Be Processed	50% Deposit Date Paid: _____	\$ _____
Note: Request Will Be Processed, But Balance Must Be Paid <u>Before</u> Copies May Be Picked Up, Delivered, or Mailed	Balance Due Date Paid: _____	\$ _____

ATTACHMENT C

City of Stanton

(City FOIA Coordinator Address:) _____

Phone () _____ Fax () _____

Notice to Extend Response Time for FOIA Request

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

RE: Request for Copy Certified copy Record inspection Subscription to record
Delivery Method (*upon payment of balance due*): Pick up records in person Mail to address below

Date Request Received: _____ Date of This Response: _____

Record(s) Requested: _____

We are extending the date to respond until _____ (*month, day, year*)_____.

(*This date can be no more than 15 business days from the date that the original request was received by the City.*)

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

Reason for Extension:

1. The City needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the City must:

2. The City needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the City office. Specifically, the City must coordinate documents from the following locations: _____

3. Other (describe): _____

Signature of FOIA Coordinator:	Date:
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ATTACHMENT D

**City of Stanton
Montcalm County, Michigan**

(City FOIA Coordinator Address:) _____

Phone () _____ Fax () _____

Name	Phone
Firm/Organization	Fax
Street	Email
City	State MI
	Zip

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

RE: Request for Copy Certified copy Record inspection Subscription to record
Date Request Received: _____ Date of This Response: _____
Record(s) Requested: _____

All or part of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact _____ at _____

(For a partial denial, the following records are being disclosed: _____)

Reason for Denial:

1. This item is exempt from disclosure under FOIA Section 13, Subsection (*insert number*), because: _____

2. This item does not exist under the name provided in your request or by another name reasonably known to the City. A certificate that the public record does not exist under the name given is enclosed. If you believe this record does exist, provide a description that will enable us to locate the record: _____

3. A portion of the requested record had to be separated or deleted as it is exempt under FOIA Section 13, Subsection (*insert number*) because: _____

A brief description of the information that had to be separated or deleted: The social security number of an individual was redacted on one of the requested records.

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the City Commission of the City of Stanton or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If you are successful in asserting the right to inspect or to receive a copy of a public record or a portion of a public record in court, the court will award reasonable attorney fees, costs, and disbursements. If you prevail in part of your action, the court may in its discretion award reasonable attorney fees, costs, and disbursements or an appropriate portion of those attorney fees, costs, and disbursements. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____

Date: _____

ATTACHMENT D –CONT'D.
FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240 Options by requesting person; appeal; orders; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

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

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. 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). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing an action in circuit court under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. The circuit court for the county in which the complainant resides or has his or her principal place of business, or the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. 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 a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, 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 circuit court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the right to inspect or receive a copy of a public record. The 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.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997.