

Submitted September 22, 2026 to the Township Board through the Office of the Township Supervisor, with a copy posted on the NextRequest thread for request 26-1065.

APPEAL OF FOIA FEE, REQUEST 26-1065 (INVOICE 433033)

To the Township Board of Trustees, Charter Township of Bloomfield, submitted to the Office of the Township Supervisor

Date: September 22, 2026

This is an appeal under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, and Section 9 of the Township's FOIA Procedures and Guidelines, of the fee required for FOIA request 26-1065. I ask the Board to reduce the fee to the amount the Act and the guidelines permit and to state the basis for the remaining fee, or to waive it.

The request and the fee. I filed request 26-1065 through the Township's records portal on September 12, 2026. It asks for eight categories of records about the Police Department's license plate reader program, as a follow-up to request 26-956. The Township granted that request in full on August 26, 2026 at no charge, producing 49 pages in seven files, including a 22-page search-audit export from the Flock Safety system. On September 15 the Township issued a 10-business-day extension notice. On September 22 it issued Invoice 433033, stating "Police Department: Request granted" and a total cost of \$160.44. The invoice's only line item, under the heading "Staff hours," lists "Sgt.," a cost per hour of \$80.22, a quantity of "2 hours 0 minutes," and a total of \$160.44. I appreciate the speed of both responses. This appeal concerns only the fee.

The fee exceeds the amount permitted in the following ways.

1. The hourly rate is not shown to be the wage the Act and the guidelines allow, and no fringe-benefit multiplier is noted. MCL 15.234(1)(a), (1)(b) and (1)(e) each provide that a public body "shall not charge more than the hourly wage of its lowest-paid employee capable of" the work in question, "regardless of whether that person is available or who actually performs the labor." Section 5 of the guidelines states: "Labor costs will be charged at the hourly wage of the lowest-paid Township employee capable of doing the work in the specific fee category, regardless of who actually performs work." MCL 15.234(2) allows the public body to "add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used to account for benefits in the detailed itemization." Section 5 of the guidelines adds the qualifier "but in no case may it exceed the actual cost of fringe benefits."

The invoice charges \$80.22 per hour for a sergeant and notes no multiplier. The Township's agreement with the Police Department Command Unit (January 1, 2026 to December 31, 2028), Article XXVII, sets a sergeant's base wage at \$109,825.00 in the schedule column beginning April 11, 2026. Article XXVIII of the same agreement provides that members of the unit on either shift pattern "shall work eighty (80) hours in a fourteen (14) day (2 week) work cycle," which is 2,080 hours a year and \$52.80 per hour. The invoiced rate is 152 percent of that wage. If no multiplier was applied, the rate exceeds the wage. If one was, the Act requires it to be noted in the itemization, and the full 50 percent addition to the contract wage would be \$79.20 per hour, below the \$80.22 charged. If the Township computes hourly wages on another basis, I ask that the determination show the calculation.

The invoice also does not state that a sergeant is the lowest-paid employee capable of the work in any fee category. The Act's test is capability, "regardless of whether that person is available or who actually

performs the labor." Items 1, 2, 5(b), 6 and 7 of the request, and the approval records in item 8, ask for documents rather than new exports from the Flock system. They cover order forms and invoices, Board records, exports already run, audit memos and working papers, any record of a retention change, and hot-list approvals. The Township's agreement with the Police Officers Labor Council for the same period, Article XX, sets police officer wages from \$57,289.23 (start) to \$95,500.00 (four years) and dispatcher wages beginning at \$50,077.54 in the same schedule column. On the same 2,080-hour basis, those are \$27.54 to \$45.91 and \$24.08 per hour. If some of the exports in items 3 through 5 and 8 can be run only by an employee with administrative rights in the Flock system, that time may be charged as duplication labor under MCL 15.234(1)(e). The ceiling for that time is the wage of the lowest-paid employee who holds those rights, charged in the 15-minute increments Section 5 prescribes and shown separately in the itemization. Under request 26-956 the Township produced a 22-page search-audit export from the same system at no charge.

2. Search and review labor cannot be charged without the finding the Act and the guidelines require. MCL 15.234(3) provides that a fee "shall not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14 unless failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs." Section 5 of the guidelines adopts the same rule: "A fee may be charged for the labor cost of copying/duplication. A fee will not be charged for the labor 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 Township because of the nature of the request in the particular instance, and the Township specifically identifies the nature of the unreasonably high costs." It measures "unreasonably high" against "the costs of the Township's usual FOIA requests" and lists the factors that "shall be used" to make that determination.

The invoice identifies no such costs. Most of the eight items ask the Department to locate whatever records exist, not to create anything new. Locating existing records is the work MCL 15.234(1)(a) describes as "searching for, locating, and examining" public records; only the step of copying them is duplication labor under MCL 15.234(1)(e). If the two hours were duplication labor, I ask that the determination say so and describe the duplication work. If any part of the time was search, examination or review, the Act and Section 5 require the Township to identify the unreasonably high costs before charging for it. The invoice does not show how much of the two hours, if any, falls in each category.

3. The invoice does not itemize the fee by the components the Act and Section 3 of the guidelines describe. MCL 15.234(2) requires a labor charge to be itemized so as to express the hourly wage and the number of hours. The invoice states a number of hours and a cost per hour; it does not say whether that cost is an hourly wage or a wage plus a multiplier. MCL 15.234(4) further requires the detailed itemization to "clearly list and explain the allowable charges for each of the 6 fee components listed under subsection (1) that compose the total fee used for estimating or charging purposes." Section 3 of the guidelines states: "The FOIA Coordinator (or designee) shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request." The invoice's only fee category, "Staff hours," is not one of the six components. Its line item does not say whether the two hours were spent searching for and examining records (MCL 15.234(1)(a)), separating exempt material (15.234(1)(b)), or duplicating records (15.234(1)(e)); nor does it state the work done, the wage the rate was built from, or any multiplier. Which rule applies, and which employee's wage is the ceiling, depends on those answers.

4. The public-interest waiver or reduction. My request asked for a public-interest fee waiver under MCL

15.234(2) because the records concern the operation and oversight of a public surveillance program and the findings will be published for the general public at no charge. The invoice does not address the waiver request. Under MCL 15.240a(2)(a) and Section 9 of the guidelines the Board may waive the fee, and Section 6 provides for a waiver or reduction where furnishing the records "can be considered as primarily benefitting the general public." I ask the Board to consider it.

Context. My request asked: "If the Township assesses a fee for any item, please process the remaining items and send the itemized estimate for that item on the Township's itemization form (MCL 15.234(4)) before incurring the cost, so that I can narrow it." Section 3 of the guidelines pairs a deposit request, where a fee "is expected to exceed \$50 based on a good-faith calculation," with "a detailed itemization of the allowable costs estimated to be incurred by the Township to process the request." The invoice was my first notice of a fee, so I have not yet had a chance to narrow the request. I raise this only as context, and I remain willing to narrow the request if that would help resolve the fee.

What I ask the Board to do. I ask the Board, under MCL 15.240a(2)(b), to reduce the fee to the labor cost of copying or duplication only, at the hourly wage of the lowest-paid Township employee capable of that work, in 15-minute increments, with any fringe-benefit multiplier stated. If the Board retains any search, examination or review labor, I ask that its determination identify the unreasonably high costs that MCL 15.234(3) and Section 5 of the guidelines require. I ask that the written determination state, for each labor charge, the fee component under MCL 15.234(1), the work performed, and the position whose wage was used and why it is the lowest-paid position capable of that work. I also ask that it state the hourly wage, the basis on which it was computed, and any multiplier, with the certification MCL 15.240a(2)(b) describes. The Board may instead waive the fee under MCL 15.240a(2)(a). Once the Board rules, I will pay any remaining fee promptly so that the records can be released.

Thank you for your consideration. The Township's handling of request 26-956 was prompt and complete, and this appeal asks only that the fee on the follow-up request be computed as the Act and the Township's guidelines provide.

Chance Ackley-Smith

Attachments: (1) Invoice 433033; (2) request 26-1065 as submitted; (3) Articles XXVII and XXVIII of the Township's agreement with the Police Department Command Unit, 2026–2028 (printed pages 58–59); (4) Article XX of the Township's agreement with the Police Officers Labor Council, 2026–2028 (printed page 46); (5) request 26-956 as submitted, for reference.