

Note added by Michigan Plate Readers. Our appeal to the Shelby Township Board of Trustees of the fee estimate and deposit on both requests (SHP-2026-10-04-A and -B), dated and sent October 22, 2026, by email to the Township Clerk's Office. Text as sent, with the requester's address, email and phone lines left out; the four attachments (the Records Bureau's email and Estimate Statement of October 20, our questions of October 22 and the Manager's reply, the two requests, the Township's FOIA page) are not reproduced here and are published separately where they are ours or the Township's. End of note.

October 22, 2026

Board of Trustees
Charter Township of Shelby
c/o Office of the Township Clerk, FOIA administrator
52700 Van Dyke Avenue
Shelby Township, MI 48316

Copies: Office of the Township Supervisor; Police Department Records Bureau; FOIA@shelbytwp.org

Subject: FOIA appeal: requests PD5OCT28 and PD5OCT29 (Flock Safety records): fee estimate and deposit

To the Board of Trustees:

This is an appeal under MCL 15.240a(1)(a) and the Township's Public Summary of FOIA Procedures and Guidelines ("Appeal of an Excess FOIA Processing Fee", page 4: "you must first appeal to the Township Board by filing a written appeal for a fee reduction") of the fee estimate of \$275.40 and the deposit of \$137.70 required on my two FOIA requests of October 4, 2026, for the Police Department's Flock Safety records (the Department's numbers PD5OCT28 and PD5OCT29). I ask the Board to waive the fee, or to reduce it as set out below, and to issue a written determination.

I sent two requests on October 4, 2026: one for the Department's program documents (agreements, purchase approvals, policy, data-sharing records, camera inventory, retention setting and audit memos) and one for the system's own exports (search audits, the network audit, the sharing configuration, change logs, alerts and the user list). Each asked for a public-interest fee waiver or reduction under MCL 15.234(2), and each asked that any estimate be sent on the Township's detailed-itemization form, broken out by the numbered items, so that I could narrow the request.

On October 20 the Records Bureau sent one Estimate Statement for both requests. It charges 240 minutes of search and examination (\$183.60) and 120 minutes of redaction (\$91.80), all at the Records Manager's rate of \$45.90 an hour, for a total of \$275.40. The statement lists the Records Clerk's rate of \$33.14 an hour on its own lines, with no time charged to them. It requires a deposit of \$137.70 and reads "DUE BY DEC. 4, 2026". The covering email says that "If payment is not received by November 12, 2026, the records request will be closed." Neither the statement nor the email mentions the waiver requested, identifies any unreasonably high cost, or breaks the time out by request or by item.

On October 22 I asked the Records Bureau four questions: for the hours by request and item; why the labor is charged at the Records Manager's rate when the Township lists a Records Clerk; on what basis search and redaction labor is charged at all; and for a decision on the waiver. The Records Bureau Manager answered the same afternoon: "You can file an appeal for the fee estimate with the township board of trustees and they can put that on the next board meeting to discuss. Please see page 5 of our

Township FOIA policy." No question was answered.

Why the fee exceeds what the Act and the Township's own guidelines permit:

1. The rate. Section 4(1)(a) of the Act provides that for search, location and examination labor "The public body shall not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance regardless of whether that person is available or who actually performs the labor." Section 4(1)(b) says the same of separating and deleting exempt information: "the public body shall not charge more than the hourly wage of its lowest-paid employee capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14, regardless of whether that person is available or who actually performs the labor." The Township's own FOIA page lists, for the Police Department, "Research (records clerk) - \$33.14 per hour (22.37 wage + fringe benefit cost)" and "Redaction (records clerk) - \$33.14 per hour (22.37 wage + fringe benefit cost)", and says of its labor schedule: "The rate below is the lowest paid employee wage." The statement charges every minute at the Records Manager's \$45.90 and gives no reason the Records Clerk could not do the work. Searching a records system for a contract, a policy and an export, and redacting them, is clerical work of the kind a records clerk does; nothing in the estimate says otherwise. At the Records Clerk's rate the six hours charged would come to \$198.84.

2. The labor itself. Section 4(3) provides that a fee for search, examination, review and redaction labor "shall not be charged" "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." The statement and the email identify no such cost. Six hours of clerical time on two requests for a program's records is not an unreasonably high cost by any standard the Township has stated, and the Act requires the statement of the cost before the labor can be charged. The search, examination and redaction labor should be removed.

3. The itemization. Section 4(4) requires that "A public body's procedures and guidelines must include the use of a standard form for detailed itemization of any fee amount in its responses to written requests under this act." Section 4(2) requires that "fee components shall be itemized in a manner that expresses both the hourly wage and the number of hours charged", with the fringe-benefit multiplier noted. Both of my requests asked that the estimate be broken out by the numbered items so that I could narrow them. The statement gives two lines for two requests together and does not say which request, or which items, account for the time. I cannot narrow what I cannot see. If any labor is retained, I ask that the determination state the hours by request and by item.

4. The waiver. Each request asked for a public-interest waiver or reduction under section 4(2), which permits a waiver or reduction where furnishing the records "can be considered as primarily benefiting the general public". The records are requested for a research project covering license plate reader programs in Michigan, and everything I receive is published for the general public at no charge at michiganplatereaders.org. The estimate does not mention the request. I ask the Board to decide it.

5. The deposit and the closure date. Section 4(8) permits a deposit only "based on a good-faith calculation of the total fee described in subsection (4)" and limits it to "1/2 of the total estimated fee". A deposit computed on a fee that exceeds the amount permitted exceeds it in the same measure. Section 4(14) provides that a request is considered abandoned if the deposit is not received within 45 days and "the requesting person has not filed an appeal of the deposit amount pursuant to section 10a", and that the deposit notice "must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent." The email's statement that the request will be closed if

payment is not received by November 12, 2026, twenty-three days after the notice, is not the date the Act prescribes. This appeal is filed within that time in any case, and I ask the Township to confirm that both requests remain open while it is pending and until the determination is issued.

What I ask:

I ask the Board, as head of the public body, to waive the fee under section 4(2). If the Board does not waive it, I ask that it reduce the fee by removing the search, examination and redaction labor for want of the finding section 4(3) requires; or, if any labor is retained, that it be charged at the Records Clerk's rate, broken out by request and by numbered item, with the fringe-benefit multiplier noted, on the Township's detailed-itemization form; that the determination state the specific basis under section 4 for any remaining fee and carry the certification section 10a(2)(b) requires, "that the statements in the determination are accurate"; that one deposit and one deposit date be stated, computed as section 4(8) and 4(14) provide; and that the Township confirm the requests remain open while this appeal is pending. I remain glad to narrow either request once I can see where the time goes, and to take the records in stages.

Under MCL 15.240a(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)." The Township's agenda portal lists the Board's November 3 meeting as cancelled and its next regular meeting as November 17, 2026. I am submitting this appeal today, Thursday, October 22, 2026, by email to the Clerk's Office, which the Township's FOIA page names as its FOIA administrator, with a copy to the Supervisor's Office, and I ask that it be placed before the Board at that meeting and that the Clerk's Office confirm receipt by reply to this email.

Attachments:

1. The Records Bureau's email of October 20, 2026, and the Estimate Statement (PD5OCT28/29).
2. My questions of October 22, 2026, and the Records Bureau Manager's reply.
3. My requests of October 4, 2026 (documents; system exports), as sent.
4. The Township's Freedom of Information Act Requests page with its labor schedule, as saved October 22, 2026.

Sincerely,

Chance Ackley-Smith