

**VILLAGE OF MATTAWAN
24221 FRONT AVE.
MATTAWAN, MI 49071
REGULAR COUNCIL MEETING**

MARCH 23, 2026

AGENDA

1. CALL TO ORDER @ **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ATTENDANCE
4. WELCOME TO PUBLIC
5. ANNOUNCEMENT OF MEETING BEING RECORDED
6. CONSENT AGENDA
 1. Regular Council Meeting and Closed Session Minutes of March 9, 2026 7:00 PM
 2. Bills in the amount of \$ 43,130.07
7. ADDITIONS TO AGENDA
8. APPROVAL OF THE AGENDA
9. LIMITED PUBLIC COMMENT ON ANY AGENDA ITEM
10. BOARD AND COMMITTEE REPORTS
 - A. DDA COMMITTEE – *Chair Brooks*
Meeting 3/17/26
11. STAFF REPORTS
 - A. ENGINEER’S REPORT – *Engineer Woodhams*
 - B. ATTORNEY’S REPORT – *Attorney Graham*
12. UNFINISHED BUSINESS
 - A. MANAGER MCGREW AND DEPARTMENT HEADS CONTRACTS
13. NEW BUSINESS
 - A. ADA WEB CONTENT ACCESSIBILITY GUIDELINES (WCAG 2.1 LEVEL AA) COMPLIANCE – *Clerk Storm-Artis*

- B. APPROVE INVOICE FROM MICHIGAN SECURITY AND LOCK IN THE AMOUNT OF \$8,456.00 – *Manager McGrew*
Initial approval of \$6,476.00 on 7/28/26. Received Grant from Par Plan in the amount of \$2,500.00

- C. RESOLUTION TO EXPRESS SUPPORT FOR A MULTI-USE PATHWAY BETWEEN MATTAWAN AND PAW PAW, MICHIGAN IN ANTWERP TOWNSHIP

- 14. COMMUNICATIONS
Overpayment of millage tax collection from Antwerp
Schedule Policy and Personnel Meeting
State of Michigan FOIA (Act 442 of 1976)

- 15. COMMENTS FROM VISITORS

- 16. COMMENTS FROM COUNCIL

- 17. ADJOURNMENT @

DRAFT

**VILLAGE OF MATTAWAN
24221 FRONT AVE.
MATTAWAN, MI 49071
REGULAR COUNCIL MEETING**

MARCH 9, 2026

MINUTES

1. CALL TO ORDER @ 7:00 PM
2. PLEDGE OF ALLEGIANCE.
3. ATTENDANCE: *Begeman, Daniel, McLean, Monroe, Streeter, Stuut*
ABSENT: *Gurley*
OTHERS IN ATTENDANCE: *Manager McGrew, Clerk Storm-Artis, Attorney Graham, Chief Mansfield*
Motion by Begeman, seconded by Daniel to excuse member Gurley due to a prior personal commitment. All members voted in favor.
4. WELCOME TO PUBLIC
5. ANNOUNCEMENT OF MEETING BEING RECORDED
6. CONSENT AGENDA
 1. Special Council and Closed Session Meeting Minutes of February 23, 2026 6:00 PM
 2. Regular Council Meeting Minutes of February 23, 2026 7:00 PM
 3. Bills in the amount of \$106,856.37 + \$63,046.65 = \$169,903.02*Items 1, 2, 3 approved without objection.*
7. ADDITIONS TO AGENDA *None*
8. APPROVAL OF THE AGENDA
Motion by McLean, seconded by Streeter to approve the agenda as presented. All members voted in favor. Motion carried.
9. LIMITED PUBLIC COMMENT ON ANY AGENDA ITEM *None*
10. BOARD AND COMMITTEE REPORTS
11. STAFF REPORTS
 - A. ENGINEER'S REPORT - *Engineer Woodhams not present*
 - B. ATTORNEY'S REPORT – *Attorney Graham stated he had been researching a nuisance issue and was working with Manager McGrew to move forward.*

12. UNFINISHED BUSINESS

A. WORKFORCE HOUSING ORDINANCE

Discussion took place.

Motion by Streeter, seconded by Monroe that discussion regarding a workforce housing ordinance be postponed indefinitely. Roll call vote taken. Begeman, Daniel, McLean, Monroe, Streeter, and Stuut voted yes. Motion carried 6-0.

B. MANAGER MCGREW AND DEPARTMENT HEADS CONTRACTS

President Stuut stated there were written requests from all employees with contracts under consideration to discuss this item in closed session that would take place at the end of the meeting.

13. NEW BUSINESS

A. DDA REQUEST TO CONTROL 2026 MEMORIAL DAY, CONCERT IN THE PARK, MATTAWAN DAYS, AND WINTER HOLIDAY EVENTS – *Chair Brooks*

The DDA requested the Village Council approve allowing them to control these events in 2026 during meeting on February 17, 2026

Motion by Daniel, seconded by Begeman to approve DDA request to control the 2026 Memorial Day, Concert in the park, Mattawan Days, and Winter Holiday events contingent on approval of use of Village resources. All members voted in favor. Motion carried.

B. BID POLICY – *Member Streeter*

Discussion took place regarding how this policy had been applied in the past and Attorney Graham clarified reasons this was put in place in 2020.

Motion by Stuut, seconded by Streeter to send item to policy and personnel committee for review and possible updating with recommendation from Manager McGrew. All members voted in favor. Motion carried.

C. FIRE DEPARTMENT WATER USAGE RATE – *Member Streeter*

Short discussion took place regarding mutual support with other municipalities and the Mattawan Fire Department being completely volunteer.

No action taken.

D. APPROVE LOA WITH POLC FOR 2026-2027 WAGES

Motion by Daniel, seconded by Monroe to approve the LOA with POLC for 2026-2027 wages. All members voted in favor. Motion carried.

E. EXPENSE REIMBURSEMENT POLICY CHANGES

Discussion took place.

Motion by Daniel, seconded by Monroe to approve the updated expense policy changes with adjustment of lodging distance to 100 miles instead of the presented 75 miles. All members voted in favor. Motion carried.

- F. 2026 FISCAL YEAR BUDGET PRESENTATION AND SETTING OF WORKSHOPS/SPECIAL COUNCIL MEETINGS FOR REVIEW – *Clerk Storm-Artis*
Clerk Storm-Artis presented the budget as a whole.
Motion by Stuut, seconded by Begeman to set a special council meeting to discuss the budget in more detail. All members voted in favor. Motion carried.

14. COMMUNICATIONS

Master Plan Grants have been submitted working with MCKENNA Documents to update 2026 W-4 Council Member Pay

15. COMMENTS FROM VISITORS *None*

16. COMMENTS FROM COUNCIL

President Stuut spoke about the line painting on Front Ave. Manager McGrew stated Tom had reached out to the painting company and was following up with this to make sure this is done as soon as possible. There were also issues with cars parking in the right turn lane near the stop sign at Front Ave. and Main St that the Mattawan Police Department was handling.

President Stuut also spoke about the situation with Elizabeth Vaughn's fence. Manager McGrew stated a certified letter regarding the fence being installed in the road right of way and close to the sidewalk in violation of the Fence ordinance and giving a date to move the fence by to become compliant. The fence was damaged by DPW during sidewalk clearing, where it was discovered to be in violation. There was discussion as to when this fence was installed to the edge of the sidewalk.

Manager McGrew stated he examined other properties in the area and found other properties in violation that notices are being sent.

Clerk Storm-Artis clarified that she was not involved in any conversations directly regarding this issue and the process within the office is to send the fence ordinance.

Discussion continued involving can the fence be properly installed with the right of way setback and what liability the Village has for paying for the damage.

Attorney Graham clarified the council has the discretion to pay for the damaged portion after the fence is moved, but the Village is under no obligation due to the fence not being in compliance with the ordinance. The amount would be de minimis and therefore is under the discretion of the council but should inform the resident as soon as possible.

Manager McGrew clarified that the other properties not in compliance will also be forced to move their fences and should the Village need to remove the fence due to non-compliance the resident will be billed for the cost.

No action was taken at this time.

Member Begeman asked about the relocated tree in the park. Manager McGrew stated that DPW would be re-strapping the tree and this spring would be checking for stability.

Motion by McLean, seconded by Begeman to enter closed session to discuss employment contracts. All members Voted in favor. Motion carried.

Entered Closed Session 8:02 PM.

*Motion by Daniel, seconded by McLean to return to open session. All members voted in favor.
Motion carried.*

Returned to Open Session 8:40 PM

17. ADJOURNMENT @ 8:41 PM
Adjourned without objection.

DRAFT

Post Date	Journal	Description	GL Number	GL Description	DR Amount	CR Amount
03/20/2026	AP	Antwerp Township Treasurer		Overpayment on 2025 Summer Taxes		
			101-000-40200	Current Real Tax	438.57	
			101-000-40300	Current Real Tax - Police SA	514.20	
			101-000-20200	Accounts Payable		952.77
					952.77	952.77
03/19/2026	AP	Beau Brooks		Water License Renewal-Beau Brooks		
			591-551-96000	Education/Training	95.00	
			591-000-20200	Accounts Payable		95.00
					95.00	95.00
03/19/2026	AP	BS&A Software		*CA last 50% CLOUD implement/onsite time		
			590-554-97726	BS&A Cloud	4,846.80	
			591-554-97726	BS&A Cloud	4,846.80	
			101-215-97000	Capital Outlay	10,501.40	
			590-000-20200	Accounts Payable		4,846.80
			591-000-20200	Accounts Payable		4,846.80
			101-000-20200	Accounts Payable		10,501.40
				20,195.00	20,195.00	
03/19/2026	AP	Clothes Basket		2/1-2/28/26 Uniform Cleaning-MPD		
			101-301-72600	Operating Supplies & Expense	213.90	
			101-000-20200	Accounts Payable		213.90
				213.90	213.90	
03/19/2026	AP	HydroCorp, Inc.		Cross Conn Control Feb 2026		
			591-552-81800	Contractual	382.73	
			591-000-20200	Accounts Payable		382.73
				382.73	382.73	
03/19/2026	AP	Jellies Construction LLC		Office(s) trim install		
			101-265-97000	Capital Outlay	3,119.23	
			101-000-20200	Accounts Payable		3,119.23
				3,119.23	3,119.23	
03/19/2026	AP	Midwest Energy Communications		Electric-Yard Light Cole Ave w of CR652		
			101-441-92600	Street Lights	89.10	
			101-000-20200	Accounts Payable		89.10
				89.10	89.10	
03/19/2026	AP	Midwest Energy Communications		52th st well/lift station,French,Main St		
			101-441-92600	Street Lights	181.22	
			590-552-92100	Electric/Gas/Utilities	4,636.50	
			591-552-92100	Electric/Gas/Utilities	3,530.67	
			661-892-92100	Utilities - DPW Building	349.84	
			101-000-20200	Accounts Payable		181.22
			590-000-20200	Accounts Payable		4,636.50
			591-000-20200	Accounts Payable		3,530.67
				8,698.23	8,698.23	
03/19/2026	AP	Midwest Energy Communications		Phone&Data FreedomLn Office4 /26-5/7/26		
			661-892-92100	Utilities - DPW Building	277.33	
			661-000-20200	Accounts Payable		277.33
				277.33	277.33	
03/19/2026	AP	Midwest Energy Communications		Data-25th St Lift Station 4/8/26-5/7/26		
			591-552-92100	Electric/Gas/Utilities	80.00	
			591-000-20200	Accounts Payable		80.00
				80.00	80.00	
03/19/2026	AP	Midwest Energy Communications		Data-French Water Tower 4/8/26-5/7/26		
			591-552-92100	Electric/Gas/Utilities	80.00	
			591-000-20200	Accounts Payable		80.00
				80.00	80.00	
03/19/2026	AP	MODEL COVERALL SERVICES		village Office Mats 3/1326		
			101-265-81800	Contractual Services	63.70	
			101-000-20200	Accounts Payable		63.70
				63.70	63.70	
03/19/2026	AP	MODEL COVERALL SERVICES		DPW Mat/Pants 3/13/26		
			590-552-76800	Uniform allowance	13.35	
			591-552-76800	Uniform allowance	13.35	
			101-265-81800	Contractual Services	16.00	
			590-000-20200	Accounts Payable		13.35
			591-000-20200	Accounts Payable		13.35
			101-000-20200	Accounts Payable		16.00
				42.70	42.70	

INVOICE JOURNAL REPORT FOR VILLAGE OF MATTAWAN

Post Date	Journal	Description	GL Number	GL Description	DR Amount	CR Amount
03/20/2026	AP	MODEL COVERALL SERVICES		Mats/Pants Dpw		
			101-265-81800	Contractual Services	16.00	
			590-552-76800	Uniform allowance	13.35	
			591-552-76800	Uniform allowance	13.35	
			101-000-20200	Accounts Payable		16.00
			590-000-20200	Accounts Payable		13.35
			591-000-20200	Accounts Payable		13.35
					42.70	42.70
03/20/2026	AP	MODEL COVERALL SERVICES		Mats-Village office		
			101-265-81800	Contractual Services	63.70	
			101-000-20200	Accounts Payable		63.70
					63.70	63.70
03/19/2026	AP	Rob's Tire & Auto Care LLC		Oil/filter change/battery		
			101-301-93300	Repairs and Maintenance	677.20	
			101-000-20200	Accounts Payable		677.20
					677.20	677.20
03/19/2026	AP	Severence Electric Co., Inc		4 separate service dates Traffic lights		
			202-463-81800	Contractual	3,859.45	
			202-000-20200	Accounts Payable		3,859.45
					3,859.45	3,859.45
03/19/2026	AP	Sternberg Lanterns		Repair village hall traffic post		
			202-463-72600	Operating Supplies	2,415.00	
			202-000-20200	Accounts Payable		2,415.00
					2,415.00	2,415.00
03/19/2026	AP	T-Mobile		MPD Cell Phones 1/21/26-2/20/26		
			101-301-85300	Telephone	190.81	
			101-000-20200	Accounts Payable		190.81
					190.81	190.81
03/19/2026	AP	VC3, Inc		MPD server Professional Fees		
			101-301-81910	CONTRACTUAL IT	600.00	
			101-000-20200	Accounts Payable		600.00
					600.00	600.00
03/19/2026	AP	Verizon Wireless		Data charges 2/2/26-3/1/26		
			591-552-85000	Communication	303.58	
			591-000-20200	Accounts Payable		303.58
					303.58	303.58
03/19/2026	AP	Verizon Wireless		phones/ 4 tablets Office/DPW 2/9/29-3/8/		
			101-215-85300	Telephone	458.48	
			590-551-85300	Telephone-Emergency	147.76	
			591-551-85300	Telephone-Emergency	81.70	
			101-000-20200	Accounts Payable		458.48
			590-000-20200	Accounts Payable		147.76
			591-000-20200	Accounts Payable		81.70
					687.94	687.94
CASH/PAYABLE TOTALS:						
			101-000-20200	Accounts Payable		17,143.51
			202-000-20200	Accounts Payable		6,274.45
			590-000-20200	Accounts Payable		9,657.76
			591-000-20200	Accounts Payable		9,427.18
			661-000-20200	Accounts Payable		627.17
GRAND CASH/PAYABLE TOTAL:						43,130.07
TOTALS:						
			101-000-20200	Accounts Payable		17,143.51
			101-000-40200	Current Real Tax	438.57	
			101-000-40300	Current Real Tax - Police SA	514.20	
			101-215-85300	Telephone	458.48	
			101-215-97000	Capital Outlay	10,501.40	
			101-265-81800	Contractual Services	159.40	
			101-265-97000	Capital Outlay	3,119.23	
			101-301-72600	Operating Supplies & Expense	213.90	
			101-301-81910	CONTRACTUAL IT	600.00	
			101-301-85300	Telephone	190.81	
			101-301-93300	Repairs and Maintenance	677.20	
			101-441-92600	Street Lights	270.32	
			202-000-20200	Accounts Payable		6,274.45
			202-463-72600	Operating Supplies	2,415.00	
			202-463-81800	Contractual	3,859.45	
			590-000-20200	Accounts Payable		9,657.76
			590-551-85300	Telephone-Emergency	147.76	

Post Date	Journal	Description	GL Number	GL Description	DR Amount	CR Amount
			590-552-76800	Uniform allowance	26.70	
			590-552-92100	Electric/Gas/Utilities	4,636.50	
			590-554-97726	BS&A Cloud	4,846.80	
			591-000-20200	Accounts Payable		9,427.18
			591-551-85300	Telephone-Emergency	81.70	
			591-551-96000	Education/Training	95.00	
			591-552-76800	Uniform allowance	26.70	
			591-552-81800	Contractual	382.73	
			591-552-85000	Communication	303.58	
			591-552-92100	Electric/Gas/Utilities	3,690.67	
			591-554-97726	BS&A Cloud	4,846.80	
			661-000-20200	Accounts Payable		627.17
			661-892-92100	Utilities - DPW Building	627.17	
GRAND TOTAL:					43,130.07	43,130.07

**VILLAGE OF MATTAWAN
24221 FRONT AVE
MATTAWAN, MI 49071
DDA MEETING**

MARCH 17, 2026

MINUTES

1. CALL TO ORDER *8:35 AM*
2. PLEDGE OF ALLEGIANCE
3. ATTENDANCE: *Bringer, Chipouras, Coy, Crooks, Moyle, Penning, Reed.*
ABSENT: *Brooks, Kalinka, Laughlin, Stuit*
4. WELCOME TO PUBLIC
5. ANNOUNCEMENT OF MEETING BEING RECORDED
6. ADDITIONS TO AGENDA *None*
7. APPROVAL OF THE AGENDA
Motion by Crooks, seconded by Bringer to approve the agenda as presented. All members voted in favor. Motion carried.
8. APPROVAL OF THE MINUTES OF **FEBRUARY 17, 2025**
Motion by Bringer, seconded by Moyle to approve the minutes of February 17, 2026. All members voted in favor. Motion carried.
9. LIMITED PUBLIC COMMENT ON ANY AGENDA ITEMS *None*
10. OLD BUSINESS
11. NEW BUSINESS
 - A. LANDSCAPING BIDS – *Manager McGrew*
Motion by Crooks, second by Reed to approve landscape bid from Butler Boys Lawn & Snow LLC in the amount of \$3,000.00 with the Village reimbursing the cost of mulch at \$50 per yard. All members voted in favor. Motion carried.
 - B. INVOICE FROM KELLY VANDER KLEY FOR SECOND INSTALLMENT PAYMENT FOR SCULPTURE
Motion by Reed, second by Bringer to pay the invoice for the sculpture in the amount of \$6,000. All members voted in favor. Motion carried.
 - C. MEMORIAL DAY EVENT

Council approved DDA control contingent on approval of usage of Village Resources.

12. COMMUNICATIONS

Main St. MDOT Small Urban Repave Project to being no later than July 8th and complete no later than November 15th

13. COMMENTS FROM VISITORS *None*

14. COMMENTS FROM MEMBERS *None*

15. ADJOURN @ 8:48 AM
Meeting adjourned without objection.

DRAFT

Michigan Web Design & Development

Professional Web Solutions

SERVICE QUOTE

Date: March 10, 2026
Valid Until: April 9, 2026

PREPARED FOR

mattawanmi.com

Project: ADA Website Compliance

PREPARED BY

Michigan Web Design & Development

MIWDD@proton.me

616-218-9024 | MIWDD.com

Thank you for the opportunity to work with you! Below is our quote to bring mattawanmi.com into full ADA compliance under WCAG 2.1 AA standards. We have put together a simple flat-rate project so there are no surprises — just a clean, accessible website when we are done.

What's Included

This flat-rate project covers all of the following work on mattawanmi.com:

- Accessibility Audit — Full review of the site to identify all WCAG 2.1 AA compliance gaps before any work begins
- Plugin Installation & Configuration — Install and configure a WordPress accessibility plugin (e.g., Equalize Digital) and verify proper operation across the site
- Alt Tags — Write and apply descriptive alt text to all images, graphics, icons, and decorative elements site-wide
- Title Tags — Add or update HTML title attributes on all pages and linked elements for screen reader compatibility
- Link Behavior — Update all external and appropriate internal links to open in a new window/tab, with proper aria-label attributes so screen reader users are informed
- Code Remediation — Fix underlying HTML/CSS issues flagged during the audit (e.g., missing form labels, improper heading hierarchy, keyboard navigation, color contrast)
- Final Compliance Review — Re-audit the site after all changes to confirm majority of identified issues are resolved
- Compliance Summary Report — Written summary of all changes made, delivered to you at project completion

Project Pricing

Service	Price
ADA Package (Includes: Audit, Plugin Setup, Alt Tags, Title Tags, Link Updates, Code Fixes, Final Review & Summary Report)	\$200/hr x 4 hours = \$800
TOTAL — Flat Rate (Base Project)	\$800.00

* The flat rate covers all work described in the scope above. Any additional pages or features discovered after kickoff will be discussed and quoted separately before work begins.

Estimated Timeline

Phase	Description	Est. Time
Phase 1 — Audit	Full site review & issue list	2–3 Business Days
Phase 2 — Implementation	Plugins, tags, links & code fixes	5–7 Business Days
Phase 3 — Review & Delivery	Final audit & summary report	1–2 Business Days
Total Estimated Completion	From project kickoff date	~2 Weeks

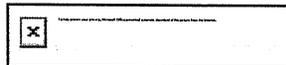
Terms & Next Steps

- Scope Changes: Any work outside the agreed scope will be quoted and approved before proceeding.
- This quote is valid for 30 days from the issue date above.

Ready to get started? Just reply to this quote or give us a call — we are happy to answer any questions and get mattawanmi.com on the path to full accessibility!

From: Michigan Township Participating Plan <theparplan@tmhcc.com>
Sent: Wednesday, March 11, 2026 11:08 AM
To: offices
Subject: Important Notice - ADA Website and Mobile App Compliance

CAUTION: This email originated from outside the Village of Mattawan. Maintain caution when opening external links/attachments



Federal ADA Compliance Deadlines Approaching

Public Entities Must Comply with the Americans with Disabilities Act Title II Web and Mobile Application Accessibility Rule

About Title II of the Americans with Disabilities Act (ADA)

Title II of the ADA requires local governments to make sure that their services, programs, and activities are accessible to people with disabilities.

Title II applies to all services, programs, or activities of local governments, including those offered online and through mobile apps.

In April 2024, the Federal Register published the Department of Justice's final rule updating the regulations for Title II of the ADA. It includes technical requirements for local governments to follow to make sure that their websites and mobile apps are accessible to people with disabilities. It also includes deadlines for compliance.

Who Must Comply with the Final Rule

Like the rest of Title II, the rule applies to all local governments (which includes any agencies or departments of local governments) as well as:

- Special purpose districts
- Local police departments
- Local courts
- Local elections offices
- Public parks and recreation programs
- Public libraries

- Public transit agencies
- Local government offices that provide benefits and/or social services, like food assistance, health insurance, or employment services

What Must Be Done to Comply

The rule sets a specific technical standard that local governments must follow to meet their existing obligations under Title II of the ADA. The Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA is the technical standard for local governments' web content and mobile apps.

This does not require a local government to develop a website if they do not currently have one.

Deadlines to Comply

Population of 50,000 or more persons: April 26, 2026

Population of 0 - 49,999 persons: April 26, 2027

Special purpose districts: April 26, 2027

How to Ensure Your Web Content and Mobile Apps are Final Rule Compliant

- Contact your web developer and ask for an ADA web compliance audit.
- If you do not have a web developer, contact a qualified vendor and request an ADA web compliance audit.
- If you have a web developer on staff, ensure your web content and mobile apps meet WCAG 2.

The Risks of Non-Compliance

- Substantial fines
- Costs incurred from federal and/or private lawsuits
- Costs associated with court-ordered remediation to bring website content and apps into compliance
- Insurance claims
- Damaged public trust and credibility

Links to ADA Title II Final Rule Resources

Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments

Accessibility of Web Content and Mobile Apps Provided by State and Local Government Entities: A Small Entity Compliance Guide

WCAG 2 Overview

For questions about this rule or the ADA, call the Department's ADA Information Line.

Another source of information is the ADA National Network. The National Network includes ten regional centers that provide ADA technical assistance to businesses, state and local governments, and individuals with disabilities. One toll-free number connects you to the center in your region: 800-949-4232 (Voice and TTY).

Michigan Township Participating Plan | 1441 W. Long Lake Road, Suite 150 | Troy, MI 48098 US

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ADA.gov

U.S. Department of Justice
Civil Rights Division

Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments

April 08, 2024

On April 24, 2024, the Federal Register published the Department of Justice's (Department) final rule updating its regulations for Title II of the Americans with Disabilities Act (ADA). The final rule has specific requirements about how to ensure that web content and mobile applications (apps) are accessible to people with disabilities.

■ **Guidance & Resources**

Read this to get specific guidance about this topic.

For a beginner-level introduction to a topic, view [Topics](#)

For information about the legal requirements, visit [Law, Regulations & Standards](#)

Purpose of this fact sheet: This fact sheet gives a summary of the rule. The summary is designed to provide introductory information about the rule's requirements, particularly for people who may not have a legal background. [For more information, please read the full rule.](#) The [official version of the rule](#) is published in the Federal Register.

What is Title II of the Americans with Disabilities Act (ADA)?

[Title II of the ADA](#) requires state and local governments to make sure that their services, programs, and activities are accessible to people with disabilities. Title II applies to all services, programs, or activities of state and local governments, from adoption services to zoning regulation. This includes the services, programs, and activities that state and local governments offer online and through mobile apps.

Terms in this fact sheet

Title II uses the term “public entities” to describe who it applies to, but in this fact sheet, we call these “state and local governments.”

What is a rule?

A regulation, also called a “rule,” is a set of requirements issued by a federal agency for laws passed by Congress. When Congress passed the ADA, it gave the Department the authority to make regulations that explain the rights and requirements for Titles II and III of the ADA. A regulation usually

has two parts. The first part is regulatory text. The second part provides information about the regulatory text and what it means, which is sometimes in an appendix in the rule.

How did the Department make this rule?

The Department made this rule using a process sometimes called “notice and comment rulemaking.” As part of this process, the Department published a Notice of Proposed Rulemaking (NPRM). The NPRM was basically a first draft of the regulation. It let the public know about the requirements the Department was considering and gave an opportunity for feedback.

The Department got feedback from the public on the NPRM. Based on that feedback, the Department made changes to certain parts of the rule. A description of the feedback the Department got and how it updated the rule is available in the appendix in the [rule](#).

Who has to follow the web and mobile app accessibility requirements in the rule?

Like the rest of Title II, the rule applies to all state and local governments (which includes any agencies or departments of state or local governments) as well as special purpose districts, Amtrak, and other commuter authorities.

State and local governments that contract with other entities to provide public services for them (like non-profit organizations that run drug treatment programs on behalf of a state agency) also have to make sure that their contractors follow Title II.

Examples of state and local governments include:

- State and local government offices that provide benefits and/or social services, like food assistance, health insurance, or employment services
- Public schools, community colleges, and public universities

- State and local police departments
- State and local courts
- State and local elections offices
- Public hospitals and public healthcare clinics
- Public parks and recreation programs
- Public libraries
- Public transit agencies

For more information about the responsibilities of state and local governments under Title II, [visit our State and Local Governments page](#).

The Reasons the Department Set Specific Requirements for Web and Mobile App Accessibility

State and local governments provide many of their services, programs, and activities through websites and mobile apps. When these websites and mobile apps are not accessible, they can create barriers for people with disabilities.

- For example, individuals who are blind may use a screen reader to deliver visual information on a website or mobile app as speech. A state or local government might post an image on its website that provides information to the public. If the website does not include text describing the image (sometimes called “alternative text” or “alt text”), individuals who are blind and who use screen readers may have no way of knowing what is in the image because a screen reader cannot “read” an image.

Websites and mobile apps that are not accessible can make it difficult or impossible for people with disabilities to access government services, like ordering mail-in ballots or getting tax information, that are quickly and easily available to other members of the public online. Sometimes, inaccessible websites and mobile apps can keep people with disabilities from joining or fully

participating in civic or other community events like town meetings or programs at their child's school.

This rule will help make sure people with disabilities have access to state and local governments' services, programs, and activities available on websites and mobile apps. This rule will also provide state and local governments with more clarity about what they have to do to comply with the ADA.

You can find more information about why the Department made this rule in the section of the [rule](#) called "Need for Department Action."

Highlights of the Requirements in the Rule

The rule's requirements for making web content and mobile apps accessible are highlighted below. The full [rule](#) explains these requirements in more detail.

Requirement: The Web Content Accessibility Guidelines (WCAG) Version 2.1, Level AA is the technical standard for state and local governments' web content and mobile apps.

- This rule sets a specific technical standard that state and local governments must follow to meet their existing obligations under Title II of the ADA for web and mobile app accessibility.
- WCAG, [the Web Content Accessibility Guidelines](#), is a set of guidelines that say what is needed for web accessibility, such as requirements for captions for videos. WCAG is developed by the [World Wide Web Consortium](#).
- You can find more information about why the Department picked WCAG 2.1, Level AA as the technical standard for state and local governments' web

content and mobile apps in the rule in the section of the appendix called “Technical Standard—WCAG 2.1 Level AA.”

What is a technical standard?

A technical standard says specifically what is needed for something to be accessible. For example, the existing ADA Standards for Accessible Design are technical standards that say what is needed for a building to be physically accessible under the ADA, such as how wide a door must be or how steep a ramp can be.

Requirement: State and local governments’ web content usually needs to meet WCAG 2.1, Level AA.

- The rule applies to web content that a state or local government provides or makes available. This includes when a state or local government has an arrangement with someone else who provides or makes available web content for them.
 - **Example:** If a county web page lists the addresses and hours of operation for all county parks, that web page must meet WCAG 2.1, Level AA even if a local web design company made the web page and updates it for the county.

What is web content?

“Web content” is defined as the information and experiences available on the web, like text, images, sound, videos, and documents. You can find more information about how the Department defines “web content” in the rule in the section of the appendix called “Section 35.104 Definitions.”

Requirement: State and local governments' mobile apps usually need to meet WCAG 2.1, Level AA

- The rule applies to mobile apps that a state or local government provides or makes available. This includes when a state or local government has an arrangement with someone else who provides or makes available a mobile app for them.
 - **Example:** If a city lets people pay for public parking using a mobile app, that mobile app must meet WCAG 2.1, Level AA even if the app is run by a private company.

What is a mobile app?

Mobile apps are software applications that are downloaded and designed to run on mobile devices like smartphones and tablets. You can find more information about how the Department defines mobile apps in the [rule](#) in the section of the appendix called “Definitions.”

Can state and local governments provide web content or mobile apps that follow a higher standard than WCAG 2.1, Level AA?

Yes, this rule does not stop a state or local government from using designs, methods, or techniques as alternatives to WCAG 2.1, Level AA if the state or local government can prove the alternatives provide the same or more accessibility and usability. The rule refers to this as “equivalent facilitation.” The rule allows this so that state and local governments can have some flexibility, while also making sure that people with disabilities still have equal access to state and local government web content and mobile apps.

- **Example:** There may be new web accessibility standards that are developed in the future, such as WCAG Version 3.0. Under this rule, a state parks department would probably be allowed to create a new mobile app for campground reservations that meets a future standard

if the standard provides the same or more accessibility and usability than WCAG 2.1, Level AA.

Exceptions: In limited situations, some kinds of web content and content in mobile apps do not have to meet WCAG 2.1, Level AA.

- It is important that state and local governments can prioritize so they can choose the most important content — like current or commonly used information — to make accessible to people with disabilities quickly.
- There are limited exceptions for some kinds of content that are not as frequently used or that may be particularly hard for state and local governments to address right away.
- If an exception applies to certain content, it means that content would not have to meet WCAG 2.1, Level AA.
- In the next section, we describe the exceptions and provide examples of how they might apply. We also give examples of when the exceptions would not apply.

What the exceptions do not change

The ADA requires that state and local governments must provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from their services, programs, and activities. So even when web content or content in mobile apps does not have to meet WCAG 2.1, Level AA, a state or local government would likely still need to provide the content to a person with a disability who needs it in a format that is accessible to them.

- Learn more about existing ADA obligations to ensure effective communication.

- Learn more about existing ADA obligations to make reasonable modifications.

Summary of the Exceptions

1. Archived web content

State and local governments' websites often include a lot of content that is not currently used. This information may be outdated, not needed, or repeated somewhere else. Sometimes, this information is archived on the website.

- Web content that meets **all four** of the following points would not need to meet WCAG 2.1, Level AA:
 1. The content was created before the date the state or local government must comply with this rule, or reproduces paper documents or the contents of other physical media (audiotapes, film negatives, and CD-ROMs for example) that were created before the government must comply with this rule, **AND**
 2. The content is kept only for reference, research, or recordkeeping, **AND**
 3. The content is kept in a special area for archived content, **AND**
 4. The content has not been changed since it was archived.
- **Example:** A water quality report from 1998 that a state has stored in an "archive" section of its website and has not updated would probably fall under the exception. The exception would also probably apply to handwritten research notes or photos that go with the 1998 water quality report that the state scans and posts to its website in the archive section.

The exception does not apply unless all four points are present. If any point is missing, the content generally must meet WCAG 2.1, Level AA unless another exception applies.

- **Example:** City council meeting minutes created after the date the city must comply with this rule would **not** fall under the exception even if they are posted in the “archive” section of the city’s website. The meeting minutes would probably have to comply with WCAG 2.1, Level AA, because this content was created after the time the city had to comply with this rule.
- **Example:** A spreadsheet of 2021 COVID-19 statistics posted in the “archive” section of a county health department’s website would probably not fall under the exception if the spreadsheet is later edited and reposted in the archive. The exception would probably **not** apply, and the spreadsheet would probably have to comply with WCAG 2.1, Level AA, because the content was changed after it was first posted in the archive.
- **Example:** A PDF document that includes a current map of a county park that is based on data collected after the county was required to comply with this rule would probably not fall under the exception even if the document is posted in the “archive” section of the county’s website. The PDF provides current information about the park. The exception would probably **not** apply, and the PDF would probably have to comply with WCAG 2.1, Level AA, because the content is not kept only for reference, research, or recordkeeping.

What the exception does not change

The ADA requires that state and local governments have to provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from their services, programs, and activities.

- **Example:** If a person with a hearing disability requests access to a city's video that is archived, one way that the city could provide effective communication to the person is by adding captions to the video and sharing a copy of the captioned video file with the person.
-

2. Preexisting conventional electronic documents

Some state and local governments have a lot of old documents, like PDFs, on their website. It can sometimes be hard to make these documents meet WCAG 2.1, Level AA.

- Documents that meet **both** of the following points usually do not need to meet WCAG 2.1, Level AA, except in some situations:
 1. The documents are word processing, presentation, PDF, or spreadsheet files; **AND**
 2. They were available on the state or local government's website or mobile app **before** the date the state or local government must comply with this rule.
- **Example:** This exception would probably apply to a PDF flyer for a Thanksgiving Day parade posted on a town's website in 2018, or a Microsoft Word version of a sample ballot for a school board election posted on a school district's website in 2014.

The exception does not apply unless both points are present. Where either point is missing, the document generally needs to meet WCAG 2.1, Level AA.

- **Example:** After the date a town has to comply with the rule, it posts a PowerPoint presentation that will be used in an upcoming town council meeting. The presentation would **not** fall under the exception, and it would probably have to meet WCAG 2.1, Level AA, because it was posted after the rule's compliance date.
- **Example:** After the date a city has to comply with the rule, it updates a Microsoft Word document that was first posted on its website in 2020 to include the city's new contact information. The updated document would **not** qualify for the exception anymore, and it would probably have to meet WCAG 2.1, Level AA.

When the exception does not apply: Documents that are currently being used to apply for, access, or participate in a state or local government's services, programs, or activities do not fall under the exception even if the documents were posted before the date the government has to comply with the rule.

- **Example:** A state posted a PDF version of a business license application on its website in 2020. Members of the public still use that PDF to apply for a business license after the date the state has to comply with the rule. The exception would **not** apply to the application and it would usually need to meet WCAG 2.1, Level AA.

3. Content posted by a third party where the third party is not posting due to contractual, licensing, or other arrangements with a public entity

Third parties sometimes post content on state and local governments' websites or mobile apps. Third parties are members of the public or others who are not controlled by or acting for state or local governments. The state or local government may not be able to change the content third parties post.

- Content that is posted by third parties on a state or local government's website or mobile app would not need to meet WCAG 2.1, Level AA.
 - **Example:** A message that a member of the public posts on a town's online message board would probably fall under the exception.

This exception only applies to content posted by a third party. Content that is not posted by a third party usually needs to meet WCAG 2.1, Level AA. This includes:

1. Third-party content posted by the state or local government.
 - **Example:** Many state or local governments post content on their websites that is developed by an outside technology company, like calendars, scheduling tools, maps, reservations systems, and payment systems. This content would **not** fall under the exception, and it would usually need to meet WCAG 2.1, Level AA, because it is posted by the state or local government.
2. Content posted by a state or local government's contractor or vendor.
 - **Example:** If a state or local government uses a company to design, manage, or update its website, the content the company posts for the government would **not** fall under the exception, and it would usually need to meet WCAG 2.1, Level AA.
3. Tools and platforms that allow third parties to post content.
 - **Example:** If the state or local government has a message board platform on its website, that platform would **not** fall under the exception, and it would usually need to meet WCAG 2.1, Level AA, because the message board was added to the website by the

state or local government. However, the exception would probably apply to posts by third parties on that platform.

What the exception does not change

The ADA requires that state and local governments must provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from their services, programs, and activities.

- **Example:** If a person with a disability is a party to a state court case, and a third-party private law firm in the case submits documents to the state court's website, the court could provide effective communication to the person with a disability by providing the documents to the person in a format that is accessible to them quickly upon request.
-

4. Individualized documents that are password-protected

State and local governments sometimes use password-protected websites to share documents that are for specific individuals, like a water or tax bill. It might be hard to make all of these documents accessible right away for everyone, and there might not be a person with a disability who needs access to these documents.

- Documents that meet **all three** of the following points do not need to meet WCAG 2.1, Level AA:
 1. The documents are word processing, presentation, PDF, or spreadsheet files, **AND**
 2. The documents are about a specific person, property, or account, **AND**

3. The documents are password-protected or otherwise secured.

- **Example:** A PDF version of a water bill for a person's home that is available in that person's secure account on a city's website would probably fall under the exception. However, the exception does not apply to the city's website itself.

The exception does not apply unless all three points are present. If any point is missing, the content usually must meet WCAG 2.1, Level AA. Here are some examples related to a town water bill:

- **Example:** If a person's water bill is made available for them to view on a password-protected website as HTML content, the exception would **not** apply because the content is not in one of the listed document formats, and the content would usually need to meet WCAG 2.1, Level AA.
- **Example:** If the water company posts a PDF document on a password-protected website about an upcoming rate increase for all customers, the exception would **not** apply, and the document would usually need to meet WCAG 2.1, Level AA, because the document is not about one customer's account.

What the exception does not change

The ADA requires that state and local governments must provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from their services, programs, and activities.

- **Example:** If a person with vision loss asks to access their personal and password-protected PDF town water bill, the town might provide

effective communication to the person by giving them a large print version of the water bill, or a version of the water bill that meets some WCAG criteria, even though the PDF document would meet the exception.

5. Preexisting social media posts

For many state and local governments, making all of their past social media posts accessible may be impossible. There also may be very little use to making these old posts accessible because they were usually intended to provide updates about things happening at the time they were posted in the past.

For these reasons, social media posts made by a state or local government before the date the state or local government must comply with this rule do not need to meet WCAG 2.1, Level AA.

- **Example:** This exception would apply to a 2017 social media post by a city's sanitation department announcing that trash collection would be delayed due to a snowstorm.

What the exception does not change

The ADA requires that state and local governments must provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from their services, programs, and activities.

- **Example:** If an individual who is blind requests access to a picture a city posted on social media in 2023, the city could provide effective communication by providing an alternative text description of the image to the individual.
-

If none of the exceptions apply, do state and local governments always have to make web content and content in mobile apps meet WCAG 2.1, Level AA?

Usually, yes. But there are some situations where meeting WCAG 2.1, Level AA is not required:

- Under the ADA rules, state and local governments do not need to take actions that would result in a fundamental alteration or an undue burden. This is also true for this rule. Determining what is a fundamental alteration or undue burden is different from entity to entity and sometimes from one year to the next.
- For more information about fundamental alteration and undue burden, see the [final rule](#) in the section of the appendix called “Section 35.204 Duties” and the [Department’s State and Local Governments page](#).

Other Information About Complying with the Rule

Use of Conforming Alternate Versions

- Sometimes a state or local government tries to have two versions of the same web content or content in a mobile app: one version that is not accessible and another version that is accessible and provides all the same information and features. The second version is called a “conforming alternate version.”

- Usually state and local governments should not have a main web page that is inaccessible and a separate accessible version of the same content, because people with disabilities should get equal access to that content on the same page.
- Under the rule, state and local governments may use conforming alternate versions as an alternative to inaccessible content only in very limited circumstances. State and local governments are allowed to do this only when there is a technical or legal limitation that prevents inaccessible web content or mobile apps from being made accessible.
- For more information about conforming alternate versions and when they are allowed, see the [final rule](#) in the section of the appendix called “Section 35.202 Conforming Alternate Versions.”



What if an individual with a disability still cannot access web content and mobile apps that meet WCAG 2.1, Level AA?

Sometimes an individual with a disability may not be able to access a state or local government’s web content or mobile apps even if they meet WCAG 2.1, Level AA. If this happens, the state or local government is not required to make more changes to its web content or mobile apps that meet the technical requirement, but the government must still satisfy its other obligations under the ADA to provide individuals with disabilities with effective communication, reasonable modifications, and an equal opportunity to participate in or benefit from their services, programs, and activities. The state or local government must figure out on a case-by-case basis how best to meet the needs of the individual with a disability.

- **Example:** If a person’s disability stops them from accessing a county’s mobile app that meets WCAG 2.1, Level AA to buy tickets to the county’s annual fair, the county needs to provide an alternative way for the person to purchase tickets.

What Happens If a State or Local Government Has Failed to Meet WCAG 2.1, Level AA in a Minor Way?

In some limited situations, state and local governments may be able to show that their web content or mobile apps do not meet WCAG Version 2.1, Level AA in a way that is so minor that it would not change a person with a disability's access to the content or mobile app. If the state or local government can show that, then they are not violating the rule.

State and local governments cannot use this part of the rule to avoid trying to meet WCAG 2.1, Level AA. If a state or local government's web content does not fully meet WCAG 2.1, Level AA, there are many things the government would have to prove to show that they did not violate the rule.

- **Example that violates the rule:** A state's online renewal form does not meet WCAG 2.1, Level AA. Because of that, a person with a manual dexterity disability may need to spend a lot more time to renew their professional license online than someone without a disability. This person might also need to get help from someone who does not have a disability, give personal information to someone else, or go through a much harder and frustrating process than someone without a disability. Even if this person with a disability could ultimately renew their license online, the state would violate the rule.
- **Example that meets the rule:** A state's web page with information about a park has text with a color contrast ratio that is 4.45:1. WCAG 2.1, Level AA requires a color contrast ratio of 4.5:1 for this text. It can be hard for some people with vision disabilities to see text on a web page if there is not enough contrast between the color of the text and the background color. But that very small difference in color contrast ratio probably would not change whether most people with vision disabilities could read the text on the website and access the information about the park. If the state can prove the difference in color contrast is so small that it would not make it harder for people with disabilities to access the information about the park, the state would not violate the rule.

For more information, see the [final rule](#) in the section of the appendix called “Section 35.205 Effect of Noncompliance That Has a Minimal Impact on Access.”

How Long State and Local Governments Have to Comply with the Rule

State and local governments must make sure that their web content and mobile apps meet WCAG 2.1, Level AA within two or three years of when the rule was published on April 24, 2024, depending on their population.

You can find more information about why the Department is requiring compliance with this timeline in the [rule](#) in the section of the appendix called “Requirements by Entity Size.”

This table shows how much time a state or local government has to comply with this rule.

State and local government size	Compliance date
0 to 49,999 persons	April 26, 2027
Special district governments	April 26, 2027
50,000 or more persons	April 24, 2026

After this time, state and local governments must continue to make sure their web content and mobile apps meet WCAG 2.1, Level AA.

What is the compliance date for school districts?

A school district is not a special district government. If it is a city school district, it would use the population of the city to know when to comply. If it

is a county school district, it would use the population of the county. If it is an independent school district, it would use the population estimate in the most recent Small Area Income and Poverty Estimates.

 **How do you know the compliance date for other parts of government, like your city, state, or town police department or library?**

To figure out the date, you have to know the population of your state or local government. For most governments, this is a number you can find in the 2020 data from the U.S. Census Bureau. For smaller parts of a larger government that do not have a population listed there, like a city police department or a city library, you can look at the population of the larger government they are part of, like the city that runs the police department and library in this example.

You can find more information about how to find the population of your state or local government in the rule in the section of the appendix called “Section 35.104 Definitions” under the heading “Total Population.”

ADA Information Resources

If you have questions about this rule or the ADA, you can call the Department’s ADA Information Line.

Another source of information is the ADA National Network. The National Network includes ten regional centers that provide ADA technical assistance to businesses, state and local governments, and individuals with disabilities. One toll-free number connects you to the center in your region: 800-949-4232 (Voice and TTY).

The Americans with Disabilities Act authorizes the Department of Justice (the Department) to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulations.

Guidance documents posted to this website are not intended to be a final agency action, have no legally binding effect, and have no force or effect of law. The documents may be rescinded or modified in the Departments' complete discretion, in accordance with applicable laws. The Departments' guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent. For more information, see 1-19.000 – Principles for Issuance and Use of Guidance Documents, <https://www.justice.gov/jm/1-19000-limitation-issuance-guidance-documents-1>.

April 08, 2024



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 Portage MI 49002
 (269) 290-6449
 Sales@michigansecurityandlock.com

Invoice

DATE	03/02/2026
INVOICE #	3038216
TERMS	NET 10

BILL TO
Village of Mattawan 24221 Front Street Mattawan, MI, 49071

SERVICE LOCATION
Village of Mattawan 24221 Front Street Mattawan, MI, 49071 (269) 228-3234 Rmcgrew@mattawanmi.com

JO B #	D A T E	P O	DESCRIPTION
10 77 23 40 58	1 0/ 3 1/ 2 0 2 5		Camera Update: 12 cameras (Eagle Eye Networks) Exterior: Qty 10 Interior: Qty 2 Completion Notes: replaced 11 exterior cameras in total across all sites, removed the 360 camera from police barn exterior and reinstalled on interior of barn in place of a dome for better view and use of camera. I would highly recommend we hardline in- place of the wireless bridges at 25th street per prior conversations as it has a lot of connection drops.

	Description	Qty	Rate	Tax	Total
<i>1-PD 10-DPW</i>	EN-CDUD-008a Eagle Eye Camera DD08 Outdoor Dome 4Mpix, H265, IR, IP66, 2.7mm-13.5m Moto lens, POE	11.00	\$398.00	\$0.00	\$4,378.00
<i>Village Office</i>	EN-CDUX-001A (180 Camera) Eagle Eye Camera DX01 180Deg MultiSensor 8Mpix, NDAA, WarmLight, AudioI/O, I/O, POE, WDR, Mic, Spkr, SDCard, IP66	1.00	\$598.00	\$0.00	\$598.00
	Labor Hours Hours Labor to install	1.00	\$1,500.00	\$0.00	\$1,500.00
<i>DPW</i>	Upgrade- 180 Camera Upgrade- 180 Camera	6.00	\$330.00	\$0.00	\$1,980.00

SUB-TOTAL:
\$8,456.00

TIME & LABOR:
\$0.00

EXPENSES:
\$0.00

PMTS/DEPS:
\$0.00

TOTAL DUE:
\$8,456.00

CUSTOMER MESSAGE

Thank you for your business. Please contact us with any questions regarding this invoice.

Invoice Total:	\$8,456.00
Deposits (-):	\$0.00
Payments (-):	\$0.00
Total Due:	\$8,456.00

Village of Mattawan
Van Buren County, Michigan
Resolution No. 0323-26

Resolution to Express Support for a Multi-Use Pathway Between
Mattawan and Paw Paw, Michigan in Antwerp Township

At the regular meeting of the Village Council of Village of Mattawan, Van Buren County, Michigan, on the 23rd day of March 2026 @ 7:00 PM.

Present:

Absent:

The following preamble and resolution were offered by Council Member _____ and supported by Council member _____.

Whereas, neighboring Antwerp Township has adopted a five-year park and recreation plan which includes the development of a regional trail network; and

Whereas, Antwerp Township intends to construct an off road, multi-user pathway between Paw Paw and Mattawan to enhance recreational opportunities within the Township which will also benefit the residents of the Village of Mattawan; and

Whereas, The Village of Mattawan Council wishes to support the furthering of recreation opportunities for its residents to promote public health and economic development;

Now, Therefore, Be it resolved that the Village of Mattawan Council hereby supports the development of the proposed multi-use regional trail by Antwerp Township.

Roll Call: Ayes:

Nays:

President: Jessalyn Stuu

Clerk: Jolie Storm-Artis

RESOLUTION DECLARED DULY ADOPTED

I certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Village Council of the Village of Mattawan, County of Van Buren, Michigan, at a regular meeting held on March 23, 2026.

Jolie Storm-Artis, Village Clerk

FREEDOM OF INFORMATION ACT

Act 442 of 1976

AN ACT to provide for public access to certain public records of public bodies; to permit certain fees; to prescribe the powers and duties of certain public officers and public bodies; to provide remedies and penalties; and to repeal certain acts and parts of acts.

History: 1976, Act 442, Eff. Apr. 13, 1977

Popular Name: Act 442

Popular Name: FOIA

The People of the State of Michigan enact:

15.231 Short title; public policy.

Sec. 1.

(1) This act shall be known and may be cited as the "freedom of information act".

(2) 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, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1994, Act 131, Imd. Eff. May 19, 1994 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 1997, Act 6, Imd. Eff. May 16, 1997

Popular Name: Act 442

Popular Name: FOIA

15.232 Definitions.

Sec. 2.

As used in this act:

(a) "Cybersecurity assessment" means an investigation undertaken by a person, governmental body, or other entity to identify vulnerabilities in cybersecurity plans.

(b) "Cybersecurity incident" includes, but is not limited to, a computer network intrusion or attempted intrusion; a breach of primary computer network controls; unauthorized access to programs, data, or information contained in a computer system; or actions by a third party that materially affect component performance or, because of impact to component systems, prevent normal computer system activities.

(c) "Cybersecurity plan" includes, but is not limited to, information about a person's information systems, network security, encryption, network mapping, access control, passwords, authentication practices, computer hardware or software, or response to cybersecurity incidents.

(d) "Cybersecurity vulnerability" means a deficiency within computer hardware or software, or within a computer network or information system, that could be exploited by unauthorized parties for use against an individual computer user or a computer network or information system.

(e) "Field name" means the label or identification of an element of a computer database that contains a specific item of information, and includes but is not limited to a subject heading such as a column header, data dictionary, or record layout.

(f) "FOIA coordinator" means either of the following:

(i) An individual who is a public body.

(ii) An individual designated by a public body in accordance with section 6 to accept and process requests for public records under this act.

(g) "Person" means 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 this state or any other state, or in a federal correctional facility.

(h) "Public body" means any of the following:

(i) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government, but does not include the governor or lieutenant governor, the executive office of the governor or lieutenant governor, or employees thereof.

(ii) An agency, board, commission, or council in the legislative branch of the state government.

(iii) A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation, or a board, department, commission, council, or agency thereof.

(iv) Any other body that is created by state or local authority or is primarily funded by or through state or local authority, except that the judiciary, including the office of the county clerk and its employees when acting in the capacity of clerk to the circuit court, is not included in the definition of public body.

(i) "Public record" means a writing 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. Public record does not include computer software. This act separates public records into the following 2 classes:

(i) Those that are exempt from disclosure under section 13.

(ii) All public records that are not exempt from disclosure under section 13 and that are subject to disclosure under this act.

(j) "Software" means a set of statements or instructions that when incorporated in a machine usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result. Software does not include computer-stored information or data, or a field name if disclosure of that field name does not violate a software license.

(k) "Unusual circumstances" means any 1 or a combination of the following, but only to the extent necessary for the proper processing of a request:

(i) The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.

(ii) The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.

(l) "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums,

hard drives, solid state storage components, or other means of recording or retaining meaningful content.

(m) "Written request" means a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1994, Act 131, Imd. Eff. May 19, 1994 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2018, Act 68, Eff. June 17, 2018

Popular Name: Act 442

Popular Name: FOIA

15.233 Public records; request requirements; right to inspect, copy, or receive; subscriptions; forwarding requests; file; inspection and examination; memoranda or abstracts; rules; compilation, summary, or report of information; creation of new public record; certified copies.

Sec. 3.

(1) Except as expressly provided in section 13, upon providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the public body. A request from a person, other than an individual who qualifies as indigent under section 4(2)(a), must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address. 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 is valid for up to 6 months, at the request of the subscriber, and is renewable. An employee of a public body who receives a request for a public record shall promptly forward that request to the freedom of information act coordinator.

(2) A freedom of information act coordinator shall keep a copy of all written requests for public records on file for no less than 1 year.

(3) A public body shall furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. A public body may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. A public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction.

(4) This act does not require a public body to make a compilation, summary, or report of information, except as required in section 11.

(5) This act does not require a public body to create a new public record, except as required in section 11, and to the extent required by this act for the furnishing of copies, or edited copies pursuant to section 14(1), of an already existing public record.

(6) The custodian of a public record shall, upon written request, furnish a requesting person a certified copy of a public record.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2018, Act 523, Imd. Eff. Dec. 28, 2018

Popular Name: Act 442

Popular Name: FOIA

15.234 Fee; limitation on total fee; labor costs; establishment of procedures and guidelines; creation of written public summary; detailed itemization; availability of information on website; notification to requestor; deposit; failure to respond in timely manner; increased estimated fee deposit; deposit as fee; failure to pay or appeal deposit; request abandoned.

Sec. 4.

(1) A public body may charge a fee for a public record search, for the necessary copying of a public record for inspection, or for providing a copy of a public record if it has established, makes publicly available, and follows procedures and guidelines to implement this section as described in subsection (4). Subject to subsections (2), (3), (4), (5), and (9), the fee must be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14. Except as otherwise provided in this act, if the public body estimates or charges a fee in accordance with this act, the total fee must not exceed the sum of the following components:

(a) That portion of labor costs directly associated with the necessary searching for, locating, and examining of public records in conjunction with receiving and fulfilling a granted written request. 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. Labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down.

(b) That portion of labor costs, including necessary review, if any, directly associated with the separating and deleting of exempt information from nonexempt information as provided in section 14. For services performed by an employee of the public body, 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. If a public body does not employ a person capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14 as determined by the public body's FOIA coordinator on a case-by-case basis, it may treat necessary contracted labor costs used for the separating and deleting of exempt information from nonexempt information in the same manner as employee labor costs when calculating charges under this subdivision if it clearly notes the name of the contracted person or firm on the detailed itemization described under subsection (4). Total labor costs calculated under this subdivision for contracted labor costs must not exceed an amount equal to 6 times the state minimum hourly wage rate determined under section 4 of the improved workforce opportunity wage act, 2018 PA 337, MCL 408.934. Labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. A public body shall not charge for labor directly associated with redaction under section 14 if it knows or has reason to know that it previously redacted the public record in question and the redacted version is still in the public body's possession.

(c) For public records provided to the requestor on any form of nonpaper physical media, the actual and most reasonably economical cost of the nonpaper physical media. The requestor may stipulate that the public records be provided on nonpaper physical media, electronically mailed, or otherwise electronically provided to him or her in lieu of paper copies. This

subdivision does not apply if a public body lacks the technological capability necessary to provide records on the particular nonpaper physical media stipulated in the particular instance.

(d) For paper copies of public records provided to the requestor, the actual total incremental cost of necessary duplication or publication, not including labor. The cost of paper copies shall be calculated as a total cost per sheet of paper and shall be itemized and noted in a manner that expresses both the cost per sheet and the number of sheets provided. The fee must not exceed 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A public body shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

(e) The cost of labor directly associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on nonpaper physical media or through the internet or other electronic means as stipulated by the requestor. The public body shall not charge more than the hourly wage of its lowest-paid employee capable of necessary duplication or publication in the particular instance, regardless of whether that person is available or who actually performs the labor. Labor costs under this subdivision may be estimated and charged in time increments of the public body's choosing; however, all partial time increments shall be rounded down.

(f) The actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner. The public body shall not charge more for expedited shipping or insurance unless specifically stipulated by the requestor, but may otherwise charge for the least expensive form of postal delivery confirmation when mailing public records.

(2) When calculating labor costs under subsection (1)(a), (b), or (e), fee components shall be itemized in a manner that expresses both the hourly wage and the number of hours charged. The public body may also 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 described in subsection (4). Subject to the 50% limitation, the public body shall not charge more than the actual cost of fringe benefits, and overtime wages shall not be used in calculating the cost of fringe benefits. Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed itemization described in subsection (4). A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the public body determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public. A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by either of the following:

(a) An individual who is entitled to information under this act and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency. If the requestor is eligible for a requested discount, the public body shall fully note the discount on the detailed itemization described under subsection (4). 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:

(i) The individual has previously received discounted copies of public records under this subsection from the same public body twice during that calendar year.

(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.

(b) A nonprofit organization formally designated by the state to carry out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:

(i) Is made directly on behalf of the organization or its clients.

(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.

(iii) Is accompanied by documentation of its designation by the state, if requested by the public body.

(3) A fee as described in subsection (1) 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.

(4) A public body shall establish procedures and guidelines to implement this act and shall create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary shall be written in a manner so as to be easily understood by the general public. If the public body directly or indirectly administers or maintains an official internet presence, it shall post and maintain the procedures and guidelines and its written public summary on its website. A public body shall make the procedures and guidelines publicly available by providing free copies of the procedures and guidelines and its written public summary both in the public body's response to a written request and upon request by visitors at the public body's office. A public body that posts and maintains procedures and guidelines and its written public summary on its website may include the website link to the documents in lieu of providing paper copies in its response to a written request. 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. The detailed itemization must 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. Other public bodies may use a form created by the department of technology, management, and budget or create a form of their own that complies with this subsection. A public body that has not established procedures and guidelines, has not created a written public summary, or has not made those items publicly available without charge as required in this subsection is not relieved of its duty to comply with any requirement of this act and shall not require deposits or charge fees otherwise permitted under this act until it is in compliance with this subsection. Notwithstanding this subsection and despite any law to the contrary, a public body's procedures and guidelines under this act are not exempt public records under section 13.

(5) If the public body directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any charges under subsection (1)(b). If the FOIA coordinator

knows or has reason to know that all or a portion of the requested information is available on its website, the public body shall notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed itemization described in subsection (4), the public body shall separate the requested public records that are available on its website from those that are not available on the website and shall inform the requestor of the additional charge to receive copies of the public records that are available on its website. If the public body has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form as described under subsection (1)(c), the public body shall provide the public records in the specified format but may use a fringe benefit multiplier greater than the 50% limitation in subsection (2), not to exceed the actual costs of providing the information in the specified format.

(6) A public body may provide requested information available in public records without receipt of a written request.

(7) If a verbal request for information is for information that a public body believes is available on the public body's website, the public employee shall, where practicable and to the best of the public employee's knowledge, inform the requestor about the public body's pertinent website address.

(8) In either the public body's initial response or subsequent response as described under section 5(2)(d), the public body may require a good-faith deposit from the person requesting information 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 described in subsection (4). Subject to subsection (10), the deposit must not exceed 1/2 of the total estimated fee, and a public body's request for a deposit must include a detailed itemization as required under subsection (4). The response must also contain a best efforts estimate by the public body regarding the time frame it will take the public body to comply with the law in providing the public records to the requestor. The time frame estimate is nonbinding upon the public body, but the public body shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this state's public policy under section 1 and the nature of the request in the particular instance. If a public body does not respond in a timely manner as described under section 5(2), it is not relieved from its requirements to provide proper fee calculations and time frame estimates in any tardy responses. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

(9) If a public body does not respond to a written request in a timely manner as required under section 5(2), the public body shall do the following:

(a) Reduce the charges for labor costs otherwise permitted under this section by 5% for each day the public body exceeds the time permitted under section 5(2) for a response to the request, with a maximum 50% reduction, if either of the following applies:

(i) The late response was willful and intentional.

(ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.

(b) If a charge reduction is required under subdivision (a), fully note the charge reduction on the detailed itemization described under subsection (4).

(10) This section does not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

(11) Subject to subsection (12), after a public body has granted and fulfilled a written request from an individual under this act, if the public body has not been paid in full the total amount under subsection (1) for the copies of public records that the public body made available to the individual as a result of that written request, the public body may require a 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:

(a) The final fee for the prior written request was not more than 105% of the estimated fee.

(b) The public records made available contained the information being sought in the prior written request and are still in the public body's possession.

(c) The public records were made available to the individual, subject to payment, within the time frame estimate described under subsection (8).

(d) Ninety days have passed since the public body 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 public body.

(f) The public body calculates a detailed itemization, as required under subsection (4), that is the basis for the current written request's increased estimated fee deposit.

(12) A public body shall no longer require an increased estimated fee deposit from an individual as described under subsection (11) if any of the following apply:

(a) The individual is able to show proof of prior payment in full to the public body.

(b) The public body is subsequently paid in full for the applicable prior written request.

(c) Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to the public body.

(13) A deposit required by a public body under this act is a fee.

(14) If a deposit that is required under subsection (8) or (11) is not received by the public body within 45 days from receipt by the requesting person of the notice that a deposit is required, and if the requesting person has not filed an appeal of the deposit amount pursuant to section 10a, the request shall be considered abandoned by the requesting person and the public body is no longer required to fulfill the request. Notice of a deposit requirement under subsection (8) or (11) is considered received 3 days after it is sent, regardless of the means of transmission. Notice of a deposit requirement under subsection (8) or (11) 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.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1988, Act 99, Imd. Eff. Apr. 11, 1988 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015 ;-- Am. 2018, Act 523, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 38, Imd. Eff. Mar. 3, 2020

Constitutionality: The disclosure of public records under the freedom of information act impartially to the general public for the incremental cost of creating the record is not a granting of credit by the state in aid of private persons and does not justify nondisclosure on the theory that the information is proprietary information belonging to a public body. *Kestenbaum v Michigan State University*, 414 Mich 510; 417 NW2d 1102 (1982).

Popular Name: Act 442

Popular Name: FOIA

15.235 Request to inspect or receive copy of public record; response to request; failure to respond; damages; contents of notice denying request; signing notice of denial; notice extending period of response; action by requesting person; law enforcement records management system; alternate responses.

Sec. 5.

(1) Except as provided in section 3, a person desiring to inspect or receive a copy of a public record shall make a written request for the public record to the FOIA coordinator of a public body. A written request made by facsimile, electronic mail, or other electronic transmission is not received by a public body's FOIA coordinator until 1 business day after the electronic transmission is made. However, if a written request is sent by electronic mail and delivered to the public body's spam or junk-mail folder, the request is not received until 1 day after the public body first becomes aware of the written request. The public body shall note in its records both the time a written request is delivered to its spam or junk-mail folder and the time the public body first becomes aware of that request.

(2) Unless otherwise agreed to in writing by the person making the request, a public body shall, subject to subsection (10), respond to a request for a public record within 5 business days after the public body receives the request by doing 1 of the following:

(a) Granting the request.

(b) Issuing a written notice to the requesting person denying the request.

(c) Granting the request in part and issuing a written notice to the requesting person denying the request in part.

(d) Issuing a notice extending for not more than 10 business days the period during which the public body shall respond to the request. A public body shall not issue more than 1 notice of extension for a particular request.

(3) Failure to respond to a request under subsection (2) constitutes a public body's final determination to deny the request if either of the following applies:

(a) The failure was willful and intentional.

(b) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such, or appropriate legal code reference to this act, on the front of an envelope or in the subject line of an electronic mail, letter, or facsimile cover page.

(4) In a civil action to compel a public body's disclosure of a public record under section 10, the court shall assess damages against the public body under section 10(7) if the court has done both of the following:

(a) Determined that the public body has not complied with subsection (2).

(b) Ordered the public body to disclose or provide copies of all or a portion of the public record.

(5) A written notice denying a request for a public record in whole or in part is a public body's final determination to deny the request or portion of that request. The written notice must contain:

(a) An explanation of the basis under this act or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request.

(b) A certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the public body, if that is the reason for denying the request or a portion of the request.

(c) A description of a public record or information on a public record that is separated or deleted under section 14, if a separation or deletion is made.

(d) A full explanation of the requesting person's right to do either of the following:

(i) 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 disclosure denial.

(ii) Seek judicial review of the denial under section 10.

(e) Notice of the right to receive attorneys' fees and damages as provided in section 10 if, after judicial review, the court determines that the public body has not complied with this section and orders disclosure of all or a portion of a public record.

(6) The individual designated in section 6 as responsible for the denial of the request shall sign the written notice of denial.

(7) If a public body issues a notice extending the period for a response to the request, the notice must specify the reasons for the extension and the date by which the public body will do 1 of the following:

(a) Grant the request.

(b) Issue a written notice to the requesting person denying the request.

(c) Grant the request in part and issue a written notice to the requesting person denying the request in part.

(8) If a public body makes a final determination to deny in whole or in part a request to inspect or receive a copy of a public record or portion of that public record, the requesting person may do either of the following:

(a) Appeal the denial to the head of the public body under section 10.

(b) Commence a civil action, under section 10.

(9) Notwithstanding any other provision of this act to the contrary, a public body that maintains a law enforcement records management system and stores public records for another public body that subscribes to the law enforcement records management system is not in possession of, retaining, or the custodian of, a public record stored on behalf of the subscribing public body. If the public body that maintains a law enforcement records management system receives a written request for a public record that is stored on behalf of a subscribing public body, the public body that maintains the law enforcement records management system shall, within 10 business days after receipt of the request, give written notice to the requesting person identifying the subscribing public body and stating that the requesting person shall submit the request to the subscribing public body. As used in this subsection, "law enforcement records management system" means a data storage system that may be used voluntarily by subscribers, including any subscribing public bodies, to share information and facilitate intergovernmental collaboration in the provision of law enforcement services.

(10) A person making a request under subsection (1) may stipulate that the public body's response under subsection (2) be electronically mailed, delivered by facsimile, or delivered by first-class mail. This subsection does not apply if the public body lacks the technological capability to provide an electronically mailed response.

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 ;-- Am. 2014, Act 563, Eff. July 1, 2015 ;-- Am. 2018, Act 105, Imd. Eff. Apr. 5, 2018 ;-- Am. 2020, Act 36, Imd. Eff. Mar. 3, 2020

Popular Name: Act 442

Popular Name: FOIA

15.236 FOIA coordinator.

Sec. 6.

(1) A public body that is a city, village, township, county, or state department, or under the control of a city, village, township, county, or state department, shall designate an individual as the public body's FOIA coordinator. The FOIA coordinator shall be responsible for accepting and processing requests for the public body's public records under this act and shall be responsible for approving a denial under section 5(4) and (5). In a county not having an executive form of government, the chairperson of the county board of commissioners is designated the FOIA coordinator for that county.

(2) For all other public bodies, the chief administrative officer of the respective public body is designated the public body's FOIA coordinator.

(3) An FOIA coordinator may designate another individual to act on his or her behalf in accepting and processing requests for the public body's public records, and in approving a denial under section 5(4) and (5).

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997

Popular Name: Act 442

Popular Name: FOIA

15.240 Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; 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 a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, 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 business 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 a civil action 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. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located 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 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 order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 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 ;-- Am. 2014, Act 563, Eff. July 1, 2015

Popular Name: Act 442

Popular Name: FOIA

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

Sec. 10a.

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

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

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

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

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

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

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

(a) Waive the fee.

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

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

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

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

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

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

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

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

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

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

Popular Name: Act 442

Popular Name: FOIA

15.240b Failure to comply with act; civil fine.

Sec. 10b.

If the court determines, in an action commenced under this act, that a public body willfully and intentionally failed to comply with this act or otherwise acted in bad faith, the court shall order the public body to pay, in addition to any other award or sanction, a civil fine of not less than \$2,500.00 or more than \$7,500.00 for each occurrence. In determining the amount of the civil fine, the court shall consider the budget of the public body and whether the public body has previously been assessed penalties for violations of this act. The civil fine shall be deposited in the general fund of the state treasury.

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

Popular Name: Act 442

Popular Name: FOIA

15.241 Matters required to be published and made available by state agency; form of publications; effect of matter not published and made available; exception; action to compel compliance by state agency; order; attorneys' fees, costs, and disbursements; jurisdiction; definitions.

Sec. 11.

(1) A state agency shall publish and make available to the public all of the following:

(a) Final orders or decisions in contested cases and the records on which they were made.

(b) Promulgated rules.

(c) Other written statements that implement or interpret laws, rules, or policy, including but not limited to guidelines, manuals, and forms with instructions, adopted or used by the agency in the discharge of its functions.

(2) Publications may be in electronic format or in pamphlet, loose-leaf, or other appropriate form in printed, mimeographed, or other written matter.

(3) Except to the extent that a person has actual and timely notice of the terms thereof, a person is not required to resort to, and shall not be adversely affected by, a matter required to be published and made available, if the matter is not so published and made available.

(4) This section does not apply to public records that are exempt from disclosure under section 13.

(5) A person may commence an action in the court of claims to compel a state agency to comply with this section. If the court determines that the state agency has failed to comply, the court shall order the state agency to comply and shall award reasonable attorneys' fees, costs, and disbursements to the person commencing the action. The court of claims has exclusive jurisdiction to issue the order.

(6) As used in this section, "state agency", "contested case", and "rule" mean "agency", "contested case", and "rule" as those terms are defined in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 2014, Act 563, Eff. July 1, 2015 ;-- Am. 2020, Act 37, Imd. Eff. Mar. 3, 2020

Popular Name: Act 442

Popular Name: FOIA

15.243 Exemptions from disclosure; public body as school district, intermediate school district, or public school academy; withholding of information required by law or in possession of executive office.

Sec. 13.

(1) A public body may exempt from disclosure as a public record under this act any of the following:

(a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.

(b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:

(i) Interfere with law enforcement proceedings.

(ii) Deprive a person of the right to a fair trial or impartial administrative adjudication.

(iii) Constitute an unwarranted invasion of personal privacy.

(iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.

(v) Disclose law enforcement investigative techniques or procedures.

(vi) Endanger the life or physical safety of law enforcement personnel.

(vii) Disclose the identity of a party who, as described in subdivision (cc), proceeds anonymously in a civil action in which the party alleges that the party was the victim of sexual misconduct. For the purpose of securing the party's anonymity, that party or the party's designee may provide written notification of the civil action and the party's wish to remain anonymous to any law enforcement agency that has investigating records subject to this subparagraph, and the law enforcement agency shall retain a copy of that notification in its files with those investigating records.

(c) A public record that if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.

(d) Records or information specifically described and exempted from disclosure by statute.

(e) A public record or information described in this section that is furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public

body, if the considerations originally giving rise to the exempt nature of the public record remain applicable.

(f) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy if:

(i) The information is submitted upon a promise of confidentiality by the public body.

(ii) The promise of confidentiality is authorized by the chief administrative officer of the public body or by an elected official at the time the promise is made.

(iii) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision does not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit.

(g) Information or records subject to the attorney-client privilege.

(h) Information or records subject to the physician-patient privilege, the psychologist-patient privilege, the minister, priest, or Christian Science practitioner privilege, or other privilege recognized by statute or court rule.

(i) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline for submission of bids or proposals has expired.

(j) Appraisals of real property to be acquired by the public body until either of the following occurs:

(i) An agreement is entered into.

(ii) Three years have elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.

(k) Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.

(l) Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation, including protected health information, as defined in 45 CFR 160.103.

(m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure. This exemption does not constitute an exemption under state law for purposes of section 8(h) of the open meetings act, 1976 PA 267, MCL 15.268. As used in this subdivision, "determination of policy or action" includes a determination relating to collective bargaining, unless the public record is otherwise required to be made available under 1947 PA 336, MCL 423.201 to 423.217.

(n) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, that if disclosed would prejudice a public body's ability to protect the public safety unless the public interest in disclosure under this act outweighs the public interest in nondisclosure in the particular instance.

(o) Information that would reveal the exact location of archaeological sites. The department of natural resources may promulgate rules in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide for the disclosure of the location

of archaeological sites for purposes relating to the preservation or scientific examination of sites.

(p) Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only 1 bidder has met the specifications. This subdivision does not apply after 1 year has elapsed from the time the public body completes the testing.

(q) Academic transcripts of an institution of higher education established under section 5, 6, or 7 of article VIII of the state constitution of 1963, if the transcript pertains to a student who is delinquent in the payment of financial obligations to the institution.

(r) Records of a campaign committee including a committee that receives money from a state campaign fund.

(s) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following:

(i) Identify or provide a means of identifying an informant.

(ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent.

(iii) Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have.

(iv) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of active or retired law enforcement officers or agents.

(v) Disclose operational instructions for law enforcement officers or agents.

(vi) Reveal the contents of staff manuals provided for law enforcement officers or agents.

(vii) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies.

(viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant.

(ix) Disclose personnel records of law enforcement agencies.

(x) Identify or provide a means of identifying residences that law enforcement agencies are requested to check in the absence of their owners or tenants.

(t) Except as otherwise provided in this subdivision, records and information pertaining to an investigation or a compliance conference conducted by the department under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, before a complaint is issued. This subdivision does not apply to records or information pertaining to 1 or more of the following:

(i) The fact that an allegation has been received and an investigation is being conducted, and the date the allegation was received.

(ii) The fact that an allegation was received by the department; the fact that the department did not issue a complaint for the allegation; and the fact that the allegation was dismissed.

(u) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.

(v) Records or information relating to a civil action in which the requesting party and the public body are parties.

(w) Information or records that would disclose the Social Security number of an individual.

(x) Except as otherwise provided in this subdivision, an application for the position of president of an institution of higher education established under section 4, 5, or 6 of article

VIII of the state constitution of 1963, materials submitted with such an application, letters of recommendation or references concerning an applicant, and records or information relating to the process of searching for and selecting an individual for a position described in this subdivision, if the records or information could be used to identify a candidate for the position. However, after 1 or more individuals have been identified as finalists for a position described in this subdivision, this subdivision does not apply to a public record described in this subdivision, except a letter of recommendation or reference, to the extent that the public record relates to an individual identified as a finalist for the position.

(y) Records or information of measures designed to protect the security or safety of persons or property, or the confidentiality, integrity, or availability of information systems, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency response plans, risk planning documents, threat assessments, domestic preparedness strategies, and cybersecurity plans, assessments, or vulnerabilities, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.

(z) Information that would identify or provide a means of identifying a person that may, as a result of disclosure of the information, become a victim of a cybersecurity incident or that would disclose a person's cybersecurity plans or cybersecurity-related practices, procedures, methods, results, organizational information system infrastructure, hardware, or software.

(aa) Research data on road and attendant infrastructure collected, measured, recorded, processed, or disseminated by a public agency or private entity, or information about software or hardware created or used by the private entity for such purposes.

(bb) Records or information that would reveal the specific location or GPS coordinates of game, including, but not limited to, records or information of the specific location or GPS coordinates of game obtained by the department of natural resources during any restoration, management, or research project conducted under section 40501 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40501, or in connection with the expenditure of money under section 43553 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43553. As used in this subdivision, "game" means that term as defined in section 40103 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40103.

(cc) Information that would reveal the identity of a party who proceeds anonymously in a civil action in which the party alleges that the party was the victim of sexual misconduct. As used in this subdivision, "sexual misconduct" means the conduct described in section 90, 136, 145a, 145b, 145c, 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.90, 750.136, 750.145a, 750.145b, 750.145c, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, regardless of whether the conduct resulted in a criminal conviction.

(2) A public body shall exempt from disclosure information that, if released, would prevent the public body from complying with 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974. A public body that is a local or intermediate school district or a public school academy shall exempt from disclosure directory information, as defined by 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974, requested for the purpose of surveys, marketing, or solicitation, unless that public body determines that the use is consistent with the educational mission of the public body and

beneficial to the affected students. A public body that is a local or intermediate school district or a public school academy may take steps to ensure that directory information disclosed under this subsection is not used, rented, or sold for the purpose of surveys, marketing, or solicitation. Before disclosing the directory information, a public body that is a local or intermediate school district or a public school academy may require the requestor to execute an affidavit stating that directory information provided under this subsection will not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

(3) This act does not authorize the withholding of information otherwise required by law to be made available to the public or to a party in a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(4) Except as otherwise exempt under subsection (1), this act does not authorize the withholding of a public record in the possession of the executive office of the governor or lieutenant governor, or an employee of either executive office, if the public record is transferred to the executive office of the governor or lieutenant governor, or an employee of either executive office, after a request for the public record has been received by a state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of government that is subject to this act.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1993, Act 82, Eff. Apr. 1, 1994 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2000, Act 88, Imd. Eff. May 1, 2000 ;-- Am. 2001, Act 74, Imd. Eff. July 24, 2001 ;-- Am. 2002, Act 130, Eff. May 1, 2002 ;-- Am. 2002, Act 437, Eff. Aug. 1, 2002 ;-- Am. 2006, Act 482, Imd. Eff. Dec. 22, 2006 ;-- Am. 2018, Act 68, Eff. June 17, 2018 ;-- Am. 2021, Act 33, Imd. Eff. June 24, 2021 ;-- Am. 2023, Act 64, Imd. Eff. July 12, 2023

Compiler's Notes: For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752. For transfer of powers and duties of the state historic preservation office relating to the identification, certification, and preservation of historical sites from the Michigan state housing development authority to the Michigan strategic fund, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

Popular Name: Act 442

Popular Name: FOIA

15.243a Salary records of employee or other official of institution of higher education, school district, intermediate school district, or community college available to public on request.

Sec. 13a.

Notwithstanding section 13, an institution of higher education established under section 5, 6, or 7 of article 8 of the state constitution of 1963; a school district as defined in section 6 of Act No. 451 of the Public Acts of 1976, being section 380.6 of the Michigan Compiled Laws; an intermediate school district as defined in section 4 of Act No. 451 of the Public Acts of 1976, being section 380.4 of the Michigan Compiled Laws; or a community college established under Act No. 331 of the Public Acts of 1966, as amended, being sections 389.1 to 389.195 of the Michigan Compiled Laws shall upon request make available to the public the salary records of an employee or other official of the institution of higher education, school district, intermediate school district, or community college.

History: Add. 1979, Act 130, Imd. Eff. Oct. 26, 1979

Popular Name: Act 442

Popular Name: FOIA

15.244 Separation of exempt and nonexempt material; design of public record; description of material exempted.

Sec. 14.

(1) If a public record contains material which is not exempt under section 13, as well as material which is exempt from disclosure under section 13, the public body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

(2) When designing a public record, a public body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

History: 1976, Act 442, Eff. Apr. 13, 1977

Popular Name: Act 442

Popular Name: FOIA

15.245 Repeal of MCL 24.221, 24.222, and 24.223.

Sec. 15.

Sections 21, 22 and 23 of Act No. 306 of the Public Acts of 1969, as amended, being sections 24.221, 24.222 and 24.223 of the Michigan Compiled Laws, are repealed.

History: 1976, Act 442, Eff. Apr. 13, 1977

Popular Name: Act 442

Popular Name: FOIA

15.246 Effective date.

Sec. 16.

This act shall take effect 90 days after being signed by the governor.

History: 1976, Act 442, Eff. Apr. 13, 1977

Popular Name: Act 442

Popular Name: FOIA