

TUSCOLA COUNTY PLANNING COMMISSION NEWS LETTER

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FOIA Requests and Your Responsibilities: By Cynthia Kapa PA 116 Committee

The Freedom of Information Act, Act 442 of 1976 (FOIA) provides that all persons, except those incarcerated, are entitled to full and complete information on government affairs. As soon as practical, but not more than five business days after receiving the request, the public body **MUST** respond to the request for a public record. The public agency can notify the requester in writing and extend the time limit by 10 days. The request can be in person, writing or over the phone.

MCL 15.234 establishes that a public body may charge a fee for public record search for the necessary copying of a public record, for inspection, or for providing a copy of a public record. The fee can include the time it takes to search for the records and duplication of the records. The agency cannot charge more than the hourly wage of the lowest paid employee. A fee cannot be charged for search, review and deletion of exempt from nonexempt information. The first \$20 must be free for a person on public assistance or presents facts showing an inability to pay because of indigence.

Penalties for violation of the act include a \$500 award for punitive damages to the person seeking the right to inspect or receive a copy of a public record. This can be for refusal or delay in disclosing or providing copies of a public record. The \$500 award is in addition to any actual or compensatory damages.

New Members Join the Planning Commission:

Raymundo Cortez and Aaron Gyurko are our newest Planning Commission members. They will be replacing Nancy Barrios and Keith Kosik. Keith was a long time member of the Planning Commission, serving since 2005. As chairperson for many years, he led us with new and innovative ideas designed to serve you better. While Nancy was not with us for as long, she brought insight and a fresh perspective to our goals and plans. Ray and Aaron are already on the job, each providing another point of view and a willingness to serve.

Whats new in State Law: by Zygmunt Dworzecki, Law Review Committee

An amendment to PA 110 of 2006, PA 113 of 2011, denies municipalities the right to bar/ban fracking, drilling, and mining of natural resources. Michigan Legislators are now trying to close loopholes on secretive practices by mining and energy companies. You should stay aware of the progression of these new bills introduced to keep the environment clean for farming, protecting our clean water resources and the air we breathe. While we cannot ban/restrict these practices on the sites these companies have currently leased or own, local restrictions of vehicle weights on our roads and a requirement to repair road damages that occur because of their operations can be invoked. However, you should always seek legal counsel when you do your planning and zoning as these documents will be contested through the courts by the mining/energy companies when your rules are not in their favor.

Membership:

Raymundo Cortz	Master Plan Committee, Chair - GIS Committee
Zygmunt Dworzecki	Vice Chairperson, Chair - Master Plan Committee, Chair - Law Review Committee
Aaron Gyurko	Secretary Pro PA 116 Committee
Cynthia Kapa,	Coordinator, PA 116 Committee, Parks and Rec Liaison
Lonnie Kester	Chair - PA 116 Committee
Louis Smallwood	PA 116 Committee, Zoning Ordinance Committee
Ione K. Vyse	Chairperson, Chair - Zoning Ordinance Committee

Our Meetings: The first Wednesday of each month at 5:00 pm. in the conference room of the Purdy Building.

Note: January Meeting is THURSDAY, January 2, 2014 due to Holiday.