



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

September 6, 2017

Steve Harry
stevenharry@gmail.com

Sent Via Email

RE: Freedom of Information Act (FOIA) Request
#18-074 – Police and Fire Base Pay and Pension

Dear Mr. Harry:

In response to your request, please be advised that retrieval, copying and review (for possible exemptions) of records in response to your request, if done by the lowest paid capable employee, will result in estimated labor charges and copying fees of approximately \$1,710.85. This is only an estimate, and does not include mailing cost and/or any other miscellaneous expenses. Thus the total charges could go higher.

Therefore, pursuant to MCL 15.234(2), the City requests a good-faith deposit in the amount of **\$855.42** (one-half of the estimated costs), prior to proceeding. Please make payment by check or money order, payable to the City of Lansing, and return to my attention at the address below. Once we receive your good faith deposit, we will complete the processing your request. The balance of the cost is to be paid at the time the FOIA request is fulfilled.

Please be advised that the City has adopted Procedures and Guidelines and a Written Public Summary, both of which are available on the City's website at:

https://www.lansingmi.gov/media/view/FOIA_OCA_Policies_and_Procedures_12_16_09/116

https://www.lansingmi.gov/media/view/FOIA_Public_Summary/8458

Appeal of denial of records. You are entitled under the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the President of City Council or to commence an action in the Circuit Court within 180 days after the City's final determination to deny a request, to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. 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.

Appeal of excessive fee. You are entitled under the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the City's written Procedures and Guidelines to the President of City Council or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the President of City Council. If a civil action is commenced in court, the City is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the City required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount.

If you have any questions concerning this matter, please feel free to contact our office at the address or phone number below, and enclose a copy of this correspondence.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amanda O'Boyle".

Amanda O'Boyle
Office of the City Attorney

AKO