

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

**THE MACKINAC CENTER FOR PUBLIC
POLICY, a nonprofit Michigan Corporation**

Plaintiff,

v.

**THE CITY OF WARREN, a Michigan
municipal corporation.**

Defendant.

Case No.: 21-_____ **CZ**

Hon.

Complaint

Derk A. Wilcox (P66177)
Stephen A. Delie (P80209)
Patrick J. Wright (P54052)
Mackinac Center for Public Policy
Attorneys for Plaintiff
140 West Main Street
Midland, MI 48640
(989) 631-0900 – voice
(989) 631-0964 – fax

COMPLAINT

There is no other pending or resolved civil action arising out of the same transaction or occurrence alleged in the complaint.

NOW COMES Plaintiff, The Mackinac Center for Public Policy, and for its Complaint alleges and states as follows:

INTRODUCTION

The plaintiff, Mackinac Center for Public Policy (the “Mackinac Center”) is a nonprofit organization dedicated to improving the quality of life for all Michigan residents by promoting sound

solutions to state and local policy questions. To that end, the Mackinac Center routinely uses the Freedom of Information Act (“FOIA”) to obtain relevant documents from state and local governments.

On January 7, 2021, the Mackinac Center made a routine request to the City of Warren (the “City”), seeking the gross salaries of the City’s public employees. The City responded that same day by taking a ten (10) business day extension. On January 11, 2021, the Mackinac Center clarified that this request was intended to include the names of employees in addition to their salaries. On January 29, 2021, the City produced a cost estimate of \$27.05, while failing to provide an estimated date for the production of document.

The Mackinac Center paid that balance, and received a portion of the information requested. Upon review, it became clear that the City had refused to release the names of employees. The City failed to cite a specific exemption in doing so. This suit follows, as the law does not support the City’s redaction of public records.

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff, the Mackinac Center for Public Policy (the “Mackinac Center”), is a Michigan nonprofit corporation headquartered in Midland County, Michigan.
2. Defendant, the City of Warren (“The City”), is a municipal corporation and public body which is headquartered in Macomb County, Michigan.
3. Venue is proper pursuant to MCL 15.240(1)(b).
4. Pursuant to MCL 15.240(5), this action should be “assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.”
5. Pursuant to MCL 15.240(1)(b) and MCL 600.605, the circuit court has jurisdiction over this claim.

VIOLATIONS OF THE FREEDOM OF INFORMATION ACT

6. The Plaintiff hereby incorporates the preceding paragraphs as if fully restated herein.
7. On January 7, 2021 Mackinac Center employee Jarrett Skorup submitted a FOIA request to the City for the following records:

The total gross salaries (salary, OT, bonuses, etc.) for every city employee for the 2019 and 2020 calendar years.

Exhibit A, Mackinac Center's FOIA Request and Extension.

8. The Mackinac Center later clarified this request to include the names of employees, stating:

To clarify this request - I need the salaries for every individual employee for both years (with the names, in order to make a comparison).

If you need a new request, it is below:

January 11, 2021

FOIA Request for salary information

Pursuant to the Michigan compiled Laws Section 15.231 et seq., and any other relevant statutes or provisions of your agency's regulations I am making the following Freedom of Information Act request.

The name and total gross salary (salary, OT, bonuses, etc.) for each city employee for the 2019 and 2020 calendar years.

I request this information be delivered via email.

Exhibit B, Mackinac Center's FOIA Clarification.

9. On January 29, 2021, the City responded to the Mackinac Center's request by estimating that it would cost \$27.05 to fulfill the request. The City failed to provide an estimated timeline for when records would be produced, contrary to MCL 15.234(8). **Exhibit C, Cost Estimate.**
10. The Mackinac Center paid the balance, and the City acknowledged receipt of payment on February 2, 2021. **Exhibit D, Post-Request Correspondence.** The City released salary information, but not the names of the employees receiving those salaries.

11. On February 2, 2021, the Mackinac Center followed up to determine why the City had redacted the names of public employees. *Id.* After some correspondence between the parties, the City ultimately stated that the names of employees were exempt from disclosure, but failed to cite an applicable exemption. *Id.*
12. The City's response to the Mackinac Center's appeal is contrary to law, as fails to cite an exemption. In addition, the exemption the City is likely attempting to apply is inapplicable.
13. MCL 15.231(2) states:

It is the public policy of this state that all persons, except those persons incarcerated in state or local correctional facilities, are entitled to fully 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 participate in the democratic process.
14. The public body has the burden of proof in applying an exemption. MCL 15.235(5)(a)-(c); *Peterson v Charter Township of Shelby*, 2018 WL 2024578 (Mich Ct App).
15. The City has violated FOIA by failing to cite an exemption.
16. Nevertheless, it appears that the City is attempting to apply MCL 15.243(1)(a) (the "privacy exemption"), as no other exemptions are reasonably related to the information requested.
17. MCL 15.243(1)(a) states:
 - (1) A public body may exempt from disclosure as a public record under the 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.
18. The City cannot demonstrate that the disclosure of names, in conjunction with salary information, would constitute a clearly unwarranted invasion of privacy.
19. When applying the privacy exemption, the courts apply a two-prong test. The first prong is whether the information sought contains "private or confidential information relating to a person" or "intimate or embarrassing" details about an individual's personal life. *ESPN Inc v*

Michigan State University, 311 Mich App 662, 665 (2015) citing *Mich Federation of Teachers v Univ of Mich*, 481 Mich 657, 675 (2008). The second factor is, if the information is found to be personal under prong one, whether disclosure of that information would be a clearly unwarranted invasion of individual privacy. *ESPN, Inc*, 311 Mich App at 669 (citation omitted). In evaluating the second prong, the court balances the public's interest in disclosure against the individual's interest in privacy. *Id.*

20. The disclosure of an individual's name is not generally considered to be information of a personal nature. *Id.* at 665 (citation omitted). The privacy exemption may apply, however, when names are associated with other personal information about the named person. *Id.* at 666.

21. Here, the additional information in question is the named individual's salary.

22. The City bears the burden of demonstrating that its application of the privacy exemption is appropriate. *Herald Co v City of Bay City*, 463 Mich 111, 119 (2000).

23. Michigan Courts have consistently held that salary information is not exempt from disclosure, even when combined with public employees' names. In *Penokie v Michigan Technological University*, 93 Mich App 650, 663-64 (1979), the court found that:

[t]he names and salaries of the employees of defendant university are not "intimate details" of a "highly personal" nature. Disclosure of this information would not thwart the apparent purpose of the exemption to protect against the highly offensive public scrutiny of totally private personal details. **The precise manner of expenditure of public funds is simply not a private fact.** The heavy burden of justifying nondisclosure has not been met by the conclusory allegations of "ill will, hard feelings prejudice among employees" and "chill(ing of) the applications of further persons for positions similar to" those of intervening defendants. Nor is there any support for the allegations of amicus curiae Oakland University that disclosure of the compensation of individual employees "would cause significant indignity, embarrassment, and humiliation and would disrupt existing relationships".

(Emphasis added).

24. The Court further held that, even if salary information about public employees were to be considered personal for purposes of the privacy exemption, the public's right to know how tax dollars are being spent clearly outweighs any privacy interest. The Court stated:

While we are not persuaded that salary information about individual public employees is "private" information for FOIA purposes, even assuming that disclosure would constitute an invasion of personal privacy, that invasion would not be "clearly unwarranted". **The minor invasion occasioned by disclosure of information which a university employee might hitherto have considered private is outweighed by the public's right to know precisely how its tax dollars are spent.**

(Emphasis added).

25. Michigan Courts have applied these principles consistently. In *Detroit Free Press v City of Southfield*, 269 Mich App 275, 287 (2005), the court held that the names of retired police officers, when combined with the amount of pension payment they were receiving, were subject to disclosure based on the public's strong interest in knowing how its tax dollars were being spent.

26. Michigan Courts have also previously ruled that the release of the names and addresses of private security guard employees, the names of public employees who had been called before a grand jury or met with an FBI investigation, the names and home addresses of various public employees and candidates for public office, and the names of student-athletes identified in incident reports do not constitute clearly unwarranted invasions of privacy. *International Union, United Plant Guard Workers of America (UPGWA) v Department of State Police*, 118 Mich App 2952 (1982); *Detroit Free Press v City of Warren*, 250 Mich App 164 (2002)(citation omitted); *Michigan State Employees Ass'n v Department of Management and Budget*, 135 Mich App 248 (1984)(citation omitted); *Tobin v Michigan Civil Service Com'n*, 416 Mich 661 (1982); *Hearld Co v City of Bay City*, 463 Mich 111 (2000); *ESPN, Inc v Michigan State University*, 311 Mich App 662 (2015) (citation omitted).

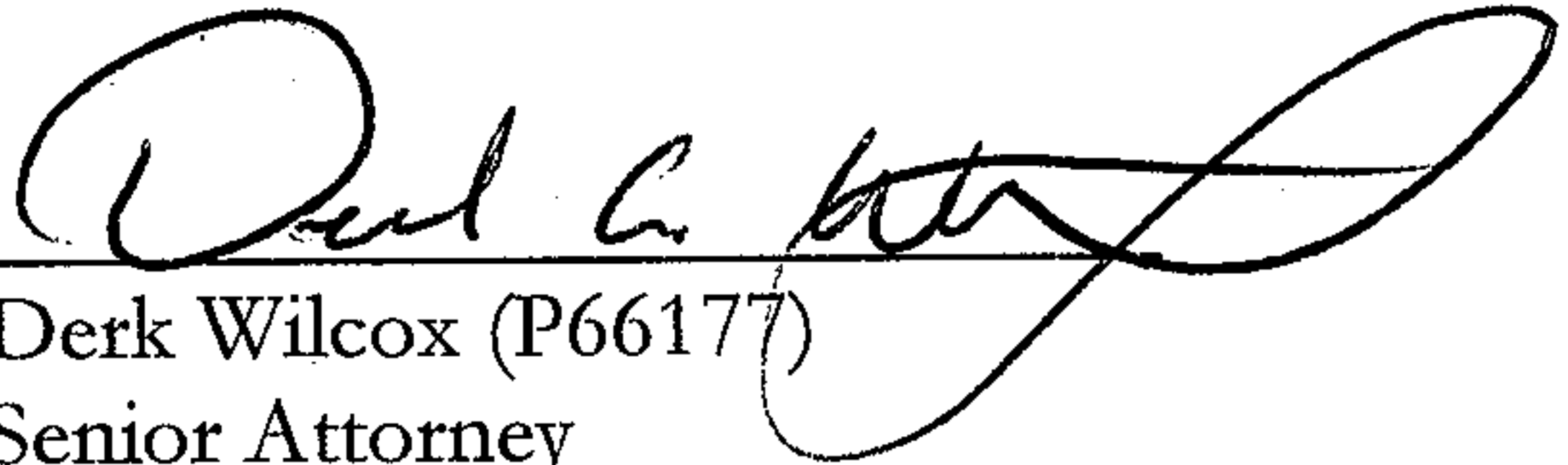
27. Disclosure of the names and salary information at issue in this particular instance is less invasive than the disclosure of the information described immediately above, thereby justifying their release.
28. The City's improper redactions of the requested records are arbitrary and capricious under MCL 15.240(7), thereby subjecting the City to a civil fine of \$1,000.00 payable to the general treasury and a separate \$1,000.00 to the Mackinac Center.
29. The City's inappropriate application of MCL 15.243(1)(a) constitutes a willful and intentional failure to comply under MCL 15.240b, thereby subjecting it to a civil fine of \$2,500 to \$7,500 payable to the state treasury.
30. Pursuant to MCL 15.240(6), the Center, if it prevails, is entitled to attorneys' fees and costs:

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).

RELIEF REQUESTED

Plaintiff, Mackinac Center for Public Policy, respectfully requests that this Court order Defendant, the City of Warren, to provide all documents sought in the FOIA request in unredacted form; apply the full penalties available under MCL 15.234(9), MCL 15.240(7), and MCL 15.240b; award attorneys' fees and costs under MCL 15.240(6); and award any other relief this Court determines to be just and equitable to remedy the City's improper exemption of the requested information and causing the need to bring this suit.

Dated: March 1, 2021


Derk Wilcox (P66177)
Senior Attorney
Mackinac Center for Public Policy

Ex.1



CITY ATTORNEY'S OFFICE
ONE CITY SQUARE, SUITE 400
WARREN, MI 48093-5285
(586) 574-4671
FAX (586) 574-4530
www.cityofwarren.org

January 7, 2021

Mr. Jarrett Skorup
Mackinac Center for Public Policy
140 W. Main Street
Midland, Michigan 48640

SENT VIA EMAIL TO:
skorup@mackinac.org

Re: Freedom of Information Act Request

Dear Mr. Skorup:

On or about January 7, 2021, this office received the Freedom of Information Act (FOIA) request you submitted for the following records:

"The total gross salaries (salary, OT, bonuses, etc.) for every city employee for the 2019 and 2020 calendar years."

Please be advised that we are extending the period of time to respond to this request by ten (10) business days pursuant to MCL 15.235(2)(d) for purposes of researching your request.

This office will issue a response on or before **February 1, 2021** as follows:

- a) Grant the request;
- b) Deny the request; or
- c) Grant the request in part and deny the request in part.

The City of Warren's FOIA Procedures and Guidelines along with a Written Public Summary can be found online at www.cityofwarren.org.

Respectfully,

/s/Ethan Vinson
Ethan Vinson
City Attorney

EV/s-Skorup- Extension ID 78352

Ex.1

Delie, Steve

From: Skorup, Jarrett
Sent: Wednesday, February 10, 2021 2:15 PM
To: Delie, Steve
Subject: FOIA - total gross salaries of employees

From: Skorup, Jarrett
Sent: Monday, January 11, 2021 9:18 AM
To: Skorup, Jarrett
Subject: Re: FOIA - total gross salaries of employees

To clarify this request - I need the salaries for every individual employee for both years (with the names, in order to make a comparison).

If you need a new request, it is below:

January 11, 2021

FOIA Request for salary information

Pursuant to the Michigan compiled Laws Section 15.231 et seq., and any other relevant statutes or provisions of your agency's regulations I am making the following Freedom of Information Act request.

- The name and total gross salary (salary, OT, bonuses, etc.) for each city employee for the 2019 and 2020 calendar years.

I request this information be delivered via email.

Jarrett Skorup
Director of Marketing and Communications
Mackinac Center for Public Policy
140 W. Main St.
Midland, Michigan 48640
www.mackinac.org
989-631-0900

From: Skorup, Jarrett
Sent: Thursday, January 7, 2021 1:44:26 PM
Subject: FOIA - total gross salaries of employees

January 7, 2021

Ex.B

FOIA Request for salary information

Pursuant to the Michigan compiled Laws Section 15.231 et seq., and any other relevant statutes or provisions of your agency's regulations I am making the following Freedom of Information Act request.

- The total gross salaries (salary, OT, bonuses, etc.) for every city employee for the 2019 and 2020 calendar years.

I request this information be delivered via email.

Jarrett Skorup
Director of Marketing and Communications
Mackinac Center for Public Policy
140 W. Main St.
Midland, Michigan 48640
www.mackinac.org
989-631-0900

Ex.B

Ex. C



CITY ATTORNEY'S OFFICE
ONE CITY SQUARE, SUITE 400
WARREN, MI 48093-5285
(586) 574-4671
FAX (586) 574-4530
www.cityofwarren.org

January 29, 2021

Mr. Jarrett Skorup
Mackinac Center for Public Policy
140 W. Main Street
Midland, Michigan 48640

SENT VIA EMAIL TO:
skorup@mackinac.org

Re: Freedom of Information Act Request

Dear Mr. Skorup:

On or about January 7, 2021, this office received the Freedom of Information Act (FOIA) request you submitted for the following records:

"The total gross salaries (salary, OT, bonuses, etc.) for every city employee for the 2019 and 2020 calendar years."

On January 7, 2021, an extension was issued for the purposes of researching your request. Please be advised that your request is granted to the extent records exist, are public records, can be identified, and are not exempt from disclosure. Any information not subject to disclosure shall be redacted from the public document. Please contact the keeper of the records to obtain your requested information. The keeper of the records is:

**City Attorney's Office
One City Square, Suite 400
Warren, MI 48093
(586) 574-4671**

Please be advised that a fee may be charged for providing copies of any public record requested pursuant to the Freedom of Information Act, MCL 15.234. If the fee will exceed \$50.00, a good faith deposit of up to one-half the total fee may be required by the public body. **In this case, the charge is \$27.05. Please make check payable to the City of Warren and mail to the keeper of the records, listed above. Once payment is received, responsive documents will be produced. A cost itemization sheet is attached.**

Ex. C

Ex. C

Mr. Jarrett Skorup
January 29, 2021
Page 2

The City of Warren's FOIA Procedures and Guidelines along with a Written Public Summary can be found online at www.cityofwarren.org.

Respectfully,

/s/ Ethan Vinson
Ethan Vinson
City Attorney

EV/sd-Skorup-grant-attorney – EV ID 78610

Ex. C

City Staff: Keep original and provide copies of both sides of each sheet, to requestor at no charge.

CITY OF WARREN
COUNTY OF MACOMB

Detailed Cost Itemization

<input type="checkbox"/> Cost Estimate
<input checked="" type="checkbox"/> Bill

Freedom of Information Act Request Detailed Cost Itemization

Date: 1/29/2021

Prepared for Request No.: _____

Date Request Received: 1/7/2021

GOOD FAITH DEPOSIT REQUIRED \$ 0.00
(Deposit of 50% of the Total Cost maybe required if the total exceeds \$50.00)

<p>The following costs are being charged/estimated in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the City's FOIA Policies and Guidelines. If the City is seeking a 50% deposit prior to providing the public records sought, the estimate is itemized on this form, lines 2-7 below.</p>			
<p>1. If all or a portion of the requested information is available on the City's website, the City is required to tell you it is available on the website and, where practicable, include a specific webpage address where the information is available. In this case</p> <p><input checked="" type="checkbox"/> None <input type="checkbox"/> Some <input type="checkbox"/> All</p> <p>of the requested material can be found at the following webpage(s): _____</p> <p>If the webpage is all the information you need, it is provided without charge. If, however, you still wish to receive a copy of material from the webpage, please let us know. The usual charge will apply if the City is required to produce copies of material from the webpage.</p>			
<p>2. Labor Cost to Locate Records Not on City Website: This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the City because of the nature of the request in this particular instance, specifically: _____</p> <p>The City will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in 15 minute time increments; all partial time increments must be rounded down. <i>If the number of minutes is less than 15, there is no charge.</i></p> <p><input checked="" type="checkbox"/> Hourly Wage Charged: \$ <u>27.05</u> Charge per Increment: \$ <u>6.763</u></p> <p style="text-align: center;">OR</p> <p><input type="checkbox"/> Hourly Wage with Fringe Benefit Cost: \$ <u>0.00</u> Charge per Increment: \$ <u>0.000</u> Multiply the hourly wage by the percentage multiplier: <u>0.00</u> % <i>(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.</i></p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor <i>(overtime is not used to calculate the fringe benefit cost)</i></p>		<p>To figure the number of increments, take the number of minutes: <u>60</u> divide by 15 and round down. Enter below:</p> <p>Number of increments x <u>4</u> = \$ <u>27.05</u></p>	<p>2. Labor Cost \$ <u>27.05</u></p>

3. Labor Cost for Copying / Duplication of Records

This is the cost of labor directly associated with duplication of publications, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.

This shall not be more than the hourly wage of the City's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15 minute time increments; all partial time increments must be rounded down. *If the number of minutes is less than one increment, there is no charge.*

Hourly Wage Charged: \$ 27.05 Charge per ¼ hour: \$ 6.763

OR

Hourly Wage with Fringe Benefit Cost: \$ 0.00 Charge per ¼ hour: \$ 0.000

Multiply the hourly wage by the percentage multiplier: 0.00%
(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

To figure the number of increments, take the number of minutes:

divide by 15, and round down.
Enter below:

Number of increments

3. Labor Cost

x 0 = \$ 0.00

4. Labor Cost for Copying/Duplicating Records Already on City's Website:

This shall not be more than the hourly wage of the City's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in 15 minute time increments; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ 27.05 Charge per Increment: \$ 6.763

OR

Hourly Wage with Fringe Benefit Cost: \$ 0.00 Charge per Increment: \$ 0.000

Multiply the hourly wage by the percentage multiplier: 0.00%
(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Requestor has stipulated that some / all of the requested records that are already available on the City's website be provided in a paper or non-paper physical digital medium.

Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the number of minutes:

divide By 15, and round down.
Enter below:

Number of increments

4. Web Labor Cost

x 0 = \$ 0.00

5. Labor Cost for Separating Exempt from Non-Exempt (Redacting): Material Not on City Website

The City will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:

This is the cost of labor of a City employee, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the City's lowest-paid employee capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15 minute time increment; all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ 27.05 Charge per Increment: \$ 6.763

OR

Hourly Wage with Fringe Benefit Cost: \$ 0.00 Charge per Increment: \$ 0.000
Multiply the hourly wage by the percentage multiplier: 0.00 % (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

6. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch): \$0.10 per sheet
Legal (8 1/2 x 14-inch): \$0.10 per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): \$ per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- Digital media:
0 Audio Disc (\$ 0.00 per disc)
0 Photo Disc (\$ 0.00 per disc)
0 Video Disc (\$ 20.00 per disc)
0 Other Digital Medium (\$ 0.00 per item)

* Quantity to be determined

The cost of paper copies must be calculated as a total cost per sheet of paper. The fee cannot 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 City must utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

To figure the number of increments, take the number of minutes: 0, divide by 15, and round down. Enter below:

Number of increments: 0
5. Labor Cost
x 0 = \$ 0.00

Number of Sheets: 0
Costs:
x 0 = \$ 0.00
x 0 = \$ 0.00

No. of Items: 0
x 0 = \$ 0.00
x 0 = \$ 0.00
x 0 = \$ 0.00
x 0 = \$ 0.00

6. Total Copy Costs
\$ 0.00

7. Mailing Cost:

The City will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The City *may* charge for the least expensive form of postal delivery confirmation.
- The City *cannot* charge more for expedited shipping or insurance unless specifically requested by the requestor.*

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp
 \$ _____ per pound
 \$ _____ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

* Requestor has requested expedited shipping or insurance

Number of Envelopes or Packages:

Costs:

x	0	=	\$	0.00
x	0	=	\$	0.00
x	0	=	\$	0.00
x	0	=	\$	0.00
x	0	=	\$	0.00
x	0	=	\$	0.00

7. Total Mailing Cost

\$ 0.00

8. Subtotal Fees Before Waivers, Discounts or Deposits:

1. Records on City Website:
2. Labor Cost to Locate:
3. Labor Cost for Copying:
4. Labor Cost for Copying Records on Website:
5. Labor Cost to Redact:
6. Copying/Duplication Cost:
7. Mailing Cost:

No Charge	
\$	27.05
\$	0.00
\$	0.00
\$	0.00
\$	0.00
\$	0.00

8. Subtotal Fees:

8. Subtotal Fees
\$ 27.05

9. Waiver: Public Interest

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 City determines, upon request, that a waiver or reduction of the amount on line 8 above is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

All fees are waived OR All fees are reduced by: _____%

Fee Reduction (Affected by the City's Decision Re: Requested Waiver)

\$ 0.00

<p>10. Discount: <u>Indigence</u></p> <p>A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by an individual who is entitled to information under this act and who:</p> <p>1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR</p> <p>2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.</p> <p>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:</p> <p>(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, OR</p> <p>(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.</p> <p style="text-align: right;"><input type="checkbox"/> Eligible for Indigence Discount</p>		
<p>11. Discount: <u>Nonprofit Organization</u></p> <p>A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:</p> <p>(i) Is made directly on behalf of the organization or its clients.</p> <p>(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.</p> <p>(iii) Is accompanied by documentation of its designation by the state, if requested by the City.</p> <p style="text-align: right;"><input type="checkbox"/> Eligible for Nonprofit Discount</p>		
<p>12. Subtotal: After Discount/Waiver</p>		<p>\$ <u>27.05</u></p>
<p>13. Deposit: Received</p> <p>The City may require a good-faith deposit <u>before providing the public records to the requestor</u> if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. (<i>Percent of Deposit: 50%</i>)</p>	<p>Date paid:</p> <p>_____</p>	<p>\$ <u>0.00</u></p>

<p>14. Late Response <u>Labor Costs</u> Reduction</p> <p>If the City does not respond to a written request in a timely manner as required under MCL 15.235(2), the City must do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted by 5% for each day the City exceeds the time permitted for a response to the request, with a maximum 50% reduction.</p>	<p>Number of Days Over Required Response Time:</p> <p style="text-align: center;">0</p>	<p>Total Labor Costs</p> <p>\$ 0.00</p>
	<p>Multiply by 5%</p> <p>= Total Percent Reduction:</p> <p style="text-align: center;">0.00</p>	<p>Minus Reduction</p> <p>\$ 0.00</p> <p>= Reduced Total Labor Costs</p> <p>\$ 0.00</p>
<p>15. Total Cost:</p>		<p>Total Cost:</p> <p>\$ 27.05</p>
<p>16. Balance Due After Deposit</p>	<p>Date Balance Paid:</p>	<p>Balance Due After Deposit:</p> <p>\$ 27.05</p>
<p>The Public Summary of the City's FOIA Procedures and Guidelines is available free of charge from: Website: www.cityofwarren.org Email: _____ Phone: _____ Address: _____</p> <p>Request Will Be Processed, But <u>Balance Must Be Paid Before</u> Copies May Be Picked Up, Delivered or Mailed</p>		

Ex. D

Delie, Steve

From: Skorup, Jarrett
Sent: Wednesday, February 10, 2021 1:11 PM
To: Delie, Steve
Subject: Warren 4

From: Sharon Dacoff <sdacoff@cityofwarren.org>
Sent: Thursday, February 4, 2021 1:55 PM
To: Skorup, Jarrett
Subject: Re: FOIA RESPONSE

Mr. Skorup:

The names are exempt from disclosure.
Thank you.

SHARON DACOFF
PARALEGAL ADMINISTRATIVE CLERK
CITY ATTORNEY'S OFFICE
ONE CITY SQUARE, SUITE 400
WARREN, MI 48093
(586) 574-4674 (phone)
(586) 574-4530 (fax)
EMAIL: SDACOFF@CITYOFWARREN.ORG

The material contained in this message and the attached documents contain information which is privileged, confidential and exempt from disclosure under the law. These materials are not to be duplicated, reproduced, distributed or disseminated in any fashion and/or by any means whatsoever. If you are not the intended recipient, employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any viewing, examination, distribution or copying in any fashion or manner of this information is strictly prohibited. If you have received this communication in error, please notify Warren City Attorney's Office by telephone at (586) 574-4671.

From: Skorup, Jarrett <Skorup@mackinac.org>
Sent: Wednesday, February 3, 2021 9:37 AM
To: Sharon Dacoff <sdacoff@cityofwarren.org>
Subject: Re: FOIA RESPONSE

Thanks for the excel, Sharon. But it still does not have the names of the workers.

From: Sharon Dacoff <sdacoff@cityofwarren.org>
Sent: Wednesday, February 3, 2021 8:58:50 AM

Ex. D

Ex. D

To: Skorup, Jarrett
Subject: Re: FOIA RESPONSE

SHARON DACOFF
PARALEGAL ADMINISTRATIVE CLERK
CITY ATTORNEY'S OFFICE
ONE CITY SQUARE, SUITE 400
WARREN, MI 48093
(586) 574-4674 (phone)
(586) 574-4530 (fax)
EMAIL: SDACOFF@CITYOFWARREN.ORG

The material contained in this message and the attached documents contain information which is privileged, confidential and exempt from disclosure under the law. These materials are not to be duplicated, reproduced, distributed or disseminated in any fashion and/or by any means whatsoever. If you are not the intended recipient, employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any viewing, examination, distribution or copying in any fashion or manner of this information is strictly prohibited. If you have received this communication in error, please notify Warren City Attorney's Office by telephone at (586) 574-4671.

From: Skorup, Jarrett <Skorup@mackinac.org>
Sent: Wednesday, February 3, 2021 8:45 AM
To: Sharon Dacoff <sdacoff@cityofwarren.org>
Subject: Re: FOIA RESPONSE

Yes, I figured that. But, I got a pdf and not the excel file.

On Feb 3, 2021 8:42 AM, Sharon Dacoff <sdacoff@cityofwarren.org> wrote:
Mr. Skorup:

The columns with the # signs just need to be expanded.

SHARON DACOFF
PARALEGAL ADMINISTRATIVE CLERK
CITY ATTORNEY'S OFFICE
ONE CITY SQUARE, SUITE 400
WARREN, MI 48093
(586) 574-4674 (phone)
(586) 574-4530 (fax)
EMAIL: SDACOFF@CITYOFWARREN.ORG

The material contained in this message and the attached documents contain information which is privileged, confidential and exempt from disclosure under the law. These materials are not to be duplicated, reproduced, distributed or disseminated in any fashion and/or by any means whatsoever. If you are not the intended recipient, employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any viewing, examination, distribution or copying in any fashion or manner of this information is strictly prohibited. If you have received this communication in error, please notify Warren City Attorney's Office by telephone at (586) 574-4671.

Ex. D

Ex.D

From: Skorup, Jarrett <Skorup@mackinac.org>
Sent: Tuesday, February 2, 2021 8:27 PM
To: Sharon Dacoff <sdacoff@cityofwarren.org>
Subject: Re: FOIA RESPONSE

Sharon, we need the names in order to make a comparison and see what people are making. Also, several salaries are just listed as "#####."

Jarrett Skorup

Mackinac Center

From: Sharon Dacoff <sdacoff@cityofwarren.org>
Sent: Tuesday, February 2, 2021 4:10:14 PM
To: Skorup, Jarrett
Subject: FOIA RESPONSE

Mr. Skorup:

We are in receipt of your payment in the amount of \$27.05. Please see your requested information attached.

Thank you.

SHARON DACOFF
PARALEGAL ADMINISTRATIVE CLERK
CITY ATTORNEY'S OFFICE
ONE CITY SQUARE, SUITE 400
WARREN, MI 48093
(586) 574-4674 (phone)
(586) 574-4530 (fax)
EMAIL: SDACOFF@CITYOFWARREN.ORG

The material contained in this message and the attached documents contain information which is privileged, confidential and exempt from disclosure under the law. These materials are not to be duplicated, reproduced, distributed or disseminated in any fashion and/or by any means whatsoever. If you are not the intended recipient, employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any viewing, examination, distribution or copying in any fashion or manner of this information is strictly prohibited. If you have received this communication in error, please notify Warren City Attorney's Office by telephone at (586) 574-4671.

Ex.D