



City Clerk

CITY OF ANN ARBOR, MICHIGAN

301 E. Huron Street, P.O. Box 8647, Ann Arbor, Michigan 48107-8647

Phone (734)794-6140 Fax (734)994-8296

www.a2gov.org

June 13, 2019

Luis Vazquez
1442 Pontiac Trail
Ann Arbor, MI 48105
Via Email: ergoelvis@yahoo.com

Subject: Freedom of Information Act Request received April 18, 2019
1980 Vazquez

Dear Mr. Vazquez:

I am responding to your attached request under the Michigan Freedom of Information Act received April 18, 2019.

Your requests as to communications received by City of Ann Arbor staff and/or council members from Thomas Wieder, communications exchanged between Patricia Lesko and any City Council member, and as to communications received by any employee of the Ann Arbor City Attorney's office and/or council members from Tom Stulberg cannot be provided pursuant to a preliminary injunction issued by the Washtenaw County Circuit. Until further ordered by the Court, the City cannot produce these records. The injunction and the associated complaint are attached.

Your remaining request as to copies of all text messages, email messages, and messages sent via social media direct messaging exchanged between any of the following: Anne Bannister, Jeff Hayner, Jack Eaton, Kathy Griswold, and Elizabeth Nelson is granted in part and denied in part. It is denied as to text messages and messages sent via social media direct messaging to the extent that no such records exist. It is further denied to the extent that the following redactions or omissions from email messages have occurred:

Personal email addresses, physical addresses, phone numbers, and other personal details pursuant to MCL 15.243(1)(a): Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy

Drafts and other personal communication that is subject to MCL 15.243(1)(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.

Material that is subject to the attorney-client privilege pursuant to MCL 15.243(1)(g).

Additionally, some portion of the responsive records to this part of your request that would otherwise be provided would "disclose to the public the substance of, or produce pursuant to the Request, any documents which would be covered by the language of Parts 1, 2, and 3 of the Request" in violation of the injunction. Therefore, those portions of the City's response have been redacted.

Currently, records that may be responsive to this portion of your request, to the extent there are any, and are in the sole possession of three of the listed councilmembers, are not provided.

The required fee does not reflect any labor for the gathering or redaction of records that the City is barred from producing pursuant to the injunction, nor does it reflect any labor costs for compliance with the injunction. It only reflects the labor costs of preparing the City's response to your request of communications exchanged between any of the five listed Councilmembers. In the event the Court determines the enjoined records can be produced, there may be an additional fee.

If you receive written notice that all or a portion of your request has been denied, then under Sec. 10 of the Freedom of Information Act (FOIA) and Sec. 16 of the City's FOIA Procedures and Guidelines you may, at your option, either 1) submit to the City Administrator, within 180 days of the date of the response, a written appeal that specifically states the word "appeal" and identifies the reason(s) for reversal of the denial; or 2) commence a civil action in the Washtenaw County Circuit Court to compel the City's disclosure of the record. If, after judicial review, the circuit court determines that the City has not complied with the Act and orders disclosure of all or a portion of a public record, you may be awarded reasonable attorney's fees and damages as specified under the FOIA.

The City's FOIA Procedures and Guidelines and Written Public Summary are available online at www.a2gov.org/FOIA.

If you have any questions concerning this response, please contact me at 734-794-6140.

Sincerely,



Jacqueline Beaudry
City Clerk

FOIA Request - 1980 - Vazquez

1. Copies of all text messages, electronic mail (email), and messages sent via social media direct messaging received by any city of Ann Arbor staff and/or council members, from Thomas Wieder, dated January 1, 2019 to present (including any messages sent to council members' nongovernmental accounts, because these are also subject to Michigan FOIA)

2. Copies of all text messages, email messages, and messages sent via social media direct messaging (including any email messages sent via nongovernmental accounts, because these are also subject to Michigan FOIA) exchanged between Patricia Lesko and any City Council member dated January 1, 2019 to present.

3. Copies of all text messages, email messages, and messages sent via social media direct messaging received by any employee of the Ann Arbor City Attorney's office and/or council members from Tom Stulberg, dated January 1, 2019 to present (including any messages sent via council members' nongovernmental accounts, because these are also subject to Michigan FOIA)

4. Copies of all text messages, email messages, and messages sent via social media direct messaging (including any messages sent on nongovernmental accounts because these are also subject to Michigan FOIA) exchanged between any of the following: Anne Bannister, Jeff Hayner, Jack Eaton, Kathy Griswold, and Elizabeth Nelson dated January 1, 2019 to present.



Detailed Fee Itemization

FOIA 1980 Vazquez

Freedom of Information Act

Ann Arbor City Clerk's Office
 301 E. Huron St., P.O. Box 8647
 Ann Arbor, MI 48107

Tel: (734) 794-6140
 Fax: (734) 994-8296
 cityclerk@a2gov.org

The following fee components are being charged/estimated in compliance with Section 4 of the Michigan Freedom of Information Act (MCL 15.234) and the City's FOIA Procedures and Guidelines. If the City is seeking a deposit prior to providing the public records sought, the total estimated fee is itemized on this form.

If you believe that you have been charged a fee in excess of that permitted by the FOIA or the City's FOIA Procedures and Guidelines, you must submit to the City Administrator, within 45 days of the date of this response, 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 City's Procedures and Guidelines or section 4 of the FOIA. Within 45 days after the appeal determination, you may commence a civil action in Washtenaw County Circuit Court for a fee reduction. The City's FOIA Procedures and Guidelines and Written Public Summary are available on the City's website at www.a2gov.org/FOIA or in person at the City Clerk's Office.

If public records you requested are available on a City internet site, but you still would like the City to send you a printed or electronic copy of the records, the labor and material costs for duplication or publication of those records will be added to the fee for the request in accordance with the City's FOIA Procedures and Guidelines. The fringe benefit multiplier for these costs is permitted to exceed 50% of the hourly wage, reflecting actual costs.

1. Labor Costs	This is the cost of labor directly associated with the necessary searching for, locating, and examining of public records in conjunction with receiving and fulfilling a granted written request. These costs are estimated and charged in 15-minute (.25 hour) increments, rounded down, with a fringe benefit multiplier to account for overhead as permitted under the FOIA. The number to the right of the decimal point in the fringe benefit multiplier indicates the overhead charge as a percent of the hourly wage.				
Search, Location, & Examination of Records					
	Title	Hourly Wage (\$/hr.)	Hours Charged	Fringe Benefit Multiplier	Estimated Actual
	Legal Asst.	\$26.08	1.0/0	1.5	\$39.12 \$0.00
	Deputy Clerk	\$36.22	2.0	1.5	\$108.66
					\$39.12 \$108.66

2. Labor Costs	This is the cost of labor, including necessary review, directly associated with separating and redacting exempt from nonexempt information. These costs are estimated and charged in-15 minute (.25 hour) increments, rounded down, with a fringe benefit multiplier to account for overhead as permitted under the FOIA. The number to the right of the decimal point in the fringe benefit multiplier indicates the overhead charge as a percent of the hourly wage.				
Redaction					
	Title	Hourly Wage (\$/hr.)	Hours Charged	Fringe Benefit Multiplier	Estimated Actual
	Deputy Clerk	\$36.22	6.0/7.0	1.5	\$325.98 \$380.31
	Attorney	\$41.19	.5/.75	1.5	\$30.90 \$46.34
					Total (\$): \$356.88 \$426.65

3. Non-Paper Physical Media	This is the actual and most reasonably economical cost of computer discs, computer tapes, or other digital or similar media.				
	Type of Media	Cost Each	Number	Estimated	Actual
	DVD/CD	\$1			
Total (\$):					

4. Paper Copies	This is the actual and most reasonably economical cost of necessary duplication or publication of paper copies.				
	Type of Paper	Cost	Number of sheets	Estimated	Actual
	8½ x 11 or 8½ x 14	\$.05 per sheet			
Total (\$):					

5. Labor Costs Duplication Copying, and Transferring Records to Non-Paper Physical Media	This is the cost of labor directly associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to other electronic forms as stipulated by the requester. For City employees, these costs are estimated and charged in 15-minute (.25 hour) increments, rounded down, with a fringe benefit multiplier to account for overhead as permitted under the FOIA. The number to the right of the decimal point in the fringe benefit multiplier indicates the overhead charge as a percent of the hourly wage. For duplication or publication that must be done, or is more economically done, off-site, the City charges the requester the actual costs charged to the City for the work.					
	Title	Hourly Wage (\$/hr.)	Hours Charged	Fringe Benefit Multiplier	Estimated	Actual
Total (\$):						

6. Mailing	This is the actual cost of mailing for sending the public records in a reasonably economical and justifiable manner, including costs to ship public records off-site to be copied, if necessary or more economical. The City will not charge for expedited shipping or insurance unless specifically stipulated by the requester. The City will charge for the least expensive form of postal delivery confirmation when mailing public records.				
	Cost			Estimated	Actual
	Postage				
	Delivery Confirmation				
Total (\$):					

SUBTOTAL	Subtotal of fee components (\$)			\$396.00	\$535.31
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Waivers and Reductions	The City waives one hour of the highest-wage City staff time expended in search, examination, review, or the deletion or separation of exempt from nonexempt information. This waiver does not apply to labor for duplication, retrieval of electronic records by IT staff, or review/redaction of video.				
	Reduction			Estimated	Actual
	Waiver of 1 st hour of staff time.			(\$58.07)	(\$58.07)
Waiver of first \$20.00 due to indigency.					
Deposit Paid	Deposit Paid				(\$168.97)
Total reduction (\$):				(\$58.07)	(\$227.04)

Estimated Cost	Subtotal minus reduction(s):			\$337.93	
TOTAL DUE	Actual subtotal minus reductions and deposit paid:				\$308.27