



# CITY OF MARINE CITY

## City Commission Meeting Agenda - **AMENDED**

Guy Community Center, 260 South Parker Street  
Regular Meeting: Thursday, August 3, 2023; 7:00 PM

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- 1. CALL TO ORDER**
- 2. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL:** Mayor Jennifer Vandenbossche; Commissioners Jacob Bryson, Elizabeth Hendrick, Michael Hilferink, William Klaassen, Rita Roehrig, Brian Ross; City Manager Scott Adkins.
- 4. APPROVE AGENDA**
- 5. PUBLIC COMMENT** Anyone is welcome to address the City Commission. Please state name and limit comments to five (5) minutes. This is a time for you to raise issues. The Commission will not respond, but issues will be followed up on as necessary.
- 6. APPROVE MINUTES**
  - a. City Commission Meeting Minutes – July 20, 2023
- 7. CONSENT AGENDA**
  - a. Community Economic & Development Meeting Minutes – June 2023
  - b. Pension Board – Pension Plan Meeting Minutes – April 13, 2023
  - c. Pension Board – Retiree Healthcare Meeting Minutes – April 13, 2023
  - d. Social District Permit Approval – Gord’s Bar
  - e. Social District Permit Approval – Marine City Fish Company
  - f. Social District Permit Approval – Two Rivers Winery
  - g. Social District Permit Approval – Newport Pub
  - h. Social District Permit Approval – Gar’s Lounge
  - i. Social District Permit Approval – Anita’s Place
- 8. ITEMS REMOVED FROM CONSENT AGENDA**
- 9. FINANCIAL BUSINESS**
  - a. Expenditures (including payroll) – \$637,195.84
  - b. Preliminary Financial Statements
- 10. UNFINISHED BUSINESS**
  - a. 300 Broadway Bandstand Rental Application
- 11. NEW BUSINESS**
  - DISCUSSION ITEMS**
  - ACTION ITEMS**
    - a. **FOIA Appeal- Michael Hilferink**

## **12. ADMINISTRATIVE REPORTS**

- a. City Attorney's Report
- b. City Manager's Report
- c. Reports from Department Heads

## **13. COMMISSIONER PRIVILEGE/LIAISON REPORTS**

## **14. CLOSED SESSION**

- a. To discuss Attorney's written legal opinion in accordance with MCL 15.268(h)
- b. To consider the purchase or lease of real property in accordance with MCL 15.268(d)
- c. Periodic Performance Evaluation of City Manager per employee's request in accordance with MCL 15.268(a)

## **15. ADJOURNMENT**

## Clerk

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**From:** Michael Hilferink <[clerk@cityofmarinecity.org](mailto:clerk@cityofmarinecity.org)>  
**Sent:** Monday, July 31, 2023 5:04 PM  
**To:** Clerk  
**Subject:** Re: FOIA Response

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Mr. Bell,

I would like to formally appeal the charges for my FOIA request dated 7/19/23. I do not feel \$76.25 is reasonable for two reasons:

1. The lowest paid employee was not used to fulfil the FOIA request with respect to locating said information, which is required by Michigan law.
2. 107 minutes to locate a simple .MP4 file that was created only days earlier, and reviewed by the chief on the same day I requested the body cam footage, seems very unrealistic, especially considering you, yourself work in the police department and have direct knowledge of where and how these body cam files are saved/located.

I would like this appeal to be heard by the city commission at it's earliest convenience.

Thank you for your time and consideration in this matter.

Mike Hilferink

Sent from Yahoo Mail on Android

On Wed, Jul 26, 2023 at 5:18 PM, Clerk  
<[clerk@cityofmarinecity.org](mailto:clerk@cityofmarinecity.org)> wrote:

Mr. Hilferink,

Attached please find a response to your FOIA request dated 7/19/23. Included as attachments as well are the fee sheet, explaining the fees in detail; as well as a form explaining the redacted exemptions. The fee for this FOIA is \$76.25.

Your paperwork and flash drive can be picked up at City Offices once payment is received.

If you have any questions please contact me.

Thank you,

Jason A. Bell

City Clerk

FOIA Coordinator

City of Marine City

[clerk@cityofmarinecity.org](mailto:clerk@cityofmarinecity.org)

Phone: (810) 765-8846

Fax: (810) 765-4010



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City of Marine City  
 Department of the City Clerk  
 260 S. Parker  
 Marine City, MI 48039  
 (810) 765-8830  
 clerk@cityofmarinecity.org

# FREEDOM OF INFORMATION ACT REQUEST FORM

Application Fee: Based on materials requested  
 \*See fee schedule below  
 (Receipting Code: COPIES)

Requester's Name: <u>MIKE HILFETZLUK</u>		
Requester's Mailing Address:		
City: <u>M.C.</u>	State: <u>MI</u>	Zip Code: <u>48039</u>
Home Phone:		Cell Phone:
Email Address: <del>MIKE.HILFETZLUK@CITYOFMARINECITY.ORG</del>		

**REQUESTED INFORMATION:**

Please clearly describe the information being requested. If additional space is needed, please turn page over and continue the description.

Please note that some information may be available on the City of Marine City Website.  
 Please visit [www.cityofmarinecity.org](http://www.cityofmarinecity.org)

ALL 55 MINUTES OF OFFICER DEKUN'S AND OFFICER KELLY'S BODY CAM VIDEOS AND AUDIO FROM THE NIGHT OF 7/18/23 @ 10:45PM WHEN RESPONDING TO THE COMPLAINT ALLEGED BY AMBER CIZAN. THE ADDRESS THAT THE OFFICERS RESPONDED TO WAS 414 WOODWORTH. THE COMPLAINT WAS ALLEGED AGAINST MYSELF.
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**HOW WOULD YOU LIKE TO RECEIVE YOUR INFORMATION?**

THANK YOU.

Please review the choices below and clearly fill out the section that states how you would like to receive your information:

Check Choice	Choices	Regarding this choice
<input type="checkbox"/>	Just Review Information	You must provide dates and times you are available to meet with the FOIA Coordinator
<input checked="" type="checkbox"/>	Copies Made and Mailed or Picked Up	I understand that if the City of Marine City requires outside sources to produce the requested information additional costs may be charged to me.

	Emailed to me	Please provide email address:  _____
X YES	USB or CD for copying purposes	I will agree to pay the cost of the device as incurred by the City of Marine City.

I have read the above information and completed the form to the best of my ability.

Signature: *[Handwritten Signature]*

Date application made: 7/19/23

Please see below for the City of Marine City charges for F.O.I.A. requests as adopted in the FY 21/22 Fee Schedule.

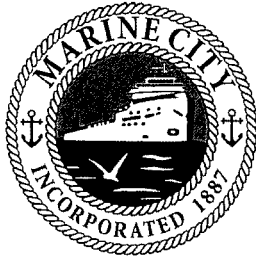
**FREEDOM OF INFORMATION COSTS CITY OF MARINE CITY**

ITEM CHARGED FOR	RATE	# OF ITEMS	TOTAL DUE
Hourly Rate for Employee	*\$		
Benefit Charge for Employee			
Cost of Copies	.10 cents each		
Cost of Non-Paper Media (CDs, flash drives)			
Actual Postage Costs			
Cost to Produce Public Records - paper or electronic form			
<b>TOTAL COST OF REQUEST</b>			

\*Hourly rate charged in fifteen (15) minute increments according to adopted FOIA Policy  
Charges are always rounded down

A good faith deposit of 50% is required for all requests that exceed \$50.00

A 100% deposit is required for anyone who has previously requested a F.O.I.A. and has failed to pick them up in a timely manner (within 30 days of the date the request is due to be completed).



**CITY OF MARINE CITY**  
CLERK'S DEPARTMENT  
260 South Parker St.  
Marine City, Michigan 48039  
(810) 765-8846 • Fax (810) 765-4010

July 26, 2023

Mr. Mike Hilferink

Dear Mr. Hilferink:

This letter is in response to your Freedom of Information Act Request received by the City of Marine City on July 19, 2023.

The cost of providing the requested information is \$76.25, of which is explained in the attached cost sheet. Please remit payment to:

City of Marine City  
260 S. Parker St.  
Marine City, MI 48039

Please note that personal information has been redacted from the requested police video and audio, which is required under Freedom of Information Act laws. An attached letter details the denial of redacted items in detail under the law.

Sincerely,

A handwritten signature in black ink, appearing to read "J. A. Bell".

Jason A. Bell  
City Clerk  
FOIA Coordinator  
City of Marine City

Enclosure

City of Marine City: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

City of Marine City, St. Clair County  
 260 S. Parker Street, Marine City, MI 48039  
 Phone: (810) 765-8830  
 Fax: (810) 765-4010

Detailed Cost Itemization

**Freedom of Information Act Request Detailed Cost Itemization**

Date: 7/26/23 Prepared for Request No.: 24-2023 Date Request Received: 7/19/23

<p>The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the City of Marine City's FOIA Policies and Guidelines.</p>			
<p><b>1. Labor Cost for Copying / Duplication</b></p> <p>This is the cost of labor directly associated with duplication of publication, 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.</p> <p>This shall not be more than the hourly wage of the City of Marine 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.</p> <p>These costs will be estimated and charged in ____-minute time increments as set by the City of Marine City Council (for example: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.</p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____</p> <p>OR</p> <p>Hourly Wage with Fringe Benefit Cost: \$ _____ OR _____</p> <p>Multiply the hourly wage by the percentage multiplier: _____% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.</p> <p>Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)</p>		<p>To figure the number of increments, take the number of minutes: <u>10</u>, divide by <u>15</u> -minute increments, and round down.</p> <p>Enter below:</p> <p>Number of increments</p> <p>x _____ =</p>	<p>1. Labor Cost</p> <p>\$ <u>0</u></p>



**2. Labor Cost to Locate:**

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 of Marine City that are excessive and beyond the normal or usual amount for those services compared to the City of Marine City's usual FOIA requests, because of the nature of the request in this particular instance, specifically: \_\_\_\_\_

The City of Marine 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.

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

Hourly Wage Charged: \$ 32.29

Charge per increment: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

OR

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

Charge per increment: \$ \_\_\_\_\_

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: 107, divide by 15-minute increments, and round down. Enter below:

Number of increments 2. Labor Cost

x 7 = \$ 57.21  
1.75 hours

**3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):**

(Fill this out if using a City of Marine City employee. If contracted, use No. 3b instead).

The City of Marine 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 of Marine City that are excessive and beyond the normal or usual amount for those services compared to the City of Marine 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 of Marine 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 of Marine 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 \_\_\_\_\_-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ 32.29

Charge per increment: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

OR

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

Charge per increment: \$ \_\_\_\_\_

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: 30, divide by 15-minute increments, and round down. Enter below:

Number of increments 3a. Labor Cost

x 2 = \$ 16.15  
1/2 hour

**3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):**

*(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)*

The City of Marine 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 of Marine City that are excessive and beyond the normal or usual amount for those services compared to the City of Marine City's usual FOIA requests, because of the nature of the request in this particular instance, specifically: \_\_\_\_\_

As this City of Marine City does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a contractor (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of \_\_\_\_\_ (currently \$10.10).

Name of contracted person or firm: \_\_\_\_\_

These costs will be estimated and charged in \_\_\_\_\_-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Cost Charged: \$ \_\_\_\_\_ Charge per increment: \$ \_\_\_\_\_

To figure the number of increments, take the number of minutes: \_\_\_\_\_, divide by \_\_\_\_\_-minute increments, and round down to: \_\_\_\_\_ increments. Enter below:

Number of increments x \_\_\_\_\_ = \$ \_\_\_\_\_

3b. Labor Cost \$ \_\_\_\_\_

**4. 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, single and double-sided): \_\_\_\_\_ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): \_\_\_\_\_ cents per sheet

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

- Other paper sizes (single and double-sided): \_\_\_\_\_ cents / dollars per sheet

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

- Circle applicable: Disc / Tape Drive Other Digital Medium Cost per Item: 2.89

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 of Marine City must utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of Sheets: x \_\_\_\_\_ = \$ \_\_\_\_\_

x \_\_\_\_\_ = \$ \_\_\_\_\_

x \_\_\_\_\_ = \$ \_\_\_\_\_

No. of Items: x 1 = \$ 2.89

4. Total Copy Cost \$ 2.89

**5. Mailing Cost:**

The City of Marine 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 of Marine City **may** charge for the least expensive form of postal delivery confirmation.
- The City of Marine 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:

x \_\_\_\_\_ = \$ \_\_\_\_\_  
 x \_\_\_\_\_ = \$ \_\_\_\_\_  
 x \_\_\_\_\_ = \$ \_\_\_\_\_  
 x \_\_\_\_\_ = \$ \_\_\_\_\_  
 x \_\_\_\_\_ = \$ \_\_\_\_\_  
 x \_\_\_\_\_ = \$ \_\_\_\_\_

Costs:

\$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_

**5. Total Mailing Cost**

\$ \_\_\_\_\_

**6a. Copying/Duplicating Cost for Records Already on City of Marine City's 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 non-paper physical digital media, the City of Marine City will provide the public records in the specified format and may charge copying costs to provide those copies.

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, single and double-sided): \_\_\_\_\_ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): \_\_\_\_\_ cents per sheet

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

- Other paper sizes (single and double-sided): \_\_\_\_\_ cents / dollars per sheet

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

- **Circle applicable:** Disc / Tape / Drive / Other Digital Medium Cost per Item: \_\_\_\_\_

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

Number of Sheets:

x \_\_\_\_\_ = \$ \_\_\_\_\_  
 x \_\_\_\_\_ = \$ \_\_\_\_\_  
 x \_\_\_\_\_ = \$ \_\_\_\_\_  
 No. of Items:  
 x \_\_\_\_\_ = \$ \_\_\_\_\_

Costs:

\$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_

**6a. Web Copy Cost**

\$ \_\_\_\_\_

<p><b>6b. Labor Cost for Copying/Duplicating Records Already on City of Marine City's Website:</b></p> <p>This shall not be more than the hourly wage of the City of Marine 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 ____-minute time increments (i.e.: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.</p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____  OR  Hourly Wage with Fringe Benefit Cost: \$ _____ OR  Multiply the hourly wage by the percentage multiplier: _____ %  and add to the hourly wage for a total per hour rate.  The City of Marine City may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down.  Enter below:</p> <p>Number of increments</p> <p>x _____ =</p>	<p>6b. Web Labor Cost</p> <p>\$ _____</p>
<p><b>6c. Mailing Cost for Records Already on City of Marine City's Website:</b></p> <p>Actual Cost of Envelope or Packaging: \$ _____</p> <p>Actual Cost of Postage: \$ _____ per stamp / per pound / per package</p> <p>Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____  *Expedited Shipping or Insurance as Requested: \$ _____</p> <p><input type="checkbox"/> * Requestor has requested expedited shipping or insurance</p>	<p>Number:</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p> <p>x _____ =</p>	<p>Costs:</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>6c. Web Mailing Cost</p> <p>\$ _____</p>
<p><b>Subtotal Fees Before Waivers, Discounts or Deposits:</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>Estimated Time Frame to Provide Records:</p> <p>_____ (days or date)</p> <p>The time frame estimate is nonbinding upon the City of Marine City, but the City is providing the estimate in good faith. Providing an estimated time frame does not relieve the City from any of the other requirements of this act.</p> </div> <p><input type="checkbox"/> Cost estimate  <input checked="" type="checkbox"/> Bill</p>	<p>1. Labor Cost for Copying: \$ _____</p> <p>2. Labor Cost to Locate: \$ _____</p> <p>3a. Labor Cost to Redact: \$ _____</p> <p>3b. Contract Labor Cost to Redact: \$ _____</p> <p>4. Copying/Duplication Cost: \$ _____</p> <p>5. Mailing Cost: \$ _____</p> <p>6a. Copying/Duplication of Records on Website: \$ _____</p> <p>6b. Labor Cost for Copying Records on Website: \$ _____</p> <p>6c. Mailing Costs for Records on Website: \$ _____</p> <p style="text-align: right;">Subtotal Fees: \$ <u>76.25</u></p>	<p>\$ <u>0</u></p> <p>\$ <u>57.21</u></p> <p>\$ <u>16.15</u></p> <p>\$ <u>0</u></p> <p>\$ <u>2.89</u></p> <p>\$ <u>0</u></p> <p>\$ <u>0</u></p> <p>\$ <u>0</u></p> <p>\$ <u>0</u></p>
<p><b>Waiver: Public Interest</b></p> <p>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 of Marine City 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.</p> <p><input type="checkbox"/> All fees are waived OR <input type="checkbox"/> All fees are reduced by: _____ %</p>	<p>Subtotal Fees After Waiver:</p> <p>\$ _____</p>	<p>\$ _____</p>

<p><b>Discount: Indigence</b>  A public record search <b>must</b> be made and a copy of a public record <b>must</b> be furnished <b>without charge</b> for the <b>first \$20.00 of the fee</b> 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, <b>OR</b></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 <b>ANY</b> 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, <b>OR</b></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: center;"><input type="checkbox"/> Eligible for Indigence Discount</p>	<p style="text-align: right;"><b>Subtotal Fees After Discount (subtract \$20):</b></p>	<p style="text-align: right;">\$ _____</p>
<p><b>Discount: Nonprofit Organization</b>  A public record search <b>must</b> be made and a copy of a public record <b>must</b> be furnished <b>without charge</b> for the <b>first \$20.00 of the fee</b> 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 <b>ALL</b> 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 of Marine City.</p> <p style="text-align: center;"><input type="checkbox"/> Eligible for Nonprofit Discount</p>	<p style="text-align: right;"><b>Subtotal Fees After Discount (subtract \$20):</b></p>	<p style="text-align: right;">\$ _____</p>
<p><b>Deposit: Good Faith</b>  The City of Marine City may require a good-faith deposit in either its initial response or a subsequent response 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. The deposit cannot exceed 1/2 of the total estimated fee.</p> <p style="text-align: right;">Percent of Deposit: _____%</p>	<p style="text-align: right;"><b>Date Paid:</b></p> <p>_____</p>	<p style="text-align: right;"><b>Deposit Amount Required:</b></p> <p style="text-align: right;">\$ _____</p>

<p><b>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full</b></p> <p>After a City of Marine City has granted and fulfilled a written request from an individual under this act, if the City of Marine City has not been paid in full the total amount of fees for the copies of public records that the City of Marine City made available to the individual as a result of that written request, <b>the City of Marine City may require an increased estimated fee 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:</b></p> <p>(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 City of Marine City's possession.  (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request.  (d) Ninety (90) days have passed since the City of Marine City 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 City of Marine City.  (f) The City of Marine City calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>A City of Marine City can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the City of Marine City, OR  (b) The City of Marine City is subsequently paid in full for the applicable prior written request, OR  (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the City of Marine City.</p>	<p>Date Paid: _____</p>	<p>Percent Deposit Required: _____ %</p> <p>Deposit Required: \$ _____</p>
<p><b>Late Response Labor Costs Reduction</b></p> <p>If the City of Marine City does not respond to a written request in a timely manner as required under MCL 15.235(2), the City of Marine City <b>must</b> do the following:</p> <p>(a) <b>Reduce the charges for labor costs</b> otherwise permitted by 5% for each day the City of Marine City exceeds the time permitted for a response to the request, <b>with a maximum 50% reduction</b>, if EITHER of the following applies:</p> <p>(i) The late response was willful and intentional, OR</p> <p>(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.</p>	<p>Number of Days Over Required Response Time: _____</p> <p>Multiply by 5%</p> <p>= Total Percent Reduction: _____</p>	<p>Total Labor Costs \$ _____</p> <p>Minus Reduction \$ _____</p> <p>= Reduced Total Labor Costs \$ _____</p>
<p>The Public Summary of the City of Marine City's FOIA Procedures and Guidelines is available free of charge from: <b>Website: <a href="http://www.cityofmarinecity.org">www.cityofmarinecity.org</a></b>  <b>Email: <a href="mailto:clerk@cityofmarinecity.org">clerk@cityofmarinecity.org</a> Phone: (810) 765-8830</b>  <b>Address: 260 S. Parker Street, Marine City, MI 48039</b></p> <p style="text-align: center;"><b>Request Will Be Processed,  But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</b></p>	<p>Date Paid: _____</p>	<p>Total Balance Due: \$ _____</p>

**DENIAL OF RECORDS:**

Denial is based on the following provision(s) of the Freedom of Information Act. MCL 15.243, Sec. 13(1). (All that apply are checked)

- (a) Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
  - name(s)                                       telephone number(s)                                       address(es)
  - physical characteristics                                       driver license number(s)                                       date(s) of birth
  - other: 780.313(2)
  
- (b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure 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.
  
- (d) Records or information specifically described and exempted from disclosure by statute:
  - MCL 780.758 William Van Regenmorter Crime Victim's Rights Act
  - MCL 722.625 Child Protection Law (reporting person)
  - MCL 722.627 Child Protection Law
  - MCL 600.2163a Revised Judicature Act of 1961
  - MCL 28.214 C.J.I.S. Policy Council Act (LEIN information)
  - Statute: \_\_\_\_\_
  
- (g) Information or records subject to the attorney-client privilege.
  
- (l) Medical: \_\_\_\_\_
  
- (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.
  
- (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.
  - (v) Disclose operation instructions 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.
  
- (w) Information or records that would disclose the social security number of any individual.
  
- (z) Information that if disclosed could result in an individual becoming a victim of a cyber incident or disclosing cybersecurity plans or practices.
  
- To the best of the department's knowledge, information, and belief, under the information provided by you or by any other description reasonably known to the department, the public records do not exist within the department. Please see additional comments below.
  
- Based on the information you provided, we are unable to locate any records pertaining to the incident you described. Please resubmit a request with additional information. Please see additional comments below.
  
- The report you have requested has not yet been completed and filed. Please resubmit your request in 30 days.

**Additional comments:** Body Worn Camera MCL 780.313(2)