



Board:	City Commission
Agenda	06-22-2026
Date:	
Department:	City Commission
Presenter:	Kim Berry, City Clerk

Staff Report

Agenda Item Title:

Freedom of Information Act (FOIA) Appeal of Excess Fees – Michael O'Connor

Background:

City of Gladstone FOIA Policies and Guidelines Section 9 Appeal of an Excessive FOIA Processing Fee (page 9) also located on City website

The Requestor must appeal to the City Commission and identify how the required fee exceeds the amount permitted by state law and/or the city's FOIA Policy. (MCL

Within 10 business days after receiving the appeal, the City of Gladstone Commission will respond in writing by:

- Waiving the fee
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee
- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the City of Gladstone Commission will respond to the written appeal. The City of Gladstone Commission shall not issue more than 1 notice of extension for a particular written appeal.

Fiscal Effect:

\$114.47 Total FOIA Fee

Refund \$7.08 for not rounding down the partial time increment

Supporting Documentation:

- Appeal dated 06-02-2026

- FOIA Request 2026-06 City Response
- City of Gladstone FOIA Policies and Guidelines Re: Section 4 Fee Deposits, Section 5 Calculation of Fees, Section 6 Waiver of Fees, Section 7 Discounted Fees and Section 9 Appeal of Excessive Fee
- State of Michigan FOIA law

Recommendation:

The first part of the appeal presented to you does not identify how the required fee exceeds the amount permitted by state law and/or the city's FOIA policy as required by MCL15.240a Section 10a(1)(a). It only states: "the hourly cost of \$47.27 appears to be excessive for the lowest paid employee capable of completing the task." He does not state who he believes is the lowest paid capable employee.

The city clerk is authorized to retrieve emails from city accounts, or the account user could retrieve the emails in this case that would have been the Electric Superintendent who makes more than the City Clerk wage. If the City Clerk or the account user cannot retrieve the emails the city, then must have the IT Tech who charges \$85.00 per hour as there is no one else capable of retrieving the emails.

Regarding the math error in rounding down, the City will refund \$7.08 according to the following:

114 minutes/15 minutes = 7.6 x \$11.81 = \$89.75

114 minutes/15 minutes = 7.0 x \$11.81 = \$82.67

Motion to uphold the Labor, Cost-Search fee hourly rate of \$47.27 as the lowest employee capable of completing the task in the calculation of $\$47.27/4=\11.81 per increment was correct, the City will refund \$7.08 rounding from 7.6 increments to 7.0 increments pursuant to MCL15.234 Sec.4(1)(a). The refund will be in the form of credit as the appellant has four current FOIA requests (identified as 2026-11; 2026-13; 2026-14, and 2026-15) pending with the City; if the credit is not utilized a refund check will be mailed.