



Board:	City Commission
Agenda Date:	07-07-2025
Department:	City Commission
Presenter:	Kim Berry

Staff Report

Agenda Item Title:

Freedom of Information Act (FOIA) Appeal of Excess Fees – Steven & Vicki Viau

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.

Background:

The City Commission must review the fee made by the FOIA Coordinator and make one of the following decisions and respond in writing:

- 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:

FOIA Request 2025-11 is subject to a deposit of 50% of the good faith estimate (Section 4 & 5 of City of Gladstone FOIA Policies & Guidelines) as the request involves:

1. Volume of public records requested for the period of June 1, 2024 to present identified as June 17, 2025: referencing Steven Viau and his five (5) business names identified as Customer Choice Awards, A+ Computer Concept, Spotlight Coaches INC, Spotlight Express INC and Delta Coin Gallery
2. Request involves searching of all employees from all departments and city officials from all city boards
3. Requestor did not submit an affidavit stating indigence (sworn statement) with FOIA request

Supporting Documentation:

- FOIA Request #2025-11 with good faith estimate
- Appeal dated 06-22-2025 received by City Commission on 06-23-2025
- City of Gladstone FOIA Policies and Guidelines 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:

Commission's determination