



CITY OF GLADSTONE, MICHIGAN

CITY HALL, 1100 DELTA AVENUE

GLADSTONE, MI 49837

PHONE: 906-428-2311

FAX: 906-428-3122

www.gladstonemi.gov

June 17, 2025
"Year Round Playground"

VIA ELECTRONIC MAIL: awardsfromus@gmail.com

Steven Viau
817 Delta Avenue
Gladstone, MI. 49837

Re: FOIA Request dated 05/26/2025 Received by Electronic Mail 05/27/2025

Mr. Viau,

The City of Gladstone (the "City") is writing in response to your Freedom of Information Act ("FOIA") request transmitted via electronic mail, dated May 26, 2025, and therefore, pursuant to MCL 15.235(1), deemed received on May 27, 2025 (one business day after the electronic transmission).

Your request for public records under FOIA were identified numerically as requests 1 through 7, a copy of which is attached hereto as Attachment A. Your request for public records is hereby granted in part and denied in part. The City has determined that the total good faith estimate of the cost of processing this request for the granted public records will be \$1,061.35 (see attached Detailed Itemization Sheet). The City will process your request after you have paid a deposit of \$530.67 (which is ½ the total estimated costs), as provided in MCL 15.234(8). The deposit must be received by August 8, 2025, or the request will be considered abandoned by law and the City will no longer be required to fulfill the request. Please be advised that this is a good faith estimate, and you will be responsible for the final actual fees, even if they are higher than the estimate. The City estimates that it will be able to provide the documents to you within 30 business days of receiving the deposit.

- #1 Your request for public records referencing Steven Viau is granted. Your request for "discussions" is denied as the Freedom of Information Act (FOIA) only applies to public records, not discussions.
- #2 This letter shall serve as notice to you that the requested meeting minutes, agendas, and recordings are available on the City of Gladstone's website and may be accessed at the following links:

<https://www.gladstonemi.gov/meetings/recent?page=0>

<https://www.youtube.com/@cityofgladstonecc/streams>



A WPPI Energy community



The City of Gladstone is an equal opportunity employer and provider.

If you request copies of online material in paper or other form, the City will charge you a fee as described on the itemized fee estimate enclosed with this letter. Additionally, your request for notes and transcripts is denied as the City does not maintain public records containing the requested information. FOIA requires that when records are requested that do not exist, the public body must certify that the records do not exist. Please consider this letter as such certification.

#3 Your request for policies and procedures is hereby granted

#4 Your request for press releases, statements and media materials is hereby denied as the City does not maintain public records containing the requested information. FOIA requires that when records are requested that do not exist, the public body must certify that the records do not exist. Please consider this letter as such certification.

#5 The City will interpret your request as being for any public records in the form of complaints, reports or investigations about you, and that portion of your request is hereby granted. The City is not required to determine whether records contain “defamatory or misleading statements” as that would require a legal analysis which is beyond the scope of FOIA.

#6 Your request for social media content is hereby granted for city managed accounts but denied for personal accounts as personal accounts are not public records subject to FOIA.

#7 Your request for legal memoranda or guidance is hereby granted.

Under the FOIA, if a request for a public record is denied for any reason, the public body must provide a written notice of denial and include a full explanation of the requesting person’s right to:

1) submit to the City of Gladstone Commission (by filing with the office of the City of Gladstone Manager) a written appeal that specifically states the word “appeal” and identifies the reason or reasons for reversal of the disclosure denial,

2) seek judicial review in circuit court within 180 days of the denial of the request under Section 10 of the FOIA,

3) receive attorneys’ fees and damages as provided in Section 10 of the FOIA if, after judicial review, the circuit court determines that the public body has not complied with Section 5 of the FOIA and orders disclosure of all or a portion of the public record,

4) receive \$1,000 in punitive damages if the court determines under Section 10 of the FOIA that the public body acted arbitrarily or capriciously by refusal or delay in disclosing or

providing a public record. In addition, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury.

Within ten (10) business days after receiving a request for an appeal, the City of Gladstone Commission shall a) reverse the denial; b) issue a written notice upholding the denial; c) reverse the denial in part and issue a written notice upholding the denial in part; d) issue a notice extending by not more than ten (10) business days the time to decide the appeal. This letter also serves as the written notice of your rights under FOIA.

The City's FOIA Procedures, Guidelines, and Public Written Summary are maintained on its website and may be accessed at:

<https://www.gladstonemi.gov/media/2776>

A copy of this request will be kept on file for no less than one (1) year. Should you have any questions regarding this matter, please feel free to contact me.

Sincerely,



Kimberly Berry
City of Gladstone
FOIA Coordinator

ATTACHMENT A

From: Vicki Viau And Steven Viau <awardsfromus@gmail.com>
Sent: Monday, May 26, 2025 6:50 AM
To: Eric Buckman <ebuckman@gladstonemi.org>
Subject: Freedom of Information Act (FOIA) Request

To:
Eric Buckman, City Manager
City of Gladstone
1100 Delta Avenue
Gladstone, MI 49837

From:
Steven Viau
817 Delta Avenue
Gladstone, MI 49837

Date: May 26, 2025

Pursuant to the **Michigan Freedom of Information Act (MCL 15.231 et seq.)**, I formally request copies of the following records for the period of **June 1, 2024, to the present**:

1. **Emails, correspondence, and internal communications** (including drafts) sent, received, or circulated by City officials, employees, or agents, or by third parties acting on behalf of the City, referencing:

- **Steven Viau**
- Any discussions of alleged misconduct, complaints, or defamatory statements.

2. **Meeting records** (minutes, agendas, notes, transcripts, and recordings) where my name, business, or related incidents were discussed.

3. **Policies and procedures** governing:

- City communications, public statements, and handling of allegations or complaints.
- Conflict of interest management and ethical standards.

4. **Press releases, statements, and media**

materials mentioning or referring to me or my business.

5. **Complaints, reports, or investigations** involving defamatory or misleading statements about me.

6. **Social media content** (including deleted or archived posts) from City-managed accounts or personal accounts of City officials related to me or my business.

7. **Legal memoranda or guidance** prepared by or for the City regarding defamation risks, liability, or public statements about residents.

I request these records in **electronic format**, sent via email to awardsfromus@gmail.com. If some records are only available in hard copy, please notify me in advance, and I will make arrangements for review or pickup.

Fee Waiver Request:

As this request concerns matters of significant public interest, I respectfully request a **waiver of all fees** under MCL 15.234(1). If the waiver is denied, please provide an itemized estimate of any costs before processing the request.

If any portion of this request is denied, please provide a **written explanation of the legal exemption(s)** relied upon and a description of the withheld information, as required by MCL 15.235(5).

I submit this correspondence in the spirit of fairness, transparency, and accountability. I remain willing to engage in a neutral and good-faith dialogue with the City of Gladstone to address these matters constructively. However, I will pursue all available legal remedies if the facts confirm misconduct or harm.

Please confirm receipt of this notice and FOIA request, and provide a timeline for your response under FOIA requirements. I appreciate your cooperation.

Sincerely,

Steven Viau

Sent from my iPhone Steven Viau

CITY OF GLADSTONE
FOIA Fee Itemization Form

Date: 06-17-2025Name: Steven Viau

<u>Component</u>	<u>Cost Calculations</u>	<u>Total</u>
1. Labor Costs – Search, Location, and Examination of Records*	<p>Enter the hourly wage of lowest paid employee capable of performing the search, location and examination Clerk's Office <u>\$45.27</u> per hour IT Tech <u>\$85.00</u> per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost) _____ %</p> <p>Multiply the hourly wage times the fringe benefit multiplier \$ _____ x 1. _____ = \$ _____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs) \$ _____ + _____ = \$ _____</p> <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment <u>\$45.27/ 4 = \$11.32</u> <u>\$85.00/4 = \$21.25</u></p> <p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate 990 minutes/15 min = 66 x \$11.32 = \$747.12 180 minutes/15 min = 12 x \$21.25 = \$255.00</p>	<u>\$1,002.12</u>
2. Employee Labor Costs – Redaction*	<p>If performed by the public body's employee:</p> <p>Enter the hourly wage of lowest paid employee capable of performing the redaction <u>\$45.27</u> per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost) _____ %</p> <p>Multiply the hourly wage times the fringe benefit multiplier \$ _____ x 1. _____ = \$ _____</p>	

	<p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> <p style="text-align: right;">\$ _____ + _____ = \$ _____</p> <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment</p> <p style="text-align: right;">\$45.27/4. _____ = \$11.32 _____</p> <p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p style="text-align: right;">60 minutes/15 minutes = 4 x \$11.32= \$45.28</p>	\$45.28 _____
3. Contracted Labor Costs – Redaction*	<p>If performed by Contracted Labor (Only permitted if the public body does not employ a person capable of redacting the records as determined by the FOIA Coordinator):</p> <p>Name of person or firm contracted:</p> <p>_____</p> <p>Enter the hourly rate charged by the contractor (may not exceed six (6) times the State minimum wage (i.e. \$8.15x6=\$48.90)</p> <p style="text-align: right;">\$ _____ per hour</p> <p>Divide the hourly rate by four (4) to determine the charge per fifteen (15) minute increment</p> <p style="text-align: right;">\$ _____ / 4 = \$ _____</p> <p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p style="text-align: right;">_____ x \$ _____ = \$ _____</p>	\$ _____
4. Non-Paper Physical Media	<p>Actual and most reasonably economical cost of:</p> <p>Flash Drives _____ \$13.95 x 1 number used= \$13.95 _____</p> <p>Computer Discs \$ _____ x number used x _____ = \$ _____</p> <p>Other Media \$ _____ number used _____ = \$ _____</p>	\$13.95 _____
5. Paper Copies - for materials available on City Website	<p>Actual total incremental cost of duplication (not including labor) up to a <u>maximum of 10 cents per page</u>:</p> <p>Letter paper (8 ½" x 11")</p> <p style="text-align: right;">number of sheets _____ x \$0.10 = \$ _____</p> <p>Legal paper (8 ½" x 14")</p> <p style="text-align: right;">number of sheets _____ x \$0.10 = \$ _____</p>	

	<p>Actual cost of other types of paper:</p> <p>Type of Paper: _____ number of sheets _____ x \$ _____ = \$ _____</p> <p>Type of Paper: _____ number of sheets _____ x \$ _____ = \$ _____</p> <p>(NOTE: Must print double-sided if available and costs less.)</p>	<p>\$ _____</p>
<p>6. Labor Cost – Duplication Copying, and transferring records to non-paper physical media</p>	<p>Enter the hourly wage of lowest paid employee capable of performing the duplication, copying, or transferring digital records to non-paper physical media \$ _____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost) _____ %</p> <p>Multiply the hourly wage times the fringe benefit multiplier \$ _____ x 1. _____ = \$ _____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs) \$ _____ + _____ = \$ _____</p> <p>Divide the resulting hourly wage by _____ to determine the charge per _____ () minute increment \$ _____ / 4 = \$ _____</p> <p>(NOTE: May use any time increment for this category)</p> <p>Number of _____ minute increments (partial time increments must be rounded down) multiplied by the permitted rate x \$ _____ = \$ _____</p>	<p>\$ _____</p>
<p>7. Mailing</p>	<p>Actual cost of mailing records in a reasonable and economical manner:</p> <p>Cost of mailing: \$ _____</p> <p>Cost of least expensive form of postal delivery confirmation: \$ _____</p>	<p>\$ _____</p>

	Cost of expedited shipping or insurance only if specifically stipulated by the requestor: \$_____	
	Subtotal	<u>\$1,061.35</u>
Waivers and Reductions	<p>Subtract any Fee Waiver or Reduction: \$20.00 for indigency or nonprofit organization as further described in the Public Body's procedures and guidelines.</p> <p>Any amount determined by the Public Body due to the search and furnishing of the Public Record determined to be in the public interest. \$_____</p> <p>The reduction amount due to the late response of the Public Body. 5% of fee x _____ days late = _____ % reduction (maximum reduction is 50%)</p>	<u>-\$ 0.00</u>
Deposit: __XX__	Subtract any good-faith deposit received: \$_____	<u>-\$ _____</u>
Invoice: _____	Request will be processed upon payment of required deposit: balance must be paid before copies may be picked up, delivered or mailed	Deposit Due <u>\$530.67</u>
Estimate __XX__	Estimated time frame to provide records: <u>30</u> business days	
	The estimated timeframe is nonbinding upon the City; the City is <u>providing the estimate in good faith.</u>	
	Request will be processed upon payment of required deposit: balance must be paid before copies may be picked up, delivered or mailed	Date Paid _____

*Note: Labor costs for search, location, examination and redaction (categories 1 and 2 on the itemization form) may not be charged unless the failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs.

The public summary of the City's FOIA Procedures and Guidelines is available free of charge from:
Website: www.gladstonemi.gov Email: kberry@gladstonemi.gov

Kim Berry, City Clerk
906-428-2311
1100 Delta Avenue, Gladstone, MI. 49837

Request No. 2025-11
Date: 06-17-2025
Name: Steven Viau