



COUNCIL ACTION SUMMARY SHEET

MEETING DATE: April 13, 2026

TOPIC: FOIA Appeal - Komendera

BACKGROUND BRIEF:

On March 19, 2026, the Village received a FOIA request via email from Mr. Komendera. The Village responded with a denial for the following reasons:

1. Pursuant to MCL 15.233(1), a request for public records must include the requester's complete mailing address. The request did not include a mailing address.
2. Pursuant to MCL 15.233(1) and MCL 15.235(5), a request must sufficiently describe the public records sought to enable the public body to locate them. The timeframe provided in the request ("February 1 to present") did not include a year and was therefore ambiguous, preventing the Village from determining the applicable date range for responsive records.

On March 24, 2026, the Village received a FOIA Appeal via email from Mr. Komendera. In his appeal, he stated that he is not required to provide a mailing address because he claims to be indigent. However, he did not inform the Village of his indigent status in the original request, nor did he provide a notarized Affidavit of Indigency. The Village cannot assume that a requester is indigent unless that information is clearly provided.

Mr. Komendera is requesting a waiver of all fees associated with his request. Submission of a notarized Affidavit of Indigency would only waive the first \$20.00 of any applicable processing fees. A Notice of Fee was not issued, as the FOIA request was denied for the reasons stated above.

If a requester believes that a public record has not been disclosed or has been improperly exempted from disclosure, they may file an appeal of the denial with the Village Council.

The Village Council is requested to review the FOIA Appeal. Please see the attached supporting documentation.

RECOMMENDED MOTION:

The Village Council may take one of the following actions:

- To reverse the denial of Mr. Komendera's FOIA request and direct Administration to fulfill the request as originally submitted.
- To uphold the denial of Mr. Komendera's FOIA request on the basis that the request did not comply with the requirements of the Michigan Freedom of Information Act, specifically MCL

15.233(1) and MCL 15.235(5), as it did not include a complete mailing address and failed to sufficiently describe the public records sought due to an ambiguous timeframe.

- Reverse the denial in part and direct that the FOIA request be fulfilled for records maintained by the Village; uphold the denial in part for records not maintained by the Village, including any records maintained by the Downtown Development Authority (DDA), which must be requested directly from that public body.