



Legislation Text

File #: 16-0842, **Version:** 1

Resolution to Disclose Information Regarding Potential Locations for a New Amtrak Train Station
Whereas, The purpose of Michigan's Freedom of Information Act (FOIA) is to ensure that citizens are provided "full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees...so that they may fully participate in the democratic process.";

Whereas, Citizens of Ann Arbor have not yet been provided with full and complete information about the City's alternatives analysis for a possible new rail station and the City's communication about that project with the Federal Rail Administration;

Whereas, The denial to citizens of full and complete information about the alternatives analysis for a possible new rail station is based on Michigan's FOIA Sec. 13(1)(m), which is an exemption that allows a public body to exempt from disclosure "communications and notes within a public body or between public bodies of an advisory nature...";

Whereas, The allowable exemption in Sec. 13(1)(m) is qualified by a limitation to just those communications that "cover other than purely factual materials and are preliminary to a final agency determination of policy or action...";

Whereas, It is honestly debatable whether the information that has been denied to Ann Arbor citizens is qualified under the exemption in Sec. 13(1)(m);

Whereas, The allowable exemption in Sec. 13(1)(m) places the burden on a public body to show "that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.";

Whereas, It is honestly debatable whether the City of Ann Arbor can meet its burden under Sec. 13(1)(m) to demonstrate that the public interest in encouraging internal frank communications clearly outweighs the public interest in disclosure; and

Whereas, Sec. 13(1)(m) of Michigan's FOIA does not require that a public body deny information to a requestor, even if the information may qualify under the exemption;

RESOLVED, That the Ann Arbor Council finds that in this particular instance the public interest in disclosure outweighs any interest that officials and employees of the City of Ann Arbor have in withholding communication between the City, the MDOT and the FRA regarding the City's alternatives analysis for a possible new rail station; and

RESOLVED, That the Ann Arbor City Council directs the City Administrator to disclose the information and communications between the Federal Rail Administration, Michigan Department of Transportation and the City of Ann Arbor regarding the train station and the alternatives analysis for a

possible new rail station that the City withheld pursuant to Sec. 13(1)(m) of the FOIA.

Sponsored by: Council Members Eaton, Lumm and Kailasapathy