



## Legislation Details (With Text)

**File #:** 19-1451      **Version:** 1      **Name:** 8/5/19 - Review of FOIA Fee Process  
**Type:** Resolution      **Status:** Passed  
**File created:** 8/5/2019      **In control:** City Council  
**On agenda:** 8/5/2019      **Final action:** 8/5/2019  
**Enactment date:** 8/5/2019      **Enactment #:** R-19-367  
**Title:** Resolution to Direct the City Administrator to Review the City's Policies on Assessing Fees for Freedom of Information Act (FOIA) and Provide Alternatives and Recommendations to Council that Promote Transparency and the Public Interest

**Sponsors:** Jack Eaton

**Indexes:**

**Code sections:**

**Attachments:**

| Date     | Ver. | Action By    | Action   | Result |
|----------|------|--------------|----------|--------|
| 8/5/2019 | 1    | City Council |          |        |
| 8/5/2019 | 1    | City Council | Amended  | Fail   |
| 8/5/2019 | 1    | City Council | Approved | Pass   |

Resolution to Direct the City Administrator to Review the City's Policies on Assessing Fees for Freedom of Information Act (FOIA) and Provide Alternatives and Recommendations to Council that Promote Transparency and the Public Interest

While the City of Ann Arbor operates in full compliance with the requirements of the Michigan Freedom of Information Act, City Council is concerned that the imposition of fees for requests from City Council, legitimate media outlets, and community members may impose barriers to the City's desire to operate openly and transparently. The City Council also respects that the collection of fees is necessary to address the costs of responding to FOIA requests and serves as an influence to prevent abuse of the FOIA process. City Council is therefore directing the City Administrator, as the City official responsible for the FOIA process, to work with the City Attorney to investigate alternatives and provide recommendations to Council within 90 days.

### Financial Impact

This request has no unbudgeted financial impacts.

Reviewed by: Howard S. Lazarus, City Administrator

Whereas, The City of Ann Arbor operates in full compliance with the requirements of the Michigan Freedom of Information Act (FOIA);

Whereas, The City Council believes the collection of fees as allowed under the Michigan FOIA for the assembly and reproduction of documents is necessary to address the costs of responding to FOIA request and to serve as an influence to prevent abuse of the FOIA process;

Whereas, City Council also believes that in certain sets of limited circumstances the public interest would be better served by waiving fees within established boundaries, specifically in cases where

FOIA requests are generated by City Councilmembers and members of the media from reputable sources; and

Whereas, City Council recognizes that the City Administrator, as the City's Chief Administrative Officer, has responsibility for ensuring City compliance with FOIA and City-established policies and processes;

RESOLVED, That the City Council directs the City Administrator to work with the City Attorney to review the City's current policies for the collection of fees for Public Records, research current and applicable best practices - specifically in the cases of requests from sitting City Council Members and reputable media outlets - and present alternatives and recommendations for revisions to the City's policies for Council consideration within ninety (90) days of Council's adoption of this resolution.

Sponsored by: Councilmember Eaton