

Posted September 12, 2026 on the NextRequest thread for request 26-838 and emailed to the City Clerk's office.

To: City Administrator, City of Southfield

c/o FOIA Coordinator, Office of the City Clerk, 26000 Evergreen Road, Southfield, MI 48076

Date: September 12, 2026

Re: APPEAL of fee for FOIA Request #26-838 (fee notice dated August 28, 2026; received by email September 10, 2026)

This is an appeal under MCL 15.240a(1)(a) and Section 7 of the City's FOIA Procedures and Guidelines. The required fee of \$1,427.85 (deposit \$713.93) exceeds the amount permitted under MCL 15.234 and the City's own guidelines, for the following reasons.

1. The entire fee is duplication labor for records I asked to receive electronically.

The City's itemization charges \$0 for search, \$0 for redaction, \$0 for media, \$0 for paper, and \$1,427.85 for 1,800 minutes (30 hours) of "labor to duplicate/copy/transfer." MCL 15.234(1)(e) permits only labor "directly associated with duplication or publication." My request asked for every record in native electronic format by email. Contracts, purchase orders, council records, and policies already exist as PDFs or spreadsheets. Locating them may take staff time, but that time is search labor under MCL 15.234(1)(a), which the City's itemization lists at zero minutes and which MCL 15.234(3) does not permit the City to charge without a specific finding; it is not duplication. The Flock Safety audit log is exported from the vendor's dashboard as a single CSV file. Attaching existing files to a NextRequest response does not take 30 hours. The City has not explained what duplication activity consumes that time.

2. The rate is not the lowest-paid capable employee.

The itemization uses \$24.86/hr as the lowest-paid employee capable of searching for and examining these records, but \$31.73/hr for the employee who would copy them. MCL 15.234(1)(e) and the City's guidelines ("charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work") do not permit charging a higher wage for copying than for searching. At \$24.86 x 1.5 the same 120 increments would be \$1,118.70, and the hours themselves are contested above.

3. The fee appears to be search or review labor labeled as duplication.

The City's letter states the request was granted in part and denied in part under MCL 15.243(1)(a), (b) (iii), and (d), which requires reviewing and redacting records, yet budgets zero minutes for redaction and zero for examination. The cover letter recites "the extensive nature of the search." If the 30 hours is in fact search, examination, or separation of exempt material, MCL 15.234(3) prohibits charging for it unless the City "specifically identifies the nature of these unreasonably high costs" for this particular request. A general reference to the extensive nature of the search does not meet that standard, and the City's guidelines define unreasonably high as "excessive and beyond the normal or usual amount... compared to the City's usual FOIA requests."

4. The fee is far outside the norm for this request, which bears on whether any cost here is "unreasonably high."

The City's guidelines define unreasonably high costs as "excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests." The same eight-item request was answered in full by the Charter Township of Bloomfield in five business days at no charge. Of 2,306 public-records requests concerning Flock Safety tracked on MuckRock.com nationally, 91.5 percent

carried no fee and 99 percent were under \$823. Of 42 such requests to Michigan agencies, only six carried any fee. When the Grand Rapids Police Department estimated \$1,963.80 for a comparable request in January 2026, the requester narrowed it and the department granted the narrowed request at no charge within a month. The Dearborn Heights Police Department produced its Flock audit and event-log exports in June 2026 at no charge. The City's estimate is an outlier.

5. One item cannot account for the time claimed.

If the City's estimate rests on the audit log (item 5 of my request), note that the Flock system exports audit records only for the trailing 30 days, as the Dearborn Heights Police Department stated in writing in June 2026 and as the Charter Township of Bloomfield's production confirmed. The export is a single CSV file covering one month. It is difficult to see how it could account for 30 hours of labor. Please identify which numbered items the estimate is attributed to.

6. The public-interest waiver was denied without explanation.

My request asked for a fee waiver under MCL 15.234(2) because the records concern the City's use of automated license plate reader surveillance and the resulting findings will be published for the general public at no charge. The itemization shows no reduction and the letter does not address the request. I ask that the Administrator consider it. As a comparison, the Charter Township of Bloomfield fulfilled a materially identical request in full, at no charge, in five business days.

Relief requested. Waive the fee, or reduce it to the actual cost of attaching existing electronic files and exporting the vendor audit log, calculated at the lowest-paid capable employee's wage. In the alternative, provide an itemization broken out by the eight numbered items of my request so that I can narrow it.

I reserve the right to commence an action under MCL 15.240a(1)(b) within 45 days of the Administrator's determination.