

Note added by Michigan Plate Readers. Our appeal of the fee and deposit on request 26-2915 (system exports), sent October 6, 2026 at 1:20 pm by email to the City Council Office for the FOIA Appeals Committee, copying the City Attorney's office. Two PDF attachments are not reproduced here: the Cost Itemization of October 6, 2026 and the records portal's email of the same day. The Cost Itemization and the Records Division's message on the portal that day are published separately. Text as sent. End of note.

To the FOIA Appeals Committee, City of Warren, c/o City Council Office

This is an appeal under MCL 15.240a(1)(a) and Section 8 of the City's FOIA Procedures and Guidelines. I appeal the fee and the deposit required for my request 26-2915 (system exports from the Police Department's Flock Safety account), as set out in the Police Department Records Division's Cost Itemization dated 10/06/26 (the Police Department's Freedom of Information Request Invoice form) and its message on the records portal the same day: a fee of \$75.00 and a deposit of \$37.00. Under MCL 15.240a(8) the fee appealed includes the deposit. I ask the Committee to waive the fee and withdraw the deposit, or, if any locating charge is allowed, to reduce the fee to \$17.00, below the \$50.00 at which a deposit may be required (MCL 15.234(8)).

1. No unreasonably high cost is identified. The whole fee is labor for locating the records: four 15-minute increments on the Cost Itemization's "Locating Costs" row at \$75.00 an hour. Locating is search labor (MCL 15.234(1)(a): "searching for, locating, and examining"). The Act provides that a fee "shall not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14 unless 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" (MCL 15.234(3)). Section 5 of the City's Procedures and Guidelines states the same rule and lists the factors to be used. The Cost Itemization identifies no factor, and the Records Division's message says the fees "were substantiated via the following factors" and lists none after it. Nothing in the response indicates a cost out of the ordinary: the Cost Itemization charges one hour of labor and no redaction or duplication. Without that identification no locating charge may be made, and the fee is \$0.00.

2. The rate. The Act caps each labor component at the hourly wage of the lowest-paid employee capable of the work (MCL 15.234(1)(a), (b), (e)). Where a search charge is allowed, it provides: "The public body shall not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance regardless of whether that person is available or who actually performs the labor" (MCL 15.234(1)(a)). Section 5 of the City's Procedures and Guidelines says: "Labor costs will be 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." The Cost Itemization carries two "Locating Costs" rows, one at \$17.00 an hour and one at \$75.00 an hour, and charges the second without saying whose wage it is. The Act also requires labor to be "itemized in a manner that expresses both the hourly wage and the number of hours charged", and allows up to 50% for fringe benefits only "if it clearly notes the percentage multiplier used to account for benefits in the detailed itemization" (MCL 15.234(2)). The Cost Itemization gives a "Cost per Unit" of \$75.00 and a quantity of 4 increments. It does not say whether \$75.00 is an hourly wage or a wage with a fringe-benefit charge added, and it notes no multiplier. If any locating charge were allowed, one hour at the sheet's \$17.00 row is \$17.00.

3. The deposit. A deposit may be required only "if the entire fee estimate or charge authorized under this section exceeds \$50.00" (MCL 15.234(8)). On either ground above the permitted fee is under

\$50.00, so no deposit may be required. Neither the Cost Itemization nor the portal message gives the date by which the deposit must be received, which MCL 15.234(14) requires a deposit notice to include. This appeal is an appeal of the deposit amount under section 10a, so under MCL 15.234(14) the request is not to be considered abandoned.

4. The waiver. My request asked for a public-interest fee waiver or reduction under MCL 15.234(2), because the records concern the operation and oversight of a public license plate reader program and the findings will be published for the general public at no charge at michiganplatereaders.org. The response does not address it. The Committee may waive the fee (MCL 15.240a(2)(a); Section 8), and I ask it to decide the waiver.

Section 7 of the City's Procedures and Guidelines says the Committee "is not considered to have received a written appeal of either a denial or a fee amount until its first regularly scheduled meeting following the submission of the appeal" (see also MCL 15.240a(3)). Please tell me the date of the meeting at which the Committee will receive this appeal, and, if none is scheduled, I ask that one be called. Under MCL 15.240a(2) and Section 8, the Committee is to respond within 10 business days after receiving it.

Thank you,

Chance Ackley-Smith

[Mailing address, email address and telephone number, as on the request. Left out of this published copy.]

Attachments:

1. The Cost Itemization dated 10/06/26, as received.
2. Email correspondence (generated from NextRequest) received 10/06/26.