

Police Department

Christopher Hurst
Chief of Police



November 29, 2023

Lowell's First Look
P.O. Box 174
Lowell, MI 49331

Attn: Maryalene LaPonsie

RE: FREEDOM OF INFORMATION ACT REQUEST DATED November 16, 2023

Dear Ms. LaPonsie:

This notice is issued in response to your email dated and received on November 16, 2023, requesting information under the Freedom of Information Act (FOIA), MCL 15.231 et seq. You have requested information that you describe as:

As provided for under the Freedom of Information Act, I am requesting copies of all correspondence from 2023 between and among the following parties regarding the mixed-use development at 112 Horatio Street and 805/825 E. Main Street as well as the vacation of Horatio Street:

- *Representatives of CopperRock Construction, including by not limited to Greg Taylor, Ken Dixon, and Roosien & Associates.*
- *City staff and consultants, including but not limited to Mike Burns, Jessica Wood (per Bisio v City of Clarkston) and Andy Moore.*
- *Members of the Lowell Planning Commission, including correspondence sent to Councilmember Marty Chambers in his capacity there.*
- *Members of Lowell City Council*

The city, in order to fulfill your request will need a good faith deposit of \$657.50. Using the hourly wage of the lowest paid department staff person capable of searching for, retrieving, examining and separating exempt, the cost for processing the request is calculated as follows:

1. Email search done by IPC (IT)	5 Hrs x \$175.00/Hr.	\$875.00
2. Email search by Andy Moore	2 Hrs. x \$132.00/Hr.	\$264.00
3. Administration (includes gathering of documents, review and redaction)	8 Hrs. x \$22.00/Hr.	\$176.00

TOTAL ESTIMATE OF COST - \$1,315.00

****This estimate could change once the record search is completed****

Please send the good faith deposit of \$657.50, payable by check to the City of Lowell, 111 N. Monroe, Lowell, MI 49331, or you may pay in person with cash, check or credit card. Once payment is received, we will complete your request. The balance will be adjusted according to the actual time spent processing your FOIA request and will be due at the time the City of Lowell has completed gathering the non-exempt public records responsive to your request. Once the final payment is received, the records will be sent to you.

A copy of the City of Lowell's FOIA Procedures and Guidelines is available on our website at www.lowellmi.gov.

Regarding the request for Jessica Wood's emails, that request is denied under MCL 15.243 (1)(d), records exempted from disclosure due to attorney-client privilege.

We estimate that it will take approximately 30 days to process this request upon receipt of the good faith deposit.

If we do not receive the good faith deposit within 48 days of the date of this letter, we will consider the request abandoned.

NOTICE: You have the right to appeal denial of public records and /or appeal excess FOIA processing fees charged to you. Read the below information on the appeal process. Pursuant to MCL 15.240, because your request was denied in part, the City of Lowell is obligated to inform you that you may do one of the following:

1. Appeal this decision in writing to the City of Lowell. The writing must specifically state the word "appeal" and must identify the reason or reasons for reversal of the denial. The head of the City of Lowell, or his/her designee, must respond to your appeal within 10 days of its receipt. Under unusual circumstances, the time for response to your appeal may be extended by 10 business days.
2. File an action in circuit court to compel the City of Lowell's disclosure of the public records within 180 days after the City of Lowell's final determination to deny the request. If the circuit court, after judicial review, determines that the City of Lowell has not complied with MCL 15.235 and orders disclosure of all or a portion of a public record, the court shall award reasonable attorney's fees, cost and disbursements. Further, if the circuit court determines that the City of Lowell has arbitrarily and capriciously violated the FOIA by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1000.00.

Sincerely,



Christopher Hurst
FOIA Coordinator

CH:ed