

# Southgate City Council Agenda

Wednesday September 16, 2015

6:45pm – **Work Study Session** – Council Chambers

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1. Letter from Administrator; Re: Updates to City's FOIA Policy
2. Letter from Mayor; Re: Waiver of Bid for Fire Rescue
3. Consideration to televise Work Study Sessions
4. Questions regarding agenda items.

7:00 pm – **Regular Meeting** – Council Chambers

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## *Pledge of Allegiance*

**Roll Call:** Colovos, Denman, Farrah, Ganzberger, George, Graziani, Zamecki.

**Minutes:**

1. Work Study Session Minutes dated September 2, 2015.
2. Regular City Council Meeting Minutes dated September 2, 2015.

**Presentations:**

*Proclamation for Constitution Week*

**Persons in the Audience:**

**Consideration of Bids:**

**Officials Reports:**

**Scheduled Hearings:**

**Communications "A" –**

1. Letter from Administrator; Re: Updates to City's FOIA Policy
2. Letter from Mayor; Re: Waiver for Purchase of Fire Rescue
3. Resolution to televise Work Study Sessions

**Communications "B" – (Receive and File)**

**Ordinances:**

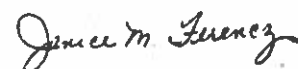
**Old Business:**

**New Business:**

**Persons in the Audience – unscheduled:**

**Claims & Accounts:** Warrant # 1289 - \$14,661,418.73

**Adjournment:**



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Janice M. Ferencz, City Clerk

**PROCLAMATION**

**Constitution Week 2015**

*Whereas*, September 17, 2015 marks the two hundred and twenty-eighth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

*Whereas*, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

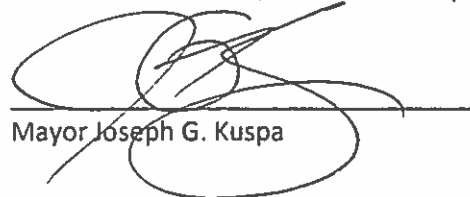
*Whereas*, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

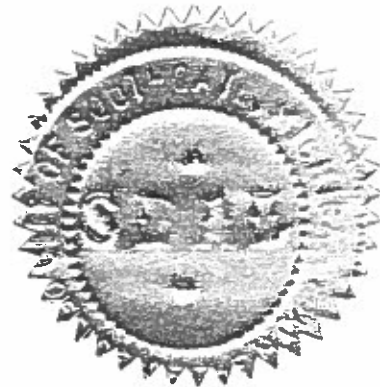
*Whereas*, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week;

NOW, THEREFORE, I, Joseph G. Kuspa, Mayor of the City of Southgate do hereby proclaim September 17 through 23, 2015 to be

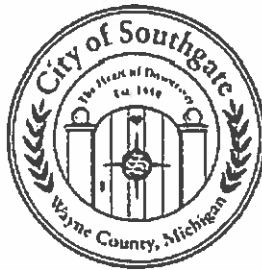
Constitution Week

IN WITNESS WHEREOF, I have hereunto set my hand this Sixteenth day of September, two thousand fifteen, and of the Independence of the United States of America.

  
\_\_\_\_\_  
Mayor Joseph G. Kuspa



JOSEPH G. KUSPA  
*Mayor*  
JANICE M. FERENCZ  
*City Clerk*  
JAMES E. DALLOS  
*Treasurer*



**City of Southgate**  
NORMA J. WURLINGER  
MUNICIPAL BUILDING

- CITY COUNCIL -  
SHERYL D. DENMAN  
*Council President*  
JOHN GRAZIANI  
KAREN E. GEORGE  
PATRICIA C. GANZBERGER  
MARK FARRAH  
BILL COLOVOS  
DALE W. ZAMECKI

**Memorandum**

**To:** Mayor and City Council  
**From:** Bryce Kelley, City Administrator *BK*  
**Date:** September 9, 2015  
**Re:** Resolution to Approve Updates to the City's FOIA Policy and Requirements

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On July 1, 2015 Michigan's amendments to the State's Freedom of Information Act went into effect. These amendments require Southgate and all public bodies regulated by the Act to adopt the change.

Highlights of changes that must be added to the City's policy and regulations are:

- Public bodies can provide records on non-paper physical media, by email, or otherwise electronically provided.
- Prohibits a public body from charging more than \$0.10/sheet for paper copies of public records
- Allows a public body to charge for contractual services required to perform separation and deletion of exempt information from nonexempt information.
- Allows a public body to inform a FOIA requestor that requested information is available on the public body's website, in lieu of providing the public records.
- Allows a public body, under certain circumstances, to require a 100 percent deposit before processing a request from individuals who have not paid the public body for public records acquired pursuant to previous FOIA requests.
- Increases mandatory punitive damages to be awarded to a plaintiff from \$500 to \$1,000, and mandates a new \$1,000 civil fine which a court must award if it finds the public body has arbitrarily and capriciously violated the Act.
- Requires a court to impose an additional civil fine of \$2,500 to \$7,500 if it finds the public body willfully and intentionally failed to comply with the Act or otherwise acted in bad faith.

I look forward to addressing Council's questions and comments.

RESOLUTION TO AMEND THE CITY OF SOUTHGATE FREEDOM  
OF INFORMATION ACT POLICIES AND REGULATIONS

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WHEREAS, the State of Michigan enacted new Freedom of Information regulations in Public Act 563 of 2014, as amended, effective July 1, 2015, and;

WHEREAS, Public Bodies regulated by PA 563 must adopt these regulations in order to continue to charge for the work performed to satisfy a FOIA request, and:

WHEREAS, Michigan governmental entities must establish specific written procedures and guidelines for FOIA requests, and;

WHEREAS, Michigan governmental entities must make these specific written procedures and guidelines assessable to the public in order to charge fees for FOIA requests.

NOW THEREFORE BE IT RESOLVED that the City of Southgate hereby adopts Michigan Public Act 563 of 2015, as amended, and;

BE IT FURTHER RESOLVED that the City of Southgate hereby authorizes its Clerk to make the necessary documents available to the public.

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_

I, \_\_\_\_\_, City Clerk of the City of Southgate, County of Wayne, Michigan, do hereby certify that the foregoing is a true copy of a Resolution adopted by the City Council of the City of Southgate, at a Regular Meeting on \_\_\_\_\_, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Clerk  
City of Southgate  
Wayne County, Michigan

**REQUEST FOR PUBLIC RECORD**  
Michigan Freedom of Information Act (FOIA)

PLEASE PRINT OR TYPE

Control No. \_\_\_\_\_

Name:	Phone:	Fax:
Firm/Organization:	Email:	
Street:		
City:	State:	Zip:

Describe the public record(s) as specifically as possible:

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DELIVERY METHOD:  Pick up  Mail  Email  Fax  Schedule appointment to inspect record(s)

Please check if you would like  the record on digital media  
 certified copy of record(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Requestor's Signature

I am a designated agent for the nonprofit organization making this FOIA request. This request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931. (Must fill out Waiver of Costs)

I am submitting an affidavit and requesting that I receive the discount for indigence. (Must fill out Affidavit of Indigence)

The City of Southgate FOIA procedures & guidelines and its written summary are available at:  
<http://www.southgatemi.org/userfiles/myadmin/FOIA%20Form.pdf>

**TO BE COMPLETED BY CITY STAFF**

Date received: \_\_\_\_\_ Staff Member: \_\_\_\_\_

Received via:  Email  Fax  Other Electronic Method Date Delivered to junk/spam folder: \_\_\_\_\_

Date discovered in junk/spam folder: \_\_\_\_\_



FREEDOM OF INFORMATION ACT REQUEST FOR WAIVER OF COSTS  
NON-PROFIT ORGANIZATIONS

In support of seeking a waiver of the first \$20.00 of the fee for providing records under the Freedom of Information Act, the below signed individual states the following:

1. I am the authorized representative of \_\_\_\_\_, a non-profit organization under the laws of the State of \_\_\_\_\_.
2. The above named organization has been formally designated by the State of Michigan to carry out activities under Subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with mental illness Act, Public Law 99-319, or their successors, and documentation of its designation is attached.
3. This request is being made directly on behalf of the above-named organization or its clients.
4. This request is being made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Michigan Mental Health Code, 1974 Public Act #258; MCL 330.1931.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

## CITY OF SOUTHGATE

### WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES

Consistent with Public Act 563 of 2014 amending the Michigan Freedom of Information Act (FOIA), the following is the written public summary of the City's FOIA Procedures and Guidelines relevant to the general public.

#### 1. How do I submit a FOIA request to the City of Southgate?

1. Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City of Southgate must be submitted in writing.
2. A request must sufficiently describe a public record so as to enable the City to find it.
3. No specific form to submit a written request is required. However a FOIA request form for your use and convenience is available on the City's website at <http://southgatemi.org>.
4. Written requests can be made in person by delivery to any City office in person or by mail.
5. Requests can also be made by facsimile (fax) by calling \_\_\_\_\_ for non-Public Safety records and \_\_\_\_\_ for Public Safety records.
6. A request may also be submitted by e-mail. To ensure a prompt response, e-mail requests should contain the term "FOIA" or "FOIA Request" in the subject line and be sent to [Clerk@ci.southgate.mi.us](mailto:Clerk@ci.southgate.mi.us).

Note: If you are serving a sentence of imprisonment in a local, state or federal correctional facility you are not entitled to submit a request for a public record.

#### 2. What kind of response can I expect to my request?

1. Within 5 business days of receipt of a FOIA request the City will issue a response. If a request is received by facsimile (fax) or e-mail the request is deemed to have been received on the following business day. The City will respond to your request in one of the following ways:
  - a. Grant the request.
  - b. Issue a written notice denying the request.
  - c. Grant the request in part and issue a written notice denying in part the request.
  - d. Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond.
  - e. Issue a written notice indicating that the public record requested is available at no charge on the City's website.
2. If the request is granted, or granted in part, the City will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available.
3. If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the City will require a deposit before processing the request.

#### 3. What are the City's fee deposit requirements?

1. If the City has made a good faith calculation that the total fee for processing the request exceeds \$50.00, the City will require that you provide a deposit in the amount of 50% of the total estimated fee. When the City requests the deposit it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the City of your deposit.



2. If the City receives a request from a person who has not paid the City for copies of public records made in fulfillment of a previously granted written request, the City will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:
  - a. the final fee for the prior written request is not more than 105% of the estimated fee;
  - b. the public records made available contained the information sought in the prior written request and remain in the City's possession;
  - c. the public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
  - d. 90 days have passed since the City notified the individual in writing that the public records were available for pickup or mailing;
  - e. The individual is unable to show proof of prior payment to the City; and
  - f. The City has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
  
3. The City will not require the 100% estimated fee deposit if any of the following apply:
  - a. The person making the request is able to show proof of prior payment in full to the City;
  - b. The City is subsequently paid in full for all applicable prior written requests;
  - c. 365 days have passed since the person made the request for which full payment was not remitted to the City.
  
4. How does the City calculate FOIA processing fees?
  1. A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs.
  2. The Michigan FOIA statute permits the City to assess and collect a fee for six designated processing components. The City may charge for the following costs associated with processing a request:
    - a. Labor costs associated with searching for, locating and examining a requested public record.
    - b. Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
      - i. All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
      - ii. 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.
      - iii. Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
    - c. The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media.

- i. The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
    - ii. This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.
  - d. The cost of duplication or publication, not including labor, of paper copies of public records.
    - i. Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper.
    - ii. Copies for non-standard sized sheets will paper will reflect the actual cost of reproduction.
    - iii. The City may provide records using double-sided printing, if cost-saving and available.
  - e. Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
  - f. The cost to mail or send a public record to a requestor.
    - i. The cost to mail public records will use a reasonably economical and justified means.
    - ii. The City may charge for the least expensive form of postal delivery confirmation.
    - iii. No cost will be made for expedited shipping or insurance unless requested.

**5. How do I qualify for a reduction of the processing fees?**

- 1. The City may waive or reduce the fee associated with a request when City determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.
- 2. The City will waive the first \$20.00 of the processing fee for a request if you submit an affidavit stating that you are:
  - a. Indigent and receiving specific public assistance; or
  - b. If not receiving public assistance, stating facts demonstrating an inability to pay because of indigency.

An affidavit is a sworn statement. For your convenience the City has provided an Affidavit of Indigency form for the waiver of FOIA fees on its website.

- 3. You are not eligible to receive the \$20.00 waiver if you:
  - a. Have previously received discounted copies of public records from the City twice during the calendar year; or
  - b. Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

6. The City will waive the fee for a nonprofit organization which meets all of the following conditions:
  1. The organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act;
  2. The request is made directly on behalf of the organization or its clients;
  3. The request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and
  4. The request is accompanied by documentation of the organization's designation by the State.
  
7. How may I challenge the denial of a public record or an excessive fee?
  1. Appeal of a Denial of a Public Record
    - a. If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may file an appeal of the denial with the Office of the City Administrator.
    - b. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons you are seeking a reversal of the denial.
  2. Within 10 business days of receiving the appeal the City Administrator will respond in writing by:
    - a. Reversing the disclosure denial;
    - b. Upholding the disclosure denial; or
    - c. Reverse the disclosure denial in part and uphold the disclosure denial in part.
  3. Whether or not you submitted an appeal of a denial to the City Administrator, you may file a civil action in Southgate County Circuit Court within 180 days after the City's final determination to deny your request. Should you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements.
  4. If the court determines that the City acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1000.00
  
8. Appeal of an Excessive FOIA Processing Fee
  1. If you believe that the fee charged by the City to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the Office of the City Administrator.
  2. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.
  3. Within 10 business days after receiving the appeal, the City Administrator will respond in writing by:
    - a. Waiving the fee;
    - b. Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
    - c. Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
    - d. Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the City Administrator will respond to the written appeal.

4. Within 45 days after receiving notice of the City Administrator's determination of the processing fee appeal, you may commence a civil action in Southgate County Circuit Court for a fee reduction.
  - a. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements.
  - b. If the court determines that the City acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.00.

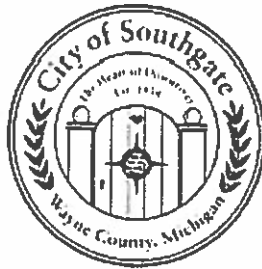
**Need more details or information?**

This is only a summary of the City of Southgate's FOIA Procedures and Guidelines. For more details and information, copies of the City of Southgate's FOIA Procedures and Guidelines are available at no charge at any City office and on the City's website; <http://southgatemi.org>.

JOSEPH G. KUSPA  
Mayor

JANICE M. FERENCZ  
City Clerk

JAMES E. DALLOS  
Treasurer



## City of Southgate

NORMA J. WURLINGER  
MUNICIPAL BUILDING

- CITY COUNCIL -

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Council President

JOHN GRAZIANI

KAREN E. GEORGE

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MARK FARRAH

BILL COLOVOS

DALE W. ZAMECKI

September 10, 2015

Honorable City Council Members  
14400 Dix-Toledo Rd.  
Southgate, Michigan 48195

Re: Waiver of Bid Procedure for Purchase of Ford Expedition EL Fire Rescue

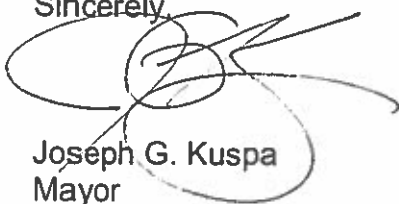
Ladies and Gentleman:

The Administration concurs with the recommendation of Chief Gildner to Waive the Bid Procedure for the Purchase of a Ford Expedition EL and award the purchase to Southgate Ford. The purchase amount is \$32,016.00, we feel this is in the best interest of the City.

Adequate funds are available in the Capital Projects Fund for this purchase.

Your favorable consideration of this bid recommendation is greatly appreciated.

Sincerely,

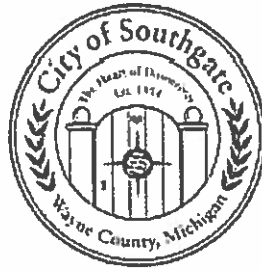


Joseph G. Kuspa  
Mayor

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### MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: David Angileri, Assistant City Administrator/Finance Director 

DATE: September 10, 2015

RE: Recommendation for (1) Ford Expedition EL Fire Rescue

I have reviewed the above with the Fire Chief, for the Expedition EL for Fire Rescue vehicle and concur with his recommendation to award this purchase to Southgate Ford, Southgate, Michigan, in the amount of \$32,016.00.

Adequate funds are available in the Capital Projects Fund for this purchase.

# Southgate Fire Department

14730 Reaume Parkway  
Southgate, Michigan 48195  
(734) 258-3080 / FAX (734) 246-1352

Douglas A. Gildner, Fire Chief  
(734) 258-3070  
dgildner@ci.southgate.mi.us



September 10, 2015

To: Honorable Mayor Joseph Kuspa

From: Doug Gildner, Fire Chief

Re: Request for Bid waiver and purchase approval

Dear Mayor,

I am writing to request a Waiver of Bid and the purchase of a new fire rescue vehicle.

I have looked into all possible options for the replacement of our current rescue and have found that we once again purchase a Ford Expedition EL. Director Coombs was able to secure a state bid price from Southgate Ford in the amount of \$32,016.00.

I am in agreement with Public Safety Coomb's recommendation that the purchase of a Ford Expedition EL Rescue vehicle be awarded to Southgate Ford, 16501 Fort St. Southgate Michigan in the amount of \$32,016.00. I am respectfully requesting that this item be placed on the City Council's agenda for the meeting on September 16th, 2015.

Sincerely,

A handwritten signature in cursive script that reads 'Douglas A. Gildner'.

Douglas A. Gildner

Order No: 0001 Priority: J5 Ord FIN: QC688 Order Type: 5B Price Level: 620  
Ord Code: 102A Cust/Flt Name: CITY OF SGTE PO Number:

2016 EXPEDITION

RETAIL

RETAIL

K1G 4X4 XL EL \$47330  
.131" WHEELBASE  
PQ RACE RED  
C CLOTH BUCKET  
H EBONY  
102A EQUIP GRP (3495)  
.SSV PACKAGE  
99T .3.5L ECO V6 NC  
446 .6-SPD AUTO O/D NC  
TDR .265/70R17 OWL NC  
425 50 STATE EMISS NC  
536 TRAILER TOW 560  
SP DLR ACCT ADJ  
SP FLT ACCT CR  
FUEL CHARGE

B4A NET INV FLT OPT NC  
PRICED DORA NC  
DEST AND DELIV 1195  
TOTAL BASE AND OPTIONS 45590  
TOTAL 45590  
\*THIS IS NOT AN INVOICE\*

F1=Help F2=Return to Order F3/F12=Veh Ord Menu  
F4=Submit F5=Add to Library  
S099 - PRESS F4 TO SUBMIT

QC02761

THE ABOVE INFORMATION REFLECTS

2015 STATE Bid # 3905-0015A \$ 27,007

ADJUSTMENTS FOR City of Southeast

Expedition EL vs Regular Length + 3275

TRAILER TOW PKG + 560

DEALER INSTALLED RUNNING BOARDS + 549

2016 Price Increase + 625

By Don Davis (Fleet Specialist) Your Price = \$ 32,016 ... page 16