

Freedom of Information Act Appeal
Mayor Rosalynn Bliss
City Commission's Committee on FOIA Appeals
mayor@grcity.us
Cc: cityclerk@grcity.us

Mayor Bliss:

This is an appeal under Michigan's Freedom of Information Act. My request was assigned identification number PR-2023-536. On 10/2/2023, I received a response via email from the FOIA Coordinator in the City Attorney's Office stating my request was denied because the records were available from the City Assessor's Office. Upon contacting the Assessor's Office, I was informed the fee was \$650 per a City Commission-approved fee schedule. I am appealing the denial/fee as it exceeds the limits of Michigan's FOIA law.

The records requested were an electronic copy (.csv/Excel) of the current Real Property Tax Roll. I've spoken with both a former employee who worked in the GR Assessor's Office as well as a friend who is an Assessor for another city in Michigan and both have stated that this information takes a few clicks of a button and is automated.

Per [MCL 15.234 Section 4](#):

(1) A public body may charge a fee for a public record search, for the necessary copying of a public record for inspection, or for providing a copy of a public record if it has established, makes publicly available, and follows procedures and guidelines to implement this section as described in subsection (4). Subject to subsections (2), (3), (4), (5), and (9), the fee must be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14. Except as otherwise provided in this act, if the public body estimates or charges a fee in accordance with this act, the total fee must not exceed the sum of the following components:

(a) That portion of labor costs directly associated with the necessary searching for, locating, and examining of public records in conjunction with receiving and fulfilling a granted written request. 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. Labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down.

Based on the statement of two people familiar with the software used by the Assessor's Office, the actual retrieval time for this electronic record should be a few minutes. If it's less than 7.5 minutes, then it should be rounded down to \$0.

You likely know the FOIA procedures better than me, but my understanding is that this request will be considered to have been received on 10/10/2023 since it is your next regularly scheduled City Commission meeting.

Then, per [MCL 15.240a Section 10a 2](#):

Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

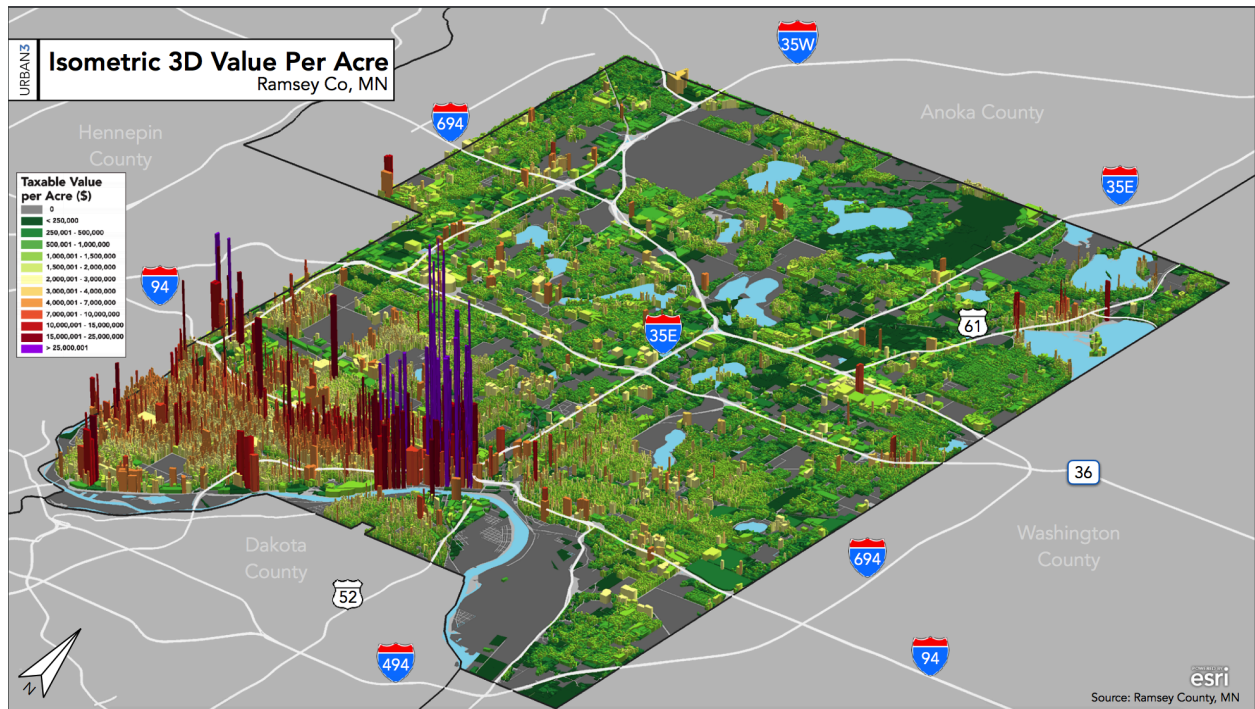
I hope you choose the waive the fee, but if you're considering any of the other options, [MCL 15.234 Sec. 4: 2: 4](#) does allow for another:

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the public body determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

I believe it to be in the public interest for this record to be released as it will benefit the general public.

As you know, the Planning Commission is currently working on proposed text amendments for the zoning code based on their joint meeting with the City Commission. Next week Thursday, they're scheduled to discuss proposed changes regarding small, infill development, and I intend to participate. I'm also actively participating in the new Master Planning process. While the vast majority of public comments seem to offer heartfelt yet emotional arguments, I prefer to make decisions based on data. I believe this information will enrich both meetings and the decisions that come from them. The purpose of my request is to attempt to construct a value-per-acre

map of Grand Rapids similar to one constructed by the geanalytics firm [Urban3 for Ramsey Co, MN](#) (seen below).



My hypothesis is this analysis will confirm what has been found in many other cities: the dense areas of our city contribute far higher revenue per acre for the city and ultimately subsidize our less dense areas. I believe this graphical representation of public records will prove valuable as we discuss allowing denser infill development by right.

This analysis is also the first step in a more involved process outside of my current scope that layers in the estimated city infrastructure costs to service each acre. Then, we can break down which types of properties *contribute* tax dollars and which properties *require subsidies*. In most previous research, the dense multi-family and commercial properties subsidize single-family homes. If this is true for Grand Rapids, then is it fiscally responsible for us to continue making it illegal to build anything other than the most expensive, least efficient, tax-draining types of properties? If we could show that every ADU, duplex, triplex, or quadplex the city built was contributing more than the cost of infrastructure to serve it and ultimately **decreasing the tax burdens of everyone else** by \$x, might that not make for a compelling fact to share and make decisions upon? I think so!



I love the city of Grand Rapids, and I'm very optimistic about our future. But I'm also concerned that we sometimes follow well-intentioned yet logically flawed emotional pleas to do things that aren't in the best interest of our community because we don't have the data to support something that might appear to be counterintuitive. As such, I request that you waive the fee and ask the Assessor's office to provide the requested Real Property Tax Roll.

If you wish to discuss this request, I can be reached at 616.510.3513. Thank you for your consideration of this appeal.

Sincerely,

Nathan Biller
 {{{Address Retracted}}}

Encl: Email containing messages from the City Attorney's Office Denied FOIA Request and the City Assessor's Office Fee Disclosure