AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners
FROM: Diane Lyon, City Clerk
DATE: November 17, 2022
RE: *Communications

For the Agenda of November 21, 2022

***Note: This is a Consent Agenda item and is considered as routine by the City Commission. As such, this matter shall be automatically enacted by one motion with all other Consent Agenda items unless a Commissioner or citizen requests this item be individually discussed, in which event it shall be removed from the Consent Agenda and considered and acted upon in its designated sequence on the approved Clare City Commission agenda of November 21, 2022.**

FOIA Requests & Responses: SmartProcure, BHA Corp., Kaitlyn Powerski, and Madeleine Miehls.

Attachments. As noted above.

Diane Lyon

From: Ken Deloian <kdeloian@smartprocure.com>
Sent: Tuesday, November 8, 2022 9:25 AM
To: Diane Lyon
Subject: SmartProcure FOIA Request to Clare City For PO/Vendor Information
Attachments: DATA SAMPLE.csv

Good morning Ms. Lyon,

SmartProcure is submitting a FOIA request to Clare City for any and all purchasing records from 8/8/2022 to current. The request is limited to readily available records without physically copying, scanning, or printing paper documents. Any editable electronic document is acceptable.

Please do advise as to cost, if any, prior to any changes being incurred by your Agency.

As means of an example, please see the attached file we have received before from your Agency.

The specific information requested from your record-keeping system is:

1. Purchase order number. If purchase orders are not used a comparable substitute is acceptable, i.e., invoice, encumbrance, or check number
2. Purchase date
3. Line item details (Detailed description of the purchase)
4. Line item quantity
5. Line item price
6. Vendor ID number, name, address, contact person, and email address

As an added security and privacy measure, there will be a unique upload link for any new requests moving forward, including this one. We appreciate your assistance with this request. You may also attach the information to this email.

https://upload.smartprocure.com/?id=c2RqPWEyYjZRMDAwMDAzQmZ2ZlFBQyZzdD1NSSZvcmc9Q2xhcmVDaXR5

If this request was misrouted, please forward it to the correct contact person and reply to this communication with the appropriate contact information.

If you have any questions, please feel free to respond to this email, or I can be reached at the phone number below in my signature.

Best Regards,
Ken Deloian
Data Acquisition Specialist
SmartProcure
Direct: 561-609-6943

Email: kdeloian@smartprocure.com

Where the north begins at the crossroads of Rt 10 and 127.

Clearly Clare MICHIGAN

202 West Fifth Street, Clare, Michigan 48617
www.cityofclare.org
phone: (989) 386-7541 fax: (989) 386-4508

November 14, 2022

Ken Deloian
Data Acquisition Specialist
SmartProcure
100 S. Military Trl., Ste 13 #4968
Deerfield Beach FL 33442-9991

561-609-6943
kdeloian@smartprocure.com

RE: **Freedom of Information Act ("FOIA") Request Response**

Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), dated November 8, 2021, and received November 9, 2022 for the following records is acknowledged and your request is hereby **Granted** for the following information: any and all purchasing records from 8/08/2022 through current 11/14/2022.

The City of Clare's FOIA Procedures and Guidelines and Summary are available for review on our website at www.cityofclare.org.

If your FOIA request has been denied in whole or in part, you may do one of the following at your option:

(1) Commence an action in the circuit court to compel disclosure of the public records or information within 180 days after the governmental unit's final determination to deny your request. If the circuit court orders disclosure of all or a portion of the public record or information, you have the right to receive reasonable attorney's fees, costs, and disbursements. If the circuit court determines that the governmental unit arbitrarily and capriciously denied your request, you also have the right to receive punitive damages in the amount of $500.00. Please see MCL 12.231 *et seq.* for further information on the Freedom of Information Act.
(2) Submit to the City Manager a written appeal that specifically states the word **"appeal"** and identifies the reason(s) for reversal of the denial. Your appeal should be sent to City of Clare – City Manager, 202 West Fifth Street, Clare, MI 48617-1490.

A copy of this request will be kept on file for no less than one (1) year.

Diane Lyon, City Clerk

Diane Lyon

From: Marika Tammaru <MTammaru@bridgehouseadvisors.com>
Sent: Thursday, November 10, 2022 5:25 PM
To: FOIA
Subject: FOIA Request

Hello,

I am requesting records regarding the property located at 4915 E Colonville Rd , Clare, MI. Specifically, I am looking for records regarding the storage and/or release of hazardous substances or petroleum products, including any incidents involving water or land contamination, and any permits, occupancy records, registrations, inspection reports, and/or notices of violation. Thank you!

Best,

Marika Tammaru
Environmental Analyst
Portland, Oregon
P +1 971.394.3054
MTammaru@BHACorp.com

DISCLAIMER: This communication, along with any documents, files or attachments, is intended only for the use of the addressee and may contain legally privileged and confidential information. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy the original communication and its attachments without reading, printing or saving in any manner. This communication does not form any contractual obligation on behalf of the sender or Bridge House Advisors Corp.

Diane Lyon

From: Sarah Schumacher
Sent: Thursday, November 10, 2022 5:34 PM
To: 'Marika Tammaru'
Cc: Diane Lyon; Jeremy Howard; Jennifer Kinberg
Subject: RE: FOIA Request

Good Afternoon Marika,

The property indicated in your request is located in Grant Township, Clare County. You will want to direct your request to the Grant Township Clerk, Tammy Teall – the general contact email for Grant Township is ***contact@grant-township.org***

Sarah Schumacher
Deputy Clerk
City of Clare
989-386-7541 ext 101
www.cityofclare.org

From: Marika Tammaru <MTammaru@bridgehouseadvisors.com>
Sent: Thursday, November 10, 2022 5:25 PM
To: FOIA <FOIA@cityofclare.org>
Subject: FOIA Request

Hello,

I am requesting records regarding the property located at 4915 E Colonville Rd , Clare, MI. Specifically, I am looking for records regarding the storage and/or release of hazardous substances or petroleum products, including any incidents involving water or land contamination, and any permits, occupancy records, registrations, inspection reports, and/or notices of violation. Thank you!

Best,

Marika Tammaru
Environmental Analyst
Portland, Oregon
P +1 971.394.3054
MTammaru@BHACorp.com

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any manner. This communication does not form any contractual obligation on behalf of the sender or Bridge House Advisors Corp.

Diane Lyon

From: Kaitlyn Powerski <powerskikait1@gmail.com>
Sent: Friday, November 11, 2022 1:03 PM
To: clerk@isabellacounty.org; crecker72@icloud.com; denvertownshipclerk@gmail.com; nottawatwpclerk@hotmail.com; franbash@yahoo.com; ml3153@dreamt.biz; rollandtownshipclerk4204@aol.com; Elections; clerk@greenwoodtownship.org; reddingclerk@gmail.com; lexcooper14@gmail.com; clerk@hamiltontwp.us; sheridantwpclerk@yahoo.com; info@freemantwp.org; clerk@cityofharrison-mi.gov; hallsummerfield@gmail.com; frostclerk@gmail.com; hattonclerk@yahoo.com; gbradbury@surreytownship.com; clerk@garfieldtownship.net; hayestownshipclerk@gmail.com; winterfield.twnshp@gmail.com
Subject: Freedom of Information Act - Request for Records- Isabella County

Good Morning Sir/Madam -- Clerks listed in above distribution:

This letter is to request documents from your agency pursuant to the Michigan Freedom of Information Act (FOIA), Public Act of 1976, Number 442, MCL §15.231, et seq. I hereby make the following requests:

1.) I request a copy of the precinct's tabulator tapes containing the final vote tally / summary of each vote tabulation machine from the November 8, 2022 election.

As provided in FOIA, I expect to receive a reply to each of the above requests within five (5) working days. As required by MCL §15.235(2), each response must either grant the request, deny the request, grant the request in part and deny in part, or issue a notice extending the response period for not more than 10 business days. A written notice denying a request, in whole or in part, shall include:

(a) An explanation of the basis under FOIA or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request.

(b) A certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the public body, if that is the reason for denying the request or a portion of the request.

(c) A description of a public record or information on a public record that is separated or deleted under MCL §15.244 if a separation or deletion is made.

(d) A full explanation of the requesting person's right to do either of the following:

(i) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial.

(ii) Seek judicial review of the denial under MCL §15.240.

(e) Notice of the right to receive attorneys' fees and damages as provided in MCL §15.240 if, after judicial review, the court determines that the public body has not complied with MCL §15.225 and orders disclosure of all or a portion of a public record.

Please provide all documentation electronically.

Thank you for your consideration in this matter.

Sincerely,

Kaitlyn Powerski

2684 Rhodes Dr.
Troy, MI 48083
powerskikait1@gmail.com

Where the north begins at the crossroads of Rt 10 and 127.

Clearly Clare MICHIGAN

202 West Fifth Street, Clare, Michigan 48617
www.cityofclare.org
phone: (989) 386-7541 fax: (989) 386-4508

November 14, 2022

Ms. Kaitlyn Powerski
2684 Rhodes Dr.
Troy, MI 48083

P: Not provided
E: powerskikait1@gmail.com

RE: **Freedom of Information Act ("FOIA") Request Response**

Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), dated November 11, 2022, and received by the FOIA Coordinator on November 14, 2022 via email for the following records is acknowledged: **a copy of the precinct's tabulator tapes containing the final vote tally / summary of each vote tabulation machine from the November 8, 2022 election.**

Your request for information is hereby **Granted.**

The City of Clare's FOIA Procedures and Guidelines and Summary are available for review on our website at www.cityofclare.org.

If your FOIA request has been denied in whole or in part, you may do one of the following at your option:

(1) Commence an action in the circuit court to compel disclosure of the public records or information within 180 days after the governmental unit's final determination to deny your request. If the circuit court orders disclosure of all or a portion of the public record or information, you have the right to receive reasonable attorney's fees, costs, and disbursements. If the circuit court determines that the governmental unit arbitrarily and capriciously denied your request, you also have the right to receive punitive damages in the amount of $500.00. Please see MCL 12.231 *et seq.* for further information on the Freedom of Information Act.

(2) Submit to the City Manager a written appeal that specifically states the word **"appeal"** and identifies the reason(s) for reversal of the denial. Your appeal should be sent to City of Clare – City Manager, 202 West Fifth Street, Clare, MI 48617-1490.

A copy of this request will be kept on file for no less than one (1) year.

Diane M. Lyon

Diane M. Lyon
FOIA Coordinator & City Clerk

Diane Lyon

From: mmiehls@sbcglobal.net
Sent: Friday, November 11, 2022 12:29 PM
To: mottl@clareco.net; arthurtwpclerk@gmail.com; clerk@grant-township.org; clm@lincolntwp.com; Elections; clerk@greenwoodtownship.org; reddingclerk@gmail.com; lexcooper14@gmail.com; clerk@hamiltontwp.us; sheridantwpclerk@yahoo.com; info@freemantwp.org; clerk@cityofharrison-mi.gov; hallsummerfield@gmail.com; frostclerk@gmail.com; hattonclerk@yahoo.com; gbradbury@surreytownship.com; clerk@garfieldtownship.net; hayestownshipclerk@gmail.com; winterfield.twnshp@gmail.com
Subject: CLARE COUNTY FOIA Request Tabulator Totals

11/11/2022
Via e-mail:

To: Clerks listed on the above distribution,

Re: Freedom of Information Act - Request for Records

Dear Sir/Madam

This letter is to request documents from your agency pursuant to the Michigan Freedom of Information Act (FOIA), Public Act of 1976, Number 442, MCL §15.231, et seq. I hereby make the following requests:

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Please provide all documentation electronically.

Thank you for your consideration in this matter. Should you have any questions, please contact me at the phone/email/address below.

Sincerely,

Madeleine Miehls
248-877-1584
1458 Ridgeview Circle
Lake Orion, MI 48362
mmiehls@sbcglobal.net

Where the north begins at the crossroads of Rt 10 and 127.

Clearly Clare MICHIGAN

202 West Fifth Street, Clare, Michigan 48617
www.cityofclare.org
phone: (989) 386-7541 fax: (989) 386-4508

November 14, 2022

Ms. Madeleine Miehls
1458 Ridgeview Circle
Lake Orion, MI 48362

P: 248-877-1584
E: mmiehls@sbcglobal.net

RE: **Freedom of Information Act ("FOIA") Request Response**

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Diane M. Lyon

Diane M. Lyon
FOIA Coordinator & City Clerk