

AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners
FROM: Diane Lyon, City Clerk
DATE: September 12, 2024
RE: *Communications

For the Agenda of September 16, 2024

***Note: This is a Consent Agenda item and is considered 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 this 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 September 16, 2024.**

FOIA Requests & Responses: Aldrich, Smart Procure, and Ray.

Michigan Elections FOIA Guidance: Jonathan Brater, Director of Elections, has provided Guidance regarding Record Retention and Disposal.

Charter Communications Programming Change: Charter has announced changes to their channel line-up.

Consumers Energy Efficiency Rebate Program: Consumers Energy has provided energy efficiency kits and announced qualifying energy-efficiency rebate programs.

Attachments. As noted above.

Jennifer Kinberg

From: FOIA@cityofclare.gov
Sent: Friday, September 6, 2024 5:20 PM
To: FOIA
Subject: New submission from Request for Examination or Copy of Records (FOIA)

Requestor Information

Name

CONNIE ALDRICH

Date of Birth**Street Address**

P.O. BOX 74648

City

PHOENIX

State

AZ

Zip Code

85087

Daytime Phone:**Email**

support@infonetreportservice.com

Request Information

Date/Time of Incident:

09/03/2024

CPD Comp #:

24 523

Type of Incident:

auto incident

Location of Incident:

105 Mary Street

I am requesting the following record(s):

Republic Services vehicle was involved in an incident - other party listed as MMI
Driver of Republic Services vehicle : Wayne Gobeski
Insurance Claim # 24388M358991

I am requesting the above record(s) for:

Copying

Please check this box if you wish to receive a "True Copy" of the requested record(s):

Check Here

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



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

September 9, 2024

Connie Aldrich
PO Box 74648
Phoenix, AZ 85087

support@infonetreportservice.com

RE: 2024-075 **Freedom of Information Act ("FOIA") Request Response**

Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), dated September 6, 2024, and received September 9, 2024 for records is acknowledged and your request is hereby **Granted** for the following information: copy of accident report 24 523 via the Freedom of Information Act (FOIA).

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

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.


Jennifer Kinberg, Deputy City Clerk

The City of Clare is an Equal Opportunity Provider and Employer





GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
BARTON G. PICKELMAN, DIRECTOR

SUSAN CORBIN
DIRECTOR

Facsimile

DATE: September 6, 2024 **TOTAL PAGES (Including Cover):** 2

TO: Name: Records Department
Company: Clare Police Department
Telephone: 9894244075 Fax Number: **9893864508**

FROM: Name: Ronald T. Ray, Jr. Fax Number: **517-284-7775**
Email: rayr2@michigan.gov

MESSAGE: FOIA request regarding records for potential work-related/workplace fatality

Thank you for your help with this case, I appreciate it.
Have a great day—Ron.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
BARTON G. PICKELMAN, DIRECTOR

SUSAN CORBIN
DIRECTOR

September 6, 2024

Chief of Police David Saad
Clare Police Department
207 W Fifth St
Clare, MI 48617

Dear Chief of Police Saad:

The Michigan Occupational Safety & Health Administration (MIOSHA) is investigating a possible work-related death.

We are requesting a copy of the police report(s) you have prepared pertaining to the deceased person listed below. Scene photographs may be requested at a later date. These materials and the information in them will be kept confidential. All identifying information is removed from reports and collected data is kept confidential.

<u>Name of Deceased</u>	<u>Date of Incident</u>	<u>Incident Type</u>	<u>Incident Location</u>
Zachary Salminen	Oct 20, 2021	Homicide	9539 S Harrison Ave Grant Twp, MI 48622

Please send the documents to:

Ronald T. Ray, Jr.
Director, MIOSHA Technical Services Division
Department of Licensing and Regulatory Affairs (LARA)
530 W. Allegan Street, Lansing, MI 48933
P.O. Box 30643, Lansing, MI 48909
email: rayr2@michigan.gov, FAX: 517-284-7775

If you should have any questions, or if you need additional information regarding this request, please contact program assistant Veronica Martin at 517-432-0943.

Also, as a state government functionary, we routinely do not get charged for public records. However, if there is a charge for your report, please let us know before you send the report.

Thank you for your cooperation and assistance.

Sincerely,

Barton G. Pickelman
MIOSHA Director

FACE

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



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

September 10, 2024

Ronald T. Ray, Jr.
Director, MIOSHA Technical Services Division
Department of Licensing and Regulatory Affairs (LARA)
530 W. Allegan Street, Lansing, MI 48933
PO Box 30643, Lansing MI 48909

Email: rayr2@michigan.gov
Fax: 517-284-7775

RE: 2024-076 **Freedom of Information Act ("FOIA") Request Response**

Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), dated September 6, 2024, and received September 9, 2024 for records is acknowledged and your request is hereby **Granted** for the following information: Copy of police report relating to an incident at 9539 S. Harrison Ave, Grant Twp, MI 48622 on October 20, 2021, via the Freedom of Information Act (FOIA).

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

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.


Jennifer Kinberg, Deputy City Clerk

The City of Clare is an Equal Opportunity Provider and Employer



Laurie Jackson

From: Ken Deloian <kdeloian@smartprocure.com>
Sent: Friday, August 30, 2024 9:00 AM
To: FOIA
Cc: kdeloian@smartprocure.com
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 5/28/2024 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 advise as to the cost, if any, before any charges are 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 towards this request. You may also attach the information to this email.

<https://upload.smartprocure.com/?id=c2RqPWEyYlZQMDAwMDAwQnQ1QVlBUyZzdD1NSSZvcmc9Q2xhcmVDaXR5Jm9pZD01NTk0OQ%3D%3D>

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
5000 T-Rex Ave., Suite # 200

Boca Raton, FL 33431





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

September 05, 2024

Ken Deloian
SmartProcure Data Acquisition Specialist
5000 T-Rex Ave, Ste 200
Boca Raton FL 33431

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 August 30, 2024, and received August 30, 2024 for the following records is acknowledged and your request is hereby **Granted** for the following information: Purchasing records from 05/28/24 through current 09/05/24. A Fee Schedule is attached.

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

Laurie Jackson, Assistant Deputy Clerk



Additionally, section 491 of the Michigan Penal Code provides, “All official books, papers, or records created by or received in any office or agency of this state or its political subdivisions are public property belonging to the people of this state. All such books, papers, or records must be disposed of only as provided in [applicable statutes specifying disposal].” MCL 750.491. Further, “[a]n individual shall not willfully carry away, mutilate, or destroy the books, papers, records, or any part of a book, paper, or record” described in section 491.

Federal law also prohibits theft, destruction, mutilation, or alteration of election records or papers, with violation punishable by a fine of up to \$1,000. 52 USC 20702.

Not only is turning these records over to private individuals a violation of these federal and state laws, but it could also allow the records to be altered, rearranged, selectively destroyed, or presented in a way that would create confusion and mistrust in the elections process. Preservation of the records during the required retention period, followed by systematic destruction following that period, is critical to the orderly administration of elections.

Release of unredacted master card prohibited

Section 509gg provides that “the secretary of state, a designated voter registration agency, or a county, city, township, or village clerk **shall not** release a copy of that portion of the registration record that contains” certain items, including the month and day of birth, the telephone number, and the digitized driver’s license signature of an elector, all of which may be included on the master card (emphasis added). Master cards include personally identifiable information that is not subject to disclosure under the Freedom of Information Act (FOIA). Any such information may not be released to or viewed by anyone other than elections officials or the individual to whom the master card applies. Such information must be redacted before any access to a master card is provided.

Security of election documentation

As indicated in previous memoranda issued by the Bureau, the manner in which disclosure is carried out is critical given Federal retention requirements, 52 U.S.C. §§ 20701-20706, which are in place to maintain election ballots and other materials as evidence should a criminal investigation occur. The United States Department of Justice publication on this subject states:

Section 20701 requires that covered election documentation be retained either physically by election officials themselves, or under their direct administrative supervision. This is because the document retention requirements of this federal law place the retention and safekeeping duties squarely on the shoulders of election officials.²

Evidence for a potential criminal investigation requires a verifiable chain of custody to ensure that the evidence has not been compromised. Securing ballots under seal and recording the seal numbers are essential to the protection and maintenance of the chain of custody. Unlike unredacted master cards, ballots may be disclosed under FOIA. However, when they are it is absolutely critical that no person, other than the clerk or office staff designated by the clerk, be

² [Federal Prosecution of Election Offenses, Eighth Edition.](#)

allowed to touch or have any form of direct or indirect access to the ballots, ballot containers, or ballot bags.

The following procedure was provided to clerks in a June 15, 2018, memorandum on the handling of voted ballots, available on the eLearning center, but is provided again here for easy reference.

Ballot Disclosure Procedures

A city or township clerk who honors a request from a person to inspect or receive copies of ballots voted in an election shall proceed as follows:

- If the person wishes to inspect the voted ballots, the clerk having custody of the ballots or office staff designated by the clerk shall be present in the room where the inspection takes place for the entire time the ballots are being examined. At no time during the course of the examination shall the person or persons inspecting the ballots be permitted to touch or handle the ballots, touch or handle the container or ballot bag in which the ballots are secured, or be left unattended in the room where the examination is carried out when secured or unsecured ballots are present.
- If the person wishes to receive copies of the voted ballots, the clerk having custody of the ballots or office staff designated by the clerk shall perform the necessary photocopying. At no time during the course of the photocopying shall the person or persons requesting the photocopies be permitted to touch or handle the ballots, touch or handle the container or ballot bag in which the ballots are secured, or be left unattended in the room where the photocopying is taking place when secured or unsecured ballots are present.
- The clerk shall maintain a complete written record of the measures taken to protect and preserve the integrity of the ballots including the following information: 1) the serial numbers appearing on the election seals removed from the ballot containers or ballot bags involved; 2) the serial numbers appearing on the election seals used to reseal the ballots into the ballot containers or ballot bags after the conduct of the ballot examination or the photocopying of the ballots; 3) the names and titles of the authorized individual or individuals who removed and replaced the election seals; 4) the date and time the seals were removed and replaced; 5) the names and addresses of any individuals who witnessed the removal and replacement of the election seals; and 6) the names and titles of the authorized individual or individuals who supervised the examination of the ballots or performed any necessary photocopying of the ballots. The record shall be maintained in a secure place by the clerk having custody of the ballots.

Conclusion

Requests to view and handle unredacted master cards, and requests to take possession of election materials once the 22-month retention period has passed, must be denied for the reasons listed above. When responding to a request to view absentee ballots, please refer to the procedures detailed above and ensure that those materials remain at all times in the possession of the clerk and the clerk's designated staff.

When responding to FOIA requests for non-exempt materials, city and township clerks should consult the jurisdiction's legal counsel for advice in connection with responding to a particular FOIA request, including whether to recover any actual costs associated with retrieving any information that may be disclosed pursuant to FOIA.

Nothing in this memorandum should be construed to allow the public disclosure of voted ballots prior to the release of the ballots under Michigan's ballot security provisions, or, if applicable, prior to the conduct and completion of any recounts requested after the election.

Please do not hesitate to contact this office if you have any questions regarding this directive.

Mailing Address: Michigan Department of State
Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901-0726

Phone: 800-292-5973

Email: elections@Michigan.gov



Joan Movrich

Manager
State Government Affairs - Michigan

September 1, 2024

City of Clare
202 W. Fifth Street
Clare, MI 48617-1490

Re: Charter Communications – Upcoming Changes

Dear Franchise Official:

Spectrum Mid-America, LLC (“Spectrum”), recently learned and is noticing its customers that *WXII LP My TV/Cozi TV* on channels 24 & 780 ceased programming on or around August 2, 2024, without any notice to Spectrum. The channels are currently slated with “programming is no longer available.”

On or around October 1, 2024, Spectrum will drop *WXII LP My TV/Cozi TV*’s channel on the channel lineup serving your community, except in Big Rapids, MI where *My TV* programming will remain available to customers on *WXSP CD* channel 15.

Should you have any questions about this change, please feel free to contact me at (906) 553-7866.

Sincerely,

Joan Movrich

Joan Movrich
Manager, Government Affairs – Michigan
Charter Communications

Your energy efficiency kit is only the beginning.



September 5, 2024

T2 P1 *****AUTO**ALL FOR AADC 480 PS 1118 PL-1
City Of Clare
202 W 5th St
Clare, MI 48617-1490



Dear Valued Business Customer,

Thanks again for exploring our Energy Efficiency Rebate Program. We hope you've received your efficiency kit and found time to install the helpful items inside. If so, you're already using less energy and making progress toward lower monthly bills. If your kit hasn't arrived yet, it may still be on its way. If you'd like an update, reach out at **877-607-0737** for your kit's status.

And don't forget — the items in your kit are just the beginning of how much you can save with efficiency. The program offers hundreds of rebates that offset efficiency project costs by 35% on average.

Qualify for rebates when you:

- **Boost equipment performance** with maintenance and repairs
- **Improve building performance** with advanced controls and automation
- **Replace older equipment** with newer, more efficient systems

Our energy experts are ready to help you do something bigger: create a healthier bottom line for your business, and a cleaner energy future for Michigan.

Count on us to help you find the savings and lock down your rebates. Schedule a free consultation today at **ConsumersEnergy.com/OfficeKits**

* Savings will vary based on customer energy use and product specifications. Annual energy savings are estimated.