



June 26, 2024

Via Email Only: smbisio@gmail.com

Mrs. Susan Bisio
P.O. Box 1303
Clarkston, MI 48347

Subject: Freedom of Information Act Request Dated June 6, 2024

CERTIFICATE OF NON-EXISTENCE OF PUBLIC RECORD

Dear Mrs. Bisio:

The City of the Village of Clarkston is in receipt of your letter dated June 20, 2024, regarding a request under the Michigan Freedom of Information Act ("FOIA") dated June 6, 2024. You requested "all invoices from Independence Township to Clarkston for police and fire services for the entire overpayment period (2010-2024)".

The City previously provided you with copies of the invoices extending back seven (7) years as maintained under the City's record retention policy. Copies of the invoices prior to the seven (7) years provided do not exist.

I hereby certify pursuant to Section 5(b) of the FOIA, that your FOIA request for copies of the invoices that predate the seven (7) years provided is denied because, to the best of my knowledge, information and belief, these public records do not exist. MCL 15.235(5)(b).

RIGHT TO APPEAL DISCLOSURE DENIAL AND RECOVER ATTORNEY FEES AND COSTS

If a public body makes a final determination to deny all or a portion of a FOIA request, the requesting person may do one of the following at his or her option:

- (1) Submit to the “head of the public body (the City of the Village of Clarkston) a written appeal that specifically states the word “appeal” and identifies the reason or reasons for reversal of the disclosure denial; or
- (2) Commence an action in the circuit court to compel the public body’s disclosure of the public records.

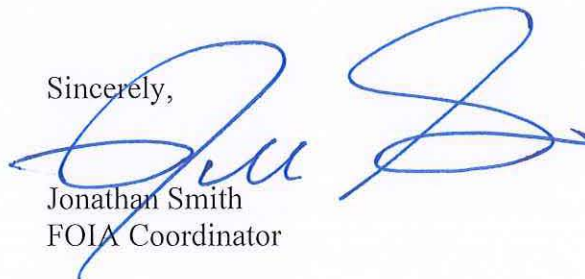
If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under section 10 of the FOIA, the court shall award reasonable attorneys’ fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys’ fees, costs, and disbursements. The award shall be assessed against the public body liable for damages that kept or maintained the public record as part of its public function.

If the circuit court determines in an action commenced under section 10 of the FOIA that the District arbitrarily and capriciously violated the FOIA by refusal or delay in disclosing or providing copies of a public record, or that the District willfully and intentionally failed to comply with the FOIA or otherwise acted in bad faith, the court shall award, in addition to any actual or compensatory damages, punitive damages as prescribed in the FOIA to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

A full explanation of your right to seek either appeal or judicial review is set forth in Section 10 of the FOIA, MCL 15.240.

A copy of the City’s FOIA Forms are available on the District’s website at <https://villageofclarkston.org>.

Sincerely,



Jonathan Smith
FOIA Coordinator