



Legislation Details (With Text)

<b>File #:</b>	16-0842	<b>Version:</b>	1	<b>Name:</b>	6/6/16 - Train Station Location Information Disclosure
<b>Type:</b>	Resolution	<b>Status:</b>			Introduced from Council
<b>File created:</b>	6/6/2016	<b>In control:</b>			City Council
<b>On agenda:</b>	6/6/2016	<b>Final action:</b>			
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution to Disclose Information Regarding Potential Locations for a New Amtrak Train Station				
<b>Sponsors:</b>	Jack Eaton, Jane Lumm, Sumi Kailasapathy				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>					

Date	Ver.	Action By	Action	Result
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Resolution to Disclose Information Regarding Potential Locations for a New Amtrak Train Station  
Whereas, The purpose of Michigan's Freedom of Information Act (FOIA) is to ensure that citizens are provided "full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees...so that they may fully participate in the democratic process.";

Whereas, Citizens of Ann Arbor have not yet been provided with full and complete information about the City's alternatives analysis for a possible new rail station and the City's communication about that project with the Federal Rail Administration;

Whereas, The denial to citizens of full and complete information about the alternatives analysis for a possible new rail station is based on Michigan's FOIA Sec. 13(1)(m), which is an exemption that allows a public body to exempt from disclosure "communications and notes within a public body or between public bodies of an advisory nature..."

Whereas, The allowable exemption in Sec. 13(1)(m) is qualified by a limitation to just those communications that "cover other than purely factual materials and are preliminary to a final agency determination of policy or action...";

Whereas, It is honestly debatable whether the information that has been denied to Ann Arbor citizens is qualified under the exemption in Sec. 13(1)(m);

Whereas, The allowable exemption in Sec. 13(1)(m) places the burden on a public body to show "that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.";

Whereas, It is honestly debatable whether the City of Ann Arbor can meet its burden under Sec. 13(1)(m) to demonstrate that the public interest in encouraging internal frank communications clearly

outweighs the public interest in disclosure;

Whereas, Sec. 13(1)(m) of Michigan's FOIA does not require that a public body deny information to a requestor, even if the information may qualify under the exemption;

Whereas, The federal FOIA (5 U.S.C. § 552(b)) has no strict analog to Michigan's FOIA exemption in Sec. 13(1)(m), so that a request to the Federal Rail Administration under federal FOIA would likely provide to Ann Arbor citizens much of the information that has been denied to them by their local government;

Whereas, Local citizens should not have to resort to filing requests under federal FOIA (5 U.S.C. § 552(b)) when their local government could provide the information to them;

RESOLVED, That the Ann Arbor Council finds that in this particular instance the public interest in disclosure outweighs any interest that officials and employees of the City of Ann Arbor have in withholding communication between the City, the MDOT and the FRA regarding the City's alternatives analysis for a possible new rail station.

RESOLVED, That the Ann Arbor City Council directs the Acting City Administrator and his staff to disclose the City's alternatives analysis for a possible new rail station and the City's communication about that project with the Federal Rail Administration and Michigan Department of Transportation.

Sponsored by: Council Members Eaton, Lumm and Kailasapathy