

# City of Taylor



## **POLICE & FIRE RETIREMENT BOARD**

Battalion Chief Ronald McNamee, Chairman

**23515 GODDARD ROAD • TAYLOR, MICHIGAN 48180**

**Phone: (734) 374-1443**

November 26, 2003

Councilman Douglas A. Geiss  
City of Taylor  
23555 Goddard Road  
Taylor, Michigan 48180

### **Re: Michigan Freedom of Information Act Request**

Dear Councilman Geiss:

The Board of Trustees of the City of Taylor Police and Fire Retirement System is in receipt of your written request, dated November 10, 2003, seeking the "name of pension recipients, years of service with the City of Taylor, final average compensation, total monthly pension payment, total yearly pension payment, pension plan employee was a member of, and the named beneficiary of pension recipient."

Please be advised that, pursuant to MCL §15.235(2)(c), your request has been granted in part and denied in part.

The City of Taylor Police and Fire Retirement System ("Retirement System") provides pension benefits in accordance with Michigan Public Act 345 of 1937, as amended, MCL §38.551 et seq., applicable collective bargaining agreements, and applicable law. In response to your request for information, the Board is not required to make a compilation, summary or report of information, subject to exceptions which are inapplicable to your request. MCL §15.233(5). Further, the Act does not require the Board to create a new public record, again subject to exceptions which are inapplicable. MCL §15.233(4).

With respect to information regarding the specific names of retirees and the amount of their individual pension benefits, please be advised that Section 13(1)(a) of the Michigan Freedom of Information Act states that, "a public body may exempt from disclosure as a public record . . . [i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy." MCL §15.243(1)(a). Furthermore, the Act exempts from disclosure records which disclose the names of retired police officers. MCL §15.243(1)(s).

In reviewing your request, the Board of Trustees has considered the preservation of the public's right to information regarding the affairs of government and the official acts of those who represent them as public officials and employees against the protection of an individual's privacy and the related protections afforded individuals. The Board has determined that granting your request for the names and individual benefit amounts of retirees and disclosing that information would violate the privacy of those individuals; therefore, that request is denied.

However, enclosed with this letter is a list of the "20 top current pension recipients" showing the job title from which the individuals retired together with the corresponding pension amount.

**NOTIFICATION OF RIGHT TO JUDICIAL REVIEW  
PROVIDED PURSUANT TO SECTION 5(4)(D) OF 1976 PA 442:**

Pursuant to MCL §15.240, as amended, because the Retirement System has made a final determination to deny (as that term is defined in the Act) your request, you may commence an action in the circuit court to compel disclosure of the records you request. If the court determines that the records are not exempt from disclosure, the court shall order the Retirement System to cease withholding or to produce a record or a portion thereof wrongfully withheld, regardless of the location of the record. The circuit court for the county in which you reside or have your principal place of business, or the circuit court for the county in which the record or an office of the Retirement System is located shall have jurisdiction to issue the order. The court shall determine the matter de novo and the burden is on the Retirement System to sustain its denial. The court, on its own motion, may review the record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court. If you prevail in an action commenced pursuant to MCLA §15.240, the court shall award reasonable attorneys' fees, costs and disbursements or an appropriate portion thereof. In an action commenced pursuant to 1976 PA 442, as amended, if the circuit court finds that the Retirement System has arbitrarily and capriciously violated said act by refusal or delay in disclosing or providing copies of a record, the court shall, in addition to any actual or compensatory damages, award punitive damages in the amount of \$500.00 to you.

Please submit any questions you may have regarding this matter in writing to the Board of Trustees of the City of Taylor Police and Fire Retirement System, 23515 Goddard Road, Taylor, Michigan 48180.

Very truly yours,

Board of Trustees of the City of Taylor  
Police and Fire Retirement System

  
\_\_\_\_\_  
Ronald McNamee, Chairman

RM/dt

**Mark Lawrence**

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**From:** Doug Geiss [REDACTED]  
**Sent:** Monday, January 23, 2012 1:49 PM  
**To:** Mark Lawrence  
**Subject:** Fwd: Request for Information Related to City Pensions

To be included in handout tomorrow.

Sent from my iPhone

Begin forwarded message:

**From:** "Geiss, Doug (D.)" <[REDACTED]>  
**Date:** November 6, 2003 4:55:33 PM EST  
**To:** "[REDACTED]" <[REDACTED]>  
**Subject:** FW: Request for Information Related to City Pensions

-----Original Message-----

**From:** Geiss, Doug (D.)  
**Sent:** Monday, November 03, 2003 1:50 PM  
**To:** 'Sue Baird/CityOfTaylor'  
**Subject:** Request for Information Related to City Pensions

[Sue, please send an official request on city stationary to Jim Riddle and Mary Ann Rilley, including the following requests for information.]

Dear Mrs. Rilley and Mr. Riddle:

This is an official request for the inspection of information related to pension payments by the City of Taylor. The following data is requested within 5 business days of receipt of this letter:

1. Name of Pension Recipient
2. Years of Service with the City of Taylor
3. Final Average Compensation
4. Total Monthly Pension Payment
5. Total Yearly Pension Payment
6. Pension Plan Employee was a member of.
7. Named Beneficiary of Pension Recipient
8. Listing of all employees participating in Defined Contribution Plan.

If the compilation of this data will take more than 5 business days to complete, I request immediate access to the books, papers, and/or

records which contain the requested information, pursuant to section 2.5 of the city charter.

#### Section 2.5. Records Open to the Public.

All records of the City shall be public and open to inspection at all reasonable times. All books, papers, records and accounts of any officer elected or appointed, or of any office or department of the City, and shall at all times be subject to audit, examination, or inspection by any member of the Council, or by any person employed or designated by the Council for that purpose. All such books, papers, records, files and accounts shall be kept in such place as may be designated by the Council.

State law references: Mandatory that Charter provide that all records of the municipality shall be public, MCL 117.3(1), MSA 5.2073(1); freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.

Please notify me, in writing, of receipt of this request, and timing to receive the requested data. If the data will not be furnished by November, 10, 2003, your notification should contain the location of the requested data, means of accessing the requested data, and notification of the affected city department(s) of my right and authorization to inspect and examine all records pertaining to Pensions being payed by the City of Taylor.

Sincerely yours,

Douglas A. Geiss  
Chairman Pro-Tem, Taylor City Council