June 3, 2015

Steve Harry
3125 Tecumseh River Rd.
Lansing, MI 48906

      RE: Freedom of Information Act (FOIA) Request
              Pension Calculation for William T. Cochran

Dear Mr. Harry:

This is in response to your Freedom of Information ("FOIA") request received electronically and deemed received on May 26, 2015. For the reasons contained herein, your request is denied.

MCL 15.243(1)(d) provides that the City may exempt from disclosure records described as exempt in another statute. With regard to the information you have requested, MCL 38.1140(h)(3) specifically provides that "... information regarding the calculation of actual or estimated retirement benefits for members of the system *is exempt* from disclosure by the system or the political subdivision sponsoring the system pursuant to [MCL 15.243(1)(d)]." [Emphasis added.]

While it is without question that the calculation sheet and information regarding the calculation of actual benefits is exempt from disclosure, I do note that the pension multiplier you request is already public knowledge, in the pension ordinance, and available on the internet. To that end, Mr. Cochran's pension multiplier is 3.2.

If you disagree with this determination, you have the right to either appeal to the "head of the public body," i.e. the President of the City Council, pursuant to MCL 15.232(d)(iii), or judicial review in Circuit Court within 180 days of the denial. If you elect to appeal to the President of the City Council, you must submit a written appeal which specifically states the word "appeal" and identify the reason or reasons for the reversal of the disclosure denial. If you elect the Circuit Court and the Court determines that records have been arbitrarily and capriciously denied, it may award actual or compensatory damages, punitive damages (in the amount of $500.00), reasonable attorney fees, costs and disbursements.

Sincerely,

Donald Kulhanek
Assistant City Attorney and
FOIA Coordinator

/rkp