



City of Fond du Lac
First on the Lake

Website: www.fdl.wi.gov

City-County Government Center
160 S. Macy Street~P.O. Box 150~Fond du Lac, WI 54936-0150

March 17, 2021

Christine Brennan
cewerdt@gmail.com

VIA EMAIL

Re: City of Fond du Lac Public Records Request – Social Media Posts and Text Messages

Dear Ms. Brennan:

You were previously notified that the City of Fond du Lac had received your public records request, whereby you requested the following:

All social media posts and text messages from Councilmember Arletta Allen, Councilmember Dan Degner, Councilmember Ben Giles, and City Manager Joe Moore regarding the Lakeside Park Project, Envision Greater Fond du Lac, and/or the Envision Initiative.

Social media posts should include posts from Facebook, Twitter, LinkedIn, and Instagram.

Text messages should include any responsive text messages from parties' personal and/or work phones.

Timeframe of request for each party:

- Councilmember Arletta Allen (April 1, 2020 – September 21, 2020)
- Councilmember Dan Degner (September 1, 2019 – September 21, 2020)
- Councilmember Ben Giles (September 1, 2019 – September 21, 2020)
- City Manager Joe Moore (September 1, 2019 – September 21, 2020)

As an initial matter, I must inform you that no responsive records exist for your request for City Manager Joe Moore's social media posts or text messages.

For your remaining requests, the requests include a significant amount of records/information and City staff work. The City will need to locate and review each record to determine what, if anything, may be released consistent with the limitations of the statutory Public Records Law and related common law. The City is also required to separate that portion of each record that is not subject to release from that portion that is. While we anticipate that some of the records you request will ultimately be released, the City is still required to make this review.

Prior to undertaking the task of complying with your request and reviewing this information, pursuant to Osborn v. Board of Regents of the University of Wisconsin System, 254 Wis.2d 266 (2002), the City is entitled to, and in the public interest will require the payment of the full cost of complying with this request. Similarly, pursuant to Section 19.25(3)(f), Wis. Stats., the City will exercise its right to require pre-payment before it continues processing this request.

Degner Social Media Posts and Text messages	24 hours to locate/copy records (\$19.23 hourly rate)	\$461.52
Giles Social Media Posts and Text messages	3 hours to locate/copy records (\$19.23 hourly rate)	\$57.69
Allen Social Media Posts and Text messages	3 hours to locate/copy records (\$19.23 hourly rate)	\$57.69
Legal printing/copying estimate	2 hours (\$32.76 hourly rate)	\$65.52
TOTAL PREPAYMENT AMOUNT		\$642.42

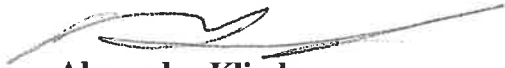
We estimate it will take, on average, us 32 hours to locate and copy the responsive records, as set forth in the table below. The City will require pre-payment in full before we begin fulfilling your request. **Please remit \$642.42 to cover the above-referenced costs.** This estimate is made in good faith and in the event the actual cost exceeds this amount, we will bill you for the additional cost. Similarly, in the event the actual cost incurred by the City is less than the estimate, the City will refund the difference.

If you wish to remit the above-referenced payment, please contact me at your earliest convenience. The City’s Comptroller Department will then provide you with an invoice for the total amount, which must be paid in full prior to processing of your request. Please contact the City’s Comptroller Department at (920) 322-3456 for additional payment information.

It is not our intent to decline your request. However, in the public interest, the City must cover its costs in compiling the records you have requested and protect the City against the release of inappropriate information.

As this is a partial denial of your request, I am obligated to inform you that this determination is subject to review by mandamus under Section 19.37(1), Wis. Stats., or upon application to the Attorney General or District Attorney.

Very truly yours,



Alexandra Klimko
Assistant City Attorney
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