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CITY OF BURLINGTON, VERMONT
OFFICE OF
THE CITY ATTORNEY
AND
CORPORATION COUNSEL

December 19, 2017

VIA ELECTRONIC MAIL ONLY

Shay Totten
Shay@burlingtontelecom.net

Re: Public Records Request

Dear Shay,

The City of Burlington is in receipt of your public records request seeking:

- All correspondence, written and electronic and including all attachments, between Mayor Miro Weinberger, and members of his administration or designees, and employees, contractors, or agents of Citibank regarding the sale of Burlington Telecom.
- All calendar entries that reflect a meeting – in person, telephonic, or other means – between Mayor Miro Weinberger, and members of his administration or designees, and Citibank employees, contractors, or agents regarding the sale of Burlington Telecom.
- All correspondence, written and electronic and including all attachments, between Mayor Miro Weinberger, and members of his administration or designees, and employees, contractors, or agents of Blue Water Holdings LLC regarding the sale of Burlington Telecom.
- All calendar entries that reflect a meeting – in person, telephonic, or other means – between Mayor Miro Weinberger, and members of his administration or designees, and Blue Water Holdings LLC's employees, contractors, or agents regarding the sale of Burlington Telecom.

Electronic Mail Message from S. Totten to M. Weinberger, Dec. 14, 2017.

The City conducted a search of responsive electronic mail messages sent to or received from a burlingtonvt.gov or burlingtontelecom.com electronic mail message address and there are approximately 200 messages which, with attachments, totals more than 3,000 pages of responsive records. Based on the City's past experiences it takes, on average, a minute to review and redact a page of electronic mail message records. Accordingly, we estimate that it will take approximately 25 hours to complete the necessary review and redactions prior to producing records responsive to your request.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 865-7145.

The State of Vermont's Uniform Schedule of Public Records Charges for State Agencies (CVR 04-000-002) allows the City to charge \$0.45 per minute for non-senior level staff time and \$0.57 per minute for senior-level staff time for time spent reviewing and redacting requested public records beyond the first thirty minutes.

The City estimates that it will cost between \$1,336.50 and \$1,692.90 to complete the necessary review and redactions. This estimate factors in the 30 minutes of free redaction time on both the low and high ends of the estimate range. While this is just an estimate, the City will require payment of 75% of the lower end of that estimate (\$1,000) before beginning work on the review and redaction. Upon completion of the review and redaction of responsive public records the City will provide you with a statement of time and any overage refunded or underage billed. The City will also need at least ten business days to complete this request and will not commence review and redaction until you indicate that you wish to move forward and provide the City with payment of \$1,000.

If you do not wish to proffer the estimated fee, the City Attorney's Office would be glad to work with you to focus more specifically on the records you want.

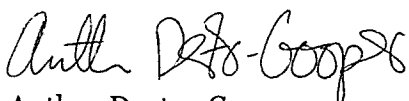
These records do not include responsive correspondence, if any, from outside the City's archiver system which captures and preserves all burlingtonvt.gov and burlingtontelecom.com electronic mail messages. We can, upon request, expand our search to non-City controlled electronic mail message addresses, text messages, and social media platform messages. Such a search must be completed manually—and by the individual holder of the account—and will therefore require additional time and lead to the incurrence of additional costs. As indicated above, we would be glad to work with you to focus more specifically on the records you want.

We understand that you are seeking a waiver of costs because "the disclosure of the requested information is in the public interest." Electronic Mail Message from S. Totten to M. Weinberger, Dec. 14, 2017. However, it is not clear from your request how disclosure to you and a dozen other individuals benefits the public. Further, your request captures a significant number of electronic mail messages and the necessary review and redaction will take a full-time employee approximately three full eight hour days. The burden is even greater if individuals must do personal searches in their non-City provided accounts.

The City is in the process of conducting a search of its hardcopy files and the work calendars for Mayor Miro Weinberger and City Attorney Eileen Blackwood and will produce records responsive to your request by the end of the week. Searching the work calendar for an individual must be completed manually, but we can commence such a search in the work calendar of additional individuals upon provision of the name of a particular member of Mayor Miro Weinberger's administration or designee.

You may appeal this determination pursuant to 1 V.S.A. § 318(c)(1). *See also* 1 V.S.A. § 318(a)(2). All appeals should be made in writing and directed to Mayor Miro Weinberger at 149 Church Street, City Hall, Room 34, Burlington, VT 05401.

Kind regards,



Anthea Dexter-Cooper
Assistant City Attorney