COUNTY OF MONTMORENCY
12265 M-32 | P.O. Box 789 | Atlanta, MI 49709 | (989) 785-8030

FOIA PROCEDURES AND GUIDELINES

Administrative Revision: August 2026

1. Purpose and Policy

County of Montmorency will administer the Michigan Freedom of Information Act (FOIA), 1976 PA 442, MCL 15.231 et seq., in a consistent and lawful manner. The County will disclose nonexempt public records in its possession and will withhold or redact records only as authorized or required by law. These Procedures and Guidelines are intended to implement FOIA and should be read together with the Act, as amended.

2. FOIA Coordinator and Designee

Under MCL 15.236, in a county without an executive form of government, the Chairperson of the County Board of Commissioners is the statutory FOIA Coordinator. Pursuant to MCL 15.236(3), the Chairperson designates Bill Scharfenberg, Assistant Controller, to act on the FOIA Coordinator's behalf in accepting and processing requests and in approving denials. The designee may coordinate with County departments, elected offices, legal counsel, and other staff as necessary. Requests should be directed to asstcontroller@montcounty.org or County of Montmorency, Attn: FOIA, P.O. Box 789, Atlanta, MI 49709.

3. Requests for Public Records

A person seeking to inspect, copy, or receive a copy of a public record must submit a written request that describes the public record sufficiently to enable the County to find it. No County form is required. A request may be submitted by email, mail, hand delivery, or another written electronic method accepted by the County. A written request must include the requesting person's complete name, an address that complies with United States Postal Service addressing standards, and contact information consisting of a valid telephone number or electronic mail address. If the request is made by a person other than an individual, the request must also include the complete name, address, and contact information of the individual agent making the request. Requests received by a County office should be promptly forwarded to the FOIA Coordinator Designee.

4. Receipt and Tracking

A request transmitted by email, facsimile, or other electronic transmission is treated as received in accordance with MCL 15.235. If an electronic request is delivered to a spam or junk-mail folder, the statutory receipt rules in MCL 15.235 apply. The FOIA Coordinator Designee will maintain a log of requests, response deadlines, extensions, fees, responses, and appeals. County offices should promptly notify the FOIA Coordinator Designee when responsive records may be held by their office.

5. Response to a Request

Unless otherwise agreed in writing by the requester, the County will respond within 5 business days after receipt of a written request by: (a) granting the request; (b) issuing a written denial; (c) granting the request in part and denying it in part; or (d) issuing one written notice extending the response period by not more than 10 business days and stating the reason for the extension and the new response date. A statutory response is a disclosure determination and does not necessarily require completion of production within 5 business days when additional processing time is reasonably necessary.

6. Clarification and Existing Records

FOIA does not require the County to create a new public record, prepare a compilation or summary that does not already exist, or answer questions about the content of records. If a request does not sufficiently describe a public record, the County may seek clarification or may deny the request as deficient. The County may inform a requester when responsive records are available on the County's website and will identify the specific webpage to the extent practicable.

7. Inspection and Copies

The County will provide reasonable facilities and opportunities to inspect nonexempt public records during normal business hours, subject to reasonable rules protecting records from loss, alteration, mutilation, or destruction and preventing unreasonable interference with County operations. Records may be provided electronically when the County has the technological capability to do so. The County may provide certified copies upon written request.

8. Fees

The County may charge fees permitted by MCL 15.234. Fees will be calculated using a detailed itemization. Labor charges are based on the hourly wage of the lowest-paid County employee capable of performing the task in the particular instance, regardless of who actually performs it, and may include fringe benefit costs as permitted by law. Labor will be estimated and charged in 15-minute increments with partial increments rounded down. Overtime will not be charged unless specifically stipulated by the requester and will not be used to calculate fringe benefit costs. Contract labor used for separation and deletion of exempt information will be charged only as permitted by law and will not exceed the statutory cap tied to the state minimum hourly wage. Standard letter- and legal-size paper copies will not exceed $0.10 per sheet. Non-paper media and mailing will be charged at actual and reasonably economical cost. Search/locate/examine and review/redaction labor will be charged only when failure to charge would result in unreasonably high costs to the County because of the nature of the request, and the County will specifically identify the basis for those costs.

9. Deposits and Payment

If a good-faith calculation shows that the total fee will exceed $50, the County may require a deposit of not more than 50% of the estimated fee before processing the request. The deposit notice will include a detailed itemization and a best-efforts, nonbinding estimate of the time needed to complete the request after the deposit is received. The County may require an increased deposit for a requester with an unpaid prior FOIA balance only when all statutory conditions in MCL 15.234 are satisfied. Final payment of allowable fees may be required before records are released.

10. Fee Waivers and Discounts

The FOIA Coordinator Designee may waive or reduce a fee when a waiver or reduction is in the public interest because furnishing the information can be considered as primarily benefiting the general public. A qualifying indigent individual is entitled to the statutory discount for the first $20 of a fee upon submission of the affidavit required by MCL 15.234, subject to statutory limits on eligibility. A qualifying nonprofit organization designated by the State to carry out specified protection and advocacy activities is also entitled to the statutory discount when the statutory requirements are met.

11. Denials and Partial Denials

A written denial or partial denial will explain the applicable exemption or other basis for denial, certify when a requested record does not exist under the name or description provided or another name reasonably known to the County, or describe the information separated or deleted from a disclosed record. The notice

will explain the requester's rights to appeal and to seek judicial review and will be signed by the FOIA Coordinator or authorized designee.

12. Appeal of a Disclosure Denial

A requester may submit a written appeal to the County of Montmorency Board of Commissioners that specifically states the word 'appeal' and identifies the reason or reasons the disclosure determination should be reversed. The Board is considered to have received the appeal at its first regularly scheduled meeting following submission. Within 10 business days after receiving the appeal, the Board will reverse the denial, uphold the denial, reverse in part and uphold in part, or, under unusual circumstances, issue one extension of not more than 10 business days. A requester may seek judicial review as provided by MCL 15.240, including by commencing a civil action within the statutory period.

13. Appeal of an Excessive Fee

A requester who believes a fee exceeds the amount permitted by MCL 15.234 or these Procedures and Guidelines may submit a written appeal to the County of Montmorency Board of Commissioners. The appeal must specifically state the word 'appeal' and identify how the required fee exceeds the amount permitted. The Board will act within the time and in the manner required by MCL 15.240a. A requester may seek judicial review of the fee as provided by law.

14. Records Retention and Administrative Practices

The County will retain FOIA requests and related responses for at least the period required by MCL 15.233 and applicable records-retention schedules. The FOIA Coordinator Designee may establish administrative practices, forms, logs, routing procedures, and internal deadlines consistent with these Procedures and Guidelines and State law. County departments and elected offices are expected to cooperate promptly in locating potentially responsive records and identifying any applicable legal restrictions on disclosure.

15. Publication and Controlling Law

These Procedures and Guidelines and the County's Written Public Summary will be maintained on the County website and made available without charge as required by MCL 15.234. If these Procedures and Guidelines conflict with the Michigan Freedom of Information Act or another controlling law, the controlling law governs. References to statutory dollar amounts, wage-based caps, deadlines, or remedies are intended to incorporate future statutory amendments unless the context requires formal revision of this policy.