COUNTY OF MONTMORENCY
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WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES

This summary explains in plain language how to request public records from County of Montmorency, how the County responds, how fees and deposits are calculated, and how to challenge a denial or fee. The Michigan Freedom of Information Act and the County's adopted FOIA Procedures and Guidelines control if there is any conflict.

How do I submit a request?

Send a written request that describes the public record sufficiently for the County to find it. No special form is required. Requests should be emailed to asstcontroller@montcounty.org or mailed/delivered to County of Montmorency, Attn: FOIA, P.O. Box 789, Atlanta, MI 49709. The request must include your complete name, a USPS-compliant mailing address, and a valid telephone number or email address. If you are making a request on behalf of a business or organization, include the complete name, address, and contact information of the individual agent making the request.

Who handles County FOIA requests?

For a Michigan county without an executive form of government, the Board Chairperson is the statutory FOIA Coordinator. The Chairperson has designated Bill Scharfenberg, Assistant Controller, to handle County FOIA requests on the Coordinator's behalf. The primary FOIA contact is asstcontroller@montcounty.org.

When will the County respond?

The County generally must respond within 5 business days after receipt of a written request. The County may grant the request, deny it, grant it in part and deny it in part, or issue one written extension of not more than 10 additional business days. A response is the County's disclosure determination; the actual production of a large or complex set of records may require additional processing time.

What can be requested?

FOIA applies to existing public records prepared, owned, used, possessed, or retained by the County in the performance of an official function, subject to exemptions and other laws. The County is not required to create a new record, compile information into a new format, or answer questions when no responsive record exists.

Will I be charged a fee?

The County may charge fees permitted by MCL 15.234. Allowable charges can include copying/duplication labor, certain search and review/redaction labor when failure to charge would cause unreasonably high costs, non-paper media, paper copies, and mailing. Standard letter- and legal-size paper copies will not exceed $0.10 per sheet. Labor is calculated using the wage of the lowest-paid employee capable of performing the work and is charged in 15-minute increments with partial increments rounded down. A detailed itemization will be provided whenever a fee is assessed.

Can the County require a deposit?

If the estimated fee exceeds $50, the County may require a good-faith deposit of up to 50% of the estimated fee before processing begins. The County will provide a detailed estimate and a best-efforts, nonbinding estimate of the time needed to complete the request after the deposit is received. Different deposit rules may apply to a requester who has an unpaid balance from a prior FOIA request when all statutory conditions are satisfied.

Are fee discounts available?

A qualifying indigent individual may receive the statutory discount for the first $20 of a fee by submitting the required affidavit. Certain qualifying nonprofit protection and advocacy organizations may also receive the statutory discount. The County may also waive or reduce a fee when doing so is in the public interest because release of the information primarily benefits the general public.

Can I inspect records instead of receiving copies?

Yes. The County will provide a reasonable opportunity to inspect nonexempt public records during normal business hours, subject to reasonable safeguards for County records and operations. Coordinate inspection arrangements with the FOIA contact.

What if my request is denied?

A written denial or partial denial will explain the legal basis for the denial and your appeal rights. You may submit a written appeal to the County of Montmorency Board of Commissioners. The appeal must specifically state the word 'appeal' and explain why the disclosure determination should be reversed. You may also seek judicial review as provided by MCL 15.240.

What if I think the fee is too high?

You may submit a written fee appeal to the County of Montmorency Board of Commissioners. The appeal must specifically state the word 'appeal' and explain how the fee exceeds the amount permitted by law or the County's Procedures and Guidelines. Judicial review of a fee is available as provided by MCL 15.240a.

Where can I read the complete rules?

The County's full FOIA Procedures and Guidelines, request form, fee itemization form, extension notice, denial notice, and appeal forms are available on the County of Montmorency FOIA webpage. The Michigan Freedom of Information Act, MCL 15.231 et seq., is available through the Michigan Legislature.