COUNTY OF MONTMORENCY
FREEDOM OF INFORMATION ACT

FOIA Procedures, Guidelines & Forms

FOIA Contact
Bill Scharfenberg, Assistant Controller
FOIA Coordinator Designee
asstcontroller@montcounty.org
(989) 785-8030
P.O. Box 789, Atlanta, MI 49709

CONTENTS

1. Written Public Summary of FOIA Procedures & Guidelines
2. FOIA Request for Public Records
3. FOIA Procedures & Guidelines
4. Appeal of FOIA Denial
5. Appeal of Excess FOIA Fee
6. Detailed Cost Itemization
7. Notice to Extend Response Time
8. Notice of Denial / Partial Denial

Revised August 2026

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

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.

COUNTY OF MONTMORENCY

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

FOIA REQUEST FOR PUBLIC RECORDS

Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq.

Use of this form is optional. A written request must include the requester information required by MCL 15.233 and must describe the public record sufficiently to enable the County to find it.

Requester Name *	
Organization (if applicable)	
Mailing Address *	
City / State / ZIP *	
Phone or Email *	

If requesting on behalf of a business or organization, include the complete name, address, and contact information of the individual agent making the request.

RECORDS REQUESTED

Describe the public records as specifically as possible. Include dates, departments, names, subjects, parcel/case numbers, or other details that may help locate the records.

REQUEST TYPE / DELIVERY

□ Electronic copy by email □ Paper copies □ Inspection of records □ Certified copy

□ Subscription to future issuances of a regularly issued record □ Other format, if technologically available: _____

Fee Discount (optional): □ I am requesting the statutory indigency discount and will provide the required affidavit. □ Qualifying nonprofit statutory discount.

Submit to:
County of Montmorency FOIA
Attn: Bill Scharfenberg, Assistant Controller
P.O. Box 789
Atlanta, MI 49709
asstcontroller@montcounty.org

COUNTY USE ONLY

Request No.		**Date Received**	
Response Due		**Extension Due**	

Method received: □ Email □ Mail □ Hand-delivered □ Other: _____

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.

COUNTY OF MONTMORENCY

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

APPEAL OF FOIA DENIAL

This written appeal must specifically state the word "appeal" and identify the reason(s) the disclosure determination should be reversed.	
Requester Name	
Mailing Address	
Phone or Email	
Original FOIA Request No.	
Date of Denial	

APPEAL

I appeal County of Montmorency's denial or partial denial of my FOIA request for the following reason(s):

Requester Signature	
Date	

Submit to: County of Montmorency Board of Commissioners, Attn: FOIA Appeal, P.O. Box 789, Atlanta, MI 49709. A copy may also be sent to asstcontroller@montcounty.org for routing and recordkeeping.

COUNTY OF MONTMORENCY

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

APPEAL OF EXCESS FOIA FEE

This written appeal must specifically state the word "appeal" and identify how the required fee exceeds the amount permitted by MCL 15.234 or the County's FOIA Procedures and Guidelines.	
Requester Name	
Mailing Address	
Phone or Email	
Original FOIA Request No.	
Date of Fee Notice	
Fee / Deposit Amount	$

APPEAL

I appeal the FOIA fee or deposit for the following reason(s):

Requester Signature	
Date	

Submit to: County of Montmorency Board of Commissioners, Attn: FOIA Fee Appeal, P.O. Box 789, Atlanta, MI 49709. A copy may also be sent to asstcontroller@montcounty.org for routing and recordkeeping.

COUNTY OF MONTMORENCY

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

DETAILED COST ITEMIZATION

Request No.	
Date Request Received	
Requester	
Estimate or Final	□ Estimate □ Final

Fees are calculated under MCL 15.234 and County of Montmorency's FOIA Procedures and Guidelines. Labor is charged in 15-minute increments with partial increments rounded down; if the work takes less than 15 minutes in a category, no labor fee is charged for that category.

Fee Category	Employee / Basis	Hourly Rate	Fringe %	Minutes	Increments	Amount
1. Copying / duplication labor						
2. Search, locate & examine labor*						
3. Review / separation / redaction labor*						
4. Contract labor for separation / redaction*						
5. Non-paper physical media (actual economical cost)						
6. Paper copies (letter/legal, max $0.10 per sheet)						
7. Mailing / delivery (actual economical cost)						

* Search/locate/examine and review/redaction labor may be charged only when failure to charge would result in unreasonably high costs because of the nature of the request, and the County must specifically identify that basis. Contract labor is subject to the statutory cap in MCL 15.234.

Specific basis for unreasonably high costs (if Categories 2, 3, or 4 are charged):

Subtotal	$
Less statutory discount / waiver	$
Late-response labor reduction, if applicable	$
Deposit previously paid	$
BALANCE DUE	**$**

Good-Faith Deposit (if estimated fee exceeds $50): Amount requested: $_____ (not more than 50% of estimated fee, except as otherwise permitted by MCL 15.234 for unpaid prior requests).

Best-efforts estimate after deposit is received:

_____

Records already available on the County website should be identified separately. Labor charges for separating/redacting records available on the website are not assessed as provided by MCL 15.234.

Prepared by	
Date	

COUNTY OF MONTMORENCY

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

NOTICE TO EXTEND RESPONSE TIME

Request No.	
Date Request Received	
Date of Notice	
Requester	
Original Response Due	
New Response Due	

County of Montmorency is extending the time to respond to your FOIA request by not more than 10 business days, as permitted by MCL 15.235(2)(d). Only one statutory extension may be issued for a particular request.

Reason for Extension

□ The request requires searching for, collecting, or appropriately examining/reviewing a voluminous amount of separate and distinct public records.

□ The requested records must be collected from multiple County departments, offices, facilities, systems, or locations.

□ Other reason related to the nature or scope of the request:

_____

_____

Best-Efforts Estimate to Complete / Provide Records: _____

This estimate is nonbinding and is provided in good faith based on the information reasonably available to the County at this time.

Issued by	Bill Scharfenberg, Assistant Controller, FOIA Coordinator Designee
Signature	
Date	

COUNTY OF MONTMORENCY

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

NOTICE OF DENIAL / PARTIAL DENIAL

Request No.	
Date Request Received	
Date of Notice	
Requester	

□ Request denied in full □ Request granted in part and denied in part

Basis for Denial
□ Exemption from disclosure.

The following record or information is exempt under MCL 15.243 or another applicable statute:
Statutory citation: _____
Explanation: _____
_____

□ Record does not exist under the name or description provided, or another name reasonably known to the County.
Description of record searched for / search performed: _____

□ Redaction / separation. The following information was separated or deleted from otherwise disclosed records:
Statutory citation and brief description: _____

□ Request does not sufficiently describe a public record to enable the County to find it.
Clarification needed: _____

Right to Appeal or Seek Judicial Review
You may submit a written appeal to the County of Montmorency Board of Commissioners. The appeal must specifically state the word “appeal” and identify the reason or reasons you believe this disclosure determination should be reversed.

You may also commence a civil action in the circuit court as permitted by MCL 15.240. A civil action challenging a final denial must generally be filed within 180 days after the County's final determination.

If you prevail in an action under MCL 15.240, statutory remedies may include reasonable attorneys' fees, costs, disbursements, and other relief as provided by law.

Issued by	Bill Scharfenberg, Assistant Controller, FOIA Coordinator Designee
Signature	
Date	