

**MUSKEGON COUNTY**

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**MICHIGAN**

**FREEDOM OF  
INFORMATION ACT**

Policy No. 1999-551

**Policy & Procedure Guide**

Adopted by: The Muskegon County

Board of Commissioners

October 26, 1999

Revised Edition: March 25, 2008

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**The Michigan Freedom of Information Act (FOIA)** requires that public bodies grant full and complete access to information regarding the affairs of their operations. This Act provides for public access to certain records; permits certain fees; prescribes the powers and duties of certain public officers; and provides remedies, penalties and repeals to certain acts and parts of acts.

The Freedom of Information Act is designed to implement a strong state policy that all records maintained by government, unless exempted, are to be made available to the public upon request.

As a public body, the County of Muskegon is required to assure that all persons (except those incarcerated in state or local correctional facilities) are entitled to full and complete information if the procedures of the Act are followed. Information covered under the FOIA includes business transactions and paperwork maintained, received and generated as part of the governmental unit.

***The purpose of this policy is to:***

- ❖ Assure compliance with the Freedom of Information Act by all County of Muskegon Departments and Offices as required and permitted by statutes.
- ❖ Formulate a comprehensive policy that will be applicable County-wide regarding the dissemination of information pursuant to the Freedom of Information Act (MCL.14.231 et. seq.) (Public Act 553 of 1996), as amended.
- ❖ Communicate to County elected officials, department heads, employees, and the public the formal County Policy on Freedom of Information requests.

## **I. RECEIVE THE REQUEST**

1. FOIA Officer - The County Administrator, or his/her designee, is the designated FOIA Officer with authorization by the Muskegon County Board of Commissioners to accept and process requests for public records and to approve denials under this act. The FOIA Officer may, in his/ her discretion, implement administrative rules, consistent with State law and this Policy & Procedure Guide to administer the acceptance and processing of FOIA requests.
2. Routine FOIA requests for departmental information may be received and processed by the proper County Departments and/or offices. The FOIA Officer shall be notified of any extraordinary requests prior to processing. (Extraordinary examples: a large volume of material, information requested covers many years, and may require considerable staff/computer time, etc.). Requests for departmental information that is furnished to the general public through normal operations should not be treated as a FOIA request. This includes information readily available on the county and/or department website, pamphlets, loose-leaf publications, and other printed materials (e.g. reports) produced for public information and disclosure. In addition, departmental guidelines, manuals and forms, adopted or used by the agency in the discharge of its functions should also be made available without a FOIA request.
3. All denials under this act must be authorized by the FOIA Officer and must cite the reason for denial.
4. Requests under the Freedom of Information Act must meet the following requirements:
  - a. FOIA requests may be submitted in writing. If you require assistance with writing or translating, please contact the FOIA Officer. Individuals can submit their requests in letter format or complete and return a Request for Information form (FOIA #010) attached and also available on the County Board of Commissioners' website at <http://www.co.muskegon.mi.us/boardofcommissioners/policies.htm>. Requests received by facsimile, electronic mail or other electronic means are considered received the first business day following the transmittal.
  - b. Verbal requests for records may be documented by the County on the County's FOIA Request Form. If a person makes a verbal, non-written request for information believed to be available on the County's website, where practicable and to the best ability of the employee receiving the request, the requesting person shall be informed of the pertinent website address.
  - c. The requested information must be identifiable. The written request should describe the public record sufficiently to enable the public body to find the public record.
  - d. The requested document and/or information must exist.
  - e. The requested records should NOT be exempt from disclosure under the Act as referenced in FOIA 15.243, Section 13 (see attachment).
  - f. The FOIA request can be a single (one-time) request or a renewable subscription request (information disseminated on a regular basis for up to six months).
  - g. Prisoners in state, county or federal correctional facilities are not entitled to make requests.

5. All requests received from attorneys will be forwarded to Corporate Counsel for information, and if deemed necessary, for action.
6. The FOIA Officer or his/her designee shall review County spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Officer shall work with County Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect County systems from computer attacks which may be imbedded in an electronic FOIA request.
7. The County will make this Policy & Procedure document and the Written Public Summary publicly available without charge. If it does not, the County cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance. A copy of this Policy & Procedure document and the County's Written Public Summary must be publicly available by providing free copies both in the County's response to a written request and upon request by visitors at the County's offices.
8. A person may request that public records be provided on non-paper physical media, emailed or other otherwise provided to him or her in digital form in lieu of paper copies. The County will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

## **II. RESPOND TO THE REQUEST**

1. The County Department or Office shall **determine the scope of the FOIA request** (e.g. the time required to search for, examine, separate/delete exempt information, and/or copy the requested records).
2. The County of Muskegon may charge fees for reproducing requested records in accordance with Section 4 of the FOIA. A fee will not be charged for the labor cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the County because of the nature of the request in the particular instance, and the County specifically identifies the nature of the unreasonably high costs.
  - a. Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are "unreasonably high" when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the County's usual FOIA requests, not compared to the County's operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011). The following factors will be used to determine an unreasonably high cost to the County:
    - i. Volume of the public record requested.
    - ii. Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
    - iii. Whether the public records are from more than one County

department or whether various County offices are necessary to respond to the request.

iv. The available staffing to respond to the request.

v. Any other similar factors identified by the FOIA Officer in responding to the particular request.

b. The County may charge for the following costs associated with processing a request:

i. Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.

ii. Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the County.

iii. Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the County.

iv. The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.

v. The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the County's website if you ask for the County to make copies.

vi. The cost to mail or send a public record to a requestor.

c. Labor costs will be calculated based on the following requirements:

i. All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.

ii. Labor costs will be charged at the hourly wage of the lowest-paid County employee capable of doing the work in the specific fee category, regardless of who actually performs work.

iii. Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.

iv. The County may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.

v. Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.

vi. Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage).

d. The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

i. Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.

ii. This cost will only be assessed if the County has the technological capability necessary to provide the public record in the requested non-paper physical media format.

iv. The County will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the County's technology infrastructure.

e. The cost to provide paper copies of records will be based on the following requirements:

i. Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.

ii. The County will provide records using double-sided printing, if it is cost-saving and available.

f. The cost to mail records to a requestor will be based on the following requirements:

i. The actual cost to mail public records using a reasonably economical and justified means.

ii. The County may charge for the least expensive form of postal delivery confirmation.

iii. No cost will be made for expedited shipping or insurance unless specified by the requestor.

g. The first \$20.00 of a fee shall be discounted for a person who submits an affidavit stating that he or she is:

- i. Indigent and receiving specific public assistance, or
- ii. If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An affidavit is a sworn statement. The FOIA Officer may make a Fee Waiver Affidavit Form available for use by the public.

h. The FOIA Officer will discount the first \$20.00 of the processing fee for a request from a nonprofit organization formally designated by the state to carry out activities under Subtitle C of the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:

- i. Is made directly on behalf of the organization or its clients.
- ii. Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
- iii. Is accompanied by documentation of its designation by the state, if requested by the County.

i. The County Department or Office should use the established FOIA fees as outlined in the attached fee schedule to **estimate the cost of providing the requested information**. The FOIA Officer shall periodically review and recommend FOIA fee adjustments to the Muskegon County Board of Commissioners. Approved fees shall be communicated to all Departments and Elected Offices of the County.

j. If the request is granted, or granted in part, the FOIA Officer will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

k. The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The County Board of Commissioners may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

3. In accordance with the Act (Reference 15.235, Section 5.2): Unless otherwise agreed to in writing by the person making the request, the County Department or Office (public body) shall **respond to the FOIA request within 5 business days** on the FOIA Policy Response Form #011 (attached and available on the Board's intranet page), by doing one of the following:

- a. Process and grant the request.
- b. Issue a written notice to deny the request.

- c. Grant the request in part and issue a written notice to deny the request in part.
- d. Under unusual circumstances (See FOIA 15.232, Section 2.g), issue a notice to extend the response period by 10 business days.
- e. If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

- f. If the cost of the request is expected to exceed \$50, issue a notice to the requestor to provide a 50% good faith deposit prior to processing the request. In making the request for a good-faith deposit, the FOIA Officer shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the County to process the request and also provide a best efforts estimate of a time frame it will take the County to provide the records to the requestor. The best efforts estimate shall be nonbinding on the County, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.
- g. If a request for public records is from a person who has not paid the County in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Officer will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:
- i. The final fee for the prior written request is not more than 105% of the estimated fee;
  - ii. The public records made available contained the information sought in the prior written request and remain in the County's possession;
  - iii. The public records were made available to the individual, subject to payment, within the time frame estimated by the County to provide the records;
  - iv. Ninety (90) days have passed since the FOIA Officer notified the individual in writing that the public records were available for pickup or mailing;
  - v. The individual is unable to show proof of prior payment to the County; and
  - vi. The FOIA Officer has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.
- h. The FOIA Officer will not require an increased estimated fee deposit if any of the following apply:
- i. The person making the request is able to show proof of prior payment in full to the County;
  - ii. The County is subsequently paid in full for the applicable prior written request; or
  - iii. Three hundred sixty-five (365) days have passed since the person made the request for which full payment was not remitted to the County.

4. A copy of this Policy & Procedure Guide and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records, provided however, that because these Procedures and Guidelines, and the Written Public Summary are maintained on the County's website at:

<http://www.co.muskegon.mi.us/boardofcommissioners/policies.htm>, a link to the Policy & Procedure Guide and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

5. If the request is denied or denied in part, the FOIA Officer will issue a Notice of Denial which shall provide in the applicable circumstance:

a. An explanation as to why a requested public record is exempt from disclosure;  
or

b. A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the County; or

c. An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and

d. An explanation of the person's right to submit an appeal of the denial to either the County Board of Commissioners or seek judicial review in the Muskegon County Circuit Court; and

e. An explanation of the right to receive attorneys' fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court; and

f. The Notice of Denial shall be signed by the FOIA Officer.

6. The FOIA Officer shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

7. The County shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Officer is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect County records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal County operations.

### **III. RECORD THE REQUEST**

1. Each Department or Office that processes FOIA information shall establish and maintain a **FOIA log** to track and record related details to verify the following:

a. Compliance with FOIA 15.233, Section 3.2 - A copy of all written FOIA requests for public records should be kept on file for no less than 1 year.

b. Compliance with FOIA 15.235, Section 5.2 - A public body shall respond to a request for a public record within 5 business days after its receipt.

- c. Compliance with FOIA 15.234, Section 4.3 - Fees shall be uniform and not dependent upon the identity of the requesting person.
2. The FOIA logs should identify the County of Muskegon Department or Office in its heading and should record (as a minimum) the following items:
  - a. Date Received
  - b. Brief Description of Request
  - c. Requesting Party
  - d. Date Responded
  - e. Response Type (granted, denied, partial, extension, deposit)
  - f. Fees Charged
  - g. Fees Collected
3. In addition to the log, the County Department or Office shall keep on file a time stamped copy of all requests and responses for a period of one (1) year following their issuance. The actual materials, information or records provided to the requestor should not be copied and filed if the documents are stored and accessible through normal operations.
4. FOIA logs, requests, responses and related information must be available for review by the FOIA Officer upon request.
5. The County of Muskegon Department or Office shall comply with the following FOIA related record retention responsibilities in accordance with 15.233, Section 3.3:
  - a. Furnish the requesting person a reasonable opportunity for inspection and examination of its public records and furnish reasonable facilities for making memoranda or abstracts from its public records during usual business hours.
  - b. Make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions.

- c. Protect public records from loss, unauthorized alteration, mutilation, or destruction.

#### IV. APPEAL

1. When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the County Board of Commissioners by filing an appeal of the denial with the office of the County Board Chairperson.

- a. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The County FOIA Appeal Form (To Appeal a Denial of Records), may be used.

- b. The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board of Commissioners meeting following submission of the written appeal.

- c. Within 10 business days of receiving the appeal the County Board of Commissioners will respond in writing by:

- i. Reversing the disclosure denial; or

- ii. Upholding the disclosure denial; or

- iii. Reverse the disclosure denial in part and uphold the disclosure denial in part; or

- iv. Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the County Board of Commissioners shall respond to the written appeal. The County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.

- d. If the County Board of Commissioners fails to respond to a written appeal, or if the County Board of Commissioners upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Muskegon County Circuit Court.

- e. Whether or not a requestor submitted an appeal of a denial to the County Board, he or she may file a civil action in Muskegon County Circuit Court within 180 days after the County's final determination to deny the request. If a court determines a public record is not exempt from disclosure, it shall order that the County to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record.

- i. Failure to comply with an order of the court may be punished as contempt of court.

- ii. If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award

reasonable attorneys' fees, costs, and disbursements. If the County prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

iii. If the court determines that the County has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of public record, the court shall order the County to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

2. If a requestor believes that the fee charged by the County to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the County Board of Commissioners by submitting a written appeal for a fee reduction to the office of the County Board Chairperson.

a. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The County FOIA Appeal Form (To Appeal an Excess Fee) may be used.

b. The County Board of Commissioners is not considered to have received a written appeal until the first regularly scheduled County Board of Commissioners meeting following submission of the written appeal.

c. Within 10 business days after receiving the appeal, the County Board of Commissioners will respond in writing by:

i. Waiving the fee;

ii. Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;

iii. Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or

iv. Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the County Board of Commissioners will respond to the written appeal. The County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.

d. Where the County Board of Commissioners reduces or upholds the fee, the determination must include a certification from the County Board of Commissioners that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available Policy & Procedures Guide and Section 4 of the FOIA.

e. Within 45 days after receiving notice of the County Board's determination of an appeal, the requesting person may commence a civil action in Muskegon County Circuit Court for a fee reduction. If a civil action is commenced against the County for an excess fee, the County is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

f. An action shall not be filed in Circuit Court unless one of the following applies:

i. The County does not provide for appeals of fees, or

ii. The County Board of Commissioners failed to respond to a written appeal as required, or

iii. The County Board of Commissioners issued a determination to a written appeal.

g. If a court determines that the County required a fee that exceeds the amount permitted under its publicly available Policy & Procedures Guide or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount.

i. Failure to comply with an order of the court may be punished as contempt of court.

ii. If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body or an liable for damages.

iv. If the court determines that the County has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the County to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

V. CONFLICT WITH PRIOR FOIA POLICIES AND PROCEDURES; EFFECTIVE DATE

1. To the extent that this Policy & Procedure Guide conflicts with previous FOIA policies promulgated by County Board of Commissioners or the County Administration these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Officer subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the County Board of Commissioners or the County Administration, the administrative rule promulgated by the FOIA Officer is controlling.

2. To the extent that any provision of this Policy & Procedure Guide or any administrative rule promulgated by the FOIA Officer pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Officer is authorized to modify this policy and all previous policies adopted by the County Board of Commissioners or the County Administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Officer shall inform the County Board of Commissioners of any change to these Policies and Guidelines.

3. This FOIA Policy & Procedure Guide becomes effective July 1, 2015.

County: Keep original and provide copy, along with Public Summary, to requestor at no charge.

County of Muskegon  
990 Terrace St., 4<sup>th</sup> Floor  
Muskegon, MI 49442  
Phone: (231) 724-6520

Extension Form

**Notice to Extend Response Time for FOIA Request**  
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: \_\_\_\_\_ Date Received: \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method  
Date of This Notice: \_\_\_\_\_ Date delivered to junk/spam folder: \_\_\_\_\_  
(Please Print or Type) Date discovered in junk/spam folder: \_\_\_\_\_

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

Request for:  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis  
Delivery Method:  Will pick up  Will make own copies onsite  Mail to address above  Email to address above  
 Deliver on digital media provided by the County: \_\_\_\_\_

Record(s) You Requested: (Listed here or see attached copy of original request) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We are extending the date to respond to your FOIA request for no more than 10 business days, until \_\_\_\_\_ (month, day, year).  
Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact \_\_\_\_\_ at \_\_\_\_\_

Estimated Time Frame to Provide Records: \_\_\_\_\_ (days or date)  
The time frame estimate is nonbinding upon the County, but the County is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

**Reason for Extension:**

1. The County needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the County must:  
\_\_\_\_\_  
\_\_\_\_\_

2. The County needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the County office. Specifically, the County must coordinate documents from the following locations:  
\_\_\_\_\_  
\_\_\_\_\_

3. Other (describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of FOIA Coordinator:	Date:
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County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

County of Muskegon  
990 Terrace St., 4<sup>th</sup> Floor  
Muskegon, MI 49442  
Phone: (231) 724-6520

Denial Form

### Notice of Denial of FOIA Request

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

Request No.: \_\_\_\_\_ Date Received: \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method  
Date of This Notice: \_\_\_\_\_ Date delivered to junk/spam folder: \_\_\_\_\_  
(Please Print or Type) Date discovered in junk/spam folder: \_\_\_\_\_

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

Request for:  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis

Delivery Method:  Will pick up  Will make own copies onsite  Mail to address above  Email to address above  
 Deliver on digital media provided by the County: \_\_\_\_\_

Record(s) You Requested: (Listed here or see attached copy of original request) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All OR  Part of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact \_\_\_\_\_ at \_\_\_\_\_

#### Reason for Denial:

1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection \_\_\_\_\_ (insert number), because: \_\_\_\_\_  
\_\_\_\_\_

2. Record Does Not Exist: This item does not exist under the name provided in your request or by another name reasonably known to the County. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record: \_\_\_\_\_  
\_\_\_\_\_

3. Redaction: A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection \_\_\_\_\_ (insert number), because: \_\_\_\_\_  
\_\_\_\_\_

A brief description of the information that had to be separated or deleted: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the County Board of Commissioners or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the County has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: \_\_\_\_\_

Date: \_\_\_\_\_

## FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

County: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

County of Muskegon  
 990 Terrace St., 4<sup>th</sup> Floor  
 Muskegon, MI 49442  
 Phone: (231) 724-6520

## Freedom of Information Act Request Detailed Cost Itemization

Date: \_\_\_\_\_ Prepared for Request No.: \_\_\_\_\_ Date Request Received: \_\_\_\_\_

<p><b>The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the County's FOIA Policies and Guidelines.</b></p>		
<p><b>1. Labor Cost for Copying / Duplication</b></p> <p>This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.</p> <p>This shall not be more than the hourly wage of the County's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in <b>15-minute time increments as set by the County Board</b> (for example: 15-minutes or more); all partial time increments must be rounded down. <i>If the number of minutes is less than one increment, there is no charge.</i></p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____  <b>OR</b>          Hourly Wage with Fringe Benefit Cost: \$ _____ <b>OR</b>          Multiply the hourly wage by the percentage multiplier: _____%          (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate. Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:</p> <p><b>Number of increments</b>          x _____ =</p>	<p><b>1. Labor Cost</b>          \$ _____</p>
<p><b>2. Labor Cost to Locate:</b></p> <p>This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. <b>This fee is being charged because failure to do so will result in unreasonably high costs to the County that are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in this particular instance, specifically:</b> _____</p> <hr/> <p>The County will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in <b>15-minute time increments (must be 15-minutes or more)</b>; all partial time increments must be rounded down. <i>If the number of minutes is less than 15, there is no charge.</i></p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____  <b>OR</b>          Hourly Wage with Fringe Benefit Cost: \$ _____ <b>OR</b>          Multiply the hourly wage by the percentage multiplier: <b>50%</b>          (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate. Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:</p> <p><b>Number of increments</b>          x _____ =</p>	<p><b>2. Labor Cost</b>          \$ _____</p>

**3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):**

*(Fill this out if using a County employee. If contracted, use No. 3b instead).*

The County will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

**This fee is being charged because failure to do so will result in unreasonably high costs to the County that are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in this particular instance, specifically:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

This is the cost of labor of an **County employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **County's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in **15-minute time increments (must be 15-minutes or more)**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ \_\_\_\_\_ Charge per increment: \$ \_\_\_\_\_  
 OR  
 Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_ OR  
 Multiply the hourly wage by the percentage multiplier: **50%**  
*(up to 50% of the hourly wage)* and add to the hourly wage for a total per hour rate. Charge per increment: \$ \_\_\_\_\_

Overtime rate charged as stipulated by Requestor *(overtime is not used to calculate the fringe benefit cost)*

To figure the number of increments, take the *number of minutes*:  
 \_\_\_\_\_, divide by \_\_\_\_\_-minute increments, and round down.  
 Enter below:

Number of increments x \_\_\_\_\_ = 3a. Labor Cost \$ \_\_\_\_\_

**3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):**

*(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)*

The County will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

**This fee is being charged because failure to do so will result in unreasonably high costs to the County that are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in this particular instance, specifically:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

As this County does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of \_\_\_\_\_ *(currently \$8.15)*.

Name of contracted person or firm: \_\_\_\_\_

These costs will be estimated and charged in **15-minute time increments (must be 15-minutes or more)**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Cost Charged: \$ \_\_\_\_\_ Charge per increment: \$ \_\_\_\_\_

To figure the number of increments, take the *number of minutes*:  
 \_\_\_\_\_, divide by \_\_\_\_\_-minute increments, and round down to: \_\_\_\_\_ increments.  
 Enter below:

Number of increments x \_\_\_\_\_ = 3b. Labor Cost \$ \_\_\_\_\_

**4. Copying / Duplication Cost:**

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- **Letter** (8 1/2 x 11-inch, single and double-sided): \_\_\_\_\_ cents per sheet
- **Legal** (8 1/2 x 14-inch, single and double-sided): \_\_\_\_\_ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- **Other paper sizes** (single and double-sided): \_\_\_\_\_ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- **Circle applicable:** Disc / Tape / Drive / Other Digital Medium **Cost per Item:** \_\_\_\_\_

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed** 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A County must utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of Sheets:

x \_\_\_\_\_ = \$ \_\_\_\_\_  
 x \_\_\_\_\_ = \$ \_\_\_\_\_

x \_\_\_\_\_ = \$ \_\_\_\_\_

No. of Items:

x \_\_\_\_\_ = \$ \_\_\_\_\_

Costs:

**4. Total Copy Cost**  
 \$ \_\_\_\_\_

**5. Mailing Cost:**

The County will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The County **may** charge for the least expensive form of postal delivery confirmation.
- The County **cannot** charge more for expedited shipping or insurance unless specifically requested by the requestor.\*

Actual Cost of Envelope or Packaging: \$ \_\_\_\_\_

Actual Cost of Postage: \$ \_\_\_\_\_ per stamp  
 \$ \_\_\_\_\_ per pound  
 \$ \_\_\_\_\_ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ \_\_\_\_\_

\*Expedited Shipping or Insurance as Requested: \$ \_\_\_\_\_

Number of Envelopes or Packages:

x \_\_\_\_\_ = \$ \_\_\_\_\_

Costs:

**5. Total Mailing Cost**  
 \$ \_\_\_\_\_

\* Requestor has requested expedited shipping or insurance

**6a. Copying/Duplicating Cost for Records Already on County's Website:**

If the public body has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the County will provide the public records in the specified format and may charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): \_\_\_\_\_ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): \_\_\_\_\_ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): \_\_\_\_\_ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- *Circle applicable:* Disc / Tape / Drive / Other Digital Medium Cost per Item: \_\_\_\_\_

Requestor has stipulated that some / all of the requested records that are already available on the County's website be provided in a paper or non-paper physical digital medium.

Number of Sheets:

x \_\_\_\_\_ = \$ \_\_\_\_\_  
x \_\_\_\_\_ = \$ \_\_\_\_\_

Costs:

x \_\_\_\_\_ = \$ \_\_\_\_\_

No. of Items:

x \_\_\_\_\_ = \$ \_\_\_\_\_

6a. Web Copy Cost

\$ \_\_\_\_\_

**6b. Labor Cost for Copying/Duplicating Records Already on County's Website:**

This shall not be more than the hourly wage of the County's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in \_\_\_\_\_-minute time increments (i.e.: 15-minutes or more); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ \_\_\_\_\_

Charge per increment: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

OR

Multiply the hourly wage by the percentage multiplier: \_\_\_\_\_% and add to the hourly wage for a total per hour rate.

Charge per increment: \$ \_\_\_\_\_

The County may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the number of minutes: \_\_\_\_\_, divide by \_\_\_\_\_-minute increments, and round down. Enter below:

Number of increments

6b. Web Labor Cost

x \_\_\_\_\_ = \$ \_\_\_\_\_

**6c. Mailing Cost for Records Already on County's Website:**

Actual Cost of Envelope or Packaging: \$ \_\_\_\_\_

Actual Cost of Postage: \$ \_\_\_\_\_ per stamp / per pound / per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ \_\_\_\_\_

\*Expedited Shipping or Insurance as Requested: \$ \_\_\_\_\_

\* Requestor has requested expedited shipping or insurance

Number:

x \_\_\_\_\_ = \$ \_\_\_\_\_

Costs:

x \_\_\_\_\_ = \$ \_\_\_\_\_

x \_\_\_\_\_ = \$ \_\_\_\_\_

x \_\_\_\_\_ = \$ \_\_\_\_\_

6c. Web Mailing Cost

\$ \_\_\_\_\_

**Subtotal Fees Before Waivers, Discounts or Deposits:**

Cost estimate  
 Bill

- 1. Labor Cost for Copying: \$ \_\_\_\_\_
- 2. Labor Cost to Locate: \$ \_\_\_\_\_
- 3a. Labor Cost to Redact: \$ \_\_\_\_\_
- 3b. Contract Labor Cost to Redact: \$ \_\_\_\_\_
- 4. Copying/Duplication Cost: \$ \_\_\_\_\_
- 5. Mailing Cost: \$ \_\_\_\_\_
- 6a. Copying/Duplication of Records on Website: \$ \_\_\_\_\_
- 6b. Labor Cost for Copying Records on Website: \$ \_\_\_\_\_
- 6c. Mailing Costs for Records on Website: \$ \_\_\_\_\_

**Estimated Time Frame to Provide Records:**  
 \_\_\_\_\_ (days or date)

The time frame estimate is nonbinding upon the County, but the County is providing the estimate in good faith. Providing an estimated time frame does not relieve the County from any of the other requirements of this act.

**Subtotal Fees:** \$ \_\_\_\_\_

**Waiver: Public Interest**

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the County determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

All fees are waived **OR**  All fees are reduced by: \_\_\_\_\_%

**Subtotal Fees After Waiver:** \$ \_\_\_\_\_

**Discount: Indigence**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, **OR**
- (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Eligible for Indigence Discount

**Subtotal Fees After Discount (subtract \$20):** \$ \_\_\_\_\_

**Discount: Nonprofit Organization**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the County.

Eligible for Nonprofit Discount

**Subtotal Fees After Discount (subtract \$20):** \$ \_\_\_\_\_

<p><b>Deposit: Good Faith</b>  The County may require a good-faith deposit in either its initial response or a subsequent response before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee.  Percent of Deposit: _____%</p>	Date Paid: _____	Deposit Amount Required: \$ _____
<p><b>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full</b>  After a County has granted and fulfilled a written request from an individual under this act, if the County has not been paid in full the total amount of fees for the copies of public records that the County made available to the individual as a result of that written request, the County may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:</p> <p>(a) The final fee for the prior written request was not more than 105% of the estimated fee.  (b) The public records made available contained the information being sought in the prior written request and are still in the County's possession.  (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request.  (d) Ninety (90) days have passed since the County notified the individual in writing that the public records were available for pickup or mailing.  (e) The individual is unable to show proof of prior payment to the County.  (f) The County calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>A County can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the County, OR  (b) The County is subsequently paid in full for the applicable prior written request, OR  (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the County.</p>	Date Paid: _____	Percent Deposit Required: _____%  Deposit Required: \$ _____
<p><b>Late Response Labor Costs Reduction</b>  If the County does not respond to a written request in a timely manner as required under MCL 15.235(2), the County must do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted by 5% for each day the County exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:</p> <p>(i) The late response was willful and intentional, OR</p> <p>(ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.</p>	Number of Days Over Required Response Time: _____ Multiply by 5% = Total Percent Reduction: _____	Total Labor Costs \$ _____ Minus Reduction \$ _____ = Reduced Total Labor Costs \$ _____
<p>The Public Summary of the County's FOIA Procedures and Guidelines is available free of charge from:  Website: <a href="http://www.co.muskegon.mi.us/boardofcommissioners/policies.htm">www.co.muskegon.mi.us/boardofcommissioners/policies.htm</a>  Email: _____  Phone: (231) 724-6520 Address: 990 Terrace St., 4th Floor, Muskegon, MI 49442</p> <p style="text-align: center;"><b>Request Will Be Processed,  But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</b></p>	Date Paid: _____	Total Balance Due: \$ _____

MUSKEGON COUNTY  
MICHIGAN

990 Terrace Street, Muskegon, MI 49442

FREEDOM OF INFORMATION ACT RESPONSE

To: \_\_\_\_\_

You requested: \_\_\_\_\_

(Brief description of the request)

From: \_\_\_\_\_

(County Department or Office request submitted to)

The response to your request is as follows:



Granted as indicated below:

Copies of the requested records are attached.  
You may obtain copies of the requested records by first paying a fee of \$ \_\_\_\_\_.  
You may inspect the requested records at this office on \_\_\_\_\_ at the time of \_\_\_\_\_. You may copy or order copies of those records after inspection.



Denied

This is a certification that the records you requested do not exist under the name given or by another name reasonably known to this public body. Please see Notice of Right to Appeal.



Partial

A certain portion of your request was denied. Please review the above Denied information for an explanation. Review the checked box under the granted response for the cost of the information that was granted.



Extension

Due to unusual circumstances, this public body requires an additional ten (10) business days to respond to your request.



Deposit

Because the cost of the requested records will exceed \$50, a good faith deposit in the amount of \$ \_\_\_\_\_ (1/2 the total estimated cost) is required in order for the County to process your request.



Exempt

The records you requested are exempt for the reason given: \_\_\_\_\_

NOTICE OF RIGHT TO APPEAL

Submit to the Chairperson of the Muskegon County Board of Commissioners a written appeal that specifically states the word "appeal" and identifies the reasons for the reversal of the disclosure denial to:

Attn: County Board Chairperson  
C/O County Administrator  
990 Terrace, 4<sup>th</sup> Floor  
Muskegon, MI 49442

MCLA 15.240: (1) If a public body makes a final determination to deny a request or a portion thereof, the requesting person may commence an action in the Circuit Court to compel disclosure of the public records. If the court determines that the public records are not exempt from disclosure, the court shall order the public body to cease withholding or to produce a public record or a portion thereof wrongfully withheld, regardless of the location of the public record...the court shall determine the matter de novo and the burden is on the public body to sustain its denial...Failure to comply with an order of the court may be punished as contempt of court...(4) If a person asserting the right to inspect or to receive a copy of a public record or a portion thereof prevails in an action commenced pursuant to this section, the court shall award reasonable attorney's fees, costs and disbursements. If the person prevails in part, the court may in its discretion award reasonable attorneys' fees, costs, and disbursements or an appropriate portion there...(5) In an action commenced pursuant to this section, if the circuit court finds that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public records, the court shall, in addition to any actual or compensatory damages, award punitive damages in the amount of \$500.00 to the person seeking the right to inspect or receive a copy of a public record...

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_