

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

Date: January 16, 2019

To: [REDACTED]

Copy to:

B. Todd Glover, City Administrator

Robert A. Pettit, Mayor

Kelly F. Zier, City Attorney

RE: FREEDOM OF INFORMATION REQUEST

PLEASE BE ADVISED that the City of North Augusta has received your Freedom of Information Act (FOIA) request the 15 day of January 20 19. Such request has been forwarded to the appropriate department for response. In addition, a copy of said request has been forwarded to the office of the City Attorney for his review.

The City Attorney will make a determination as to whether the request is a proper request under the FOIA act. The appropriate department will advise as to what materials, documents, etc. may be available. That department will also provide information indicating the approximate time involved related to the retrieval of the documentation, and also the amount of material that would need to be copied in order to comply with the request. At such time as a response is received from the City Attorney and the appropriate department, we will then notify you of the response of the City to your FOIA request. In the event that the request is deemed appropriate and permissible under the FOIA act, we will advise you of same and also provide an estimate of the costs that would be related to responding to said request. In the event that it is determined that the FOIA request is not proper and not permitted by the act, you'll also be advised of that decision.

A response to your request will be made within the time limits as established by section 20-4-30(c) of the FOIA act. Specifically, this requires that said response be provided within 10 business days for any record requested that is less than 24 months old. A request for a record that is more than 24 months old, is to be responded to within 20 business days from the date of the receipt of your request. The City would not normally require the full period in order to respond, but reserves its right under the act to do so.

In the event that the response to your request is positive and the costs associated with retrieving and providing the data is minimal, in most cases, the City would forward the documentation to you with a statement for the costs. An example of charges would be 15¢ per page for black and white copies, 20¢ per page for color copies. The City does not

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Date: 1-18-19 2-19-19 (Complete)

By: jd

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Requests

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charge for search and retrieval for fifteen minutes or less. For any time required to research and retrieve the requested information more than 15 minutes, the City charges, a minimum of \$8.00 per 30 minutes. Pursuant to the act, the charge for searching, retrieving, and redacting records is not to exceed the hourly wage of the lowest paid employee on the public body staff, who has the skill and training to fulfill the request. Therefore, the charge could be in excess of the \$8.00 per 30 minutes, if a regular clerical person is unable to perform the services. The specific FOIA Fee schedule, as adopted by the City is available for review online. In the event that the costs are considered to be of more than a nominal amount, the City would reserve the right to require a deposit of 25% of anticipated costs to be made before assembling, copying and delivering the materials. This would also provide to you the opportunity to determine if you desired to proceed with the request in light of the costs.

NOTICE: SOUTH CAROLINA LAW PROVIDES THE "IT IS A CRIME TO KNOWINGLY OBTAIN OR USE PERSONAL INFORMATION FROM A PUBLIC BODY FOR COMMERCIAL SOLICITATION."

Sharon Lamar

Sharon Lamar, City Clerk

City of North Augusta, South Carolina

Lamar, Sharon

From: [REDACTED]
Sent: Wednesday, January 16, 2019 3:48 PM
To: Lamar, Sharon
Cc: Glover, Todd; Pettit, Robert; Kelly Zier (kzier@zierlawfirm.com)
Subject: Re: SC FOIA Request

Thanks, Sharon.

I have received the city's reply to my 1/15/19 FOIA request.

Perry

From: "Lamar, Sharon" <SLamar@northaugusta.net>
To: [REDACTED]
Cc: "Glover, Todd" <TGlover@northaugusta.net>; "Pettit, Robert" <RPettit@northaugusta.net>; "Kelly Zier (kzier@zierlawfirm.com)" <kzier@zierlawfirm.com>
Sent: Wednesday, January 16, 2019 3:38 PM
Subject: RE: SC FOIA Request

Mr [REDACTED]

Attached please find our response to your FOIA request received January 15, 2019. Please confirm receipt.

From: [REDACTED]
Sent: Tuesday, January 15, 2019 12:18 AM
To: Lamar, Sharon <SLamar@northaugusta.net>
Cc: Pettit, Robert <RPettit@northaugusta.net>; Glover, Todd <TGlover@northaugusta.net>; Kelly Zier <kzier@zierlawfirm.com>; Bob Brooks <orangepaw73@yahoo.com>; Fletcher Dickert <fletcher@allenbatchelor.com>; Ken McDowell <kadmcdowell@comcast.net>; Pat Carpenter <pcarpenter06@yahoo.com>; Jimmy Adams <jmadams201@msn.com>; David & Ruthie <4mcghee@comcast.net>
Subject: SC FOIA Request

The following request is made to the city of North Augusta based on the tenets of the SC Freedom of Information Act, Title 30, Chapter 4, of the SC Code of Laws.

Resolution 2019-01, passed unanimously on 01/07/2019 by council, states in part, "WHEREAS, the preferred option 2-6b (sic) as selected and presented by the Corps would lower said pool by approximately 2.5–3 ft.;"

In the discussion of that resolution, I showed the US Corps of Engineers display of their choice, option 2-6d, which was presented at the meeting the Corps held on Nov. 14, 2018 in council chambers. A picture in the handout I provided council showed the display board of the Corps' choice.

The text thereon, in part, stated, "The water level at 5th St. Bridge would range between 1 and 2 feet lower than today's conditions with average flow." More than once I commented, "The city's number is wrong," but the city did nothing to prove it wasn't.

I request the following information concerning the city's preparation of Resolution 2019-01. Counselor Zier, by city ordinance, prepares the resolutions for council to act upon.

Therefore,

1. who or what was the source of the pool variance of "2.5-3 ft.?"
2. does the city have conclusive proof the "2.5-3 ft." value is technically correct? In other words, how good is the city's value v. the USACE lower value?
3. I request a copy of any and all communications, reports, documents, and other items regarding the city stating a value of "2.5-3 ft.", as the pool level variation for the Corps choice, in a resolution potentially affecting the coffers of this city and, therefore, its citizens, who provide funds for expenditures therefrom.

I seek to ascertain where the city's information re pool level variance originated. Was it calculated by another group of hydraulic, civil, or water resource engineers or someone similar with knowledge of the Corps numerous studies? Did the city hire such a resource to properly calculate the stated value of "2.5-3 ft.?"

This becomes a very critical matter for us citizens because the difference in the city's pool level range and that from the USACE could cause a significant amount of city revenues, those from city taxpayers included, to be wasted because of the effect of politically expedient exaggeration.

The city must not waste funds due to politics or other influences in trying to revive an already dead horse. Those wasted funds could be much better spent on greatly needed new Public Safety facilities.

Why should the city ever decide to provide potentially invalid data to sway public opinion in any resolution or ordinance provided council for action? Is our city being truthful with its citizens? Which comes first, the city's "wants" or its citizens' "needs?"

I appreciate the city's attention to this SC FOIA request and my pertinent comments within.

Sincerely,

[Redacted signature block]

The information contained in this transmission may contain privileged and confidential information protected by federal and state privacy laws. It is intended only for the use of the person(s) named

above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Email transmissions to and from this address are the property of the City of North Augusta, SC and subject to public release pursuant to the South Carolina Freedom of Information Act.