

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

Date: May 7, 2019

T0: [REDACTED]

Copy to:
 Kelly Zier, City Attorney
 Robert A. Pettit, Mayor
 B. Todd Glover, City Administrator

RE: FREEDOM OF INFORMATION REQUEST

PLEASE BE ADVISED that the City of North Augusta has received your Freedom of Information Act (FOIA) request the 7th day of May 2019. 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 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

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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 THAT "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: Monday, May 06, 2019 11:56 PM
To: Lamar, Sharon; Dione Carroll; Kelly Zier
Cc: Pettit, Robert; Glover, Todd; Bob Brooks; Fletcher Dickert; Pat Carpenter; David & Ruthie; [REDACTED]
Subject: SC FOIA Request and Tonight's Meeting of City Council

Mrs. Lamar,

Please ensure that Council Members Toole and Presnell receive a copy of this email. I do not have their email addresses. The northaugusta.net website has not as yet been changed to reflect our two new members.

Counselor Carroll and Counselor Zier have already communicated in writing about the validity of the request I am about to make.

Their letters concerned a previous SC FOIA Request Counselor Carroll made to the City on my behalf regarding the public availability, to me in particular, of the "packets" of information provided Council members on the Friday preceding the meeting of Council on the following Monday evening.

As per the tenets of the SC FOIA, I hereby request copies of any and all inclusive information, in whatever form, given by the City to Council members before tonight's (May 6, 2019) council meeting. All of that information is now "after the fact" as it was to contain information for tonight's public meeting of Council. It is in their possession. They used that information to prepare for tonight's meetings. Those meetings have now been held.

Counselor Zier is an addressee on this email. Therefore, I shall address him on the following because it was mentioned by the Mayor several times during tonight's meeting.

On the basis of those previous communications with Counselor Carroll, acting on my behalf, I hereby request him, as City Attorney, to explain to her the continuing public stance of the Mayor and City Council of this city on using my legal action, heard by Judge Clifton Newman on Jan. 15, 2019, as an excuse for continuing to violate the tenets of the SC FOIA by making Council information more restrictive to the public prior to meetings of Council since Feb. 1, 2019. That information suppression was especially evident in Mr. LaFavor's comments in tonight's meeting of Council.

Counselor Zier, I shall repeat Counselor Carroll's request to you to cite the statute(s) on which is based the current city's policy of withholding information needed by the citizens to prepare for addressing Council about the former's business the latter is conducting. That need is vividly shown in the video of tonight's meeting posted to the NA 20/20 website. That video is the first one under "videos" on the 20/20 website. It is some 58.5 minutes in length.

Mayor Pettit, himself, publicly announced in his response to my comment during the March 18, 2019 meeting that he, not Mr. Glover, was responsible for that policy change. Mayor Pettit is on record of making that statement in the video of that meeting.

For the information of all, the first record I can find of more than one agenda being published for meetings of City Council was for its meeting on Sept. 21, 2015. For that meeting, there were two, "Agenda 092115" and "Agenda 092115 With Attachments." At one point in time since, the latter became "Agenda Complete."

Counselor Zier, if the last three paragraphs of this email are not sufficiently legal enough for you to act, then please inform Counselor Carroll.

On her receipt of such notification, or with this email, I request her to continue work for me on the subject of the transparency, as per SC FOIA, of the administration and government of the city of North Augusta, regardless of any ongoing legal action of mine against the Mayor and City Council of North Augusta.

Sincerely

[REDACTED]

[REDACTED]

North Augusta, SC 2981-2173

[REDACTED]