

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

FOIA 2019-30

Date: May 15, 2019

T0: [REDACTED]

RE: FREEDOM OF INFORMATION REQUEST

Copy to:
Kelly Zier, City Attorney
Robert A. Pettit, Mayor
Todd Glover, City Administrator
Dione' C. Carroll, Esq.
Cammie Hayes, Director of Finance & Support
Services
Carli Padgett, Manager of Finance

PLEASE BE ADVISED that the City of North Augusta has received your Freedom of Information Act (FOIA) request the 15th 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 to fulfill the request. Therefore, the charge could be in excess of the \$8.00 per 30 minutes, if a

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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

From: [REDACTED]
Sent: Wednesday, May 15, 2019 9:29 AM
To: Lamar, Sharon
Cc: Dione Carroll; Pettit, Robert; Glover, Todd; Kelly Zier
Subject: SC FOIA REQUEST

Sharon,

On the basis of the tenets of the SC Freedom of Information Act, I hereby request a copy of the record of any and all **payments** to date, travel expenses included, made by the City of North Augusta, in any form, to any person, group, consortium, city, committee, companies or corporations, legal or other advisor(s), lobbyist(s), or to any elected or appointed official or employee of the City of North Augusta, or to anyone else involved in any and all matters dealing with the New Savannah Bluff Lock and Dam (NSBL&D) or its replacement, or, in any way, with the US Army Corps of Engineers regarding the NSBL&D as a result of Section 1319, "New Savannah Bluff Lock and Dam, Georgia and South Carolina," of the WIIN Act of 2016 (Public Law 114-322, Dec. 16, 2016).

I expect most of the public records I seek will be in the form of checks written by the City. If electronic copies of those are available, please forward any and all to me via email. If otherwise, copies of that information sent via email shall suffice.

I call the City's attention to two sentences from the SC Freedom of Information Act, Title 30, Chapter 4 of the SC Code.

1) The definition of "public record" as found in the first sentence of Sec. 30-4-20(c): "'Public record' includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body."

2) The rights of public citizens to obtain such public records as stated by the first sentence of Sec. 30-4-30(A)(1): "A person has a right to inspect, copy, or receive an electronic transmission of any public record of a public body, except as otherwise provided by Section 30-4-40, or other state and federal laws, in accordance with reasonable rules concerning time and place of access."

Therefore, "documents" are not the only public records, "regardless of physical form or characteristics," available to the public via SC FOIA.

Sharon, thank you for your attention to this request.

[REDACTED]

[REDACTED]

North Augusta, SC 29841-2173

[REDACTED]