

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

FOIA 2019-73

Date: October 11, 2019

T0: [REDACTED]
[REDACTED]

Copy to:
Kelly Zier - City Attorney
Robert Pettit - Mayor
Todd Glover - City Administrator
Cammie Hayes - Director of Finance and
General Services

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 October 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

Lamar, Sharon

From: [REDACTED]
Sent: Monday, October 07, 2019 2:52 PM
To: Kzier@zierlawfirm.com
Cc: Hayes, Cammie; Glover, Todd; Lamar, Sharon
Subject: Re: Attached Image

Hi Kelly:

Thank you for your response and for getting for me the fiscal year 2018 Accommodations Tax Reporting Form. Since it was dated 10/01/18 I suspect that the filing of the 2019 report would have been submitted at the same time this year, 10/01/19 for fiscal year 2019. Since this is report the citizens should have access to , can you let me know if and when this report was prepared and when I can expect a copy of it.

Sincerely,

[REDACTED]
[REDACTED]

----- Original Message -----

From: Kelly Zier
To: [REDACTED]
Cc: Hayes, Cammie ; Glover, Todd ; Lamar, Sharon
Sent: Friday, September 27, 2019 10:03 AM
Subject: FW: Attached Image

[REDACTED], I am forwarding the most recent document requested. I have reviewed the DomainsNewMedia.com case and do not believe that it answers the immediate issue/question. That case basically involved a determination as to whether the expenditure of A-Tax funds by The Hilton Head Chamber subjected that agency to FOIA requirements. The Ruling found that the Chamber was subject to the requirements of the A-Tax Statute, not FOIA. Our issue is that we are prohibited from providing income information that would allow a person/business, etc. to determine gross revenue of a business. The City has a responsibility to protect such income information collected for business license purposes, or other taxes such as this A-tax. In the present situation, if we release this information, since there is only one business paying A-tax in the subject area, to release the specific information requested would violate our responsibility.

From: Hayes, Cammie [mailto:CHayes@northaugusta.net]
Sent: Wednesday, September 25, 2019 11:47 AM
To: Kelly Zier <Kzier@zierlawfirm.com>; Glover, Todd <TGlover@northaugusta.net>
Subject: FW: Attached Image

Kelly- I have attached a copy of the report we submitted for the accommodation taxes that we receive from the state.

Thanks,