

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

FOIA 2019-76

Date: November 18, 2019

TO: [REDACTED]

Copy to:
Kelly Zier - City Attorney
Robert Pettit- Mayor
Rachelle Moody – Interim 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 15th day of November 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: Friday, November 15, 2019 1:31 PM
To: Lamar, Sharon
Cc: Dione Carroll; Pettit, Robert; Moody, Rachelle; Kelly Zier; Dione Carroll
Subject: SC FOIA Request

Follow Up Flag: Follow up
Flag Status: Flagged

Sharon,

Under the following sections of the SC Freedom of Information Act, I hereby request an electronic copy of any and all parts of the "packet" provided to the City Council that contain the "agenda" and any and all "supporting materials" for the Council meeting of Nov. 18, 2019.

A municipality such as the City of North Augusta is defined as a "public body" in Sec. 30-4-20(a).

What I request are now "public records," as defined in the first sentence of Sec. 30-4-20(c) because they have been "prepared" by the City:

"'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."

The first sentence of Sec. 30-4-30(A)(1) states:

"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."

Under those sections of the SC FOIA statute, I hereby request a copy of what is requested to be sent ASAP to my email address within this email.

I note that the agenda for next Monday evening's meeting of Council is already on the City's website. However, there is no text given (the "Whereases" and "Therefore") for the items of business, only a general comment as to what they are about.

I am also told by my attorney, Counselor Carroll, that the City cannot legally use my suit, filed a year ago, as an excuse for not obeying the order given to the City by Judge Newman on Oct. 8, 2019, until it is changed. As of this date, no changes have been made notwithstanding Counselor Crowe's petition to reconsider.

I have also stated proper portions of the SC FOIA regarding this request. This request is now on record.

Best regards to you and your family,