

RESOLUTION NO. 2020-03  
TO AUTHORIZE THE CITY TO APPEAL THE ORDER OF THE HONORABLE  
CLIFTON B. NEWMAN IN CIVIL ACTION NO.: 2018-CP-02-02705. FILED WITH  
THE COURT ON THE 30<sup>th</sup> DAY OF DECEMBER, 2019.

WHEREAS, the Plaintiff Herman Perry Holcomb filed suit against the City on May 24, 2019 alleging a violation by the City of a provision of the Freedom of Information Act; and,

WHEREAS, such matter was litigated in the Court of Common Pleas for Aiken County, South Carolina, said matter being tried non-jury resulting in a decision by the Honorable Clifton B. Newman; and,

WHEREAS, following the original decision by Judge Newman, the City requested that he reconsider matters related to his original Order which resulted in a Motion Hearing before Judge Newman on December 5 2019; and,

WHEREAS, by Order filed on December 30, 2019, Judge Newman denied any request for changes, etc. to the Order; and,

WHEREAS, the Mayor and City Council are of the opinion that the effect of this decision is not in accordance with the intent of the Freedom of Information Act and greatly restricts the ability of the Council to perform its duties and actually restricts the ability of the City to share information with citizens, prior to formal council meetings; and,

WHEREAS, the Mayor and Council believe that it is necessary that this decision be reviewed and further considered by an Appellate Court which would result in the matter being considered by a group of Judges or Justices as opposed to the decision being made by one individual Judge.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, that the City attorney is specifically authorized to proceed with the appeal of the decision of the Court dated December 30, 2019. Such appeal shall be handled by Danny C. Crowe Esquire, the trial attorney utilized by the City in this matter.

NOW THEREFORE, BE IT FURTHER RESOLVED:

1. Funding for this appeal shall be paid from the Administration Contingency account and should not to exceed \$10,000. Additional funds would require Council approval.
2. That the City Attorney and/or City Administrator are authorized to execute any documentation that might be necessary to move forward with this appeal.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY  
COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS  
6 DAY OF JANUARY, 2020.

SIGNED BY:



ROBERT A. PETTIT, MAYOR

ATTESTED BY:



SHARON LAMAR, CITY CLERK