

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

FOIA 2020-51

Date: October 12, 2020

TO: [REDACTED]
[REDACTED]

RE: FREEDOM OF INFORMATION REQUEST

Copy to:

Kelly Zier - City Attorney

Cammie Hayes – Director of Finance and
General Services

Rick Meyer – Director of Parks, Recreation and
Tourism

PLEASE BE ADVISED that the City of North Augusta has received your Freedom of Information Act (FOIA) request the 12th day of October 2020. 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.

The response as required by the Act as referred to in the above paragraph is NOT the delivery of the documents. It is a response advising the person making the FOIA request of the City's determination as to the public availability, of the requested public records. The ACT further provides that if the request is granted, the document must be furnished or made available for inspection or copying no later than thirty (30) calendar days from the date on which the final determination as to the availability of the documents is made, unless the record are more than twenty-four (24) months old, in which case the Public Body is to provide such records no late than thirty-five (35) calendar days from the date on which the final determination was provided. In the event that a deposit for the costs of providing the documentation is required, the providing of the

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SOUTH CAROLINA'S RIVERFRONT

documents would be based upon the date on which the deposit is received. In such case, the time remains thirty (30) or thirty-five (35) calendar days based upon the age of the documents requested.

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 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, City Clerk

City of North Augusta, South Carolina

Lamar, Sharon

From: Hayes, Cammie
Sent: Monday, October 12, 2020 8:54 AM
To: Lamar, Sharon
Subject: FW: Amphitheater

See below FOIA



City Of North Augusta

100 Georgia Avenue
North Augusta, SC 29841-3843
PO Box 6400
North Augusta, SC 29861-6400
www.northaugusta.net

Cammie T. Hayes

Director of Finance &
Support Services
Office: 803.441.4206
Fax: 803.441.4189
chayes@northaugusta.net

From: [REDACTED] <[REDACTED]>
Sent: Thursday, October 08, 2020 4:11 PM
To: Hayes, Cammie <CHayes@northaugusta.net>
Subject: Amphitheater

Dear Ms. Hayes:

Thank you for supplying the information requested in my FOIA Request # 2020-44 . I reviewed what you supplied and quite honestly it just opened the door for more questions. Let me state that the intent of my FOIA was to get a better picture of why the City spent \$2.5 + million on a structure that appeared not to worth that much to be built. Perhaps my evaluation is incorrect.

So that we can get to a starting point I would like to go back to the Genesis of this project. As has been explained to me, FOIA requests by citizens require that documents in existence must be supplied if they are asked for. Is that true? If this is correct and my first FOIA request was not submitted correctly, I would like the following information included and if a second FOIA request is required please let me know and will supply an additional one:

1. I suspect that there was a design document for this project. Who prepared it , who from the City reviewed it , revised it and what did it cost? Is the cost for preparing the consulting document included in either of the documents you sent me?

2. Perhaps the information sent would be easier to understand if you sent me the documentation that was the starting point of this project. (Original Project Budget) . If we also saw the details in the "GC Contract Amount to Date " we could see what the developer performed to date and specifically what details were in the number on the first line of

your form " Riverside Park Amphitheater Project Budget".

3. I am having difficulty tracking the numbers from the " Bid Form" (Referred to as A) to the "Project Budget " form (Referred to as B) . As an example, there is a line entry on (B) called Design Consultants for \$270,000. Where is that number on form (A)?

4. There is a category called "Mobilization " on form "A". What is it? There quite a difference (\$223,352) in the proposals submitted. First, what is included in that number, why the big difference, and secondly, is that amount included in the the first line of form "B"?

5. Finally, there are 2 bids on Form A. Can you supply me the documen

Sent from my iPhone

Lamar, Sharon

From: Hayes, Cammie
Sent: Monday, October 12, 2020 10:36 AM
To: Lamar, Sharon
Subject: FW: Automatic reply: Amphitheater

2nd piece of Mr. Eargle's FOIA request.



City Of North Augusta

100 Georgia Avenue
North Augusta, SC 29841-3843
PO Box 6400
North Augusta, SC 29861-6400
www.northaugusta.net

Cammie T. Hayes

Director of Finance &
Support Services
Office: 803.441.4206
Fax: 803.441.4189
chayes@northaugusta.net

From: [REDACTED]
Sent: Thursday, October 08, 2020 4:41 PM
To: Hayes, Cammie <CHayes@northaugusta.net>
Subject: Re: Automatic reply: Amphitheater

5. Finally, there are two bids in Form A. Can you supply me the documents sent to the City that allowed someone to enter the amounts submitted on this form?

I hope this additional email presents some clarity to what I previously sent and I apologize for any confusion. All I was asking for detail so that I could completely understand the whole transaction. Thank you your help and have a blessed day.

Sent from my iPhone [REDACTED]

On Oct 8, 2020, at 4:11 PM, Hayes, Cammie <CHayes@northaugusta.net> wrote:

Thank you for your email. I am currently out of the office and will return on Monday October 12th. Please contact the Finance Department should you need immediate assistance.

Thank You,
Cammie Hayes