

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

FOIA 2020-61

Date: November 11, 2020

TO: Joseph D. Dickey, Jr.
c/o Mary Jo "MJ" Wedding
mj@dickeylawsc.com

Copy to:
Kelly Zier - City Attorney
John Thomas – Director of Public Safety
J.D. McCauley – Manager of Human Resources

RE: FREEDOM OF INFORMATION REQUEST

PLEASE BE ADVISED that the City of North Augusta has received your Freedom of Information Act (FOIA) request the 11th day of November 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

NORTH AUGUSTA

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." Section 30-2-50

Sharon Lamar

Sharon Lamar, City Clerk
City of North Augusta, South Carolina



440 Center Street
West Columbia, South Carolina 29169
Tel - 803.380.5575
Fax - 803.380.5576
www.dickeylawsc.com

November 10, 2020

VIA EMAIL

Kelly Zier, Esq.
City of North Augusta, City Attorney
100 Georgia Avenue
North Augusta, South Carolina 29841
kzier@northaugusta.net

Re: FOIA Request –

Dear Mr. Zier:

Please allow this correspondence to serve a dual purpose as my Notice of Representation for _____ and as a FOIA request on behalf of my client.

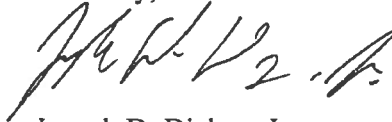
I am requesting documents and other information under the South Carolina Freedom of Information Act ("FOIA), S.C. Code Ann. § 30-4-10 *et seq.* I am requesting any and all documents that relate to _____ including, but not limited to:

- Complete Personnel file;
- Any and all Performance Reviews of _____ from 2015 to present;
- Any and all communications or information, including but not limited to emails, letters, notes, texts, or recordings that relate to the City's decision to repeal the mandatory officer retirement policy;
- Any and all communications or information, including but not limited to emails, letters, notes, texts, or recordings that relate to the City's decision to enact a new physical fitness exam for officers after the repeal of the mandatory retirement policy;
- Employee Handbook in effect during the past five (5) years of _____ employment;
- Department of Public Safety personnel policies and procedures, and any revisions or changes, during the past five (5) years of _____ employment;
- Copies of any and all documents, notes, emails, or other information related to the City's restructuring, reorganization, reduction in force, or job eliminations;
- Copies of any and all documents, notes, emails, or other information related to the Department of Public Safety's restructuring, reorganization, reduction in force, or job eliminations;
- _____ Job description for the years 2015 through present;
- List of all law enforcement officer positions identifying the age and sex of the person in the position listed;

- Copy of the Department of Public Safety and/or City's CALEA standards during the past five (5) years of employment and any revisions or updates that have been made during the requested timeframe;
- Any and all correspondence, electronic or otherwise, provided to related to his employment and his most recent work related injury from 2017 to present; and
- Current City of North Augusta Organizational Chart.

If the search and copying of these records exceeds Fifty Dollars (\$50.00), please inform me of the cost before continuing. Pursuant to the Act, the City of North Augusta is required to provide a response within ten (10) days of receipt of this correspondence. Should access to these records require an extended wait period, please contact me and advise of a reasonable time I can expect receipt of the requested documents.

Sincerely,

A handwritten signature in black ink, appearing to read "J. D. Dickey, Jr.", written in a cursive style.

Joseph D. Dickey, Jr.