

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

FOIA 2023-21

Date: March 10, 2023

TO: Fred Ilardi

Copy to:
Kelly Zier - City Attorney
James Clifford - City Administrator
Lynda Williamson - Finance Director

RE: FREEDOM OF INFORMATION REQUEST

PLEASE BE ADVISED that the City of North Augusta has received your Freedom of Information Act (FOIA) request the 9th day of March 2023. 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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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

Jamie Paul

Jamie Paul, City Clerk, CMC

City of North Augusta, South Carolina

From:

To: [Paul, Jamie](#)

Subject: FOIA Request Information on Voluntary Continuing Disclosure North Augusta Public Facilities Corporation/City of North Augusta Series 2017BVoluntary Filing for the Fiscal Quarter Ended September 30, 2022

Date: Thursday, March 09, 2023 9:36:59 PM

Dear Ms. Paul:

Under the South Carolina Freedom of Information Act (FOIA), 30-4-10, I am requesting to have sent to me the following documents :

In the category labeled PARKING REVENUES, There is a negative figure of -\$27,055 for the third quarter of 2022 in the **subject report** that is located on the North Augusta Government website . As an explanation to this amount submitted the City offered the following:

The City is currently working with the hotel developer and hotel management to reconcile: 1) amounts due to the City for the City's pro rata share of parking revenues collected by the hotel and 2) amounts due from the City for reimbursement of agreed upon operating expenses of the hotel deck and agreed upon management fee. Total net parking revenues for 2022 will be updated upon reconciliation.

1. This verbiage offers **no explanation** of the funds the City **should have collected** from cars parked in the **Stadium Garage** during the 3rd quarter of 2022. Can you provide to me copies of the reports that the City received from the **Stadium Garage** owner that show total collected funds during this period of time and the reconciliation that was done between the **Stadium Garage** owner and the City that delineates the City's share of collected revenue?
2. As an addition to my item 1 request, can you provide copies of the reports that provides the same in formation for quarter 1 and for quarter 2 of 2022.
3. As all know, we are in the 3rd month of the 1st quarter of 2023. Has the City confirmed the amount collected in the 3rd and 4th quarters of 2022 with hotel management and the amount due the City from the hotel garage ? If yes, can you provide the reports that support this calculation? If the 4th quarter information is not available yet , please provide the 3rd quarter.
4. There is mentioned an amount due from the City for "operating expenses of the Hotel Garage and an agreed upon management fee. " Can you send me a copy of those agreements?
5. The subject report indicates a total collected for the 3rd quarter of 2022 \$-27,055 for parking. Can you provide the report that shows how this figure was calculated? Please provide the same information for quarters 1 and 2 for the totals submitted in the **subject report**.
6. The City owns additional garages in the City and provides parking at these garages for some Stadium events . The Medac Garage and City Hall Parking Lot are two of the garages that fees are sometimes collected. Can you provide the reports that delineate collected funds for parking in 2022 at these garages and any reports that show operating expenses for these garages?

I will accept all the requested information in electric form.

Thank you in advance for your response to my request.

Sincerely,

Fred Ilardi