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NEW BUSINESS

Consideration of Adopting a Policy as it relates to the Freedom of Information Act

POTENTIAL MOTION:

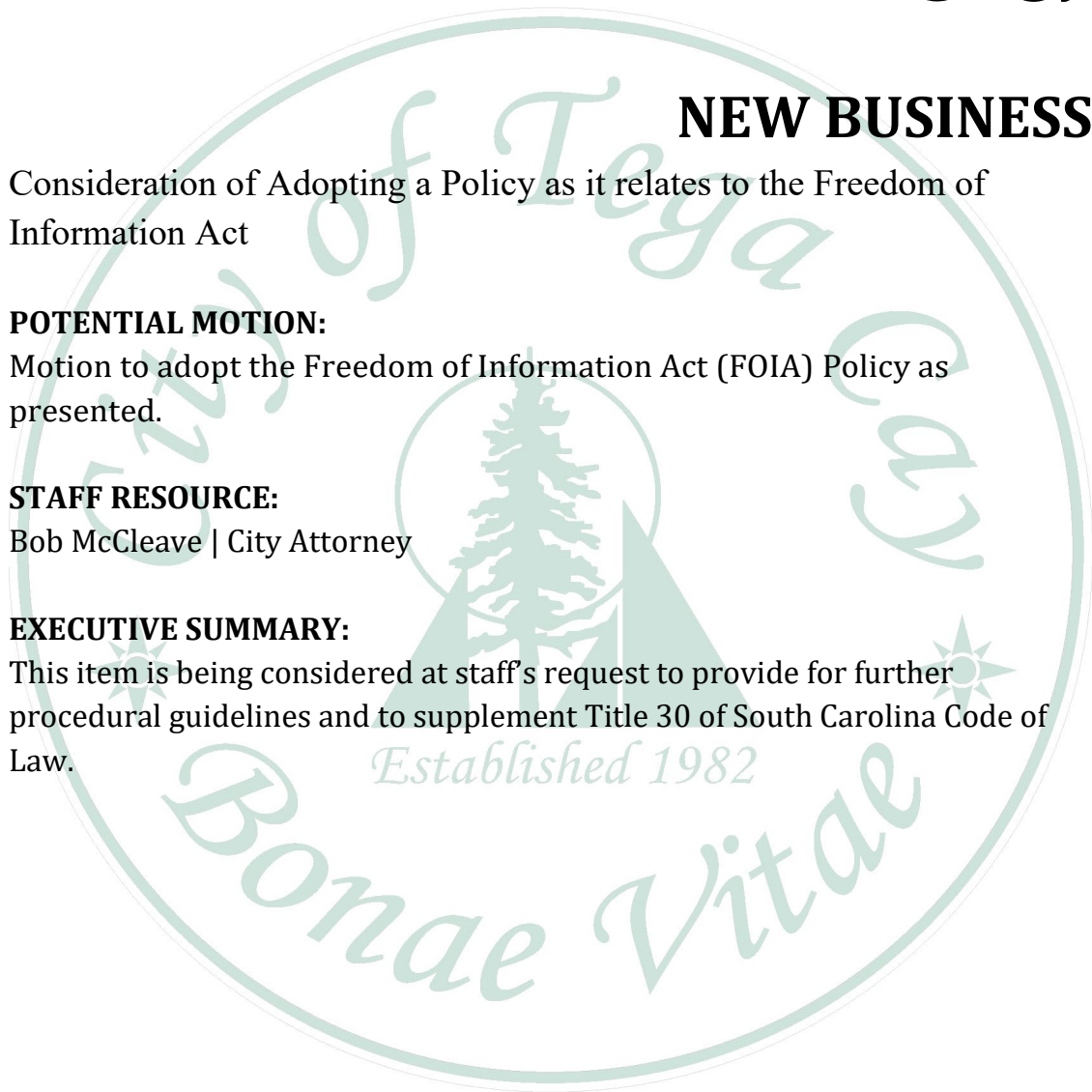
Motion to adopt the Freedom of Information Act (FOIA) Policy as presented.

STAFF RESOURCE:

Bob McCleave | City Attorney

EXECUTIVE SUMMARY:

This item is being considered at staff's request to provide for further procedural guidelines and to supplement Title 30 of South Carolina Code of Law.





City of
Tega Cay, South Carolina

www.tegacaysc.org

7725 Tega Cay Drive
Tega Cay, SC 29708

Phone: 803.548.3512
Fax: 803.548.1400

**City of Tega Cay Freedom of Information Act (FOIA)
Public Records Policy**

The City of Tega Cay adheres to the provisions set forth in the South Carolina Code of Laws, Chapter 4, Title 30 of the South Carolina Freedom of Information Act (the "Act"). Amendments to the Act subsequent to the adoption of this Public Records Policy are automatically adopted as a part herein. To the extent any of the provisions of this Public Records Policy conflict with the Act, the provisions of the Act shall control.

1. The City, upon written request for records made under the Act, shall notify the person making the request of the City's determination and the reasons for it under the following provisions:
 - a. Within ten days (excluding Saturdays, Sundays, and legal public holidays) of the receipt of the request, **however,**
 - b. If the record is more than twenty-four months old at the date the request is made, the City shall have twenty days (excluding Saturdays, Sundays, and legal public holidays) of the receipt of the request to make such notification.

* This decision is not required to include a final decision or express an opinion as to whether specific portions of the documents or information may be subject to redaction according to exemptions pursuant to Section 30-4-40 of the Act, or other state or federal law.
2. If the request is granted, the records shall be furnished or made available for inspection within the later of: 1) thirty calendar days from the date on which the determination by the City was made, or 2) thirty days from the receipt by the City of applicable deposits. Provided, however, if the records are more than twenty-four months old, the City shall have the later of: 1) thirty-five calendar days from the date on which the final determination was provided, or 2) thirty-five days from the receipt by the City of applicable deposits.
3. The City's initial determination of time to fulfill a request is only an estimate. If the City determines during the search that substantially more time will be incurred than originally estimated, the City may request an additional deposit before proceeding. The entire balance shall be due at the time of the City's production of the records.
4. The requesting party shall have sixty days from the date of the City's notice to requestor of the City's initial determination to submit payment in full or make a deposit, as applicable. If the required payment(s) is not made within such sixty day period, a new request must be submitted.



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Tega Cay, South Carolina

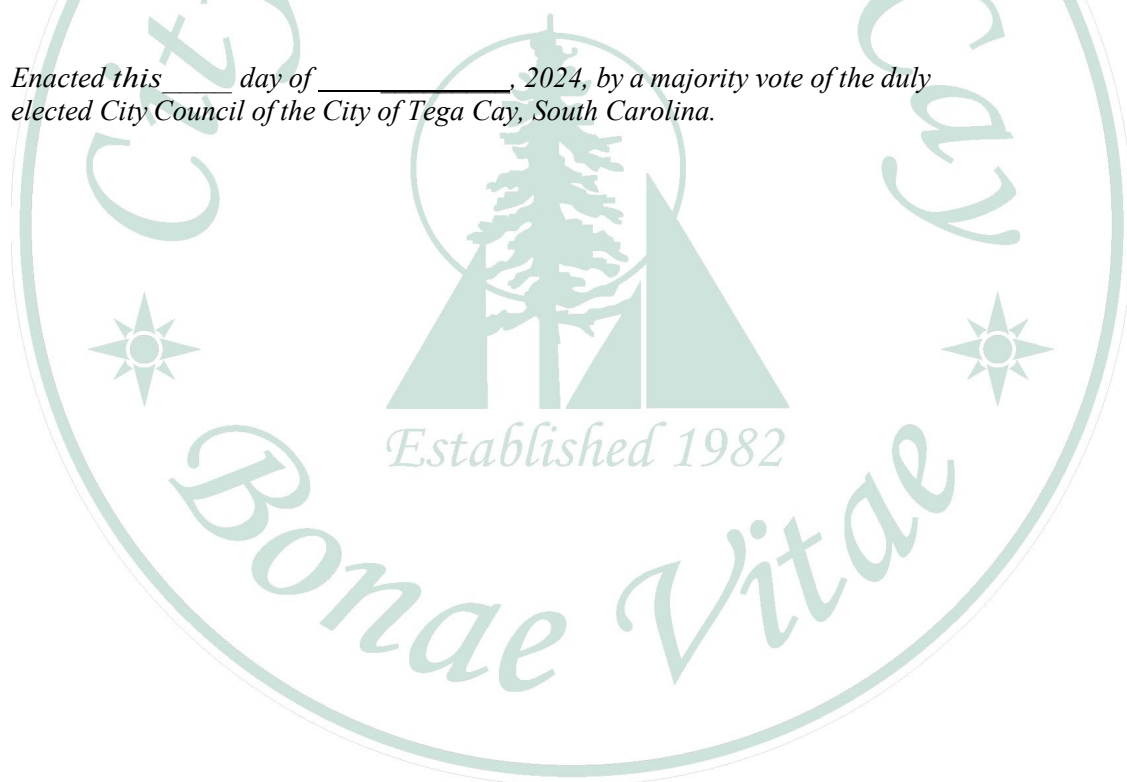
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5. If electronically mailing the requested records substantially impairs the City from fulfilling a request, the City may utilize alternative means to provide requested records.
6. If and when alternative electronic delivery methods are utilized, the City shall allow thirty days from the date of notifying the requestor that the records are electronically available, prior to the City removing the compiled records from the alternative electronic storage program.
7. The City is not required to create an electronic version of a public record, when one does not exist, to fulfill or respond to a records request.
8. All previous Public Record Policies adopted by the City are hereby repealed in their entirety and replaced in lieu thereof by this Public Records Policy.

Enacted this _____ day of _____, 2024, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.



Signature Page to Follow



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SIGNED:

CITY OF TEGA CAY

Christopher T. Gray, Mayor

[SEAL]

Carmen Miller, Mayor Pro Tempore

Brian D. Carter, Councilmember

ATTEST:

Scott G. Shirley, Councilmember

Thomas S. Hyslip, Councilmember

Charlie Funderburk, City Manager

Certificate of Adoption

*I hereby certify that the foregoing is a true copy of the policy passed at the regular meeting of
the City Council of the City of Tega Cay, South Carolina, held on the
day of _____ 2024.*

Casey O'Brien, Municipal Clerk