



FINANCE AND POLICY COMMITTEE MEETING

MONDAY, OCTOBER 2, 2023 | 6PM

1st committee meeting

The Committee will meet in Mauldin City Hall at 5 East Butler Road in the Council Chambers at 6 p.m.

The meeting will be available remotely through Zoom. Please visit the City's website at <https://cityofmauldin.org/your-government/meeting-minutes-agendas/> to access the meeting via audio and videoconferencing.
A quorum of Council will be present.

**FINANCE AND POLICY COMMITTEE MEETING
OCTOBER 2, 2023, 6PM
CITY HALL - COUNCIL CHAMBERS
5 E. BUTLER ROAD**

Committee Members: Michael Reynolds (Chair), Carol King, Diane Kuzniar

- | | |
|---|------------------------------|
| 1. <u>Call to Order</u> | Chairperson Michael Reynolds |
| 2. <u>Public Comment</u> | Chairperson Michael Reynolds |
| 3. <u>Reading and Approval of Minutes</u> | Chairperson Michael Reynolds |
| a. Finance Committee Minutes-September 5, 2023
[Pages 3-4] | |
| 4. <u>Reports or Communications from City Officers</u> | Chairperson Michael Reynolds |
| a. City Administrator Seth Duncan | |
| b. Finance Director Holly Abercrombie | |
| c. HR Director Mark Putnam | |
| 5. <u>Unfinished Business</u> | Chairperson Michael Reynolds |
| There is no unfinished business. | |
| 6. <u>New Business</u> | Chairperson Michael Reynolds |
| a. FOIA Policy [Pages 5-12] | |
| 7. <u>Public Comment</u> | Chairperson Michael Reynolds |
| 8. <u>Committee Concerns</u> | Chairperson Michael Reynolds |
| 9. <u>Adjournment</u> | Chairperson Michael Reyn |

MINUTES
FINANCE AND POLICY COMMITTEE MEETING
SEPTEMBER 5, 2023, 6PM
CITY HALL - COUNCIL CHAMBERS 5 E. BUTLER ROAD
3rd committee meeting

Committee Members present: Michael Reynolds (Chair), Carol King, Diane Kuzniar
Others present: Finance Director Holly Abercrombie, HR Director Mark Putnam, and City Administrator Seth Duncan

1. Call to Order- Chairman Reynolds

2. Public Comment- None

3. Reading and Approval of Minutes

a. Finance Committee Minutes- August 7, 2023

Motion: Councilwoman Kuzniar made a motion to approve the minutes with Councilwoman King seconding.

Vote: The vote was unanimous (3-0).

4. Reports or Communications from City Officers

a. City Administrator Seth Duncan
FOIA Policy

Mr. Duncan reported a FOIA policy revision will be proposed to committee next month to possibly eliminate the portion of the policy that requires each reply must be sent to the City Attorney before release. Most of the requests are for incident and accident reports that could be sent by staff without review. If staff has a question, they will reach out to legal counsel. The Attorney's office agrees with this change.

The Administrator has been in contact with the state regarding our appropriations and some expenditure plans are still being worked on.

b. Finance Director Holly Abercrombie

The Finance Department has accounted for the money that was submitted for year-end overages.

The auditors will be here the first week of October.

c. HR Director Mark Putnam
Insurance Open Enrollment

Mr. Putnam said the insurance renewal process is complete and there will be a 3% increase this coming year. Open enrollment will be done in early to mid November.

FLSA Policy Update

Staff are working on a FLSA/overtime policy. The City's labor attorney is helping with the process and has reduced much of the wording. The policy is so short that it may be able to be included in the personnel policy. Evergreen has also been asked if the revisions will fit with their recommendations.

In regards to the accident review committee for police accidents, it can be used for other employee vehicle accidents, workplace accidents, and accidents that other people may have on our property. More information on this should be coming to committee in November.

Chairman Reynolds said he is very pleased to hear the insurance renewal numbers.

5. Unfinished Business- None

6. New Business- None

7. Public Comment- None

8. Committee Concerns- None

9. Adjournment- Chairman Reynolds adjourned the meeting at 6:46 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

FINANCE AND POLICY COMMITTEE

AGENDA ITEM

MEETING DATE: October 2, 2023

AGENDA ITEM: 6a

TO: Finance and Policy Committee
FROM: Seth Duncan, City Administrator
SUBJECT: FOIA policy

REQUEST

The Council is requested to consider a Resolution amending the FOIA policy adopted in May of 2020.

HISTORY/BACKGROUND

Pursuant to the State FOIA law, the City is required to establish a rate for searching, retrieving, and redacting records for FOIA requests.

ANALYSIS or STAFF FINDINGS

Attached for Council's consideration is a Resolution adopting the revised FOIA policy which is also attached. The current FOIA policy states the City Clerk's Office will compile the information, draft a cover letter listing the information provided, and provide a completed packet to the Legal Department for review. The Legal Department will review the records for any exemptions, make any redactions necessary to the records (or request the department make the redactions), and provide the specific section of the FOIA statute to the City Clerk's Office for inclusion in the response cover letter.

From August 1, 2022 to current, the City has expended \$7,348.50 in FOIA cost legal fees. Staff is asking that the requirement in the current policy to send all FOIA responses to the legal department before release be amended. The majority of FOIA responses are routine police accident and incident reports that can be redacted and released by staff without legal review. If there is a question on document release, staff will contact the City Attorney's office.

FISCAL IMPACT

None associated with this request.

RECOMMENDATION

Staff recommends approval of the Resolution and FOIA policy as presented.

ATTACHMENTS

FOIA Policy
Proposed Resolution

RESOLUTION _____ - 2023

**A RESOLUTION TO ESTABLISH A POLICY FOR PROCESSING REQUESTS FOR
PUBLIC RECORDS PURSUANT TO THE FREEDOM OF INFORMATION ACT**

WHEREAS, the South Carolina Freedom of Information Act (FOIA) established the right for requestors to obtain public records of the City permitted by the Act; and,

WHEREAS, the City of Mauldin previously adopted a policy to process FOIA requests; and,

WHEREAS, the Mayor and Council find that adopting a revised FOIA policy will increase efficiency and decrease the City's costs to provide the information;

NOW, THEREFORE, be it resolved that the current FOIA policy is rescinded and the new FOIA policy attached hereto is hereby adopted.

This Resolution shall take effect immediately upon approval.

Date Adopted: _____, 2023

Terry Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

City of Mauldin

Policies and Procedures Manual

Title: Freedom of Information Act Requests

Department: Administrative Policy Number: 2020 - 1

Effective Date: _____

I. Purpose

To establish a procedure to respond to requests for public records in accordance with the South Carolina Freedom of Information Act ("FOIA"). *See S.C. Code of Laws §§30-4-10 et seq.*

II. Definitions

Public record – includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body.

Non-existing record – The City will not create a record if one does not exist at the time an FOIA request is made. The City will notify the requestor that no public records are in the possession of the City that pertain to the request.

Exemptions – A public body may, but is not required to, exempt from disclosure certain records. The list of allowed exemptions may be found in S.C. Code of Laws §30-4-40.

FOIA Request- A request, in writing, for public records made in accordance with the South Carolina Freedom of Information Act ("FOIA"). Any person has a right to inspect or copy any public record of a public body, except as otherwise provided by Section 30-4-40, in accordance with reasonable rules concerning time and place of access, as determined by the City of Mauldin. The written request must provide the reason for the request and provide that the records requested will not be used for commercial solicitation directed to any person.

- ☐ This right does not extend to individuals serving a sentence of imprisonment in a state or City correctional facility. Pre-trial detainees not yet sentenced or other persons not yet sentenced detained in a state or City correctional facility have the right to inspect or copy any public record of a public body.
- ☐ The City will include a notice to all requestors of records pursuant to this chapter and to all persons who obtain records pursuant to this chapter that obtaining or using public records for commercial solicitation directed to any person in this State is prohibited.

Waiver of written request: The following records of the City will be made available for public inspection and copying during the hours of operation of the public body without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:

- (1) Minutes of the meetings of the City for the preceding six months;
- (2) All reports identified in section 30-4-50(A)(8) (*crime reports*) for at least the 14 day period before the current day;
- (3) Documents identifying persons confined in jail, detention center, or prison for the preceding three months; and,
- (4) All documents produced by the public body or its agent that were distributed to be reviewed by a member of the public body during a public meeting for the preceding six-month period.

Fees – The public body may establish and collect fees not to exceed the actual cost of the search, retrieval, and redaction of records. Fees charged by a public body must be uniform for copies of the same record or document and may not exceed the prevailing commercial rate for the producing of copies. The records must be furnished at the lowest reasonable cost to the person requesting the records. When the City Administrator determines that providing the information requested benefits the general public, a waiver or reduction of the fee may be granted. The City may charge a reasonable hourly rate for making records available to the public and may require a deposit not to exceed twenty-five percent (25%) of the total anticipated cost for reproduction of the records prior to searching for or making copies of the records. A copy of the fee schedule shall be posted online. *(See the Fee Schedule in Section 8.)*

Request for Responses:

III. Procedure

A. Intake and Assessment:

1. Department Directors should designate, at a minimum, one person or as many employees as the Director deems necessary within each department responsible for handling FOIA requests. This responsibility should include receiving, logging, processing, and/or coordination of response.
2. All FOIA requests received (in hand delivery, email, or facsimile) by any City Department (with the exception of those identified in the above definitions) shall be immediately date and time stamped and delivered to the Mauldin City Clerk's Office for processing. A copy of the request (hard or electronic) shall be retained by the department.
3. Any citizen requesting information on where to send a FOIA request, shall be informed to hand deliver, mail, email, use the online FOIA form, or fax the request to:

City Clerk's Office
City of Mauldin
5 East Butler Rd.
Mauldin, SC 29662
cmiller@mauldincitysc.com

4. The City Clerk's Office shall assess the request to determine if it is a FOIA request (i.e., a request for records) or merely questions (i.e., request for responses) posed to the City. The City Clerk's Office shall reply, in writing, to questions informing the requestor of the City's policy. Questions from the media shall be forwarded to the Public Information Officer for response. FOIA requests shall be immediately processed per the below procedures.

- a. The City Clerk's Office will forward the FOIA request to all departments, via the departmental FOIA designee. All departments must respond to the City Clerk's Office within two business days indicating if they have information which is responsive to the FOIA request and/or request a clarification about the request. If a department indicates it has responsive documents/information, it will provide a cost estimate within two business days (and an estimated time for the provision of records within two business days) based on the Fee Scheduled Policy herein provided. Departments with questions regarding compliance with the FOIA and whether certain City records are public records should contact the Legal Department.

- b. The City has ten (10) working days (excluding weekends and legal public holidays) from the date of receipt to reply to the requestor in writing informing the requestor of the City's determination of availability of the requested records; however, if the record is more than twenty-four (24) months old at the date the request is made, the City has twenty (20) days (excluding weekends and legal public holidays) of the receipt to make this notification. Such correspondence shall also include the request for deposit of twenty-five percent (25%) of the total cost, based on the departmental estimate. The records will not be retrieved by the department(s) until the deposit has been received by the City and the check or transaction has cleared the financial institution. When the deposit has cleared the financial institution, the City Clerk's Office will notify the requestor of the estimated time of response, unless such time is less than five (5) days, in which case, no follow-up letter is necessary.
- c. The record must be furnished or made available no later than 30 calendar days from the date on which the deposit cleared the financial institution or the date the final determination was provided. If the records are more than 24 months old, the record must be furnished or made available no later than 35 calendar days from the date the deposit was made or the date the final determination was provided.
- d. Requests for clarification or requests to narrow an overly broad request that the City cannot reasonably respond to shall be communicated to the requestor in writing within seven (7) days of the City's receipt of the request. This request does not extend deadlines. The deadline to respond and all other applicable deadlines will remain active and the City must adhere to these deadlines regardless of whether the request is narrowed or whether clarification is given.
- e. The various response, determination, and production deadlines are subject to extension by written mutual agreement of the City and the requesting party at issue, and this agreement shall not be unreasonably withheld.
- f. Each department with responsive records will provide the records to the City Clerk's Office within two (2) business days. ~~The City Clerk's Office will compile the information, review the records for any exemptions, make any redactions necessary to the records (or request the department make the redactions), consult legal counsel (if necessary), and may provide the specific section of the FOIA statute for inclusion in the response to the requestor. The City Clerk's Office will compile the information, draft a cover letter listing the information provided, and provide a completed packet to the Legal Department for review. The Legal Department will review the records for any exemptions, make any redactions necessary to the records (or request the department make the redactions), and provide the specific section of the FOIA statute to the City Clerk's Office for inclusion in the response cover letter.~~

- B. Fee Schedule Policy- In accordance with the S.C. Code of Laws, all Mauldin City departments shall adhere to the following fee schedule:

A fee shall not be charged if the total cost to produce the record(s) is \$20.00 or less.

Service		Fee
a.	Copying Fee	\$0.25 per page
A charge shall be levied for each hard copy made by copier or computer printer. If information is emailed, the copying fee does not apply.		
b.	Records Research	Gross Hourly Rate

Hourly fee, pro-rated, shall be based on the gross hourly rate of the lowest paid employee researching the records requested, who has the necessary

skill and training to perform the request. This time shall include any time for making hard copies of records for the requestor.		
c.	Information Provided by Fax	Gross Hourly Rate
Hourly fee, pro-rated, shall be based on gross hourly rate of the lowest paid City Clerk's Office employee faxing the requested records.		
d.	E-mail Search Programming Fees	Gross Hourly Rate
Hourly fee, pro-rated, shall be based on gross hourly rate of the lowest paid IT employee who has the necessary skill and training to design and enter the search criteria for the requested records and retrieve the data.		
e.	Computer Media (CD)	\$5.00 per CD required
f.	USB Drives	Cost (including sales tax) of the USB Drive
f.	Public Inspection	Gross Hourly Rate
The City shall charge an hourly fee, pro-rated, based on the gross hourly rate of the lowest paid employee who has the necessary skill and training to make records available to the public for inspection. The rate shall be charged for the entire time the records are open for inspection and the employee has control of the records for inspection.		
g.	Redactions	Gross Hourly Rate
The City shall charge an hourly fee, pro-rated, based on the gross hourly rate of the lowest paid employee who has the necessary skill and training to perform the redactions pursuant to policy.		

C. Related FOIA issues

1. The Mauldin City Clerk's Office will compile and maintain a computerized log of all FOIA requests.
2. FOIA requests and/or responses may contain sensitive or confidential information. Employees involved in the FOIA process must maintain confidentiality of all FOIA requests and responses.
3. Certain information received from the IT department or GIS is copyrighted material. The City restricts further commercial distribution of public documents pursuant to a copyright by requiring anyone requesting the copyrighted documents to sign a licensing agreement acknowledging the copyright on the information and restricting any further commercial use without prior written consent from the City. The City Clerk's Office shall include the above copyright statement on all such information provided and work with the City IT/GIS to have the appropriate documentation signed by the requestor.
4. The above fee schedule shall not be subject to yearly CPI increase, but shall be subject to change at any time by the Mauldin City Council.

Date adopted by Mauldin City Council: _____