

A RESOLUTION

ADOPTING A POLICY REGARDING REQUESTS FOR PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT

WHEREAS, the Board of Directors of the Murrells Inlet-Garden City Fire District (the “*Board*”), the governing body of the Murrells Inlet-Garden City Fire District (the “*District*”), recognizes the findings of the General Assembly of South Carolina that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy; and

WHEREAS, in order to ensure that the District conducts public business in an open and public manner, it shall be the policy of the District to comply with both the letter and the spirit of the Freedom of Information Act (“*FOIA*”), as codified at §§ 30-4-10 *et seq.* of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, the Board has determined that a formal policy regarding the submission and processing of requests for access to public records under FOIA should be adopted to provide the public and District’s employees with clear requirements and practices that will permit the District to operate in an open and public manner.

NOW, THEREFORE, BE IT RESOLVED by the Board as set forth below:

SECTION 1. Pursuant to the findings above, the Board hereby adopts its Policy Regarding Requests for Public Records Under the Freedom of Information Act (the “*Policy*”), a copy of which is attached hereto.

SECTION 2. In adopting the Policy, the Board has determined that the fee schedule for staff time and copies included in the Policy is an accurate reflection of the actual cost of searching for and making copies of records. The schedule has been approved by the terms of this Resolution, but may be updated in the reasonable discretion of the Board by subsequent resolution or by the approval of its annual budget.

SECTION 3. In approving this Resolution and the Policy, the Board expressly adopts any and all exemptions, restrictions and limitations from disclosure contained within FOIA as may be amended from time to time, and any additional exemptions, restrictions or limitations from disclosure that may be provided for now or in the future under South Carolina or Federal law.

SECTION 4. The Policy is effective immediately upon the adoption of this Resolution.

BE IT IS SO RESOLVED by the Board of Directors of the Murrells Inlet-Garden City Fire District in meeting duly assembled this 27th day of October, 2014.

**MURRELLS INLET GARDEN CITY FIRE
DISTRICT, SOUTH CAROLINA**

Albert W. Hitchcock, Jr.

Chairman
Board of Directors

(SEAL)

Attest:

Willie C. Shelley, Jr.

Secretary
Board of Directors

MURRELLS INLET-GARDEN CITY FIRE DISTRICT, SOUTH CAROLINA

POLICY REGARDING REQUESTS FOR PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT

Policy Statement: It shall be the policy of the Murrells Inlet-Garden City Fire District, South Carolina (the “*District*”) to comply with both the letter and the spirit of the Freedom of Information Act (“*FOIA*”), as codified at §§ 30-4-10 *et seq.* of the Code of Laws of South Carolina, 1976, as amended, in regards to the processing of requests for access to public records. This Policy is applicable to all departments under the supervision of the Fire Chief, and to any board or commission whose members are appointed by the Board of Directors of the Murrells Inlet-Garden City Fire District, the governing body of the District (the “*Board*”).

Making a FOIA Request: All requests for public documents pursuant to FOIA, except for those described below, must be made *in writing* and submitted either: in person at the District’s office, 3641 Highway 17 Business, Murrells Inlet, SC 29576; or by mail to Murrells Inlet-Garden City Fire District, Attn: Fire Chief, P.O. Box 648, Murrells Inlet, SC 29576. Ideally, requests shall be made using the Freedom of Information Act Request Form (the “*Request Form*”) provided by the District and made available to the public, a copy of which is attached hereto. Requests made by letter or in some other written form shall contain substantially the same information provided for on the Request Form. Unless authorized by the Fire Chief, in his sole discretion, requests shall not be submitted by fax, email or other format shall not be accepted. In order to ensure the most accurate and prompt response, requests should be as detailed, specific, and descriptive as possible. With the exception of the records detailed below, a minimum charge of \$5.00 is applied to all FOIA requests to compensate the District for the cost of the staff time and materials necessary to respond to the request. This minimum charge must be submitted along with all FOIA requests.

Requests to inspect the minutes of all public meetings of the District for the preceding 6 months need not be in writing, provided the requestor appears at the District’s office in-person and within normal business hours.

Processing FOIA Requests: The Fire Chief is designated as the staff member to be responsible for and familiar with any FOIA request. Where any District employee receives any written request for public records, the request should be stamped with the date of receipt and ***immediately*** delivered to the Fire Chief. Routine FOIA requests may be handled directly by the Fire Chief. The Fire Chief is authorized to and shall consult with the District’s legal counsel on non-routine FOIA requests and on any questions of law involving FOIA. Where an exemption, restriction or limitation to FOIA possibly exists, the Fire Chief should consult with the District’s legal counsel to determine if an exemption, restriction or limitation applies and whether the District should decline to disclose the records based upon the exemption, restriction or limitation. However, the presumption in evaluating FOIA requests should be in favor of disclosing the requested records.

As required by FOIA, the Fire Chief must respond to all FOIA requests within 15 days of receipt of the request. It shall be the policy of the District to respond to FOIA requests as quickly as possible. Where

possible, the response to the request should include the requested records. Otherwise, the response should either inform the requestor that the requested records will be made available, along with the means of obtaining them and any additional costs that will be charged for making the records available, or it should inform the requestor that the requested records fall under an exemption to FOIA and will not be disclosed. Requested records shall be released in the format most convenient to the District.

Records Exempt From Disclosure: The District adopts as a part of this Policy any and all exemptions, restrictions or limitations contained within FOIA, as may be amended from time to time, along with any other exemptions, restrictions or limitations that may be provided for now or in the future under South Carolina or Federal law. As previously stated herein, the Fire Chief shall consult with the District’s legal counsel to determine whether an exemption, restriction or limitation to the disclosure requirements of FOIA applies. Where an exemption, restriction or limitation applies, the Fire Chief, based upon consultation with the District’s legal counsel, should decide whether to deny disclosure based upon the application of the available exemption, restriction or limitation. Where records contain certain information exempt from disclosure but which otherwise fall outside of an exemption, restriction or limitation, the exempted information shall be redacted and requested records shall otherwise be disclosed.

Failure to Comply: In addition to penalties available under FOIA, willful disregard of, or violation of, this Policy by any employee or other person who is subject to it, may constitute insubordination and be grounds for disciplinary action up to and including termination of employment.

Costs for Processing FOIA Requests: The Board, pursuant to Section 30-4-30 of FOIA, has established the fee schedule below in order to compensate the District for the actual cost of searching for and making copies of requested public records. Where it is anticipated that the staff time necessary to comply with a request may exceed (5) five hours, the requestor may be required to pay a deposit of one half the estimated costs of complying with the request before staff will begin searching for or making copies of the requested records. Costs shall not be charged for time spent examining records to determine whether they may be disclosed.

Fee Schedule for Staff Time and Copies

Description	Charge
A minimum charge shall be paid for all requests (except certain walk-in requests)	\$5.00
Requestors shall pay for copies exceeding fifteen (15) pages	\$0.20 per copy
Requestors shall pay for staff time at a gross hourly rate	\$20.00 per hour, per employee
Deposit for anticipated or apparent staff search time exceeding five (5) hours	1/2 of estimated costs

Murrells Inlet-Garden City Fire District, South Carolina
3641 Highway 17 Business, Murrells Inlet, SC 29576
Phone: (843) 651-5143

FREEDOM OF INFORMATION ACT REQUEST FORM

The Murrells Inlet-Garden City Fire District, South Carolina (the "District") has adopted its "Policy Regarding Requests for Public Records Under the Freedom of Information Act" (the "Policy"). Pursuant to the Policy, requests for information made under the Freedom of Information Act, now codified at §§ 30-4-10 *et seq.* of the Code of Laws of South Carolina, 1976, as amended (the "FOIA") shall be made using this form. This form must be signed and submitted either: in person at the District's office, 3641 Highway 17 Business, Murrells Inlet, SC 29576; or by mail to Murrells Inlet-Garden City Fire District, Attn: Fire Chief, P.O. Box 648, Murrells Inlet, SC 29576. A minimum fee of \$5.00 for staff time required to respond to the request must be included. Additional fees may also be required. No email or faxed requests will be accepted.

NAME: _____ DATE OF REQUEST: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____ EMAIL: _____

I, the undersigned, agree to pay the charges set by the fee schedule below for the services and copies I have requested.

SIGNATURE: _____

INFORMATION REQUESTED (please be as specific as possible and attach additional pages if needed): _____

Section 30-4-30(b) of FOIA, authorizes the District, as a public body, to charge and collect fees for the actual costs of responding to requests for public information. Under the Policy, the District has duly adopted the fee schedule set forth below for copies and for staff time in searching for and providing requested information. A minimum fee of \$5.00 for all FOIA requests must be submitted along with this form. An additional deposit is required for requests that are anticipated to require greater than (5) five hours of staff time.

Fee Schedule for Staff Time and Copies

Description	Charge
A minimum charge shall be paid for all requests (except certain walk-in requests)	\$5.00
Requestors shall pay for copies exceeding fifteen (15) pages	\$0.20 per copy
Requestors shall pay for staff time at a gross hourly rate	\$20.00 per hour, per employee
Deposit for anticipated or apparent staff search time exceeding five (5) hours	1/2 of estimated costs

FOR DISTRICT USE ONLY

DEPARTMENT SUBJECT TO REQUEST: _____ RECEIVED BY: _____
 REQUEST ASSIGNED TO: _____ DATE OF COMPLETION: _____
 DATE OF ASSIGNMENT: _____ FEE FOR SERVICES: _____
 DATE RESPONSE DUE: _____ METHOD OF PAYMENT: _____

