

STATE OF SOUTH CAROLINA

COUNTY OF BARNWELL

)
)
)
RESOLUTION # 2000- 146

A Resolution to establish certain fees to be charged by Barnwell County in connection with searching for and/or making copies of public records pursuant to the South Carolina Freedom of Information Act.

WHEREAS, Barnwell County government and its various departments and agencies regularly receive requests for information and public records; and

WHEREAS, many such requests involve a substantial cost to the County, in terms of time and expense; and,

WHEREAS, the South Carolina General Assembly, in the enactment of the South Carolina Freedom of Information Act, Section 30-4-10 et. seq., South Carolina Code, 1976, as amended, implicitly recognized that it would be the obligation of a requesting party, to pay for the costs involved in searching for and making copies of records under the Freedom of Information; and,

WHEREAS, the South Carolina General Assembly, in the Freedom of Information Act itself, specifically indicated that a public body may establish and collect fees for the actual costs of searching for and making copies of records, including the charging of a reasonable hourly rate for making such records available to the public, and including a reasonable deposit of such costs before searching for or making copies of the records;

NOW, THEREFORE, BE IT ENACTED that Barnwell County Council, in meeting duly assembled, that the following policies and procedures pertain to requests for copies of public records in Barnwell County:

(1) All requests for access to and copies of public records involving Barnwell County government, its agencies and departments, shall be processed and governed by the letter and spirit of the South Carolina Freedom of Information Act, Section 30-4-10 et. seq., South Carolina Code, 1976, as amended. Specifically, but not exclusively, any requesting party shall be given the widest possible access to public records of Barnwell County, consistent with principles of good government and the specific exclusions contained in the Freedom of Information Act.

(2) While the general intent is to provide the widest possible access to public records, it should be understood both by County departments and agencies and by requesting parties that where the requests are substantial, it should be the requesting party which bears the expense of responding to such requests.

(3) The first and primary purpose of every Barnwell County department and agency is to provide the public service for which that department or agency was established; therefore, ancillary services, such as providing copies of public records, must be accommodated within the overall goal of meeting the department or agency's main mission objective. In this regard, however, all departments and agencies are governed by the Freedom of Information Act requirement that written requests for records must be responded to within fifteen (15) days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of any such request.

(4) The South Carolina Freedom of Information Act indicates that documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest. In those circumstances where the information requested is of a de minimis nature (five pages of copied material or less, and where the only labor involved in responding to the request is actually making copies), it shall normally be the policy of Barnwell County to waive all fees or charges for the material requested. Further, even when the volume of material requested is greater than five pages or if there is some labor involved in responding to the request, if furnishing the information can be considered as primarily benefiting the general public, as opposed to primarily benefiting a purely personal or commercial interest, the fees or charges may be waived or reduced. The latter situation will be a case by case determination, made by the administrator, and based upon a balancing of the amount of information requested and the time spent in responding to such a request as opposed to the amount of public interest and public good to be served by responding to such request.

(5) In all cases not addressed by the immediately preceding paragraph or by other state or local laws dictating a specific fee or cost for a particular service or record, the Barnwell County department or agency involved will collect fees not to exceed the actual costs of searching for and making copies of the records requested.

(6) The fees charged must be uniform for copies of the same record or document. In every instance, the fees charged must be the lowest possible that will actually cover actual costs involved. Because the costs of providing copies must include not only the direct reproduction costs, such as paper, supplies, and electricity, but must include indirect costs such as depreciation of equipment, it will normally be presumed that 50¢ per copy will be the minimum amount charged for reproduction of County records. If the records require more expensive reproduction, such as in the case of oversized documents or special reproduction, then the actual full costs of reproduction will be charged.

(7) Further, with regard to labor costs, all personnel costs of searching for and making copies of records by Barnwell County employees will be quantified, calculated, and charged to the requesting party.

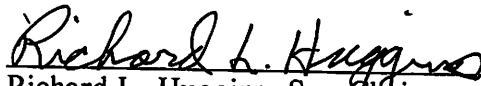
(8) In every instance, records must be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient to provide the records in such form. There shall be no cost charged to any individual for examination (not copying) of public records, unless any such request requires actual expenditure of labor to search for the requested records. In the latter case, charges will be imposed and collected in accordance with the provisions of this Resolution.

(9) For those requests for which it is reasonably believed that the fees (as set forth above) will exceed Fifty (\$50.00) Dollars, a deposit equal to the anticipated costs of searching for and/or copying the requested information shall be required by County Council prior to searching for and/or making copies of the records. The balance of the fees will be due, or a refund given, at the time the records are made available.

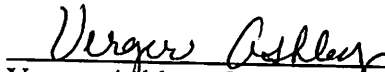
Should any section or provision or application of this Resolution be declared invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not affect the validity of the Resolution as a whole or any other part thereof, other than the part or application so declared to be unconstitutional or invalid.

IT IS SO RESOLVED:

DONE IN REGULAR MEETING THIS 7th DAY OF March, 2000.


Richard L. Huggins, Sr., Chairman
Barnwell County Council

ATTEST:


Verger Ashley, Clerk to Council

APPROVED AS TO FORM & CONTENT:


J. D. Mosteller, III, County Attorney