

1. It is a 501(c)(6) formed in 1980 for the purposes of furthering economic development in the central business district of the City.

2. In 1984, the properties in the Greenwood Uptown area received a special tax assessment to fund maintenance of property constructed via a HUDAC grant. This

tax was established via City ordinance.

3. In 2024, the tax is estimated to generate approximately \$70,000.00 in revenue for the Uptown area. While the Uptown Manager is an employee of the City and reports to the City Manager, he is also responsible to an Advisory Board.

4. UGLDC has annual budget (2024) of \$227,000.00.

James Graham Padgett, III

Page 3

June 4, 2024

(FOIA) However, because the Corporation receives additional public funds and support from

the City, a court may well hold that qualifies it as a public body. This opinion cannot determine with finality whether the Corporation is a public body subject to the FOIA as that would require

en masse from a public body to a related organization, or when the related organization undertakes the management of the expenditure of public funds, the only way that the public can determine with specificity how those funds were spent

is through access to the records and affairs of the organization receiving and spending the funds.

Id. at 404, 401 S.E.2d at 165. In Disabato v. S.C. Association of School Administrators, 404 S.C. 433, 456, 746 S.E.2d 329, 341 (2013), the Court further emphasized the nature of the transaction

as determinative of the receipt of public funds makes a private entity subject to FOIA.

The dissent would read the FOIA as applying to a private organization that receives even a negligible amount of public funding for a discrete purpose. We made clear in Weston that the FOIA only applies to private entities who receive government

Significantly, in [Weston], there was not a statute or proviso governing the

procedure and oversight for the expenditure of the specific funds at issue as

mandating the public reporting and accountability as exists with respect to A-Tax
funds and the DDT Grant

Here, as noted, there is a specific statute (or proviso) that directs the local
governments to select a DMO to manage the expenditure of certain tourism funds
and requires the governments to maintain oversight and responsibility of the funds

diversion of “a block of public funds ... *en masse*” or “the management of the

Id. at 204–05, 893 S.E.2d at 339. This Office does not read the Davis decision to establish a new “*de minimus*” test, rather the Court merely described the level of support to be something less than required by Weston to qualify a private entity as a “public body” under FOIA.

With these principles in mind, the opinion will next assume the facts as described in your letter to determine whether a court would hold the Corporation is a public body. As discussed

above, DomainsNewMedia.com held that a DMO does not become a public body subject to the FOIA due to receipt of A-Tax funds as the A-Tax statute is an exception to the FOIA. Supra. The Corporation receives additional public support beyond these A-Tax revenues. Your letter states the Corporation receives approximately \$70,000 of revenue, or over thirty percent of its annual budget that is generated from a special tax assessment established via a City ordinance.² A court

June 4, 2024

Municipal Improvement Act of 1973.” Under section 4 of the ordinance, the City paid the proceeds generated from the special assessments on the property within the district

... to the Uptown Greenwood Local Development Corporation on a monthly basis

and operating the improvements within the District, including the costs and

ds? Suffice it to say, there remain questions of fact and law on regarding the

Corporation, in fact, receive those funds from this Office cannot resolve in an opinion

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as a public body. This Office

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