

MINUTES OF  
BUDGET AND CONTROL BOARD  
MEETING

April 26, 1988

State of South Carolina  
**State Budget and Control Board**

CARROLL A. CAMPBELL, JR., CHAIRMAN  
GOVERNOR  
GRADY L. PATTERSON, JR.  
STATE TREASURER  
EARLE E. MORRIS, JR.  
COMPTROLLER GENERAL

Box 12444  
Columbia  
29211

JAMES M. WADDELL, JR.  
CHAIRMAN, SENATE FINANCE COMMITTEE  
ROBERT N. McLELLAN  
CHAIRMAN, WAYS AND MEANS COMMITTEE  
JESSE A. COLES, JR., Ph.D.  
EXECUTIVE DIRECTOR

April 26, 1988

MEMORANDUM

TO: Budget and Control Board Division Directors  
FROM: William A. McInnis, Deputy Executive Director *WAM*  
SUBJECT: Summary of Board Actions at April 26, 1988, Meeting

This listing of actions is not the minutes of the referenced meeting. It is an unofficial (meaning it has not been approved by the Board) summary of the Board actions taken at that meeting. The minutes of the meeting are presented in a separate, much more detailed document which becomes official when approved by the Board at a subsequent meeting.

1. Adopted the agenda as proposed;
2. Approved the minutes of the April 12, 1988, Budget and Control Board meeting;
3. Received as information the Department of Corrections "Defendants' Thirteenth Quarterly Report on Compliance" with the terms of the Consent Decree entered into on January 8, 1985, in relation to the Nelson v. Leeke suit;
4. Received as information reports on the reimbursement of interviewee travel expenses by College of Charleston (4) and the Governor's School for Science and Mathematics (5);
5. Received as information a briefing on the report from Dr. Barry J. Goodno, P.E., Consulting Structural Engineers, on the swaying phenomenon at the Williams-Brice Stadium;
6. Approved the revised Employee Performance Management System (EPMS) which incorporates the revisions to EPMS criteria resulting from the study after the Division agreed that performance levels should be below, meets, exceeds and substantially exceeds performance requirements;

15155



Summary of BCB Actions  
April 26, 1988, Meeting  
Page 2

7. Adopted a resolution authorizing the Medical University to issue \$3,000,000 State Institution Refunding Bond Anticipation Notes and authorized the State Treasurer to withdraw from MUSC accounts the funds necessary to pay the interest due on the outstanding notes and the \$500,000 to retire that much of the principal of those notes;
8. Allocated \$850,000 of the State Ceiling to the City of Mullins for the issuance of Combined Public Utility System Refunding and Improvement Revenue Bonds, Series 1988-A; and received as information a State ceiling status report which shows that of the \$171,250,000 ceiling, \$77,960,000 has been allocated and \$93,290,000 is available;
9. Authorized publication of a Notice of Drafting Period for Real Property Leasing Regulations in the next edition of the State Register;
10. Approved the following personal service funds transfers as recommended by the Budget Division:
  - (a) Archives and History: \$93,985 to other operating expenses (contractual services \$22,585; supplies \$600; equipment \$70,985); and
  - (b) Mental Health: \$247,000 to contractual services; supplies; and light, power and heat;
11. In accord with Code Section 8-11-135, authorized the Department of Mental Health to pay not to exceed \$5,000 to Dr. Melvin Mart as a reimbursement for the costs incurred in moving personal and household effects from Long Island, New York to Columbia;
12. In accord with Code Section 8-11-135, authorized the Water Resources Commission to pay the following reimbursements for the costs incurred in moving personal and household effects: (a) \$1,007.04 to William T. Griffin, Geologist II, from New Orleans, Louisiana to Columbia; and (b) \$1,631.71 to Gregory B. Kuntz, Hydrologist II, from Omaha, Nebraska to Columbia;
13. Approved the travel of Dr. Daniel B. Smith, Clemson University Professor and Extension Agricultural Economist, to Copenhagen, Denmark, during the June 22 - July 2, 1988 period at an estimated cost of \$3,500 and to be paid from State-appropriated funds;
14. Agreed to hold a regular meeting at 9:30 a.m. on Tuesday, May 10, 1988, in the Governor's conference room in the State House; and
15. Received a briefing on a legal matter but took no action on it.

WAM:dw

15156

MINUTES OF STATE BUDGET AND CONTROL BOARD MEETING

APRIL 26, 1988

9:30 A. M.

The Budget and Control Board met at 9:30 a.m. on Tuesday, April 26, 1988 in the Governor's conference room in the State House, with the following members in attendance:

Governor Carroll A. Campbell, Jr., Chairman;  
Mr. Grady L. Patterson, Jr., State Treasurer;  
Mr. Earle E. Morris, Jr., Comptroller General;  
Senator James M. Waddell, Jr., Chairman, Senate Finance Committee;  
Representative Robert N. McLellan, Chairman, House Ways & Means Committee.

Also attending were:

Jesse A. Coles, Jr., Ph.D.	Executive Director
William A. McInnis	Secretary
J. Samuel Griswold, Ph.D.	Deputy Executive Director
Philip G. Grose, Jr.	Assistant Executive Director
Other Board staff	
Joseph A. Wilson, II	Chief Deputy Attorney General
James G. Bogle, Jr.	Assistant Attorney General
Q. Whitfield Ayres, Ph.D.	Governor's Senior Executive Assistant for Budget and Policy
Luther F. Carter, Ph.D.	Governor's Senior Executive Assistant for Finance and Administration
Mark R. Elam	Governor's Legal Counsel
George M. Lusk	Comptroller General, Senior Assistant
J. Michael Ey	Senate Finance Committee
Scott R. Inkley, Jr.	Ways & Means Committee Dir. of Research
Susan K. Hooks	Ways & Means Committee Research Analyst

**Adoption of Agenda**

Upon a motion by Mr. Patterson, seconded by Senator Waddell, the Board adopted the agenda as proposed.

**Minutes of Previous Meeting (Regular #1)**

Board members previously had been furnished a draft version of the minutes of the April 12, 1988, Budget and Control Board meeting.

Upon a motion by Mr. Patterson, seconded by Senator Waddell, the Board approved the referenced minutes as written.

**Blue Agenda**

Dr. Coles advised that the two reports included on the blue agenda are for information only and do not require Board action.

Upon a motion by Mr. Morris, the Board received the blue agenda as information.

**Corrections: Defendants' 13th Quarterly Report on Compliance (B1)**

Board members were provided with extracts from the 13th quarterly report on compliance with the terms of the Consent Decree entered into on January 8, 1985, and were advised that a copy of the complete report can be made available.

The Board received as information the Department of Corrections "Defendants' Thirteenth Quarterly Report on Compliance" with the terms of the Consent Decree entered into on January 8, 1985, in relation to the Nelson v. Leeke suit.

Information relating to this matter has been retained in these files and is identified as Exhibit 1.

**Executive Director: Interviewee Travel Expense Reimbursement (Blue #2)**

The Board received as information reports on the reimbursement of interviewee travel expenses by College of Charleston (4) and the Governor's School for Science and Mathematics (5).

Information relating to this matter has been retained in these files and is identified as Exhibit 2.

**General Services: Swaying Conditions at USC Williams-Brice Stadium (R#2)**

General Services Assistant Division Director for Agency Services William Clement, AIA, appeared before the Board on this matter.

The Division of General Services advised the Board in the agenda materials that, in September 1987, a determination was made in response to the Board's concerns to retain an independent engineering consultant to study the swaying phenomenon at the Williams-Brice Stadium and to monitor that situation during football season.



**Minutes of State Budget and Control Board Meeting**  
**Regular Session -- April 26, 1988 -- Page 3**

---

The Division reported that it had retained Dr. Barry J. Goodno, P.E., Consulting Structural Engineers, of Atlanta, Georgia, to conduct the study and to report on the findings.

Board members were provided with a summary of the completed Goodno report with extracts from it.

At the meeting, Mr. Clement said he would present highlights from the report rather than detail it. He noted that he uses the terms excitation and movement in reference to what is referred to in the agenda materials as the swaying condition at the stadium. He said that the consultant had been engaged to examine the stadium structure because the insurer (the Insurance Reserve Fund) had requested it and because there was general concern about the structure's safety.

Mr. Clement advised that General Services Division staff met on September 9 with the consultant and staff of USC and of Wilbur Smith & Associates (who were involved in the original design of the structure) to explore the subject generally. He said that a report was received from the consultant on September 14 which suggested that the Division engage in an instrumentation analysis of the stadium which he said was done during five games.

Mr. Clement said the study was prompted by two primary concerns, namely strength (impact of swaying on the structural integrity of the component members) and of serviceability of the structure (whether it meets the needs it is intended to serve).

Mr. Clement reported that no structural problems had been found by the study. He said that, unlike most structures which have a built-in damping effect resulting from interior partitions and the like, the stadium has no similar motion damping capability. Once a motion is started in a structure like the stadium upper deck, he said, it tends to continue.

He also reported that movement of the stadium's east upper deck does not exceed acceptable limits of fatigue. He said that the maximum deflection measured during the study was less than one-half inch.

Mr. McLellan and Mr. Patterson said that viewing the movement of the east upper deck from beneath it certainly gave the appearance of much greater movement than half an inch.

Minutes of State Budget and Control Board Meeting  
Regular Session -- April 26, 1988 -- Page 4

---

Mr. Clement then summarized the conclusions of the report as follows:

1. Because the structure is lightly damped the vibration response of the structure is likely to continue for some time, however, this poses no problem to the structural adequacy of the structure.
2. Failure of the steel box girders due to fatigue is not a factor in determining the useful life of the upper deck stands. The vibrations do not adversely affect the strength of the upper stands.
3. Some slight increase in maintenance problems on the concrete bearing pads and joint material is a reality if additional movement is imposed on the structure but this is not an important factor. This can be handled through a regular maintenance program.
4. The vibration of the upper stands is a serviceability problem only; the vibration presents no problem related to strength or failure of structural materials. Little can be done, construction related, to reduce the perceived or discernable (sic) movement in the stands. Any solutions considered would most likely be aesthetically unacceptable and prohibitively expensive. The report states "Straight forward, 'normal' alteration to the structure would not reduce the human perception of severe vibrations substantially. Though costly, addition of braces or strengthening the box girders would not improve the serviceability of the upper stands."

Mr. Clement advised that USC, in responding to the report, has an extensive maintenance contract. He said that the help given by USC to this study had been tremendous and he said that the Wilbur Smith firm had given all of the support that could have been asked of it.

Governor Campbell noted that direct discussions were held with USC last year which resulted in some changes in the seating in the east upper deck. He asked if the full report addressed whether the deliberate swaying of the stadium would cause fatigue and if it addressed the ramifications if the swaying were not stopped.

Mr. Clement responded that the report found no problems with the structure and that it did recognize the psychological problem involved.

Mr. Patterson suggested that there is a great deal of stress on the occupants of the stadium. He asked if the deliberate swaying of the upper deck isn't like repeatedly bending a wire coat-hanger. Mr. Clement responded that the upper deck stadium will fail eventually if the deliberate swaying of it is allowed.

Dr. Coles observed that the report addresses the structural adequacy issue but that serviceability is the concern. He said the staff is persisting with USC to try to control the visual perception of the problem and he said that USC has been extremely cooperative in that endeavor.

Following further discussion, the Board received as information the briefing on the report from Dr. Barry J. Goodno, P.E., Consulting Structural Engineers, on the swaying phenomenon at the Williams-Brice Stadium.

Information relating to this matter has been retained in these files and is identified as Exhibit 3.

**Human Resource Management: Revised Criteria to EPMS (Reg. #3)**

Human Resource Management Division Director Phyllis Mayes and Employee/Employer Relations Manager Stephen C. Osborne appeared before the Board on this matter.

The Division advised that its Employee Relations Section has conducted a study of the Employee Performance Management System (EPMS) in State government in an effort to identify refinements to make the system more manageable and user acceptable.

The Division requested approval of the revised EPMS criteria which incorporates the revisions resulting from the study.

At the meeting, Ms. Mayes said that the Division is asking for approval of changes in EPMS criteria on which the Board was briefed at the previous meeting. She advised that the proposed changes have been reviewed with agency management. She also expressed the belief that the changes will make the system more user acceptable. She commented that our EPMS is state of the art and is similar to ones used by such organizations as the American Management Association, Bell Labs and Mobil Oil.

Mr. McLellan said he is confused by the four levels of performance and the indication that performance characteristics are to be judged either acceptable or unacceptable. He asked about the relationship between the four levels of performance and the two categories of performance characteristics.



Minutes of State Budget and Control Board Meeting  
Regular Session -- April 26, 1988 -- Page 6

---

Mr. Osborne responded that there presently are three components in the system and that the proposal would deemphasize the performance characteristics portion.

Mr. Osborne also advised Mr. McLellan that the requirement that an employee who was given a substandard performance rating must be rated by a specified time or a "meets performance requirements" rating will result by default is the same as at present.

Mr. Morris asked if the Board is going to audit what happens with performance ratings, noting that each agency seems to have its own way of doing it.

Ms. Mayes said an executive forum is scheduled for May 18 to address issues of that sort.

Governor Campbell said when he read the material that the four levels of performance proposed (exceeds, above meets, meets and below performance requirements) jumped out at him as being awfully confusing and bureaucratic. He noted that Dr. Carter had just passed him a note asking if the four proposed levels aren't awfully confusing. He suggested that the levels be below, meets, exceeds, and substantially exceeds performance requirements. Mr. Osborne commented that the feeling was that the present meets performance requirements category was too broad.

In the ensuing discussion, Senator Waddell asked who rates the supervisors, noting that it is important to be sure the raters do the ratings properly. Mr. Osborne advised that the system goes all the way up through executive management. Senator Waddell said that everything he reads on this subject says that the failure throughout the country and in government is at the middle management level which is where he felt the emphasis ought to be placed. Ms. Mayes commented that the system does address the concerns raised by Senator Waddell and that the record-keeping requirements will support Senator Waddell's point.

Mr. Morris said a comparison among the agencies would be a good thing and Mr. McLellan said it should be reflected in merit pay plans.

**Minutes of State Budget and Control Board Meeting**  
**Regular Session -- April 26, 1988 -- Page 7**

---

Dr. Coles noted that the Board in past budget submissions has supported merit pay plans. He observed that the biggest criticism of those plans has been the absence of a consistently applied employee appraisal system. He said it is up to agency heads to apply the system.

Mr. Patterson expressed the view that you have to continually review the performance review system to ensure that it works properly.

Following this discussion, upon a motion by Mr. Morris, seconded by Senator Waddell, the Board approved the revised Employee Performance Management System (EPMS) which incorporates the revisions to EPMS criteria resulting from the study after the Division agreed that performance levels should be below, meets, exceeds and substantially exceeds performance requirements.

Information relating to this matter has been retained in these files and is identified as Exhibit 4.

**MUSC: \$3,000,000 Institution Refunding Bond Anticipation Notes (Reg #4)**

Board Secretary McInnis appeared before the Board on this matter.

The Board was advised in the agenda materials that the Board of Trustees of the Medical University has adopted a resolution requesting the issuance of \$3,000,000 State Institution Refunding Bond Anticipation Notes and that this request followed a determination by MUSC to retire \$500,000 of the outstanding notes using excess debt service funds.

The Board also was reminded that these outstanding notes were issued for \$5,000,000 in 1984 and that \$500,000 of them were retired in 1985, 1986 and 1987.

Upon a motion by Mr. Patterson, seconded by Senator Waddell, the Board adopted a resolution authorizing the Medical University to issue \$3,000,000 State Institution Refunding Bond Anticipation Notes and authorized the State Treasurer to withdraw from MUSC accounts the funds necessary to pay the interest due on the outstanding notes and the \$500,000 to retire that much of the principal of those notes.

**Minutes of State Budget and Control Board Meeting**  
**Regular Session — April 26, 1988 — Page 8**

---

Information relating to this matter has been retained in these files and is identified as Exhibit 5.

**City of Mullins: Ceiling Allocation (Regular Session #5)**

Board Secretary McInnis appeared before the Board on this matter.

The Board was advised in the agenda materials that the City of Mullins requested a State ceiling allocation of \$850,000. The City will issue not exceeding \$850,000 Combined Public Utility System Refunding and Improvement Revenue Bonds, Series 1988-A.

Mr. McInnis noted that this request is a little different as he pointed out the bonds will be classified as private activity bonds under the provisions of the 1986 Tax Reform Act due to the substantial use of the project by AVM, a manufacturer of automotive and machine components, and that firm's commitment to pay a substantial portion of the debt service costs of the bonds. The bonds are being issued by the City under Title 6, Chapter 21 (Revenue Bond for Utilities Act).

Mr. McInnis pointed out that provisions of the Tax Reform Act of 1986 reduced the level of use and benefit by a private entity used to classify private activity bonds from 25% to 10%.

Board members were provided with a status report on the State Ceiling as of April 20, 1988, (year elapsed 30%) which showed:

	<u>1988 Ceiling</u>	<u>Allocated</u>	<u>(%)</u>	<u>Not Allocated</u>	<u>(%)</u>
State Pool	\$ 68,500,000	\$ 3,100,000	( 4.5%)	\$65,400,000	(95.5%)
Local Pool	<u>102,750,000</u>	<u>74,860,000</u>	(72.9%)	<u>27,890,000</u>	(27.1%)
Total	\$171,250,000	\$77,960,000	(45.5%)	\$93,290,000	(54.5%)

Upon a motion by Mr. Patterson, seconded by Mr. McLellan, the Board allocated \$850,000 of the State Ceiling to the City of Mullins for the issuance of Combined Public Utility System Refunding and Improvement Revenue Bonds, Series 1988-A (AVM project); and received as information a State ceiling status report which showed that \$77,960,000 of the \$171,250,000 State ceiling for 1988 had been allocated and that \$93,290,000 are available.



Information relating to this matter has been retained in these files and is identified as Exhibit 6.

**General Services: Drafting Period Notice, Real Property Leasing Regs (R6)**

General Services Division Director Richard Kelly appeared before the Board on this matter.

The Division advised that Code Section 11-35-1590 and Section 16.75, Part I, 1987-88 Appropriations Act, require the Budget and Control Board to promulgate regulations concerning procedures for leasing of public and private space for State agencies.

The Division requested Board authorization to publish a Notice of Drafting Period for the regulations and to begin the drafting process.

Governor Campbell asked upon what basic assumptions the Division will draft the regulations. Mr. Kelly advised that the Code addresses three things: (1) designation of the Board as the single central broker for the leasing of real property for governmental bodies; (2) the requirement that any governmental body notify the Division when it needs real property for its operations; and (3) the requirement that the Board promulgate regulations on the subject. He also pointed out that Section 16.75 of the Appropriations Act lists seven points which the Board's regulations are to cover.

Mr. Patterson asked if the need for the space would be addressed up front and Mr. Kelly indicated that it would be through the agency's justification statement.

Senator Waddell asked if standard criteria, such as the number of square feet of space for categories of position, are used. Mr. Kelly said that no standards now exist and he pointed out that that is left to agency discretion. He also noted that wide variations exist as between conventional office layouts and open landscape arrangements. Senator Waddell noted that space standards exist for prisons and he wondered why they don't for office space. He also said he wanted to be sure the regulations included authority for the Board to make agencies move.

Following this discussion, upon a motion by Mr. Morris, seconded by Mr. Patterson, the Board authorized publication of a Notice of Drafting Period for Real Property Leasing Regulations in the next edition of the State Register.

Information relating to this matter has been retained in these files and is identified as Exhibit 7.

**Budget Division: Transfer Requests (Regular Session #7)**

Budget Division staff member Curtis Holt appeared before the Board on this matter.

The Budget Division recommended approval of the following agency requests to transfer personal service funds:

- (a) Archives and History: \$93,985 to other operating expenses (contractual services \$22,585; supplies \$600; equipment \$70,985); and
- (b) Mental Health: \$247,000 to contractual services; supplies; and light, power and heat.

Mr. Holt advised that both requests exceed approval authority delegated to Budget Division staff.

Senator Waddell observed that this is the season for transfer requests and that from now to the end of the fiscal year agencies will be asking to transfer funds. He said he sees about \$500,000 going out the window in requests like these and that those funds might better be used in other ways to balance next year's budget. He noted that the Archives and History request may result from prudent management but he questioned the agency seeking supplies for a year for desktop publishing equipment, the equipment itself and furniture. He said that he has mixed emotions about these requests and that he had no problem with the Mental Health proposal in view of its budgetary situation. He said he just has problems with transfers after March 1.

Archives and History Director Vogt said his agency is about two-thirds of the way through a long-range planning process which has identified some key needs which includes better conservation equipment, a need for a space utilization study and redesign in three work areas to address overcrowding, and state of the art publishing equipment. He said the surplus funds are pretty much accidental.

**Minutes of State Budget and Control Board Meeting**  
**Regular Session -- April 26, 1988 -- Page 11**

---

Senator Waddell said he would take the \$93,985 in the Archives request and would put it in as a nonrecurring expense which would mean that the agency's personal service appropriation would not be cut. He said the Appropriations Bill as it now stands will be the ugliest bill in years. He said it may include about \$47 million in annualizations which will have to be taken off of new money next year.

Mr. Wilson asked if the proposals are consistent with the proviso limiting the amount which may be transferred (Mr. Holt said they are) and if any other proviso restricts either transfer (Mr. Holt said there were none).

Upon a motion by Mr. McLellan, seconded by Mr. Patterson, the Board approved the following personal service funds transfers as recommended by the Budget Division: (a) Archives and History: \$93,985 to other operating expenses (contractual services \$22,585; supplies \$600; equipment \$70,985); and (b) Mental Health: \$247,000 to contractual services; supplies; and light, power and heat.

Senator Waddell did not vote on the Archives and History part of this item.

Information relating to this matter has been retained in these files and is identified as Exhibit 8.

**Mental Health: Moving Expenses (Regular Session #8)**

In accord with Code Section 8-11-135, the Department of Mental Health requested approval of the payment of not to exceed \$5,000 to Dr. Melvin Mart as a reimbursement for the costs incurred in moving personal and household effects from Long Island, New York to Columbia.

Dr. Mart is to accept a Psychologist IV position at the William S. Hall Psychiatric Institute.

Upon a motion by Mr. Morris, seconded by Senator Waddell, the Board, in accord with Code Section 8-11-135, authorized the Department of Mental Health to pay not to exceed \$5,000 to Dr. Melvin Mart as a reimbursement for the costs incurred in moving personal and household effects from Long Island, New York to Columbia.



Information relating to this matter has been retained in these files and is identified as Exhibit 9.

**Water Resources Commission: Moving Expenses (Regular Session #9)**

In accord with Code Section 8-11-135, the Water Resources Commission requested approval of the payment of the following reimbursements for the costs incurred in moving personal and household effects:

- (a) \$1,007.04 to William T. Griffin, Geologist II, from New Orleans, Louisiana to Columbia; and
- (b) \$1,631.71 to Gregory B. Kuntz, Hydrologist II, from Omaha, Nebraska to Columbia.

Mr. McLellan observed that these requests are for specific amounts rather than "not to exceed" amounts as requested by the Department of Mental Health and he wondered why the different approaches are taken.

Upon a motion by Senator Waddell, seconded by Mr. Patterson, the Board in accord with Code Section 8-11-135, authorized the Water Resources Commission to pay the following reimbursements for the costs incurred in moving personal and household effects: (a) \$1,007.04 to William T. Griffin, Geologist II, from New Orleans, Louisiana to Columbia; and (b) \$1,631.71 to Gregory B. Kuntz, Hydrologist II, from Omaha, Nebraska to Columbia.

Information relating to this matter has been retained in these files and is identified as Exhibit 10.

**Clemson University: Foreign Travel (Regular Session #10)**

Clemson University requested approval of the travel of Dr. Daniel B. Smith, Professor and Extension Agricultural Economist, to Copenhagen, Denmark, during the June 22 - July 2, 1988 period to participate in the International Farm Management Association Congress and Pre-Congress Study Tour.

The estimated cost of this travel is \$3,500 and will be paid from State-appropriated funds.

Upon a motion by Mr. Patterson, seconded by Senator Waddell, the Board approved the travel of Dr. Daniel B. Smith, Clemson University Professor and

**Minutes of State Budget and Control Board Meeting**  
**Regular Session — April 26, 1988 — Page 13**

---

Extension Agricultural Economist, to Copenhagen, Denmark, during the June 22 - July 2, 1988 period at an estimated cost of \$3,500 and to be paid from State-appropriated funds.

Information relating to this matter has been retained in these files and is identified as Exhibit 11.

**Budget and Control Board: Future Meeting (Regular Session #11)**

The Board agreed to hold a regular meeting at 9:30 a.m. on Tuesday, May 10, 1988, in the Governor's conference room in the State House.

**Executive Session**

Dr. Coles advised that one legal briefing item had been proposed for consideration during executive session.

Upon a motion by Mr. Patterson, seconded by Mr. Morris, the Board agreed to consider this item in executive session whereupon Governor Campbell declared the meeting to be in executive session.

**Vote on Matters Discussed in Executive Session**

Following the executive session, the meeting was opened, and the Board voted on the following item which had been discussed during executive session:

**Executive Director: Legal Briefing (Executive Session #1)**

The Board received a briefing on a legal matter but took no action on it.

**Adjournment**

Upon a motion by Mr. Patterson, the meeting was adjourned at 11:25 a.m.

[Secretary's Note: In compliance with Code §30-4-80, public notice of and the agenda for this meeting were posted on bulletin boards in the office of the Governor's Press Secretary and in the Press Room in the State House, near the Board Secretary's office in the Wade Hampton Building, and in the lobby of the Wade Hampton Office Building at 1 p.m. on Friday, April 22, 1988.]

# EXHIBIT

APR 26 1988

NO. 1

STATE BUDGET AND CONTROL BOARD  
MEETING OF April 26, 1988

BLUE AGENDA

ITEM NUMBER

1

AGENCY: Department of Corrections

SUBJECT: Nelson v. Leeke, Defendants' 13th Quarterly Report on Compliance

Attached are extracts from the 13th quarterly report on compliance with the terms of the Consent Decree entered into on January 8, 1985.

A copy of the complete report can be made available.

# EXHIBIT

APR 26 1988

NO. 1

STATE BUDGET & CONTROL BOARD

BOARD ACTION REQUESTED:

Receive as information the Department of Corrections "Defendants' Thirteenth Quarterly Report on Compliance" with the terms of the Consent Decree entered into on January 8, 1985, in relation to the Nelson v. Leeke suit.

ATTACHMENTS:

Extracts from referenced report

15170



# EXHIBIT

APR 26 1988

NO. 1

## INTRODUCTION

STATE BUDGET & CONTROL BOARD

This report is submitted to the Court in compliance with the terms of a negotiated Consent Decree entered into between the parties to this action on January 8, 1985. The terms of the Decree were reviewed by the Honorable C. Weston Houck, United States District Court Judge, District of South Carolina, and the Decree was approved by the Court on March 26, 1986.

Under Section III. (u). of the Consent Decree, the Defendants' are required to submit detailed quarterly reports outlining the Department's compliance with the terms of the Agreement. It was the intention of the parties that the timetables for compliance with the various issues set forth in the Decree would commence with the ratification of the Decree by the parties to this action (Section III. (p).).

This "Thirteenth Quarterly Report on Compliance," contains a listing of the approximately 238 identifiable issues in the Decree, with such issues broken down into seventeen compliance categories. The Report further details the activities and efforts undertaken and made during this reporting period to achieve compliance with each issue. Appendices to this Report represent more detailed compliance information concerning certain issues of the Decree for which a lengthy explanation of compliance efforts in the body of the Report appeared unsuitable.

### I. Summary of Major Compliance Activities

#### A. Status of the "Defendants' Motion for Modification of the Consent Decree"

During this reporting period, the Federal District Court rendered a decision relative to the "Defendants' Motion for Modification of the Consent Decree." Specifically, the Court denied the Defendants' Motion to allow general population cells at new medium security institutions to be double-occupied in order to achieve compliance with the housing requirements of the Decree at existing medium security institutions by January 8, 1988. The Federal District Court additionally ordered the Defendants' to obtain compliance with the terms of the Decree "...through all of the early release mechanisms available to them, as well as by any other appropriate means."

# EXHIBIT

APR 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

On January 22, 1988 (11 days from the date of the Order) the Defendants' developed an early release plan for submission and subsequent approval by the Federal District Court Judge. The plan called for the early release of up to 200 nonviolent inmates every month beginning February 5, 1988, until full compliance with the housing conditions of the Decree was achieved at every existing medium security facility (see, also, "Appendix B" to this Report for a copy of the "Defendants' Plan to Reattain Compliance with the terms of the Decree"). On January 28, 1988, the Defendants' received approval of the plan from the Federal District Court; however, shortly after the plan was approved, the Defendants' sought and received a "stay" of the early release plan from the Fourth Circuit Court of Appeals pending an expedited appeal of the Federal District Court's Order.

On February 11, 1988, the Fourth Circuit Court of Appeals heard the appeal of the "Defendants' Motion for Modification of the Consent Decree" and, to date, no decision on this appeal has been received. Departmental officials have been continually up-dating the early release plan ordered by the Federal District Court should the Fourth Circuit make a determination to uphold the same.

## B. Specific Housing Requirements of the Consent Decree

1. Medium Security Inmate Housing: During this reporting period, there were approximately six (6) medium security institutions housing inmates in a manner not consistent with the bedspace requirements of the Decree mandated by January 8, 1988. This housing, however, is currently not considered as noncompliance inasmuch as a date by which mandated capacities must be met at medium security facilities is presently pending a ruling by the Fourth Circuit Court of Appeals.

Should the Fourth Circuit order the Defendants' to obtain immediate compliance with the terms of the Decree at existing medium security facilities either through an early release or double-celling inmates at new institutions, it is estimated that the average number of inmates that will need to be moved from each medium security facility would be, as follows:

Kirkland Correctional Institution	189
Manning Correctional Institution	120
Women's Correctional Center	12
Perry Correctional Institution	144
Lieber Correctional Institution	183
Dutchman Correctional Institution	<u>14</u>

TOTAL	662
-------	-----

15172

# EXHIBIT

APR 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

The above averages were calculated utilizing the average number of beds over mandated Nelson capacities at the above institutions for the months of January, February and March, 1988.

2. Lieber Correctional Institution: During this reporting period, Departmental officials continued to double-cell inmates at the new Lieber Correctional Institution for compliance with housing requirements at other SDC facilities. Although Plaintiffs' counsel has objected to the Department's use of Lieber for double-celling purposes, it is the Department's position that such inmate housing practices do not constitute noncompliance with the terms of the decree inasmuch as a date by which mandated Nelson capacities must be met at medium custody facilities is presently pending a ruling by the Fourth Circuit Court of Appeals.

During this quarter, an average of 179 cells were double-occupied at Lieber during the month of January, 1988; an average of 184 cells were double-occupied during the month of February, 1988; and, an average of 188 were double-occupied during the period March 1 - 24, 1988. It should be noted that Departmental officials do make every effort to reduce double-celling at this facility after normal, first-of-the-month releases.

3. Inmate Admissions: During the last quarter, the Department was experiencing an average increase in facility count of 72 inmates per month. This figure was calculated using the average facility count increase/decrease reported from January, 1985, through November, 1987.

During this reporting period, the average increase in facility count was 69 inmates per month. This figure reflects the average monthly facility count increase/decrease for the period January, 1985, through February, 1988. It should be noted that the average increase in monthly facility count for the past 12 months was 53. This figure reflects the average monthly facility count increase/decrease for the period March, 1987, through February, 1988.

4. Other Housing Requirements: All other housing requirements of the Decree were complied with during this quarter. For further information in reference to such requirements see pages 1-9 of this Report.

15173



# EXHIBIT

APR 26 1988

NO. 1

## C. Status of Construction Projects:

STATE BUDGET & CONTROL BOARD

1. Broad River Correctional Institution: The new Broad River Correctional Institution is progressing on schedule. This facility is to be open for operation on or about the last week of April, 1988, or the first week of May, 1988.
2. Dutchman Correctional Institution: During this reporting period, Construction and Engineering officials reported that all renovations/modifications to be made at this facility for conversion of the same to medium security were completed.
3. Women's Correctional Center Infirmary: Construction of the infirmary at this facility is presently scheduled for completion on or about mid- to late-April, 1988. The sprinkler system for the infirmary still needs to be installed and once this is completed, DHEC officials will be able to inspect this institution for final licensing purposes. DHEC officials have already conducted preliminary inspections of this facility and have noted no major problems.
4. Other Construction Projects: All other construction projects listed in the Decree have been completed as of this reporting period.

## D. Staff Training Requirements

1. ACA Standards 2-4090, 2-4091 and 2-4093: These standards require all support employees with regular inmate contact; all professional specialists who have regular inmate contact; and, all administrative and managerial staff to receive at least 40-hours of in-service training annually. Employees who fall into these categories who were hired prior to the signing of the Decree (January, 1985) are to receive their 40-hours by January 1, 1988, and every year thereafter. Employees hired on or after the signing of the Decree, are to receive 40-hours of in-service training annually by the end of their hire month.

During this reporting period, the Training Branch reported that 12 employees hired in either October, November, or December, 1985 or 1986, did not receive the required 40-hours of in-service training by the end of their official hire month. Additionally, the Training Branch reported that approximately 153 employees hired prior to signing of the Decree did not receive their required 40-hours of in-service training by January, 1988. These employees names and the amount of training received are reported on pages 16 and 52-56, respectively.

In order to rectify noncompliance, the Department has implemented disciplinary procedures whereby either supervisors or employees can be given an oral warning up to termination for either a supervisors failure to allow their employees to obtain required training or an employees failure to attend in-service training. These disciplinary procedures are explained in greater detail in the Twelfth Quarterly Report on Compliance, pages 58-60.

2. ACA Standard 2-4089: This standard requires all clerical support staff with minimal inmate contact to receive at least 16 hours of in-service training annually. During this reporting period, only three (3) employees were in noncompliance with this training standard. All three employees were hired prior to the signing of the Decree and were, therefore, required to obtain their 16-hours of in-service training by January 1, 1988. The names of these employees and the amount of training received by the same are contained on page 15 of this Report.

## EXHIBIT

APR 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

15175

# EXHIBIT

APR 26 1988

NO. 1

## II. Abbreviations

### STATE BUDGET & CONTROL BOARD

The following abbreviations are used throughout this Report:

ACA	-	American Correctional Association
ACR	-	Appalachian Correctional Region
CCR	-	Coastal Correctional Region
CAC	-	Commission on the Accreditation for Corrections
DHEC	-	Department of Health and Environmental Control
NFPA	-	National Fire Protection Association
NIC	-	National Institute of Corrections
MCR	-	Midlands Correctional Region
PC	-	Protective Custody
SOCJA	-	South Carolina Criminal Justice Academy
SCDC	-	South Carolina Department of Corrections
SCDMH	-	South Carolina Department of Mental Health
SSR	-	Substantiated Security Risk
YOA	-	Youthful Offender Act

The following institutional abbreviations are also used:

ACI	-	Allendale Correctional Institution
AYCC	-	Aiken Youth Correctional Center
BCC	-	Byrnes Clinical Center
BRPRC	-	Blue Ridge Pre-Release/Work Release Center
BRR&EC	-	Broad River Reception and Evaluation Center
BRCI	-	Broad River Correctional Institution
CACI	-	Cross Anchor Correctional Institution
CaWRC	-	Catawba Work Release Center
CCI	-	Central Correctional Institution
CoWRC	-	Coastal Work Release Center
CWRC	-	Campbell Work Release Center
DCI	-	Dutchman Correctional Institution
GCI	-	Goodman Correctional Institution
GCC	-	Greenwood Correctional Center
GYCC	-	Givens Youth Correctional Center
KCI	-	Kirkland Correctional Institution
LCI	-	Lieber Correctional Institution
LiWRC	-	Livesay Work Release Center
LSWRC	-	Lower Savannah Work Release Center
MCI	-	Manning Correctional Institution
McCI	-	McCormick Correctional Institution
MR&EC	-	Midlands Reception and Evaluation Center
MSC	-	Maximum Security Center (Building 5)
NCC	-	Northside Correctional Center
PCI	-	Perry Correctional Institution
PWRC	-	Palmer Work Release Center
SPCC	-	State Park Correctional Center
SCI	-	Stevenson Correctional Institution
WCI	-	Walden Correctional Institution
WRCI	-	Wateree River Correctional Institution
WPRC	-	Watkins Pre-Release Center
WCC	-	Women's Correctional Center

15176





south carolina  
department of corrections

P.O. BOX 21787/4444 BROAD RIVER ROAD, COLUMBIA, SOUTH CAROLINA 29221-1787  
TELEPHONE (803) 737-8555  
PARKER EVATT, Commissioner

April 8, 1988

APR 12 1988

EXHIBIT

APR 26 1988

NO. 1

STATE BUDGET & CONTROL BOARD

Mr. William A. McInnis  
Deputy Executive Director  
South Carolina Budget and Control Board  
610 Wade Hampton Building  
Columbia, South Carolina 29211

RE: Nelson v. Leeke, Civil Action No.: 82-876-2

Dear Mr. McInnis:

According to the terms of the negotiated settlement reached in the above captioned case, the S.C. Department of Corrections is required to submit detailed quarterly reports on compliance to the Court, Plaintiffs' counsel, the S.C. Budget and Control Board and to each institution.

Attached please find a copy of the "Defendants' Thirteenth Quarterly Report on Compliance," for your information and review.

If you have any questions regarding the information contained herein, please feel free to contact me at 737-8431.

Sincerely,

Laurie A. Osler  
Executive Assistant for Legal  
Settlements and Compliance

Enclosure

LAO/map

15177

BOARD OF  
CORRECTIONS

NORMAN KIRKLAND  
Chairman  
Bamberg, S.C.

CHARLES C. MOORE  
Vice Chairman  
Spartanburg, S.C.

BETTY M. CONDON  
Member  
Mt. Pleasant, S.C.

EUGENE N. ZEIGLER  
Member  
Florence, S.C.

GOETZ B. EATON  
Member  
Anderson, S.C.

C. LOCK MCKINNON  
Member  
Lancaster, S.C.

GOV. CARROLL A. CAMPBELL, JR., Member, Ex Officio, Columbia, S.C.

# EXHIBIT

APR 26 1988

NO. 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

STATE BUDGET & CONTROL BOARD

Gary Wayne Nelson, et al.,

Plaintiffs

-vs.-

William D. Leeke, Commissioner,  
South Carolina Department of  
Corrections, and Members of the  
South Carolina Board of Corrections,

Defendants.

CIVIL ACTION NUMBER 82-876-2

DEFENDANTS' THIRTEENTH  
QUARTERLY REPORT ON  
COMPLIANCE

Prepared by:

The Office of the Executive Assistant for  
Legal Settlements and Compliance

Laura A. Osler, Executive Assistant

Columbia, South Carolina  
April 8, 1988

15178

# EXHIBIT

APR 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

## TABLE OF CONTENTS

	Page
INTRODUCTION.....	1
SECTION I: "DEFENDANTS' THIRTEENTH QUARTERLY REPORT ON COMPLIANCE," APRIL 8, 1987.....	1
Category I: Notification.....	1
Category II: Housing.....	1
Category III: Staffing.....	9
Category IV: Staff Training.....	12
Category V: Health Services.....	17
Category VI: Programs.....	22
Category VII: Libraries.....	24
Category VIII: Classification.....	28
Category IX: Visitation.....	30
Category X: Physical Restraints.....	30
Category XI: Fire Safety.....	31
Category XII: Construction.....	32
Category XIII: Sanitation and Hygiene.....	33
Category XIV: Physical Plant.....	33
Category XV: Reception and Evaluation Centers.....	34
+Broad River Reception and Evaluation Center.....	34
+Perry Reception and Evaluation Center.....	36

15179



Category XVI:	Food Services.....	37
Category XVII:	Other Issues.....	38
SECTION II:	APPENDICES.....	39
Appendix A:	Mandated <u>Nelson</u> Capacities at SCDC Institutions by 1990 (Capacities Reflected Became Effective April 1, 1988).....	40
Appendix B:	"Early Release Plan" Submitted to the Court.....	46
Appendix C:	Employees in Non-Compliance with the 3-year Phase-in In-service Training Requirement (ACA Standard 2-4090, 2-4091, 2-4093).....	51
Appendix D:	Serious Incident Reports (AIMS).....	57
Appendix E:	Classification Consultant Recommendations.....	71
Appendix F:	Physical Plant Standards: "Upgrade Status Report.....	75

I N T R O D U C T I O N

15181

## INTRODUCTION

This report is submitted to the Court in compliance with the terms of a negotiated Consent Decree entered into between the parties to this action on January 8, 1985. The terms of the Decree were reviewed by the Honorable C. Weston Houck, United States District Court Judge, District of South Carolina, and the Decree was approved by the Court on March 26, 1986.

Under Section III. (u). of the Consent Decree, the Defendants' are required to submit detailed quarterly reports outlining the Department's compliance with the terms of the Agreement. It was the intention of the parties that the timetables for compliance with the various issues set forth in the Decree would commence with the ratification of of the Decree by the parties to this action (Section III. (p).).

This "Thirteenth Quarterly Report on Compliance," contains a listing of the approximately 238 identifiable issues in the Decree, with such issues broken down into seventeen compliance categories. The Report further details the activities and efforts undertaken and made during this reporting period to achieve compliance with each issue. Appendices to this Report represent more detailed compliance information concerning certain issues of the Decree for which a lengthy explanation of compliance efforts in the body of the Report appeared unsuitable.

### I. Summary of Major Compliance Activities

#### A. Status of the "Defendants' Motion for Modification of the Consent Decree"

During this reporting period, the Federal District Court rendered a decision relative to the "Defendants' Motion for Modification of the Consent Decree." Specifically, the Court denied the Defendants' Motion to allow general population cells at new medium security institutions to be double-occupied in order to achieve compliance with the housing requirements of the Decree at existing medium security institutions by January 8, 1988. The Federal District Court additionally ordered the Defendants' to obtain compliance with the terms of the Decree "...through all of the early release mechanisms available to them, as well as by any other appropriate means."



On January 22, 1988 (11 days from the date of the Order) the Defendants' developed an early release plan for submission and subsequent approval by the Federal District Court Judge. The plan called for the early release of up to 200 nonviolent inmates every month beginning February 5, 1988, until full compliance with the housing conditions of the Decree was achieved at every existing medium security facility (see, also, "Appendix B" to this Report for a copy of the "Defendants' Plan to Reattain Compliance with the terms of the Decree"). On January 28, 1988, the Defendants' received approval of the plan from the Federal District Court; however, shortly after the plan was approved, the Defendants' sought and received a "stay" of the early release plan from the Fourth Circuit Court of Appeals pending an expedited appeal of the Federal District Court's Order.

On February 11, 1988, the Fourth Circuit Court of Appeals heard the appeal of the "Defendants' Motion for Modification of the Consent Decree" and, to date, no decision on this appeal has been received. Departmental officials have been continually up-dating the early release plan ordered by the Federal District Court should the Fourth Circuit make a determination to uphold the same.

B. Specific Housing Requirements of the Consent Decree

1. Medium Security Inmate Housing: During this reporting period, there were approximately six (6) medium security institutions housing inmates in a manner not consistent with the bedspace requirements of the Decree mandated by January 8, 1988. This housing, however, is currently not considered as noncompliance inasmuch as a date by which mandated capacities must be met at medium security facilities is presently pending a ruling by the Fourth Circuit Court of Appeals.

Should the Fourth Circuit order the Defendants' to obtain immediate compliance with the terms of the Decree at existing medium security facilities either through an early release or double-celling inmates at new institutions, it is estimated that the average number of inmates that will need to be moved from each medium security facility would be, as follows:

Kirkland Correctional Institution	189
Manning Correctional Institution	120
Women's Correctional Center	12
Perry Correctional Institution	144
Lieber Correctional Institution	183
Dutchman Correctional Institution	<u>14</u>

TOTAL	662
-------	-----

The above averages were calculated utilizing the average number of beds over mandated Nelson capacities at the above institutions for the months of January, February and March, 1988.

2. Lieber Correctional Institution: During this reporting period, Departmental officials continued to double-cell inmates at the new Lieber Correctional Institution for compliance with housing requirements at other SCDC facilities. Although Plaintiffs' counsel has objected to the Department's use of Lieber for double-celling purposes, it is the Department's position that such inmate housing practices do not constitute noncompliance with the terms of the decree inasmuch as a date by which mandated Nelson capacities must be met at medium custody facilities is presently pending a ruling by the Fourth Circuit Court of Appeals.

During this quarter, an average of 179 cells were double-occupied at Lieber during the month of January, 1988; an average of 184 cells were double-occupied during the month of February, 1988; and, an average of 188 were double-occupied during the period March 1 - 24, 1988. It should be noted that Departmental officials do make every effort to reduce double-celling at this facility after normal, first-of-the-month releases.

3. Inmate Admissions: During the last quarter, the Department was experiencing an average increase in facility count of 72 inmates per month. This figure was calculated using the average facility count increase/decrease reported from January, 1985, through November, 1987.

During this reporting period, the average increase in facility count was 69 inmates per month. This figure reflects the average monthly facility count increase/decrease for the period January, 1985, through February, 1988. It should be noted that the average increase in monthly facility count for the past 12 months was 53. This figure reflects the average monthly facility count increase/decrease for the period March, 1987, through February, 1988.

4. Other Housing Requirements: All other housing requirements of the Decree were complied with during this quarter. For further information in reference to such requirements see pages 1-9 of this Report.

C. Status of Construction Projects:

1. Broad River Correctional Institution: The new Broad River Correctional Institution is progressing on schedule. This facility is to be open for operation on or about the last week of April, 1988, or the first week of May, 1988.
2. Dutchman Correctional Institution: During this reporting period, Construction and Engineering officials reported that all renovations/modifications to be made at this facility for conversion of the same to medium security were completed.
3. Women's Correctional Center Infirmary: Construction of the infirmary at this facility is presently scheduled for completion on or about mid- to late-April, 1988. The sprinkler system for the infirmary still needs to be installed and once this is completed, DHEC officials will be able to inspect this institution for final licensing purposes. DHEC officials have already conducted preliminary inspections of this facility and have noted no major problems.
4. Other Construction Projects: All other construction projects listed in the Decree have been completed as of this reporting period.

D. Staff Training Requirements

1. ACA Standards 2-4090, 2-4091 and 2-4093: These standards require all support employees with regular inmate contact; all professional specialists who have regular inmate contact; and, all administrative and managerial staff to receive at least 40-hours of in-service training annually. Employees who fall into these categories who were hired prior to the signing of the Decree (January, 1985) are to receive their 40-hours by January 1, 1988, and every year thereafter. Employees hired on or after the signing of the Decree, are to receive 40-hours of in-service training annually by the end of their hire month.

During this reporting period, the Training Branch reported that 12 employees hired in either October, November, or December, 1985 or 1986, did not receive the required 40-hours of in-service training by the end of their official hire month. Additionally, the Training Branch reported that approximately 153 employees hired prior to signing of the Decree did not receive their required 40-hours of in-service training by January, 1988. These employees names and the amount of training received are reported on pages 16 and 52-56, respectively.



In order to rectify noncompliance, the Department has implemented disciplinary procedures whereby either supervisors or employees can be given an oral warning up to termination for either a supervisors failure to allow their employees to obtain required training or an employees failure to attend in-service training. These disciplinary procedures are explained in greater detail in the Twelfth Quarterly Report on Compliance, pages 58-60.

2. ACA Standard 2-4089: This standard requires all clerical support staff with minimal inmate contact to receive at least 16 hours of in-service training annually. During this reporting period, only three (3) employees were in noncompliance with this training standard. All three employees were hired prior to the signing of the Decree and were, therefore, required to obtain their 16-hours of in-service training by January 1, 1988. The names of these employees and the amount of training received by the same are contained on page 15 of this Report.

## II. Abbreviations

The following abbreviations are used throughout this Report:

ACA	-	American Correctional Association
ACR	-	Appalachian Correctional Region
CCR	-	Coastal Correctional Region
CAC	-	Commission on the Accreditation for Corrections
DHEC	-	Department of Health and Environmental Control
NFPA	-	National Fire Protection Association
NIC	-	National Institute of Corrections
MCR	-	Midlands Correctional Region
PC	-	Protective Custody
SOCJA	-	South Carolina Criminal Justice Academy
SCDC	-	South Carolina Department of Corrections
SCDMH	-	South Carolina Department of Mental Health
SSR	-	Substantiated Security Risk
YOA	-	Youthful Offender Act

The following institutional abbreviations are also used:

ACI	-	Allendale Correctional Institution
AYCC	-	Aiken Youth Correctional Center
BOC	-	Byrnes Clinical Center
BRPRC	-	Blue Ridge Pre-Release/Work Release Center
BRR&EC	-	Broad River Reception and Evaluation Center
BRCI	-	Broad River Correctional Institution
CACI	-	Cross Anchor Correctional Institution
CaWRC	-	Catawba Work Release Center
CCI	-	Central Correctional Institution
CoWRC	-	Coastal Work Release Center
CWRC	-	Campbell Work Release Center
DCI	-	Dutchman Correctional Institution
GCI	-	Goodman Correctional Institution
GCC	-	Greenwood Correctional Center
GYCC	-	Givens Youth Correctional Center
KCI	-	Kirkland Correctional Institution
LCI	-	Lieber Correctional Institution
LiWRC	-	Livesay Work Release Center
LSWRC	-	Lower Savannah Work Release Center
MCI	-	Manning Correctional Institution
McCI	-	McCormick Correctional Institution
MR&EC	-	Midlands Reception and Evaluation Center
MSC	-	Maximum Security Center (Building 5)
NCC	-	Northside Correctional Center
PCI	-	Perry Correctional Institution
PWRC	-	Palmer Work Release Center
SPCC	-	State Park Correctional Center
SCI	-	Stevenson Correctional Institution
WCI	-	Walden Correctional Institution
WRCI	-	Wateree River Correctional Institution
WPRC	-	Watkins Pre-Release Center
WCC	-	Women's Correctional Center

15187

# EXHIBIT

APR 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

## SECTION ONE

15188



THIRTEENTH QUARTERLY REPORT ON COMPLIANCE FOR NELSON  
April 8, 1988

CATEGORY I:       NOTIFICATION

As has been reported in past editions of the Quarterly Report, information regarding the Nelson Decree is still continuously being disseminated to all employees and inmates on a regular basis. Weekly, two-hour, new employee orientation classes are still being conducted by a representative of the Compliance Office to ensure that all new employees are familiar with the basic terms of the Decree prior to beginning their job assignments. Additionally, information pertaining to the monthly status of the Nelson Decree is being transmitted to all employees and inmates through use of the Departments "Video Bulletin Board"--a monthly video news bulletin sent to all institutions and presented to all employees and inmates in an effort to keep such individuals up-to-date as to recent developments throughout the SCDC. Also, training classes regarding the Nelson Decree conducted by a representative of the Compliance Office are presented to institutional employees upon the request of the Institutional head.

In addition to the above, copies of the Nelson Decree are still available for inmate review in each inmate living area, institutional library or, if no institutional library is available, in an area of an institution which is generally accessible to inmates. Inmates are still able to request their own personal copy of the Nelson Decree by making a written request to their Warden (or Designee) and signing for receipt of the same. Lastly, most institutional officials now include information relative to the Nelson Decree in their new inmate orientation programs, or at least review the summary of the Nelson Decree included in the SCDC's "Inmate Guide" which is disseminated to all new inmates upon their arrival to each facility.

CATEGORY II:       HOUSING

- 1,2 and 3. Occupation of a cell, cubicle or room that is less than 150 square feet by three inmates is prohibited.

There are only three institutions where inmates are being triple-housed in selected cells, rooms or cubicles. For example, Manning Correctional Institution officials are presently housing 36 trusty inmates in 12 rooms measuring more than 150 square feet each. Inasmuch as these rooms exceed minimum square footage requirements, however, officials intend to continue triple-occupying these rooms in the future, as well.

In addition to Manning Correctional Institution, 50 cubicles at the Campbell Work Release Center and six (6) cubicles at the Lower Savannah Work Release Center are presently being triple-occupied under the terms of an

"Interim Agreement" signed between the parties in September, 1986. The "Interim Agreement" allows the SCDC to triple-occupy these cubicles in exchange for certain privileges being afforded those inmates who are triple-housed at these Centers. Additionally, a condition of the Agreement was that the Department seek funding for the construction of a 48-bed addition to the Palmer Work Release Center so as to phase out this triple-cubicing upon its completion.

As has been noted in past editions of the Quarterly Report, Departmental officials were unable to secure funding for the Palmer addition by the General Assembly during F.Y. 1987-1988. However, Departmental officials made a request in the F.Y. 1988-1989 Bond Bill for funding to construct a 96-bed addition to the Palmer Work Release Center. If this bond money is approved, corrections officials intend to have this additional unit completed by July, 1989. To date, the Budget and Control Board has recommended to the General Assembly that bond money for this project be allocated to the SCDC. A final decision on this recommendation is not expected to be made until mid- to late-April or May.

Please note, that in lieu of the Palmer addition (inasmuch as it is difficult to predict whether funding will be secured for the same), Departmental officials had proposed that Plaintiffs' counsel substitute a 48-bed addition being constructed at the Catawba Work Release Center for the Palmer addition so as to expedite the phasing-out of triple-cubicing authorized under the terms of the agreement at Campbell and Lower Savannah. This 48-bed unit was completed during the Summer, 1987, and, to date, Plaintiffs' counsel has not responded to this offer.

4. An appendix will be created and attached to the Settlement which will list the maximum housing capacities for every institution based on the square footage requirements stated in the Decree.

The original "Appendix" was completed before the signing of the Decree and is included as Appendix F to the Decree.

Since the signing of the Decree, however, modifications (in the form of renovations or additions) have occurred at certain institutions which have changed the mandated capacities from those that are reported in Appendix F to the Decree. For example, by the end of September, 1986, five (5), 96-bed barrack-style housing units were constructed on the grounds of five selected institutions; thus, increasing the capacity at all five institutions by 96-beds. Additionally, some institutional officials have converted cell space to office space for unit management purposes or have renovated cells and/or wards



previously used for storage space or other purposes to inmate housing space thus resulting in bed-space losses/gains.

The Compliance Office has continuously kept up with these capacity changes and has made a good faith effort to notify Plaintiffs' counsel as they occur. Appendix A to this report lists all the capacities for all SCDC institutions by 1/8/90. As one can detect from a review of this list, capacities have generally increased at certain SCDC institutions (i.e.: CCI, SCI, etc.).

It should be noted, that the figures listed in Appendix A represent minimum capacities for every institution. Certain institutions that have lock-up units or protective custody housing units may have capacities larger than those reported in Appendix A (yet still be in compliance) due to such inmates volunteering to be double-celled. It should also be noted that all new institutional construction/renovation is reflected in the Appendix in all capital letters.

In addition to the above, the Compliance Office daily calculates the number of bedspaces available at every facility based on the daily inmate count and approved Nelson capacities. Information on bedspace availability throughout the Department is forwarded to Plaintiffs' counsel weekly. During this reporting period, for example, the average number of bedspaces available monthly by custody type were, as follows:

Month	Male General Population*	Male Lock- Up	Reception and Eval- uation	Female	Special Purpose**	TOTAL***
Dec.	599	106	95	13	35	848
Jan.	604	106	135	11	41	897
Feb.	538	119	87	18	36	798

\* Includes all medium, minimum and work release bedspaces available.

\*\* Special Purpose refers to handicapped and medical bedspace.

\*\*\* Totals do not include inmates on "authorized absence" from the Department or on medical leave.

5. Inmates confined to their cells longer than 12 hours per day will receive 40 square feet of living space per inmate and will be single-celled unless such inmates sign a voluntary consent form to be double-celled.

All inmates confined to a cell longer than 12 hours per day (lock-up/Administrative Segregation Inmates) have been placed in single-cells provided that such inmates have not signed a consent form to be double-celled.

The following institutions are presently housing lock-up inmates in single-cells and have no inmates consenting to be



double-celled: CACI, WRCI, AYCC, LCI, WCC and SCI. The following institutions have some inmates on lock-up status that are consenting to be double-celled: MCI, PCI, WCC, DCI and CCI

It should be pointed out that during this compliance quarter, there were no instances of noncompliance with this issue of the Decree.

6. General population inmates at medium/maximum security institutions will receive 50 square feet of living space in wards and cells by January 8, 1988.

#### STATUS OF THE DEFENDANTS' MOTION FOR MODIFICATION

-----

On January 11, 1988, the Department received a ruling from the Federal District Court on the "Motion for Modification of the Consent Decree" to allow general population cells less than 100 square feet at new institutions to be double-occupied. (As was noted in the last edition of the Quarterly Report, this modification was requested in order to bring existing medium custody institutions into compliance with this requirement). Specifically, the Federal District Court rejected the Modification and ordered the Department to comply with this issue of the Decree through all available means, to include the early release of inmates.

By January 22, 1988, the Department had developed and submitted an "Early Release Plan" to the Court. The plan calls for the release of up to 200 nonviolent inmates every month beginning February 5, 1988, until compliance is achieved at every medium security institution (See, Appendix B). On January 28, 1988, this plan was approved by the Federal District Court and made a Court Order. Shortly after the plan was approved, Defendants' counsel requested and received a STAY on the Order pending an expedited appeal to the Fourth Circuit Court of Appeals. On February 11, 1988, the Fourth Circuit heard the Defendants arguments in favor of appeal, and Plaintiffs' counsels objections to the same. To date, no decision from the Fourth Circuit has been received. Departmental officials are still continuously updating their early release plan should the Fourth Circuit uphold the Federal District Courts Order.

#### ACTUAL BEDSPACE REDUCTIONS NECESSARY FOR COMPLIANCE

-----

Should the Fourth Circuit rule to uphold the Federal District Court's Early Release Order, it is anticipated that the following bedspace reductions will need to take place at the below listed medium security institutions. It should be noted that these figures represent the actual average number of noncomplying bedspaces at every SCDC medium security

facility from January 8, 1988 to March 10, 1988.

Institution	Approved Nelson Capacity as of Jan. 8, 1988	Average Number of Noncomplying Bedspaces
Central	1364	0
Kirkland	612	189
Manning	486	120
Women's Center *	437	12
Perry	768	144
Lieber	696	183
McCormick	600	0
Dutchman	528	14

\* See CAPACITY OF WOMENS CORRECTIONAL CENTER, below, for information on this institution's Nelson capacity.

It should be noted that the Department has and will continue to make good faith efforts to achieve compliance with this issue through continuing requests to the General Assembly to fund for the construction of new institutions for compliance, and to meet the demands of the increasing inmate population. For example, on December 9, 1988, the Commissioner presented to the State Budget and Control Board our "Bond Bill Request" for F.Y. 1988-1989. This request calls for the construction of approximately 3,964 bedspaces throughout the Department by July, 1992. Of the 3,964 additional beds requested, 288 are male work release bedspaces; 818 male minimum security bedspaces; 384 female minimum security bedspaces; and, 2,474 male medium security bedspaces.

#### CAPACITY OF THE WOMEN'S CORRECTIONAL CENTER

In addition to the above information, in the last edition of the Quarterly Report, reference was made to the security designation of the Women's Correctional Center (WCC) (page 5, 11th Quarterly Report on Compliance). Briefly, the Department had proposed to Plaintiffs' counsel that rather than classify the entire institution as medium custody, only Cottage 4, 8 and 9 at the WCC be classified as such and; therefore, have to comply with Nelson housing requirements by January 8, 1988. The Department's argument was that inasmuch as the WCC houses both medium and minimum security inmates, and inasmuch as only Cottages 4, 8 and 9 are considered medium security by virtue of their design only, that only these cottages should have to comply with medium security deadlines.

During the last quarter, Plaintiffs' counsel and Departmental officials met to discuss this issue. To date, no agree-

EXHIBIT

NO. 1  
APR 26 1988

STATE BUDGET & CONTROL BOARD



ment has been reached. Plaintiffs' counsel has made a proposal to Departmental officials which is presently under analysis. However, for planning purposes, it should be pointed out that the Department's proposal to classify only Cottages 4, 8 and 9 as medium is being utilized when calculating WCC bedspace capacities inasmuch as this proposal was approved by the Department's Legal Advisor and was not contested by Plaintiffs' counsel until more than three months after the proposal was made.

7. Minimum security inmates will receive 50 square feet of space in cells and 45 square feet in dorms, rooms, cubicles by January 8, 1990. Between January 8, 1988 and January 8, 1990, 25% reductions in overcrowding must occur at all minimum security institutions so as to phase-in compliance with issue by January 8, 1990.

Inasmuch as the first 25% reductions do not need to occur until July 8, 1988, this issue will be reported in greater detail in future editions of the Quarterly Report. It should, however, be pointed out that the Department has made a Bond request for funding to construct approximately 1,106 minimum security and work release beds to assist in compliance with this issue. To date, the Budget and Control Board has recommended to the General Assembly that funding for all but 50 of these beds be approved.

8. Inmates confined longer than 12 hours per day will receive 50 square feet of living space in all future institutions...

Lock-up cells in new institutions have been constructed to conform with this requirement. Any inmate on lock-up status at any new SCDC facility is presently being single-celled in a cell measuring 80 square feet provided that the inmate has not volunteered to be double-celled.

9. All inmates in wards, dorms and rooms at Pre- and Work-Release Centers will receive 45 square feet of living space by January 8, 1990. Between January 8, 1988 and January 8, 1990, 25% reductions in overcrowding at these facilities will need to occur every six months so as to phase in compliance with mandated capacities by January 8, 1990.

Inasmuch as the first 25% reductions do not need to occur until July 8, 1988, this issue will be reported in greater detail in future editions of the Quarterly Report. It should, however, be pointed out that the Department has made a Bond request for funding to construct approximately 1,106 minimum security and work release beds to assist in compliance with this issue. To date, the Budget and Control Board has recommended to the General Assembly that funding for all but



50 of these beds be approved.

10. Inmates may be double celled with less than 50 square feet of living space at the following institutions: PCI (Dorms 1,2,3,4); CCI (CB-3); KCI (5 of 7 Dorms); MYCC (Dorms 1,2,3,4,5); and WCC (5 of 7 Cottages)...

Compliance with this issue is contingent upon the ruling of the Fourth Circuit Court of Appeals on the "Defendants' Motion for Modification of the Consent Decree". See, also, Issue #4 above, for additional information concerning compliance with this issue.

The compliance date for MYCC is January 8, 1990.

11. Inmates housed in institutions on Protective Custody status can voluntarily request to be double celled...

The Department continues to remain in compliance with this requirement. Inmates in Protective Custody at all SCDC institutions are afforded the opportunity to be single-celled or double-celled upon their request. To date, there have not been any reported cases of Protective Custody inmates being double-celled involuntarily.

Please see previous editions of the "Defendant's Quarterly Report on Compliance" for detailed information with regard to this issue.

12. No inmate can be housed in an area not designed for, or deemed suitable for, housing...

MANNING'S "TEMPORARY" HOUSING UNIT:  
-----

The Manning Correctional Institution "Temporary Barrack" is still being utilized by the SCDC to house approximately 96 medium security inmates. To date, the Department has received no decision by the Court as to our inability to utilize this unit. The Nelson Mediator, Mr. Allen Breed, concurred with Departmental officials inasmuch as he felt that use of this unit to house medium custody inmates did not appear to have a negative impact on the population of this institution. Plaintiffs' counsel has not contested Mr. Breed's recommendation.

MANNING'S ADMINISTRATIVE SEGREGATION UNIT:  
-----

In the last edition of the Quarterly Report, it was reported that Manning officials were utilizing 4 cells in their Administrative Segregation area that did not conform to Nelson standards. During this quarter, Manning officials did have

toilets and wash basins repaired in these cells in order to bring them into compliance with appropriate Nelson standards. Additionally, Manning officials have acquired four television sets to be placed in the Administrative Segregation unit for inmate viewing from the cells. An additional three (3) televisions sets have been requisitioned to ensure that all inmates will have access will have access to television viewing. Installation of these television sets is currently occurring and will be completed by April 1, 1988. Since these improvements have been made at Manning, there have been no instances of housing inmates in non-compliance at this facility.

13. No inmate housed in county facilities longer than 30 days.

During this reporting period, there were no instances of non-compliance with this issue. Additionally, there were no Nelson Complaints filed by any inmate relative to this issue.

14. SCDC can fluctuate above the counts set in the appendix provided that construction schedules are being met.

See CATEGORY XII: CONSTRUCTION for information relative to progress being taken to complete approved projects.

15. Capacities will be monitored at all institutions:  
Capacities at minimum security can deviate 10% and capacities at medium and maximum security institutions can deviate 5% to 10%...

Compliance with this issue is pending the receipt of a ruling from the Fourth Circuit Court of Appeals on the Department's "Motion for Modification of the Consent Decree". See, also, Issue #4 and #6, above, for more information.

16. The SCDC anticipates that an average net increase of 30 to 50 inmates per month can be expected as measured by quarterly reports...

The Thirteenth Quarterly Report was submitted to the Compliance Office on March 16, 1988. The average monthly increase in facility counts reported over the preceeding 38-month period was 69. This 38-month count is based on the average monthly increase/decrease in facility counts during the period January, 1985, through February, 1988.

Over the past 12 month period (March, 1987 through February, 1988) the average monthly facility count increase was 53.

17. Double bunking in wards at medium security institutions will be permitted only against the walls...

All medium security institutions have been in compliance with this issue for some time. It should be noted that CCI and MCI are the only medium security institutions with ward-style housing and double-bunking at these institutions ceased as a result of the Mattision Agreement. All other such institutions have either cell-, cubicle- or room-style housing; therefore, this issue is not applicable.

18. All double bunking in wards at medium security will cease...

See, issue number 17 above for compliance information.

19. Future double bunking in the wards at minimum security institutions will be allowed only against the walls...

During this reporting period, all minimum security institutions have continued to maintain compliance with this issue.

20. Double bunking in wards at minimum security institutions will cease...

Inasmuch as this issue does not have to be met until January 8, 1990, compliance information relative to the same will be reported in future editions of the Quarterly Report.

CATEGORY III: STAFFING

1. Submit a plan for hiring security personnel pursuant to the recommendation made with the NIC Staffing Study...

Since the signing of the Decree, Departmental officials have requested and received funding for a number of positions specifically related to compliance with Nelson standards, i.e.: sight or sound security, AIMS classification, medical and mental health care staffing, etc. During Fiscal Year 1984-1985, approximately 365 positions were funded and hired by the Department to comply with the initial recommendations made by the NIC consultant. During Fiscal year 1985-1986, approximately 341 positions were funded and hired by the Department to comply with these recommendations. A description of these positions is contained in the "Defendant's Sixth Quarterly Report on Compliance," Appendix A, pages 105-111.

For Fiscal Year 1986-1987, approximately 316 new Nelson institutional positions were authorized by the General



# EXHIBIT

APR 26 1988 NO. 1

## STATE BUDGET & CONTROL BOARD

Assembly for hire by the Department. To date, of the positions authorized 312 have been filled. The following chart lists the number of Nelson positions authorized each institution during Fiscal Year 1986-1987. It should be noted this list has been revised to exclude positions authorized by the General Assembly for new institutions (LCI, McCI & BRR&EC) and for the new shock probation units to be located at WRCI and the WCC. The following list does include the number of postions authorized for the five new "temporary" housing units and the new 96 bed addition to the WCC.

### NELSON POSITIONS FOR FISCAL YEAR 1986-1987

INST.	# OF POSITITONS AUTHORIZED FY 86-87	# FILLED THRU 3/4/88
Aiken Youth	20	20
Byrnes Clinic	1	1
Cross Anchor	19	19
Central (CCI)	30	30
Coastal	1	1
Dutchman	10	10
Goodman	24	24
Givens Youth	1	1
Kirkland	37	36
Lower Savannah	1	1
Manning	37	37
MacDougall	15	15
Northside	16	16
Perry	25	24
Stevenson	19	19
State Park	8	8
Women's Center	16	14
Walden	30	30
Watkins	1	1
Wateree	5	5
TOTAL	316	312

During Fiscal Year 1987-88, funding for approximately 41.5 (31.5 medical, 1 security and 9 administrative positions) new Nelson related positions was authorized to the Department by the General Assembly. This number is low compared to the number of positions received in past Fiscal Year's inasmuch as this Fiscal Year represents the fourth year that the Department has been required to comply with the terms of the Nelson Decree.

Below is a list, by institution/division, of the number of

staff authorized for hire during Fiscal Year 1987-88:

NELSON POSITIONS FOR FISCAL YEAR 1987 - 1988

INST.OR DIVISION	NUMBER AUTHORIZED FY 1987-1988	# Filled Thru 3/4/88
Accts. Payable	2	2
Compliance	1	1
Financial Act.	1	1
Records	3	3
Purchasing	2	2
Training Div.	1	1
BRPR/WRC	2	2
CWRC	1	0
CoWRC	1	0
LCI	6.5	4
LiWRC	1	1
LSWRC	1	0
McCI	6.5	0
PWRC	1	0
SPCC	1	0
SCI	4	3
WRCI	6.5	0
TOTAL	41.5	17

2. The inmate staff ratio for medium and maximum security institutions will not fall below the inmate staff ratio of 1/25/83...

Inmate staff ratios for medium and maximum security institutions have been monitored through the Compliance Office on computer since October 1, 1984. Monitoring has been accomplished by comparing weekly inmate counts with the number of staff employed at each medium and maximum security institution. The reported inmate/staff ratio's on January 16, 1988 and March 16, 1988 are illustrated in Graphs A & B, on the following pages.

Inmate/Staff ratio's will continue to be monitored by the Office of the Executive Assistant for Legal Settlements and Compliance on a monthly basis.

3. Correctional officers will be posted inside each ward or cell block in medium and maximum security institutions...

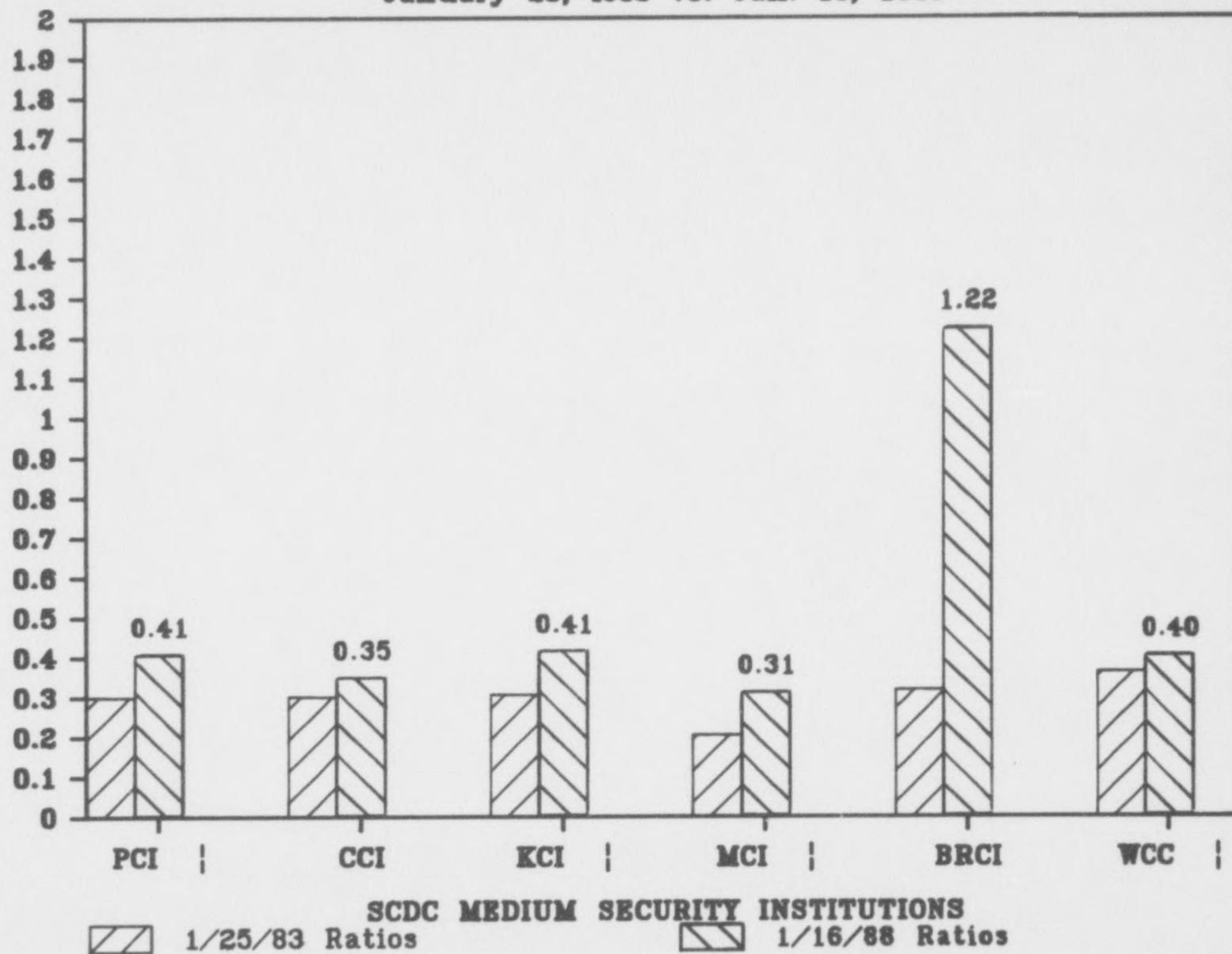
During this reporting period, the following institutions reported compliance with this issue: LCI, McCI, PCI, KCI, WCC, BRR&EC. In the last edition of the Quarterly Report, compliance problems were reported at Manning. During

One Inmate Per "X" Staff Member

## MEDIUM SECURITY INMATE/STAFF RATIOS

January 25, 1983 vs. Jan. 16, 1988

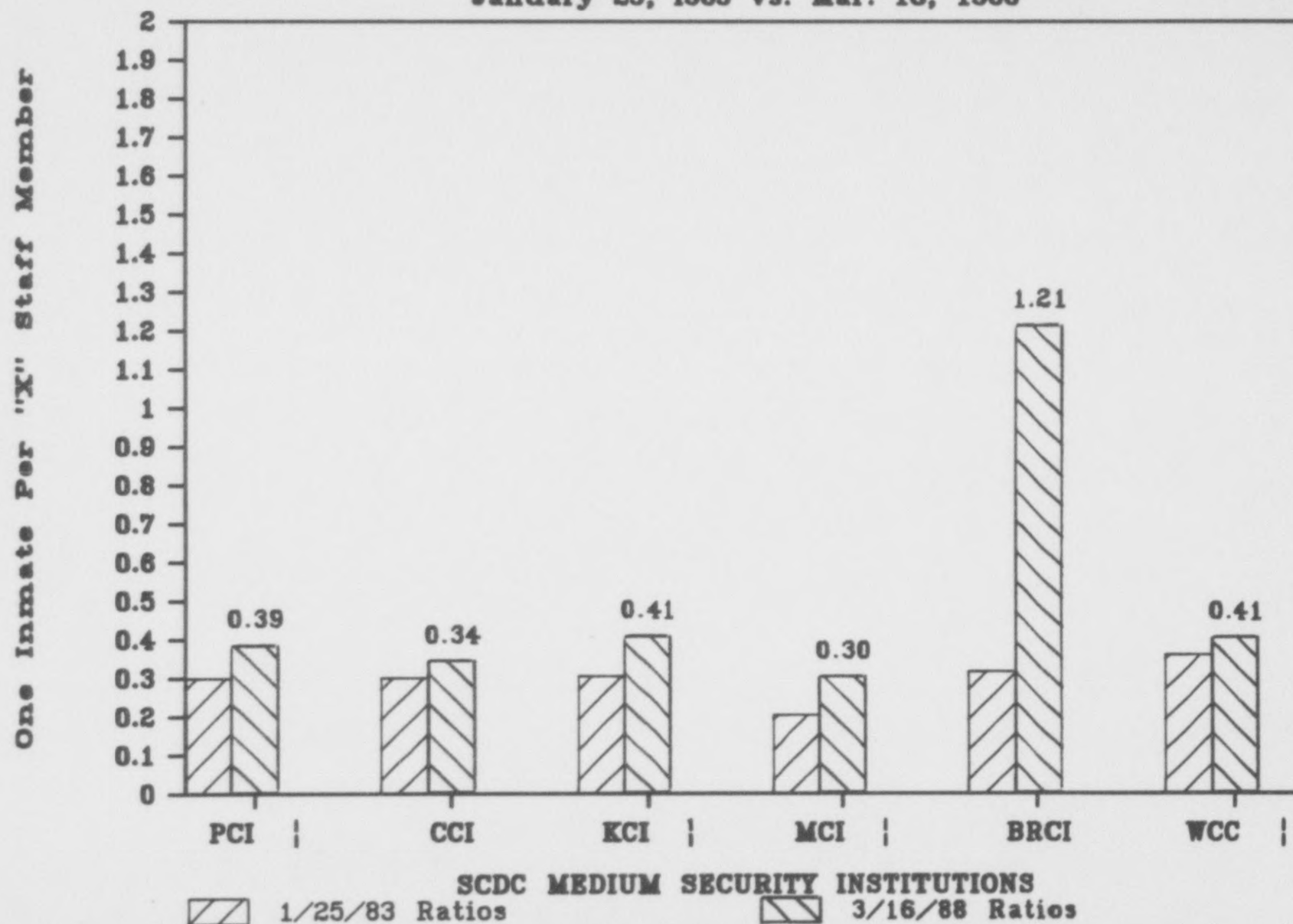
15200





# MEDIUM SECURITY INMATE/STAFF RATIOS

January 25, 1983 vs. Mar. 16, 1988



15201

this quarter, however, Compliance Office staff visited MCI to discuss staffing with the Deputy Warden of Operations and the Chief of Security. Since this visit, Manning officials conducted an analysis of their existing security staff and have devised a plan to better utilize their staff and, therefore, allow the wards at this facility to remain open during meal hours. (Previously, Manning officials were prohibiting inmate access to the wards during meal hours so that security staff could be moved from the wards to the cafeteria for better security coverage). Manning now is in compliance with this issue. Compliance Office staff will continue to monitor compliance with this issue on a monthly basis to ensure that appropriate staffing is maintained in the wards and cellblocks on a 24-hour basis.

It should be noted that Regional officials have made a decision to convert MCI to Unit Management. Seven additional administrative positions have been assigned to MCI in order to facilitate implementation of Unit Management, i.e.: Classification Caseworkers, Administrative support, etc. Currently, Unit Management is presently being implemented at MCI with completion of the same anticipated by mid-April.

4. Correctional officers will have sight or sound observation of inmates inside wards and cellblocks at medium, maximum and minimum security institutions...

This issue is currently being complied with. See, also, issue #3, above, for additional compliance information.

5. Procedures relating to the use of inmate labor will be reviewed and modified where necessary...

All institutions have developed a policy to address this issue. Please see previous editions of the Quarterly Report for specific information regarding compliance.

#### CATEGORY IV: STAFF TRAINING

The Decree requires the Department (SCDC) to comply with all ACA Standards (2-4079 through 2-4101), as modified, relative to staff training. To date, the SCDC has achieved and/or made a good faith effort to achieve compliance with these issues.

Of the many training standards contained in the Decree, the following ten (10) standards require continuous monthly auditing to ensure compliance. Information pertaining to those standards not listed below is included in past editions of the Quarterly Report.

1. ACA STANDARD 2-4080 requires all Departmental Trainers to complete a 40-hour, "Training for Trainers," course prior to beginning any official training. To date, 14 Departmental Trainers have completed

this course and 14 Institutional Trainers comply. Three (3) Institutional Trainers are currently scheduled to attend this training class inasmuch as these trainers were recently hired by the SCDC. It should be noted that this course is a Departmental sponsored course; however, certain trainers have attended either state-sponsored or ACA sponsored courses in order to meet the requirements of this standard.

2. STANDARD 2-4088 requires all new employees hired by the SCDC since the signing of the Decree (January 8, 1985) to attend a 40-hour "Orientation Class" prior to being assigned to their job assignment. The SCDC currently sponsors a 40 hour orientation class on a weekly basis at the new SCDC Training Academy. All new employees hired by the Department are immediately scheduled to attend this course during their first week of employment. During this reporting period, certain Departmental employees were in non-compliance with this training standard. These employees'; their hire dates; and, the reasons for their noncompliance are listed below. Corrective action taken to ensure compliance is also listed by each employees' title. It should be noted, that in certain cases a "waiver of orientation" may be provided as the reason for an employee being listed as in noncompliance status. Under extenuating circumstances, Supervisors may request that orientation be delayed (waived) for their employees. Such "waivers" must be approved and signed by the Director of Personnel and by the Executive Assistant for Legal Settlements and Compliance and are only approved should a Division or Institution be short-handed and need their new employees immediately, or if the new employee was a past "temporary" (or "pink-slip") employee in the same division and/or institution in which permanent employment is to take effect.

#### Employees in Noncompliance with ACA Standard 2-4088

Employee -----	Hire Date ----	Reason Orientation was not Completed -----	Corrective Action -----
David Onstatt	1/4/88	Received 24 hours orientation	Balance of orienta- tion received by March 1, 1988.
Michael Heymore	11/2/87	Waiver for 4 hours of training	Waiver still pending until April 1, 1988
Ella Askew	11/87	Waiver for 40 hours of training	Received 40 hours of training 2/29/88
James Smith	11/87	Waiver for 40 hours of training	Received 40 hours of training 3/7/88
Brenda Johnson	1/4/88	Missed 8 hours due to snow day	Received 8 hours of training 2/18/88



Pearsall Coard	1/4/88	Missed 8 hours due to snow day	Received 8 hours of training 2/18/88
Samuel Hayes	1/4/88	Missed 8 hours due to snow day	Received 8 hours of training 2/18/88
Brenda Rouse	1/4/88	Missed 8 hours due to snow day	Received 8 hours of training 2/18/88
Brenda Deltoro	2/8/88	Employee missed 8 hours training	Made up 8 hours of training 3/11/88
Bennie Bryant	2/8/88	Employee missed 8 hours training	Made up 8 hours of training 3/11/88
Tobin Pough	1/11/88	Waiver for 36 hours of training	Received 36 hours of training 2/22/88
Elizabeth Radonsky	2/22/88	Employee missed 3 hours training	Made up 3 hours of training 3/9/88
Mary Suddeth	2/22/88	Employee missed 8 hours training	Made up 8 hours of training 3/11/88

3. STANDARD 2-4089 requires all clerical support staff to receive at least 16 hours of in-service training annually. During the last reporting period, the Commissioner made a decision to revise SCDC In-Service Training policies so as to allow administrative support personnel with MINIMAL INMATE CONTACT the opportunity to receive AT LEAST 16-hours of in-service training annually. Previously, SCDC policy required all employees (regardless of their classification) to receive 40-hours of in-service training annually.

It should be noted that the requirements of this new policy only apply to employees classified in the following positions who are truly Administrative Support Professionals:

- Clerical Support Specialists A, B and C
- Administrative Support Specialists A, B and C
- Administrative Assistants I and II
- Accounting Technician I

Further, in order to qualify for receipt of the 16-hour minimum in-service training requirement, the above listed employees must be employed either in the Headquarters Administration Building or Annexes OR in an area of an institution that is not generally accessible to inmates.

According to the terms of the Decree, employees hired after signing (either on or after January 1, 1985) should begin receiving their required in-service annual training immediately. Employees

hired prior to signing of the Decree (prior to January 1, 1985) had three-years to phase-in compliance with in-service training requirements. During this reporting period, approximately three (3) employees hired prior to 1985 did not receive the required 16 hours of in-service training, as follows:

Employee -----	Division -----	Number of Hours Received -----
Patricia Hatchell	Vehicle	14.5
Emma Wells	Dep. Comm. of Administration	15
Mary Ackerman	CCR	10.5

It should be noted that there were no instances of noncompliance reported for employees hired in either December, January or February, 1985, 1986, and 1987.

In order to rectify any noncompliance with this issue, the Compliance Office (with the support of the Legal Advisor) has taken a firm stance with regard to compliance with this issue and has instituted and has revised SCDC's "Progressive Employee Discipline" policy to address this matter (See, Appendix D, "Memorandum to all Employees Regarding In-Service Training Discipline for Employees/Supervisors," contained in the Twelfth Quarterly Report on Compliance). The supervisors of those employees listed in noncompliance above, have been advised to implement disciplinary procedures in accordance with the guidelines stipulated in this memorandum in order to exhibit a good faith attempt to comply with this training standard.

4. STANDARDS 2-4090, 2-4091 and 2-4093 require all support employees who have regular contact with inmates; all professional specialists who have regular inmate contact; and, all administrative and managerial staff, respectively, to receive at least 40 hours of in-service training annually. The Decree stipulates that the SCDC shall have three-years to phase in full compliance with these standards. At the time the Decree was signed, however, a determination was made to have the "three-year" phase-in date apply only to those employees hired prior to the signing of the Decree (prior to January 1, 1985). Therefore, all employees who have an official SCDC hire date on or before December 31, 1984, were to have at least completed their first 40 hours of in-service training between January 1, 1987 and December 31, 1987 so as to be in compliance with this requirement by January 8, 1988. Additionally, all such employees will be required to receive 40 hours of in-service training each calander year thereafter, as well.

For employees hired after the signing of the Decree, compliance with these standards must occur immediately. Therefore, for reporting purposes, employees hired on or after January 1, 1985, will be required to receive 40-hours of in-service training by the end of their annual hire-month. For example, an employee hired on March 17, 1985, would have been required to receive 40-hours of



in-service training by March 31, 1986; an additional 40 hours of in-service training by March 31, 1987; and so on.

During this reporting period, the following employees hired in either October, November and December of 1985 and 1986 were reported by Training officials as being in noncompliance with this standard:

Employee Name	Division	Number of Training Hour Received
Mark Deas	Agriculture	22.5
Norman Hammett	CACI	39
John Ezell	DCI	39
Charles Alexander	PCI	31.5
David Ellisor	CCI	39.5
James McAlister	MCI	24
John Hiers	MYCC	25
Deborah Barnwell	Investigations	22
William Blanton	LCI	17
Cynthia Sweatman	LCI	15
Annese Boyd	MYCC	38.5
Janise Clark	Health Services	36

In addition to the above, Training officials reported that approximately 153 employees hired prior to the signing of the Decree did not receive their required 40 hours of in-service training by the three (3) year phase-in date of January 8, 1988. A listing of those employees in noncompliance is attached to this Report as Appendix C. It should be noted, that the Supervisors of all employees listed in noncompliance with these standards have been advised to investigate why the noncompliance occurred and to implement appropriate disciplinary procedures pursuant to revised SCDC Polciy 200.2-1, "Progressive Employee Discipline."

5. STANDARD 2-4092 requires all correctional/security officers to complete at least 120 hours of basic training during their first year of employment. This standard also requires correctional personnel to receive an additional 40 hours of in-service training during their first year of employment and every year thereafter as well.

With regard to the requirement that all officers receive at least 120 hours of basic, in-service training during their first year of employment, it should be noted that all officers employed by the SCDC are required to attend a six-week basic training course during their first six months of employment in order to become certified. To date, there are no officers employed by the Department who have not yet completed this six-week course or who are not scheduled to attend the same. Officers who fail to attend this class or who do not successfully complete this course are terminated from the SCDC.



Information pertaining to the 40-hour annual in-service training requirement, is contained in issue #4, above.

6. STANDARD 2-4094 stipulates that all emergency response units have at least one-year of experience as a Correctional Officer, complete 40-hours of emergency training prior to being assigned to the unit and receive at least 16 hours of emergency training during their first year as a unit member and every year thereafter. Currently, no Emergency Response Team Member of the SCDC has not met these requirements. Additionally, officials of the SCDC Training Division have on file all Emergency Response Team training records and class outlines and lesson plans for purposes of documenting compliance with this standard.

7. STANDARD 2-4096 mandates that all employees authorized to use a firearm will receive firearms training and demonstrate firearms competency on an annual basis. The SCDC Training Branch conducts firearm certification courses and continuously notifies supervisors and Wardens of those employees issued firearms and subject to annual certification. The Training Branch also, on a monthly basis, notifies supervisors and Wardens of those employees who have not passed annual certification or who have not attended such certification classes so that the necessary action can be taken to ensure that such employees are NOT reissued a firearm until certification has been completed. During this reporting period, approximately 39 employees failed to pass their annual certification.

8. STANDARD 2-4097 requires all employees authorized to use chemical agents to receive training as to the use of the same, and as to the treatment of individuals exposed to such agents. To date, the SCDC has always been in compliance with this standard inasmuch as chemical munitions training is the topic of one course covered during the six-week basic correctional officer training class noted above. Additionally, all correctional officers are required to attend at least one chemical munitions training class on an annual basis as in order to satisfy their in-service training requirements mandated by ACA Standard 2-4092 (above) and by agency policy. Officials of the SCDC Training Branch and all institutional Training Officers maintain records of all employee training and lesson plans in order to document compliance with this standard.

#### CATEGORY V: HEALTH SERVICES

Only those issues for which additional progress or new information has been indicated have been included under this category. Please refer to the "First Quarterly Report" for compliance information related to issues #1-#52, and #61-#75. Please refer to the "Ninth Quarterly Report" for compliance information related to issues #53 and #56-#60. It should be noted that officials of the Health

# EXHIBIT

APR 26 1988

NO. 1

## STATE BUDGET & CONTROL BOARD

Services Branch conduct quarterly Nelson audits of all institutional health services branches to ensure that all such divisions are maintaining compliance with the terms of the Decree. As of this reporting period, all institutional health service branches have been reported to be in compliance with the requirements and procedures outlined in the Decree.

54. Submit plans for implementing the recommendations made by the health and mental health care consultants...

The Department completed the development of a plan for phasing in the recommendations made by certain health care consultants. The plan calls for the implementation of approximately 19 medical care recommendations and 13 mental health care recommendations. In order to facilitate implementation of the plan, approximately 104.5 new mental health care positions and 116 additional medical care positions were identified. To date, 87 medical positions and 14 mental health care positions were authorized by the General Assembly for Fiscal Year 1985-1986. In June, 1986, the General Assembly approved 58 medical and mental health care positions for Fiscal Year 1986-1987.

To date, all Fiscal Year 1985-1986 positions have been filled. A complete list of all Health Care Positions and the locations of such positions is included in the "Tenth Quarterly Report on Compliance." Information pertaining to the status of those positions authorized for hire during Fiscal Year 1986-1987 is provided below:

### FISCAL YEAR 1986 - 1987 POSITION STATUS

Position -----	Inst. -----	Number Approved -----	Hire Status as of 2/29/88 -----	Number Hired -----
Social Worker III	AYCC	1	Yes	1
LPN II	AYCC	1	Yes	1
Admin. Spec. B	CCI	1	Yes	1
Physician II	CCI	1	Yes	1
Social Worker IV	CCI	1	Yes	1
Admin. Spec. C	CCI	1	Yes	1
Psychologist I	CCI	1	No	0
LPN II	CCI	1	Yes	1
Activity Therapist	CCI	1	Yes	1
Physician II	DCI	1	No	0
Dentist II	DCI	1	Yes	1
Dental Asst. II	DCI	1	Yes	1

Social Worker IV	GCI	1	Yes	1
LPN II	GCI	1	Yes	1
Staff Nurse	GCI	1	Yes	1
Social Worker IV	GYCC	1	No	0
Director, S. Work	HQ	1	Yes	1
Admin. Spec. C	HQ	1	Yes	1
Physician II	KCI	1	Yes	1
Admin. Spec. C	KCI	1	Yes	1
Nursing Supervisor	KCI	1	Yes	1
LPN II	KCI	1	Yes	1
Psychologist III	KCI	1	Yes	1
ssdd	KCI	1	Yes	1
Social Worker III	KCI	1	Yes	1
Staff Nurse	KCI	1	Yes	1
Admin. Spec. B	KCI	1	Yes	1
Activity Therapist	KCI	1	Yes	1
Supply Specialist	KCI	1	Yes	1
Head Nurse	MCI	1	Yes	1
LPN II	MCI	1	Yes	1
Dir. of Nursing I	MYCC	1	Yes	1
Social Worker IV	MYCC	1	Yes	1
Social Worker IV	NCC	1	No	0
Prog. Nurse Consultant	PCI	1	Yes	1
Social Worker IV	PCI	4	Yes	3
Activity Therapist	PCI	1	No	0
Pharmacist	PCI	1	Yes	1
Dental Asst. II	PCI	1	Yes	1
Social Worker IV	SCI	1	Yes	1
Prod. Coordinator	SCI	1	Yes	1
Physician II	SPCC	1	Yes	1
Nursing Asst.	SPCC	2	Yes	2
Social Worker III	SPCC	1	Yes	1
LPN II	SPCC	1	Yes	1
Physician II	WCC	1	Yes	1
Staff Nurses	WCC	2	Yes	1
Psychologist III	WCC	1	Yes	1
Activity Therapist	WCC	1	Yes	1
LPN II	WCC	1	Yes	1
Social Worker III	WCC	1	Yes	1
Social Worker IV	WCC	1	No	0
Social Worker IV	WCI	1	No	0



Social Worker III	WRCI	1	Yes	1
TOTAL POSITIONS APPROVED.....				59
TOTAL NUMBER HIRED TO DATE.....				45

As has been reported in the "Staffing" section of this Report, approximately 31.5 new health care positions were approved for hire during Fiscal Year 1987-1988. Information regarding the status of these positions is included in Section III, "Staffing," issue #1.

In addition to the above positions being authorized, the Consultants also recommended that other requirements be implemented by the Department. Information on those recommendations for which compliance progress was made during this quarter is listed below. (SEE PAST EDITIONS OF THE QUARTERLY REPORT FOR INFORMATION PERTAINING TO COMPLIANCE WITH THOSE RECOMMENDATIONS NOT LISTED BELOW).

#### HEALTH CARE RECOMMENDATIONS

- a. Provide staff at major institutions 24 hours/day, 7 days/week.

All major SCDC institutions are in compliance with this requirement, with the exception of MCI. Due to staff turn-over, this facility now has 24 hour coverage on the weekdays and has 12 hour coverage on the weekends. Medical care at times when the health care area is not covered on the weekends is provided by local contracted physicians or by MCI's emergency health services plan (local hospitals, etc.). Health Service officials are currently recruiting to fill vacancies for compliance with this issue at MCI.

- b. Provide a ten-bed infirmary at the WCC.

Actual construction of this unit is expected to be completed in the near future, with operation of the infirmary to take place on or about mid- to late-April, 1988. Currently, DHEC officials are touring the infirmary for inspection purposes.

- c. Record the distribution of all medications.

In the last edition of the Quarterly Report, it was reported that compliance with this issue was achieved at all institutions. However, due to staff turn-over, CCI is currently in non-compliance. Compliance is anticipated as soon as all nursing positions are filled.

- d. Construct an infirmary at the Perry Correctional Institution.

The completion date for this project has been delayed until

December, 1988. This project was originally scheduled for completion in January, 1988; however, the plans for this unit had to be redesigned causing a construction delay.

It should be noted that capital funding for the purchase of equipment and employees to staff this unit has been approved and equipment is being ordered and positions recruited.

- e. Prohibit punitive segregation for medical observation.

During this reporting period, no instances of noncompliance were reported with this issue.

- f. Physicians are to review charts within 24 hours.

Currently, physicians are reviewing charts within 24 hours, with the exception of weekends and holidays. In these instances, the charts are reviewed on the following work day.

- g. Correctional Officers are to no longer distribute medication.

Compliance was achieved at all institutions except for NCC, WCI, and GYCC, where nursing coverage is not provided on weekends. At these institutions, security staff distribute medication to those inmates who cannot be given a weekend supply of medication.

#### MENTAL HEALTH CARE RECOMMENDATIONS

- a. Contract psychiatric services on a regular basis.

As reported in previous editions of the Quarterly report, an additional Psychiatrist (30 hours per week) was hired for the Gilliam Psychiatric Center. This position is over and above the initial recommendations of the mental health care study.

Additionally, Correctional Medical Systems has hired a full-time Psychiatrist for the Coastal Region.

- b. Develop Transitional Care Units at selected institutions.

- o Central Correctional Institution: Transitional Care Unit patients were relocated to the Stoney Building. Currently, the capacity of the Stoney Building is 68 and is fully staffed.

- o Perry Correctional Institution: A Coordinator has been hired for the TCU at Perry and she has selected two (2) Social Workers. Recruitment continues for the Activity Therapist position. The Unit is in partial operation with nine (9) clients and an "outpatient" count of 15. Maximum residential count is 12 at present. Currently, the Director

of Construction and Engineering has forwarded information to the Deputy Commissioner for Operations requesting approval for funding to construct a permanent addition to Perry for TCU purposes as a means to expand such services. This proposal is presently being reviewed.

- o Women's Center: A Social Worker III and an Activity Therapist II position have been filled. Inpatient psychiatric care is still ongoing inasmuch as the Department did not receive funding to purchase a large trailer for placement on the grounds of the WCC for TCU purposes.

Presently, TCU employee offices are located in the Administration Building at the WCC. Some group therapy sessions are held in an area adjacent to the WCC Visting Room. One-on-one TCU counseling is individually held in each inmates cell or a private area within each inmates living unit. The Director of Mental Health has proposed that at least two wings in one of the Cottages of the WCC be reserved for TCU patients. This proposal is presently being evaluated by WCC staff. Additionally, the Director of Construction and Engineering has forwarded information to the Deputy Commissioner for Operations requesting approval to seek funding to retrofit a permanent addition on to the WCC for TCU purposes.

- o Lieber Correctional Institution: The Coordinator of the TCU has filled all staff positions with the exception of one Social Worker IV. LCI officials have informed the Compliance Office that they are in the process of getting this position down-graded due to the lack of qualified applicants. However, the TCU became fully operational in January, 1988.

b

- o Kirkland Correctional Institution: The TCU at this facility is fully operational and staffed.

- o McCormick Correctional Institution: Recruitment of a TCU Coordinator for the TCU will begin in Spring, 1988. Presently, a space survey is being conducted at this facility to ensure that appropriate space has been allocated for TCU purposes.

- c. Augment staff at the Gilliam Psychiatric Center.

To date, all positions have been filled to comply with this recommendation.

#### CATEGORY VI: PROGRAMS

1. All inmates will receive five hours a day of meaningful programs...

All institutions report that inmates are afforded the opportunity to participate in "meaningful programs" 5 hours



a day, 5 days a week. The Classification Branch has implemented procedures for assigning jobs/programs for those inmates who wish to participate. Documentation for all inmates requesting "meaningful programs" is being maintained by the Educational Branch.

For further information on the "Meaningful Programs" issue, please see "Defendant's Sixth Quarterly Report."

2. The present level of educational programs offered by the SCDC will remain the same as the level of programs offered at signing...

The list of educational courses submitted by the Department continues to be complied with.

3. General population inmates will be provided with the opportunity to attend educational courses at least two evenings per week...

The following institutions are operable with regard to this issue: CCI, WCC, WRCI, PCI, KCI, CACI, SCI, MCI, MYCC, GCI, AYCC AND DCI.

It is apparent that some institutions do not have educational programs offered to inmates in the evening; however, inmates that would like to participate in educational programs in the evening may request a transfer to an institution which offers the same, consistent with security/custody needs. Additionally, all work release centers and pre-release centers offer inmates the opportunity to attend "community based" educational programming provided they meet the necessary admission criteria. Information pertaining to the exact community programs afforded such inmates was forwarded to Plaintiffs' Counsel for review on December 10, 1986.

4. All inmates will be assigned to programs on an equitable basis...

The monthly report of 3/4/88 submitted by the Deputy Commissioner for Program Services listed that all institutions were in compliance with this issue and that all program assignment of inmates is done on an "open entry/open exit basis...first come first serve basis" so that no discrimination is present. The Educational Branch confirmed this statement and reported that all inmates who meet the eligibility requirements contained in SCDC policy are assigned to programs for which they volunteer. Enrollment records and verification is provided by the school principals to indicate that each inmate is assigned quickly, or is placed on a waiting list for the next available slot.

5. Inmates assigned to administrative segregation will receive 5 hours a week, 5 days a week of outdoor exercise...

All institutions are in compliance with this requirement as of 12/8/87.

6. Inmates assigned to protective custody longer than 90 days will receive "meaningful programs" 5 hours a day, 5 days a week...

The SCDC has developed a policy entitled, "Voluntary Requests by Inmates in Protective Custody," in order to comply with this issue. This policy was included in the "Eighth Edition of the Quarterly Report on Compliance" as Appendix F.

For a listing of programs afforded Protective Custody inmates housed over 90 days, please see the "Defendant's Eighth Edition of the Quarterly Report on Compliance, Appendix C."

During this reporting period, all institutions reported compliance with this issue.

7. An effort will be made to provide earned work credit to inmates for educational and vocational courses...

SCDC officials requested credits for participation in education courses during the 1986 Legislative Session. Credits for such were passed by the House on February 28, 1986, and subsequently approved in the Senate.

Credits for participation in educational and vocational programs were approved by the Governor in June of 1986 as part of the "Omnibus Crime Bill." A plan was developed by the Education Branch and implementation of the same began in November, 1986. This plan was included as "Appendix C in the "Seventh Quarterly Report on Compliance."

#### CATEGORY VII: LIBRARIES

1. Inmates will have comparable access to libraries regardless of their classification or housing assignment...

The monthly reports of 3/4/88 report that all institutions with in-house libraries that house Administrative Segregation and Protective Custody inmates are in compliance with this issue. For a detailed description of how comparable access is achieved by Administrative Segregation and Protective Custody inmates housed in institutions with in-house libraries, please see the "Defendants' Eighth Quarterly Report on Compliance.

In the last edition of this report, it was noted that the library at LCI would be operational once furniture was received. At the time of this reporting, LCI officials have

informed the Compliance Office that the library is partially operational and is expected to be fully operational around the end of April, 1988, inasmuch as LCI officials have decided to expand the library area.

The following progress was reported by the Library Services Branch on 3/4/88 for institutions that presently do not have in-house library services:

1. SCI, WCI, SPCC, and GCI: The full-time librarian hired for the bookmobile continues to provide services to inmates at these facilities. For a schedule of the mobile services provided inmates at these facilities, please see the "Ninth Quarterly Report on Compliance".

Library Services officials provided the following statistics regarding the circulations of books by the bookmobile during the months of December 1987, January and February 1988:

Inst.	Comics	Fiction	Non-Fiction	Periodicals	Total	# of Inmate Visits
-----	-----	-----	-----	-----	-----	-----
GCI	5	577	290	1210	2082	2530
SCI	0	354	196	1345	1895	1171
SPCC	5	118	82	805	1009	610
WCI	5	590	342	1655	2592	1593
TOTAL	15	1539	910	5015	7578	5904

2. GYCC: Currently, the remodeled trailer purchased for use as a library at GYCC is operational for a total of 10 hours per week. Officials at GYCC have indicated, however, that the 10 hours of library service are sufficient to cover the needs of the small number of inmates housed at this facility. To date, a proposal has been forwarded to Plaintiffs' counsel to enable this library to remain operational for only 10 hours; rather than the 37 1/2 hours required. The Department is still awaiting a response from Plaintiffs' Counsel regarding this issue and has made an inquiry with regard to the same.

3. AYCC: Currently, the library is available 37 1/2 hours per week for inmate access.

4. MYCC: Currently, MYCC is in the process of trying to make the part-time librarian position a full-time slot. Library Service officials have funding to increase this position by 1/4. Currently such officials are in the process of attempting to secure funding for the additional 1/4 of this position to make it full-time. In the interim, MYCC's library has increased its hours of



operation from 26 hours per week to 37 1/2 hours per week.

5. MCI: Currently, the library is available 37 1/2 hours per week for inmate access.

6. GCC, NCC and WRCI: The number of books circulated to inmates at these facilities by means of the "Traveling Library" were as follows:

Number of books circulated			
Inst.	Dec.	Jan.	Feb.
GCC	0	0	0
NCC	30	24	35
WRCI	39	61	23
TOTAL	69	85	58

To ensure that administrative segregation inmates are also receiving adequate library services as well, the Director, Library Services, has compiled "circulation statistics" to indicate the number of magazines, newspapers, comics and books circulated to administrative segregation units during the months of December 1987, January and February 1988. These statistics are as follows:

CIRCULATION STATISTICS				
NUMBER OF ITEMS CIRCULATED				
Institution	Dec.	Jan.	Feb.	TOTAL
CACI	268	362	215	845
CCI	1242	1592	1266	4100
DCI	485	385	376	1246
KCI	282	1754	0	2036
McCI	134	100	63	297
MCI	68	36	40	144
PCI	656	508	312	1476
WCC	598	507	522	1627
TOTALS:	3733	5244	2794	11771

2. Libraries will be open at all institutions five days per week and at least two evenings for a total of 37 1/2 hours...

For institutional library schedules see "Fifth Quarterly Report."

3. Inmate access to the law library will comply with the requirements set forth in "Bounds v. Smith..."

A plan to comply with the "Bounds" decision has been completed. In order to allow all inmates access to the law library, five (5) "sattelite" law libraries and ten (10) "core" law libraries are being maintained by the SCDC. The five sattelite law libraries are located at CACI, NCC, CCI (Cellblock II), CCI (Building 5) and GCI. The ten core law libraries are located at DCI, KCI, PCI, CCI, WCC, MCI, MYCC, WRCI, LCI and McCI. Past editions of the Quarterly Report include information on the books maintained in each "Core" and "Sattelite" library for compliance with this issue.

During the last reporting period, the Compliance Office completed a training tape to provide law clerk training to inmate law clerks working in each "Core" library facility. During this reporting period, documentation was provided the Compliance Office indicating that all inmate law clerks had viewed the training tape. A copy of this training tape was forwarded to Plaintiffs' counsel during the week of December 14, 1987, for their review.

It should be noted that video training was selected inasmuch as it enables law clerks the ability to review training information more than once to freshen-up on their skills, and it enables Law Librarians the ability to provide training to new law clerks should they experience turnover. The training tape primarily gives inmate law clerks an overview of the types of books available for their use in the Law Libraries and gives information on the uses for such books, as well. The tape also provides a short lesson on "how to conduct effective legal research" in order to provide law clerks with information on how to better assist inmates utilizing the Law Library.

4. Inmates may obtain a pass to use the law library during work or program hours provided they can show a court deadline...

See previous editions of the Quarterly Report for compliance information with regard to this issue.

5. There will be no loss of inmate bonus pay because of court proceedings provided that an inmate's absence does not exceed seven (7) calendar days...

See previous editions of the Quarterly Report for compliance information relative to this issue.

6. All institutional and departmental policies and procedures will be made available to inmates in institutional libraries with the exception of those dealing with security and emergency procedures...

# EXHIBIT

APR 26 1988 NO. 1

## STATE BUDGET & CONTROL BOARD

The SCDC submitted a list to Plaintiffs' Counsel of those departmental policies selected to be omitted from the departmental policy manuals provided inmates at each institution. Plaintiffs' Counsel was afforded the opportunity to review this list and comment on the appropriateness of our selections. Previous editions of the Quarterly Report contain a list of those policies which were finally selected for exclusion. During this quarter, no additional or new departmental policies were selected for exclusion.

In addition to the above, the SCDC was also required to provide inmates at each institution with copies of their institutional policy manuals. Again, institutional heads were afforded the opportunity to review their policies and omit those which were felt to jeopardize the security of their institution or interfere with emergency procedures. A list of all institutional policies selected for exclusion was contained in previous editions of the Quarterly Report.

Additional revised institutional policy exclusion lists will be published in future editions of the Quarterly Report as they are received.

### CATEGORY VIII: CLASSIFICATION

1. A classification plan for separating violent and non-violent offenders will be developed...

AIMS implementation continues to proceed on schedule. The following institutions are now fully implemented with AIMS: AYCC, GCI, CCI, KCI, PCI, LCI, MYCC, CACI, DCI, WRCI and MCI. The new McCormick Correctional Institution (McCI) and the new Broad River Reception and Evaluation Center (BRR&EC) opened with AIMS in place.

Statistics for Serious Incident/Accident reports are compiled every quarter. Statistics for this quarter were compiled for AYCC, GCI, CCI, KCI, PCI, LCI, MYCC, CACI, DCI, MCI, WRCI and McCI. A review of these statistics reveal that the most serious incidents are committed by Alpha inmates in all of these institutions. Please see "Appendix D" for a detailed description of this analysis.

2. A classification plan for double-celling assignments will be developed...

The formal plan for double-celling assignments was submitted on December 20, 1985, and was attached to the "Fourth Quarterly Report on Compliance" as Appendix "B."



3. Develop an overall classification plan for initial, and re-classification of inmates...

Implementation of all components of the Classification Plan is proceeding on schedule. Please see previous editions of the Quarterly Report for information relative to the schedule of events leading to the development and implementation of these classification plans.

#### CLASSIFICATION CONSULTANT INFORMATION

During the mediation session conducted in April, 1986, between the parties to address several issues of controversy, Plaintiffs' counsel raised several objections to the Department's classification system. Generally, Plaintiffs' counsel did not necessarily agree to the weights assigned the many variables being scored to assess an inmates' classification status; with the Department's philosophy that custody breakdowns should resemble a 65% - 35% split of medium and minimum security, respectively, etc.

During the mediation session, the Nelson Mediator recommended that both the Department and Plaintiffs' counsel contract with outside consultants to review the classification system and subsequent validation study of the same. On December 10 and 11, 1987, therefore, Departmental officials contracted with Dr. James Austin, to review the classification instruments and the results of the classification validation study.

Generally, the results of the validation study indicated the following:

1. For initial classification, the results indicated that "age" is the most significant "predictor" of violence, followed by "history of violence" in the three-month follow-up analysis. For a six-month follow-up period, age remains the most significant factor, followed by the number of prior convictions with a sentence over 90 days, history of violence, and the number of offenses in current commitment.
2. For reclassification, the most significant "predictors" are: age, number of previous commitments with sentences over 90 days, and percentage of time served.

In light of the above information, Classification officials are presently in the process of redesigning both the initial and reclassification instruments to weigh these variables more heavily. A pilot test on a sample of the inmate population will be conducted to ensure the reliability/validity of the new instruments.

It should be pointed out that Plaintiffs' counsel was provided the opportunity to attend various meeting with the Consultant. On December 11, 1987, Mr. Gaston Fairey, Plaintiffs' Attorney, attended the exit interview with Dr. Austin. Generally, the Consultant indicated that the results of the Validation Study were in-line with the overall research conducted with regard to classification. Additionally, the Consultant agreed that the Department's classification cutoff of 65% medium - 35% minimum was consistent with national trends. A copy of the Consultant's recommendations were forwarded to Departmental officials and to Plaintiffs' counsel and the Nelson Mediator for review. A copy of these recommendations is attached to this Report as "Appendix E."

4. Modifications in the current classification plan will be made with regard to such items as inmate classification status, inmate appeal of classification status, and reviews of inmates classification status...

This issue has already been complied with and information pertaining to the same is contained in past editions of the Quarterly Report.

#### CATEGORY IX: VISITATION

The Nelson Decree stipulates that all inmates should currently be allowed contact visitation except in cases when inmates have been determined to be substantiated security risks (SSR). Additionally, the Decree requires all Protective Custody inmates to be afforded the opportunity to receive at least four (4) visits per month, up to two (2) hours in length, and inmates in Administrative Segregation to be afforded up to two (2) visits per month, up to two (2) hours in length.

Information received during this quarter indicates that all institutions have achieved and maintained compliance with the Visitation requirements of the Decree.

#### CATEGORY X: PHYSICAL RESTRAINTS

The Nelson Decree sets forth the criteria and procedures to be followed when using physical restraints on inmates inside institutions and when transporting inmates. Additionally, this section of the Decree established an appeal route for those inmates who have been designated as SSR inmates.

To date, all institutions have maintained compliance with the



APR 26 1988

NO. 1

## STATE BUDGET &amp; CONTROL BOARD

Physical Restraint issues outlined in the Decree and all have developed or revised existing institutional policies in conformance with the same. Please see past editions of the Quarterly Report for a detailed description with regard to physical restraints.

## CATEGORY XI: FIRE SAFETY

1. Submit a plan for meeting the fire safety standards of the ACA and the NFPA...

Construction and Engineering officials selected Carlisle Associates as the Architectural and Engineering Firm to conduct evaluations of all SCDC facilities in order to determine their present compliance with the fire safety standards contained in the Decree.

Carlisle Associates has been touring and inspecting all the SCDC facilities in order to make determinations as to which areas in each institution may be deficient with regard to applicable fire safety standards. Carlisle Associates have submitted to the Construction and Engineering Branch implementation plans necessary to correct the deficiencies found in each institution. The Construction and Engineering Branch reported that corrective action is being taken as recommended by Carlisle Associates as reports are received and reviewed. Please see Issue #4, below.

2. All smoke detectors and fire alarms will be on contract...

All SCDC institutions have smoke detectors and fire alarms on contract.

3. All gang door releases and emergency exits and escape ladders will be on contract...

The Construction Branch reported that plans are being received from Carlisle and Associates. Work is being done in conjunction with installation of sprinkler and smoke evacuation systems.

4. Sprinkler and/or smoke evacuation systems will be on contract...

Sprinkler systems have been installed and activated at the following institutions/areas:

CCI-CBII, CCI-CBIII, NCC, LiWRC, WCI, GCI, SCI, GYCC, MYCC, McCI, CWRC and BRR&EC.

Sprinkler system installation is in progress at WCC, KCI, CoWRC and McCI infirmary.



CATEGORY XII: CONSTRUCTION

1. Renovations of CCI Guards' Quarters...

The CCI Officer's Quarters was completed on July 30, 1985, and became fully operational at this time.

2. Renovation of Stoney Building...

Since December, 1985, when renovations were completed, the the Department utilized this building to house reception and evaluation overflow from the MR&EC and the BRR&EC. However, in September, 1987, the Department converted this unit to a 68-bed Transitional Care Unit for the CCI.

3. Renovation of MCI Cell Block...

The addition to the cellblock at MCI was completed and became operational on January 29, 1986.

4. Renovation of DCI from minimum security to medium security...

During the last reporting period, the Department converted this institution to an A-III/B-III facility. Small renovations were still needed to convert this facility to "true" medium custody; however, such renovations were not significant enough to hamper the conversion of this facility, i.e., completion of installation of certain portions of the salley port area, completion of the security perimeter road, etc. Since the last reporting period, however, construction/renovation has been completed.

5. Construction of WCC Dorm...

Construction of this dorm was completed October 31, 1986. Occupancy of the 96 bed dorm was phased in during the month of November, 1986.

6. Renovation of MSC...

The Maximum Security Center was renovated and converted into a Special Protective Custody Housing Unit on 12/18/85. All "M" custody inmates who were housed at MSC were transferred to Cellblock II (26 inmates), PCI (20) and KCI (16).

7. Construction of Lieber Correctional Institution....

The Construction and Engineering Branch reported that this project is complete.

8. Construction of McCormick...

The Construction and Engineering Branch reported that this project is complete. The institution was fully operational on August 1, 1987.

9. Construction of New MR&EC...

The Construction and Engineering Branch reported that this project is complete. The institution was fully operational on June 22, 1987.

10. Effort to close CCI...

In the last edition of this Report, it was noted that the Budget and Control Board made a decision to relocate the CCI to Lee County. A "Request for Proposals" (RFP) for either "Construction and Design" and/or "Financing" is scheduled to go out during January, 1988 which will be due back by March or April, 1988. Once the RFP's are returned, a decision will be made by the state to either fund this new institution through bond money or via lease-purchase. Construction and Engineering officials estimate it will take 3 1/2 to 4 years from the release of funding to complete this relocation.

CATEGORY XIII: SANITATION AND HYGIENE

Pursuant to the terms of the Decree, Section R, (1), page 56 the Department has achieved and maintained compliance with applicable State Standards and with ACA Standards 2-4255 through 2-4270. Therefore, please see previous editions of the Quarterly Report for a listing of these standards as well as compliance information relative to the same. It should be noted that ACA Standards 2-4130 through 2-4132 are addressed under the Physical Plant Section of this report.

CATEGORY XIV: PHYSICAL PLANT

Under the terms of the Decree, the Department is required to meet the requirements as outlined by ACA Standards 2-4130 through 2-4132 which mandate that certain amounts of lighting, plumbing, ventilation and furnishings be provided to inmates. The Department developed a two (2) year plan to improve any noted compliance deficiencies at existing SCDC facilities. New facilities (i.e.: LCI, McCI, etc.) were/are constructed to be built so as to already comply with these ACA Standards.

The Compliance Office hired an Environmental Quality Manager to specifically address this section of the Decree. Areas of non-compliance with ACA Standards 2-4130, 2-4131 and 2-4132 have been identified by the Environmental Quality Manager and this information has been conveyed to the Division of Construction and Engineering. In addition to identifying these problem areas, the Environmental Quality Manager is responsible for submitting monthly status reports as to the progression of these projects addressed under the Department's two year plan/renovation schedule. Therefore, attached as "Appendix F" is a copy of the latest status report which contains a description of the progress made towards the plumbing, lighting, ventilation and furnishing requirements addressed by this section of the Decree.

CATEGORY XV: RECEPTION AND EVALUATION CENTER

MIDLANDS RECEPTION AND EVALUATION CENTER

The Broad River Reception and Evaluation Center (formally known as Midlands Reception and Evaluation Center) became fully operational on June 22, 1987 and operation of the old facility ceased. On September 3, 1987, use of the Stoney Building as an intake unit ceased; however, Departmental officials are still using the Officers' Quarters at CCI to house a small number of intake inmates. Inmates from the Stoney Building were transferred to the BRR&EC for housing and, currently, the Stoney Building is being used by CCI officials as a 68-bed Transitional Care Unit. Departmental officials are still in the process of reviewing proposals for continued use of the Officers' Quarters'. Future editions of the Quarterly Report will address this issue once a formal proposal has been made to Plaintiffs' counsel.

ISSUE	COMPLIANCE	COMMENTS
1. The population at the Annex will comply with the the capacities set forth in the Decree.	Yes	The annex was closed on November 8, 1985.
2. Inmates at MR&E Center will not be triple-celled.	Yes	On June 22, 1987, this facility was closed. The new BRR&EC is now being utilized to house intake inmates to the Midland's Region.
3. The MR&EC can be double-	Yes	See #2 above. The



celled until August, 1986.

4. Inmates shall not be housed longer than 14 days at the MR&EC. Inmates housed longer than 14 days will receive visitation and recreation privileges as required under Sections III. O. 2. and III. J. 2. (a)., respectively.

Non-  
Comp-  
liance  
with a  
portion  
of this  
issue

MR&EC was single  
celled on 9/19/86  
pursuant to the  
Order issued by the  
Court July, 1986.

During this reporting  
period, some inmates  
have been housed  
over 14 days at the  
BRR&EC. The average  
number of days in  
which an inmate was  
held over the 14  
day limit was 15.  
Information regarding  
this was provided by  
BRR&EC officials for  
the months of August,  
September & October.  
However, all inmates  
held over the 14 day  
limit have been  
afforded the oppor-  
tunity to receive  
visitation & recrea-  
tion privileges pur-  
suant to Section III,  
J, 2 (a) of the  
Decree.

It should be noted  
that this requirement  
is currently contin-  
gent upon the final  
ruling of the Fourth  
Circuit Court on the  
Defendants' Appeal  
of the Federal Dis-  
trict Court's ruling  
on the "Motion for  
Modification of the  
Consent Decree. As  
is noted in the last  
edition of the Quar-  
terly Report, the  
Magistrate recom-  
mended in his Report  
that this requirement  
be relaxed inasmuch  
as strict compliance  
with the same would

# EXHIBIT

APR 26 1988

NO. 1

## STATE BUDGET & CONTROL BOARD

		only contribute to the unavailability of bedspace.
5. YOA 5.b.'s can be single celled and can be housed no longer than 14 days.	Yes	YOA 5.b inmates are now housed at the BRR&E for initial processing and are no longer being transferred to PR&EC. All YOA inmates are single-celled at BRR&EC pursuant to this requirement.
6. Inmates held longer than 14 days will receive visitation and recreation privileges.	Non-Compliance with a portion of this issue	Visitation for assigned workers & YOA's in effect & policy 11500.3, "Visiting Privileges" revised. Inmates have the opportunity to receive 1 hour of outdoor recreation per day as required by the terms of the Decree for all on "lock-up" status.

## PERRY RECEPTION AND EVALUATION CENTER

ISSUE	COMPLIANCE	COMMENTS
1. Triple celling will be eliminated.	Yes	In accordance with the terms of the Court order on 7/22/86, all inmates at PR&EC were double celled as of 9/19/86
2. YOA 5.b.'s can be double-celled and can be housed no longer than fourteen days.	Yes	No YOA 5. b's tripled. See #1 above.
3. PR&EC can triple cell	Yes	Since 9/19/86, there

15226

Page 36

50 cells.		have been no inmates triple celled at PR&EC
4. PR&EC must be single celled.	Yes	PR&EC has been single celled since June 29, 1987.
5. Inmates shall not be housed longer than 14 days at the PR&EC. Inmates housed longer than 14 days will receive visitation and recreation privileges as required under Sections III. O. 2. and III. J. 2. (a)., respectively.	Non-compliance with a portion of this issue	During this reporting period, some inmates have been housed over 14 days at the PR&EC. The average number of days in which an inmate was held over the 14 day limit was 15. Information regarding this was provided by PR&EC officials for the months of October and November, 1987. All inmates held over the 14 day limit have been afforded the opportunity to receive visitation and recreation as required by the Decree.

CATEGORY XVI: FOOD SERVICES

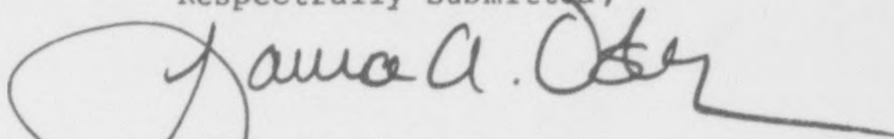
The Nelson Decree stipulates that the SCDC Food Services Division must meet the food service standards established by the South Carolina Department of Health and Environmental Control as well as certain ACA Standards. It should be noted that all issues addressed under the "Food Services" section of the Decree are continuously monitored by the Food Services Branch and, as of March 8, 1987, the SCDC continues to be in compliance with the same. (Please see "Defendants' Sixth Quarterly Report on Compliance" for a detailed description of compliance information with regard to the food services issues.



CATEGORY XVII: OTHER ISSUES

The Department has achieved and has continued to maintain compliance with the issues addressed in this section. Therefore, please see the "Defendants' Ninth Quarterly Report on Compliance" for information relative to these issues.

Respectfully submitted,



Laura Ann Osler  
Executive Assistant for Legal  
Settlements and Compliance

A P P E N D I C E S

# EXHIBIT

APR 26 1988

NO. 1

STATE BUDGET & CONTROL BOARD

## APPENDIX A:

MANDATED NELSON CAPACITIES  
AT SCDC INSTITUTIONS BY 1990  
(Capacities Reflected Became  
Effective April 1, 1988)

15230



# A P P E N D I X      A

## Revised Nelson Capacities for Each Institution to Replace Appendix F of the Decree

(January 8, 1990 Capacities)

Institution -----	Capacity by Living Area -----	Total Nelson Capacity by 1/8/90 -----
Blue Ridge Pre-Release Center		
Pre-Release Dorm	50	
Work-Release Dorm	138	188
Catawba Work Release Center		
Wards 1-7	77	
Ward 8	15	
Driver's Ward	4	
NEW WARD (ADDITION)	48	144
Cross Anchor Correctional Inst.		
Dorms 1-5	480	
Admin. Segregation	48	528
Dutchman Correctional Inst.		
Dorms 1-5	480	
Admin. Segregation	48	528
Givens Youth Correctional Center		
Dorm A	15	
Dorm B	15	
Dorm C	12	
Dorm D	12	
Dorm E	14	
Staff Room	2	70
Greenwood Correctional Center		
Ward A	24	
Ward B	24	
Ward C	15	63

Livesay Work Release Center

Dorms A & B	96	96
-------------	----	----

Northside Correctional Center

Dorms 1-3	144	
Ward 1	31	
NEW BARRACK (ADDITION)	96	271

NEW McCORMICK CORRECTIONAL INST.

Medium Security	504	
Admin. Segregation	96	600

Perry Correctional Institution

Dorms 1-4	576	
Admin. Segregation:		
Dorm C	48	
Dorm D	48	672

Perry Reception and Evaluation Center

Dorm A	48	
Dorm B	48	96

SUBTOTAL		3,256
----------	--	-------

Aiken Youth Correctional Center

Dorm 1	83	
Dorm 2, 3, and 5	126	
Dorm 4	22	
Dorm 6	22	
Admin. Seg.	2	255

Central Correctional Institution

Ward 1-10	540	
Ward 11	97	
Cellblock 1	254	
Cellblock 2	102	
Cellblock 3	161	
MSC (Building 5)	60	
Ward B	20	
Stoney Building (RENOVATED)	68	
Old T.C.U. Ward	62	1,364

Officers' Quarters'		
Ward 1 & 2	82	82
Campbell Work Release Center		
East and West Wings	100	100
Goodman Correctional Institution		
Building 1	50	
Building 2	40	
Building 3	45	
Building 4	50	
NEW BARRACK (ADDITION)	96	281
Kirkland Correctional Institution		
Dorm A-1	96	
Dorm A-2	64	
Dorm A-3	96	
Dorm A-4	96	
Dorm A-5	96	
Dorm A-6	96	
Admin. Segregation	68	612
Lower Savannah Work Release Center		
Dorm A	12	
Dorm B	10	
Dorm C & D	24	
Dorm E	2	
Dorm F	6	54
Manning Correctional Institution		
Wards 1-6	330	
Trusty Area	36	
Admin. Segregation	24	
NEW BARRACK (ADDITION)	96	486
BROAD RIVER RECEPTION/EVALUATION		
Wing 1	96	
Wing 2	96	192



# EXHIBIT

APR 26 1988

NO. 1

## STATE BUDGET & CONTROL BOARD

### Stevenson Correctional Institution

Ward 1	14	
Ward 2	55	
Ward 3	16	
Ward 4	32	
Ward 5	22	
Admin. Segregation	12	151

### State Park Correctional Center

Women's Work Release Dorm	100	
Men's Geriatric/Handicapped Dorm	138	
Women's Geriatric/Handicapped Dorm	12	250

### Walden Correctional Institution

Ward A	11	
Ward B	35	
Ward C	26	
Ward D	36	
Dorm 1	52	
NEW BARRACK (ADDITION)	96	256

### Wateree River Correctional Inst.

Ward 1-6	294	
Dorms 1 & 2	192	
Admin. Seg.	6	492

### Watkins Pre-Release Center

Dorms 1-3	144	144
-----------	-----	-----

### Women's Correctional Center

Cottage 1	36	
Cottage 2	36	
Cottage 3	36	
Cottage 4	36	
Cottage 5	36	
Cottage 6	24	
Cottage 7	24	
Cottage 8 and 9 (NEW UNIT)	96	
Admin. Segregation	5	329

### BROAD RIVER CORRECTIONAL INSTITUTION

Medium Security	504	
Admin. Segregation	96	600

SUBTOTAL

5,648

15234

Page 44

Coastal Work Release Center

Dorm 1	62	
Dorm 2 and 3	96	158

LIEBER CORRECTIONAL INSTITUTION

Medium Security	504	
Admin. Segregation	96	600

LIEBER RECEPTION/EVALUATION CENTER

Reception Unit	96	96
----------------	----	----

MacDougall Youth Correctional Center

NEW UNITS TO BE CONSTRUCTED BY JANUARY, 1990	480	
---	-----	--

NEW BARRACK (ADDITION) (constructed September, 1987)	96	576
---	----	-----

Palmer Work Release Center

Dorm 1	50	50
--------	----	----

NEW MARLBORO CORRECTIONAL INST.

Medium Security	712	
Admin. Segregation (To be completed January, 1989)	96	808

ALLENDAL CORRECTIONAL INSTITUTION

Medium Security	712	
Admin. Segregation (To be completed January, 1989)	96	808

SUBTOTAL		3,096
----------	--	-------

TOTAL		12,000
-------	--	--------

APPENDIX B:

"EARLY RELEASE PLAN"  
SUBMITTED TO THE COURT



PLAN FOR REATTAINING COMPLIANCE WITH THE TERMS OF THE  
NELSON V. LEEKE CONSENT DECREE

Current Departmental Noncompliance

As of January 18, 1988, there were approximately 700 noncomplying bed spaces at medium security institutions throughout the Department of Corrections (see attachment). It is anticipated that between mid-January to mid-April, 1988, approximately 100 additional noncomplying beds could be added to this figure based on extremely rough approximations of the number of overall net medium security admissions.

Steps that Will be Taken to Reattain Compliance

STEP ONE:

Advance the release dates of up to 200 inmates currently scheduled and eligible for early release on either March 1, 1988, or April 1, 1988, under either the EPA I, EPA II, SFII/EPA programs to February 5, 1988. This plan would, therefore, advance the release dates of up to 200 non-violent offenders by 25 to 56 days (depending upon if they were scheduled for release by March 1 or April 1, 1988). Inmates released under this special early release would be supervised pursuant to an agreement between the Corrections officials and Parole and Community Corrections officials. These releases would be in addition to those inmates already scheduled for normal release on February 1, 1988. Currently, there are approximately 250 inmates scheduled to max-out their sentences and be released on February 1, 1988. These releases will also assist in reattaining compliance with the terms of the Decree.

Beginning February 8, 1988, eligible inmates currently classified to "A" custody (minimum security) but who are being housed in medium security institutions pending available bed space, will be transferred to minimum security bed space vacated by early release inmates. First priority will be given to transferring "A" custody inmates currently housed at Kirkland, Manning and Perry Correctional Institutions to appropriate minimum security institutions to reduce noncompliance at these older medium security institutions. Special consideration will also be given to noncompliance at the Women's Correctional Center inasmuch as this institution is the only medium/minimum security facility for females in the State.

As of January 18, 1988, the approximate number of eligible "A" custody inmates housed at noncomplying medium security institutions awaiting minimum security bed space is, as follows:

Kirkland Correctional Institution:	11
Perry Correctional Institution:	45
Manning Correctional Institution:	8
Central Correctional Institution:	11
Lieber Correctional Institution:	34
TOTAL	109

Beginning February 12, 1988, all minimum security bed spaces made available as a result of the advanced early release on February 5, 1988, that have not been occupied by inmates currently eligible for "A" custody (minimum security) transfer from medium security institutions, will be filled by the lowest risk medium security inmates from noncomplying institutions. Again, first priority will be given to transferring inmates from Kirkland, Manning, Perry and Central Correctional Institutions inasmuch as these institutions are older facilities. Special consideration will also be given to female bed space noncompliance.

STEP TWO:

Up to 200 non-violent inmates who meet the statutory eligibility requirements for early release under the EPA II program and who have no prior commitments or convictions for a violent crime, will be released on March 1, 1988; April 1, 1988; and, should noncompliance continue, on May 1, 1988. These releases will be in addition to normal first-of-the-month releases. Inmates released under these special releases will be supervised pursuant to an agreement between Corrections and Parole and Community Corrections officials.

Again, each month that releases occur, priority will be given to transferring inmates from Kirkland, Manning, Perry and the Central Correctional Institution to vacated minimum security bed spaces. Special consideration will also be given to eliminating noncompliance at the Women's Correctional Institution. Transfer of inmates from the Lieber Correctional Institution to vacated minimum security bed space will be accomplished last inasmuch as this is a new medium security facility. All inmates released will be intensively supervised by the Department of Parole and Community Corrections.

Early releases may need to take place at a rate of up to 200 inmates per month through April, 1988. By April 1, 1988, the new Broad River Correctional Institution will be completed. This facility will provide the Department with 504 new medium security bed spaces for males which should be appropriately filled by June 30, 1988. (The addition of these beds will assist in the elimination of noncompliance at existing male medium security institutions).

STEP THREE:

Special early releases will continue to occur on an ongoing basis as compliance necessitates. These releases will be effected as in Step One; however, special emphasis will probably have to be placed on the early release of female offenders inasmuch as there is only one medium/minimum security institution for females in the State. Special early releases for males may have to be made from the time Broad River Correctional Institution is fully operational and filled until such a time that the new Allendale and Evans Correctional Institutions are completed (on or about February 1, 1989). The Allendale and Evans Correctional Institutions each can house 808 medium/maximum security male inmates.



# EXHIBIT

APR 26 1988

NO. 1

## ATTACHMENT

### STATE BUDGET & CONTROL BOARD

The extent to which noncompliance was occurring on January 18, 1988, at each medium security institution was, as follows:

Central Correctional Institution:	47 cells were double-occupied at this facility and six (6) inmates were housed over capacity in the ward-style living areas of this facility, for a total of 53 noncompliance beds.
Kirkland Correctional Institution:	191 general population cells were double-occupied.
Perry Correctional Institution:	127 general population cells were double-occupied.
Manning Correctional Institution:	122 general population beds were being used to house inmates over capacity in the ward-style living areas of this facility.
Lieber Correctional Institution:	179 general population cells were double-occupied.
Women's Correctional Center:	20 general population cells were double-occupied.
Dutchman Correctional Institution:	14 cells double occupied in the administrative segregation unit in general population status.
Total Noncompliance:	706 medium security beds.

APPENDIX C:

EMPLOYEES IN NON-COMPLIANCE  
WITH THE 3-YEAR  
PHASE-IN IN-SERVICE  
TRAINING REQUIREMENT  
(ACA Standard 2-4090, 2-4091, 2-4093)

## EXHIBIT

APR 26 1988 NO. 1

EMPLOYEES HIRED PRIOR TO 1985  
WITH LESS THAN 40 HOURS OF TRAINING STATE BUDGET & CONTROL BOARD

NAME	HIREDATE	INST./DIV.	NO. OF TRAINING HOURS
Sandra Jeffcoat	07/28/69	Comm. Office	25.00
Blake Taylor	07/01/69	Internal Aff.	29.50
Terry Taylor	01/08/79	Investigation	32.50
Charlie Johnson	04/29/68	Audit Branch	37.50
Marvin Smith	07/27/70	" "	37.00
William White	12/13/71	" "	35.50
Robert Chandler	05/31/82	Inmate Rel.	34.00
Dr. Hubert Clements	07/01/72	Dep. Comm./Adm.	35.00
[REDACTED]			
Julie Cleveland	08/13/84	Payroll	14.50
Bonnie Derrick	09/19/77	Corr. Industries	24.50
Pernell Earhardt	02/20/79	" "	34.00
[REDACTED]			
James Howle	01/07/83	Vehicle & Comm.	31.00
Carolyn Wolfe	12/21/81	" "	16.50
Kenneth Wannamaker	02/18/72	Print Shop	17.00
Larry Willis	10/28/74	Mail Room	0.00
Jeffrey Brogden	07/07/83	Agriculture	22.00
James Brown	09/06/83	"	35.50
Steve Davis	06/01/81	"	30.50
Homer Hopkins	07/05/77	"	5.00
Mark McCown	07/03/78	"	37.50
Jerry Shealy	04/26/82	"	35.50
Fred Atkinson	06/28/71	Support Serv.	34.50
Margaret Hardcastle	05/18/79	Purchasing	30.00



NAME	HIREDATE	INST./DIV.	NO. OF TRAINING HOURS
James Lark	09/20/82	Food Serv. Adm.	33.50
William Mahoney	11/06/78	Inmate Oper.	38.50
Donald Farr	09/16/74	Appa. Reg. Office	37.50
Kenneth Sanders	09/01/84	" " "	25.50
Darrell Bates	01/28/83	CACI	37.00
John McDowell	10/29/73	"	30.00
James Bailey	04/16/79	DCI	38.50
Billy Blackwood	08/11/80	"	34.50
Lionel Boyce	08/15/83	"	38.00
Bryan Brown	09/17/84	"	38.00
James Desheilds	08/04/80	"	37.00
James Embry	04/09/84	"	36.00
Wardell Hammond	03/01/83	"	37.00
Terry Heatherly	07/23/84	"	35.00
Sylvia Jenkins	10/06/80	"	39.50
Annis Millwood	06/28/82	"	19.00
John Mitchell	10/06/80	"	15.00
Ann Moody	09/27/82	"	34.00
James Newman	09/08/80	"	36.50
Grady Rochester	03/05/79	"	37.00
Jerry Snow	03/05/79	"	23.00
Benny Taylor	04/16/84	"	39.00
Jack Thomas	08/11/80	"	36.50
Dorothy Chappell	08/01/77	GCC	27.00
Robert Escoe	08/17/81	"	39.00
Julia Hackett	06/20/77	"	27.00
Thomas Hatcher	04/22/83	"	10.00
Charles Turner	06/24/74	"	34.00
Charles Williams	06/04/84	"	28.50
Donald MacTaggart	11/28/83	McCI	39.50
Raymond Smith	10/24/84	"	31.50
Steven Basic	11/05/84	Perry	31.00
Steven Claytor	09/04/84	"	38.50
William Clemons	07/16/84	"	35.50
Sidney Gentry	11/04/74	"	31.00
Reginald Harris	02/16/81	"	38.50
Ruth Lomax	07/25/83	"	36.50

NAME	HIREDATE	INST./DIV.	NO. OF TRAINING HOURS
Robert Miller	07/11/83	Perry	32.00
Lonnie Reeves	05/29/84	"	39.50
Annie Simpson	07/16/84	"	39.50
Carl Smith	06/25/84	"	35.00
Willie West	11/29/82	"	38.50
Larry Williams	10/01/84	"	33.00
Percy Jones	06/22/81	"	39.50
Pedro Saldana	08/15/83	"	33.00
Larry Sloan	12/01/80	"	9.00

John Benjamin	08/27/84	MCI	39.50
Alton Black	11/28/83	"	37.50
Gary Boyd	09/22/80	"	31.00
Daniel Boyett	09/04/84	"	17.00
Wesley Brazell	08/12/74	"	20.00
Earl Brown	06/02/71	"	37.50
Joseph Conte	08/02/76	"	33.00
Betty Cook	03/13/78	"	32.50
Basilides Cruz	02/07/77	"	29.50
Joseph Davis	11/18/74	"	37.00
Norris Forney	06/28/82	"	34.50
Ronald Goodwin	04/23/84	"	23.00
John Hargrove	06/25/84	"	20.00
Thomas Harrison	01/02/73	"	37.00
Ernest Hogan	02/13/78	"	37.00
Robert Hudson	05/24/76	"	33.00
Johnnie Jacobs	09/04/84	"	38.00
Marion James	09/04/84	"	29.50
Roosevelt Jenkins	12/17/73	"	37.00
Kenneth Lee	08/27/84	"	34.50
Harry Leroy	05/01/78	"	36.00
Joe Moorehead	11/09/81	"	26.00
Willie Murphy	10/08/84	"	34.00

NAME	HIREDATE	INST./DIV.	NO. OF TRAINING HOURS
Bruce Pickett	04/03/72	MCI	34.00
Willie Preston	10/08/84	"	15.00
Charlotte Ramsey	01/24/83	"	26.00
William Sabol	10/26/70	"	35.00
Freddie Summers	08/28/72	"	38.00
Gregory Terry	01/19/81	"	31.00
Joe Thompson	06/25/84	SCI	39.50
John Barrett	08/24/81	WRCI	29.50
Ernestine Boykin	11/05/84	"	38.00
Leroy Boykin	11/04/74	"	35.50
Charles Burgess	12/17/84	"	37.50
Lloyd Daniels	02/26/73	"	35.00
Rhonda Dority	09/20/82	"	33.00
Boyd Hayes	01/13/75	"	35.00
Timothy Knowlton	10/01/82	"	34.50
Henry Lowery	09/04/84	"	33.50
Marion Moore	10/01/82	"	18.50
Rosa Ray	11/17/83	"	37.00
Juanita Robinson	10/25/82	"	33.00
Thomas Roof	10/25/76	"	34.50
Tobias Schreiber	09/10/84	"	33.00
Harrison Smith	09/19/83	"	37.50
Lonnie King	12/12/83	WPRC	37.50
Pauline Wright	11/20/72	"	34.50
[REDACTED]		CCR	[REDACTED]
Robert Currie	05/15/72	"	27.50
Clyde Metts	09/01/74	"	39.00
Edwin Green	10/09/72	CoWRC	38.50
Jack Hull	05/01/72	"	23.50
Lewis Mason	06/07/71	"	35.50
Sandra Saleem	08/25/80	"	30.00
Willart Smith	06/25/84	"	16.00
William Wright	08/01/83	"	39.00
Carson Finkley	04/18/77	LCI	38.00
Vivian Young	09/25/78	"	38.00



<u>NAME</u>	<u>HIREDATE</u>	<u>INST./DIV.</u>	<u>NO. OF TRAINING HOURS</u>
Bernard Bailey	11/05/84	MYCC	38.50
David Brenner	03/27/78	"	38.50
Arthur Byrd	01/05/68	"	26.00
Louis Chatman	01/29/79	"	30.00
Daniel Devine	07/20/81	"	32.00
Franklin Fuller	10/02/78	"	38.00
Arthur Garrison	05/26/73	"	37.50
James Gibbs	09/28/68	"	14.00
John Harkins	04/23/84	"	39.50
Edward Hutto	04/01/68	"	38.50
Ralph James	12/27/74	"	37.50
Andrew Johnson	06/27/84	"	37.50
Godwin Quattlebaum	10/07/74	"	24.00
Sheila Royal	07/02/79	"	39.50
Paul West	11/16/70	"	30.00
Michael Absher	07/07/80	PWRC	29.50
Joe Miller	03/22/74	Engineering	22.00
Thomas Ward	09/30/74	"	25.00
Marion Williams	12/05/83	"	39.00
David Morgan	09/13/65	Classification	34.00
Michael Stobbe	05/30/77	Comm. Serv.	36.00
Laura Brown	04/17/78	Health Serv.	31.50
Peggy Salters	07/30/84	"	23.00
Jerutha Westbury	04/14/80	"	19.00
William White	01/10/77	"	36.50

APPENDIX D:

SERIOUS INCIDENT REPORTS (AIMS)

SERIOUS INCIDENTS  
November, 1987 - January, 1988

AIKEN YOUTH CORRECTIONAL CENTER

\*(Three straight sentenced inmates were involved in two of these incidents with youthful offenders)

NUMBER OF AND TYPE INCIDENT	SHIFT			ALPHA	AIMS GROUP		BETA
	1st	2nd	3rd		GAMMA		
4 A&B on inmate, no weapon	0	4	0	11 (8 YO)	1 (1YO)		2 (2YO)
1 Self-inflicted injury	1	0	0	1 (1 YO)	0		0
5 Incidents	1	4	0	12 (80%)	1 (6.7%)		2 (13.3%)

Data analyzes 5 incidents involving 15 inmates. Data does not consider incidents occurring in lock-up area.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	10	2
GAMMA	0	0	1
BETA	0	1	1
	0	11 (73.3%)	4 (26.7%)

AREA INCIDENT OCCURRED

Living Area	- 5 (Alpha = 2, Beta/Gamma = 2, Alpha/Gamma = 1) (Dorm #1 = 1, Dorm #2 = 1, Dorm #3 = 1, Dorm #5 = 2)
TOTAL	- 5 Incidents



SERIOUS INCIDENTS  
November, 1987 - January, 1988

CENTRAL CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	SHIFT			ALPHA	AIMS GROUP		BETA
	1st	2nd	3rd		GAMMA		
2 A&B on Inmate with Weapon	1	1	0	4	1		1
3 A&B on Inmate, Unknown Weapon	1	2	0	3	0		5
1 A&B on Staff, No Weapon	1	0	0	1	0		0
1 Escape from Institution	1	0	0	0	1		0
1 Escape Outside Institution	0	1	0	0	1		0
8 Incidents	4	4	0	8 (47.1%)	3 (17.6%)		6 (35.3%)

Data analyzes 8 incidents involving 17 inmates. Data does not consider incidents occurring in TCU, R&E holding areas, admissions and orientation unit, or lockup recreation/living areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	5	3
GAMMA	0	2	1
BETA	0	4	2
	0	11 (64.7%)	6 (35.3%)

AREA INCIDENT OCCURRED

(Alpha - 1, Alpha/Gamma -1, Beta - 1)  
(Unit #1 East = 1, Unit #3 West = 1, Unit #4 Tier 1 = 1)

Living Area	- 3
Shakedown Room	- 1
Tunnel	- 1
Unknown	- 1
Other	- 2 (Parking Lot, County Law Enforcement)
TOTAL	- 8 Incidents

15249

SERIOUS INCIDENTS  
November, 1987 - January, 1988

# EXHIBIT

CROSS ANCHOR CORRECTIONAL INSTITUTION APR 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

NUMBER OF AND TYPE INCIDENT	SHIFT			AIMS GROUP		
	1st	2nd	3rd	ALPHA	GAMMA	BETA
1 A&B on inmate, no weapon	0	1	0	2	0	0
1 A&B on inmate, unknown weapon	0	1	0	4	0	0
2 Incidents	0	2	0	6 (100%)	0	0

Data analyzes 2 incidents involving 6 inmates. Data does not consider incidents occurring in lockup areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	0	6
GAMMA	0	0	0
BETA	0	0	0
	0	0	6 (100%)

AREA INCIDENT OCCURRED

Living Area - 2 (both in Dorm #4, Alpha)

TOTAL - 2 Incidents

SERIOUS INCIDENTS  
November, 1987 - January, 1988

DUTCHMAN CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	SHIFT			ALPHA	AIMS GROUP	
	1st	2nd	3rd		GAMMA	BETA
1 A&B on inmate, weapon	0	0	1	2	0	0
1 A&B on inmate, no weapon	0	1	0	0	0	1
1 Fight	1	0	0	1	0	0
1 A&B on staff, no weapon	0	1	0	1	0	0
1 Attempted escape	1	0	0	1	0	0
5 Incidents	2	2	1	5 (83.3%)	0	1 (16.7%)

Data analyzes 5 incidents involving 6 inmates. Data does not consider incidents occurring in lockup areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	3	2
GAMMA	0	0	0
BETA	0	1	0
	0	4 (66.7%)	2 (33.3%)

AREA INCIDENT OCCURRED

Living Area	- 2 (Alpha = 1, Beta/Gamma = 1) (P-1 = 1, P-3 = 1)
Yard	- 1
Unknown	- 1
Other	- 1 (Front Gate)
TOTAL	- 5 Incidents

15251



SERIOUS INCIDENTS  
November, 1987 - January, 1988

GOODMAN CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	SHIFT			ALPHA	AIMS GROUP	
	1st	2nd	3rd		GAMMA	BETA
1 Escape from inst.	0	1	0	1	0	0
2 Escape outside inst.	2	0	0	1	1	0
3 Incidents	2	1	0	2 (66.7%)	1 (33.3%)	0

Data analyzes 3 incidents involving 3 inmates. Data does not consider incidents occurring in lock-up area.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	1	1
GAMMA	1	0	0
BETA	0	0	0
	1	1	1

AREA INCIDENT OCCURRED

Living Area	- 0
Outside Job Assmt.	- 2
Unknown	- 1
TOTAL	- 3 Incidents

SERIOUS INCIDENTS  
November, 1987 - January, 1988

KIRKLAND CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	SHIFT			ALPHA	AIMS GROUP		BETA
	1st	2nd	3rd		GAMMA		
1 A&B on inmate, no weapon	0	1	0	0	1		0
2 A&B on inmate, unknown weapon	1	1	0	1	1		2
1 A&B on staff, no weapon	0	1	0	1	0		0
1 Sexual assault on staff	1	0	0	1 (YO)	0		0
5 Incidents	2	3	0	3 (42.8%)	2 (28.6%)		2 (28.6%)

Data analyzes 5 incidents involving 7 inmates. Data does not consider incidents occurring in GPC, TCU, HCU, the hospital, or lockup.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	2	1
GAMMA	0	0	2
BETA	0	0	2
	0	2 (28.5%)	5 (71.5%)

AREA INCIDENT OCCURRED  
(Alpha = 2, Alpha/Gamma = 1, Beta/Gamma = 1)  
(B-I = 2, B-II = 1, C-1 = 1)

Living Area	- 4
Recreation/Yard	- 1
TOTAL	- 5 Incidents

15253

SERIOUS INCIDENTS  
November, 1987 - January, 1988

LIEBER CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	SHIFT			ALPHA	AIMS GROUP		BETA
	1st	2nd	3rd		GAMMA		
1 A&B on inmate, no weapon	1	0	0	1	1		0
1 Fight	0	1	0	2	0		0
1 A&B on staff, no weapon	0	1	0	0	0		1
1 Self-inflicted injury	0	1	0	1	0		0
1 Destruction of property	0	1	0	0	1		0
5 Incidents	1	4	0	4 (57.1%)	2 (28.6%)		1 (14.3%)

Data analyzes 5 incidents involving 7 inmates. Data does not consider incidents occurring LR&E or lockup.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	3	1
GAMMA	0	2	0
BETA	0	1	0
	0	6 (85.7%)	1 (14.3%)

AREA INCIDENT OCCURRED  
(Alpha - 2, Alpha/Gamma - 1, Beta - 1)  
(Edisto - 1, Ashley -2, Stono - 1)

Living Area	- 4
Multi-Purpose Building	- 1
TOTAL	- 5 Incidents



SERIOUS INCIDENTS  
November, 1987 - January, 1988

MACDOUGALL CORRECTIONAL INSTITUTION

\*(All incidents involving youthful offenders were isolated)

NUMBER OF AND TYPE INCIDENT	SHIFT			ALPHA	AIMS GROUP		BETA
	1st	2nd	3rd		GAMMA		
1 Fight	0	0	1	2	0		0
4 A&B on staff, no weapon	2	1	1	3 (2YO)	0		1
5 Incidents	2	1	2	5 (83.3%)	0		1 (16.7%)

Data analyzes 5 incidents involving 6 inmates. Data does not consider incidents occurring in lockup areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	2	3
GAMMA	0	0	0
BETA	0	1	0
	0	3 (50%)	3 (50%)

AREA INCIDENT OCCURRED

(Alpha = 2, Alpha/Gamma = 1)  
(Dorm #4 = 1, Dorm #5 = 1, Dorm #6 = 1)

Living Area	- 3
Admin. Building	- 1
Cafeteria	- 1
TOTAL	- 5 Incidents

\*In January 1988, youthful offenders were realigned in the AIMS housing groups to separate youthful offenders from straight-timers to the degree possible.

SERIOUS INCIDENTS  
November, 1987 - January, 1988

MANNING CORRECTIONAL INSTITUTION

\*(All incidents involving Youthful Offenders were isolated  
or with other Youthful Offenders)

NUMBER OF AND TYPE INCIDENT	SHIFT			ALPHA	AIMS GROUP		BETA
	1st	2nd	3rd		GAMMA		
1 Fight	1	0	0	2 (2 YO)	0		0
4 Attempted Escape	1	3	0	0	0		5
2 Self-inflicted injury	0	1	1	2 (2 YO)	0		0
7 Incidents	2	4	1	4 (44.4%)	0		5 (55.6%)

Data analyzes 7 incidents involving 9 inmates. Data does not consider incidents occurring in lockup areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	2	2
GAMMA	0	0	0
BETA	0	0	5
	0	2 (22.2%)	7 (77.8%)

AREA INCIDENT OCCURRED

Living Area	- 3 (All in Ward #2, Alpha area)
Yard	- 1
Other	- 3 (Greenhouse, laundry)
TOTAL	- 7 Incidents

SERIOUS INCIDENTS  
November, 1987 - January, 1988

MCCORMICK CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	SHIFT			ALPHA	AIMS GROUP	
	1st	2nd	3rd		GAMMA	BETA
1 A&B on inmate, weapon	1	0	0	2	0	0
1 A&B on inmate, no weapon	1	0	0	1	0	1
2 Fight	2	0	0	2	0	1
1 Self-inflicted injury	0	1	0	1	0	0
5 Incidents	4	1	0	6 (75%)	0	2 (25%)

Data analyzes 5 incidents involving 8 inmates. Data does not consider incidents occurring in lockup areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	4	2
GAMMA	0	0	0
BETA	0	0	2
	0	4 (50%)	4 (50%)

AREA INCIDENT OCCURRED  
(both in F-4, Alpha area)

Living Area	- 2
Recreation/Yard	- 1
Other	- 1 (barber shop)
Multi-Purpose Building	- 1
TOTAL	- 5 Incidents



SERIOUS INCIDENTS  
November, 1987 - January, 1988

# EXHIBIT

APR 26 1988

NO. 1

PERRY CORRECTIONAL INSTITUTION

STATE BUDGET & CONTROL BOARD

NUMBER OF AND TYPE INCIDENT	SHIFT			ALPHA	AIMS GROUP		BETA
	1st	2nd	3rd		GAMMA		
3 A&B on inmate, weapon	2	1	0	1	1		4
4 A&B on inmate, no weapon	1	3	0	5	4		0
2 Fight	2	0	0	2	2		0
2 A&B on Staff, no weapon	2	0	0	2	0		0
1 A&B on staff, weapon	0	1	0	1	0		0
1 Robbery	0	0	1	3	0		0
1 Self-inflicted injury	0	1	0	1	0		0
14 Incidents	7	6	1	15 (57.7%)	7 (27%)		4 (15.3%)

Data analyzes 14 incidents involving 26 inmates. Data does not consider incidents occurring in PR&E or lockup.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	9	6
GAMMA	0	2	1
BETA	0	4	4
	0	15 (57.7%)	11 (42.3%)

AREA INCIDENT OCCURRED

(Alpha = 5, Alpha/Gamma = 1, Beta/Gamma = 3)  
(Q-1 = 4, Q-2 = 1, Q-3 = 1, Q-4 = 3)

Living Area	-	9
Visiting	-	1
Yard	-	1
Cafeteria	-	2
Admin. Building	-	1
TOTAL	-	14 Incidents

15258

Page 68

SERIOUS INCIDENTS  
November, 1987 - January, 1988

WATEREE CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	SHIFT			ALPHA	AIMS GROUP	
	1st	2nd	3rd		GAMMA	BETA
2 A&B on staff, no weapon	1	0	1	1	0	1
5 Escape from inst.	3	2	0	4	1	0
1 Escape outside inst.	1	0	0	1	0	0
8 Incidents	5	2	1	6 (75%)	1 (12.5%)	1 (12.5%)

Data analyzes 8 incidents involving 8 inmates. Data does not consider incidents occurring in lockup areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	1	5
GAMMA	0	1	0
BETA	0	0	1
	0	2 (25%)	6 (75%)

AREA INCIDENT OCCURRED

Living Area	- 0
Yard/Recreation	- 1
Admin. Building	- 1
Outside job assmt.	- 1
Other	- 3 (back gate, inst. job assmt.)
Unknown	- 2
TOTAL	- 8 Incidents

November, 1987 - January, 1988

AREA INCIDENT OCCURRED BY INSTITUTION

<u>AREA</u>	<u>CCI</u>	<u>LCI</u>	<u>PCI</u>	<u>KCI</u>	<u>MYCC</u>	<u>CACI</u>	<u>DCI</u>	<u>MCI</u>	<u>McCI</u>	<u>WRCI</u>	<u>AYCC</u>	<u>GCI</u>	<u>TOTALS</u>
Living area	3	4	9	4	3	2	2	3	2	0	5	0	= 37
Recreation/Yard	0	0	1	1	0	0	1	1	1	1	0	0	= 6
Visiting	0	0	1	0	0	0	0	0	0	0	0	0	= 1
Cafeteria	0	0	2	0	1	0	0	0	0	0	0	0	= 3
Industries	0	0	0	0	0	0	0	0	0	0	0	0	= 0
Program Svcs.	0	0	0	0	0	0	0	0	0	0	0	0	= 0
Library	0	0	0	0	0	0	0	0	0	0	0	0	= 0
Operations	0	0	0	0	0	0	0	0	0	0	0	0	= 0
Shakedown Room	1	0	0	0	0	0	0	0	0	0	0	0	= 1
Medical Unit	0	0	0	0	0	0	0	0	0	0	0	0	= 0
Dental Clinic	0	0	0	0	0	0	0	0	0	0	0	0	= 0
Admin. Building	0	0	1	0	1	0	0	0	0	1	0	0	= 3
Chapel	0	0	0	0	0	0	0	0	0	0	0	0	= 0
Tunnel	1	0	0	0	0	0	0	0	0	0	0	0	= 1
Child Care Center	0	0	0	0	0	0	0	0	0	0	0	0	= 0
Multi-Purpose Bld.	0	1	0	0	0	0	0	0	1	0	0	0	= 2
Outside Work Crew	0	0	0	0	0	0	0	0	0	1	0	2	= 3
Other	2	0	0	0	0	0	1	3	1	3	0	0	= 10
Unknown	1	0	0	0	0	0	1	0	0	2	0	1	= 5
	8	5	14	5	5	2	5	7	5	8	5	3	= 72

Page 70

15260

(INCIDENT/CLASSIFI)



**EXHIBIT**

**APR 26 1988 NO. 1**

**STATE BUDGET & CONTROL BOARD**

**APPENDIX E:**

**CLASSIFICATION CONSULTANT  
RECOMMENDATIONS**

**15261**



NATIONAL COUNCIL ON CRIME AND DELINQUENCY  
77 MAIDEN LANE, FOURTH FLOOR  
SAN FRANCISCO, CALIF. 94108  
415 956-5651

December 15, 1987

Laurie A. Osler  
Executive Assistant for  
Legal Settlement and Compliance  
South Carolina Department of Corrections  
4444 Broad River Road  
P.O. Box 21787  
Columbia, S.C. 29221

Dear Laurie:

This letter is to summarize the major observations I have reached with regard to the proposed changes in the Department of Corrections Initial and Reclassification instruments. The observations which are presented below are based on the considerable amount of research conducted by the SCDC staff and information provided to me during my visit last week.

1. All of the items being considered for inclusion in the initial and reclassification instruments are appropriate for inmate classification designation purposes. The major outstanding issues are the most appropriate weighing of these items, the possible deletion of some, and scaling of the instruments.
2. It is essential that the draft instruments be simulated against the current prison population to determine how the instruments will impact current custody designations. Specifically, the simulation must determine what proportion of the "stock" population would be classified as compared to their current classification level as well as the probable number and types of overrides.
3. Current estimates by the DOC Research Division indicate that the new instruments will reduce the number of inmates now classified for minimum custody. (Currently almost 50 percent of the inmate population is classified for minimum custody.) It will be imperative that any changes in classification instruments and policy which reduce the current minimum custody populations must clearly demonstrate that those inmates who will be reclassified for medium custody levels (or higher) under the new system were improperly classified under the previous system. In particular, one must demonstrate that such

inmates have disciplinary problems or have attributes which clearly contraindicate placement in minimum custody.

4. Items 13 and 7 on the reclassification form are redundant. It is recommended that only one be used for purposes of adjusting the inmate's classification level at reclassification.
5. History of escape can best be used as an override item for reclassification only. A clearly written policy regarding the application of the prior escape override factor needs to be developed and communicated to all staff.
6. If possible, information describing the inmate's prior behavior if incarcerated as a juvenile should be made available for classification purposes. In other words, if an inmate has a substantial history of escape or violence in state juvenile facilities, it would be appropriate for that data to be used in scoring the inmate's initial security level.
7. If possible, the range of the scales and weights should be standardized for both initial and reclassification instruments. If this is not done, considerable effort must be directed toward an on-going orientation, training and education program for staff and inmates to ensure they understand the logic of the differential scales and weighing schemes.
8. Clear definitions must be written to ensure that items 10, 11, and 14 are scored in a reliable manner.
9. Serious consideration should be given toward elimination of the drug history items found on the reclassification instrument.
10. Once the new instruments are finalized, a process for monitoring and re-evaluating the instruments every two years should be instituted. Such research should permit more lengthy periods of follow-up (beyond six months) and focus on inmates who are placed outside of their designated classification levels.
11. The time period for reclassification reviews should be adjusted for inmates with expected lengthy periods of confinement. Specifically, it is recommended that such inmates have reclassification reviews on an annual basis rather than every six months.

In my opinion, if all of the above issues are addressed, the Department will have instituted appropriate changes in the current classification system.

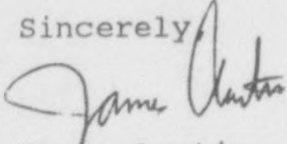
I trust this information is of value to you and the Department. I am very impressed with the amount of work done to date by Sammie Brown's and Lorraine Fowler's staffs. The draft instruments already represent an improvement in the current instruments and I am



-- 3 --

confident that further analysis will produce a classification system that will further benefit both inmates and staff.

Sincerely



James Austin, Ph.D.  
Director of Research

cc: Sammie Brown  
Lorraine Fowler

## EXHIBIT

APR 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

APPENDIX F:

PHYSICAL PLANT STANDARDS:  
"UPGRADE STATUS REPORT"

15265

ENVIRONMENTAL SANITATION  
UPGRADE STATUS REPORT  
March 16, 1988

15266

Page 76



ENVIRONMENTAL SANITATION  
UPGRADE STATUS REPORT  
March 16, 1988

# EXHIBIT

APR 26 1988 NO. 1

## PLUMBING

## STATE BUDGET & CONTROL BOARD

The following institutions are in compliance with plumbing facilities:

AYCC\* BCC BRP/WRC BRR&EC CACI CWRC\* CaWRC\* CoWRC

DCI GCC\* GYCC KCI LCI LiWRC LSWRC\* McCI MCI\* MYCC

NCC\* PCI PWRC SCI\* SPCC WCC WCI\* WPRC WRCI\*

\* indicates that these institutions have been brought into compliance by the Division of Construction, Engineering, and Maintenance since Nelson funding was made available to SCDC. Compliance was achieved at these institutions by the addition of the following facilities:

Inst.	Nelson Capacity	Toilets	Wash Basins	Showers
AYCC	253	12	16	11
CWRC	100	0	0	7
CaWRC	144	12	20	10
GCC	63	2	3	1
GCI	283	1	11	6*
LSWRC	59	0	0	2
MCI	474	0	0	24
NCC	271	0	12	2
SCI	127	0	2	0
WCI	256	0	0	1
WRCI	474	0	0	12
		--	--	--
Totals		27	64	74

\* The only job that is left on this project involves the addition of three (3) showers to Building 1 at GCI. These showers are to be located in the existing laundry room of this area. This laundry room is to be relocated in the old cafeteria which is being renovated for this purpose (among others) at this time. According to Jay Carraway, of CE&M, this move should occur in mid May, 1988. The showers can then be installed by the end of May, 1988.

## LIGHTING

The following institutions are in compliance with lighting requirements:

AYCC\* BRP/WRC\* BRR&EC BCC CaWRC CoWRC\* CWRC GCC GCI\* GYCC\*

LCI LiWRC\* LSWRC\* McCI NCC\* PWRC SCI\* SPCC WCC\* WCI WPRC\* WRCI\*

\* brought into compliance by CE&M since Nelson funding was made available to the SCDC.

### Methods of Compliance

#### 1. Desk Lamps

Compliance has been achieved at the following institutions by the placement of desk lamps in areas formerly deficient (below 20 foot-candles). These areas, identified below, were deemed suitable for desk lamp use by the SCDC. The Environmental Quality Manager will continue to monitor the placement of the lamps to ensure compliance.

BRP/WRC	118 i.e. all 27 rooms + all 91 beds with bedside tables)
GCI	188 cubes i.e. all cubes in Bldgs. 1 - 4
GYCC	54 cubes i.e. all cubes in Dorms A - D
LiWRC	48 cubes i.e. all cubes in Dorms A and B
NCC	72 cubes i.e. all cubes in Dorms A - C
WPRC	144 cubes i.e. all cubes in Dorms A - C

The following institutions listed below have at least some appropriate areas in which desk lamps are also being used for compliance with lighting requirements:

MCI	12 rooms i.e. all rooms in A's Quarters
WCC	168 rooms i.e. all rooms in Cottages I - VII

MYCC has also received 240 desk lamps for all rooms in Dorms 1 - 5, but placement in these rooms for use is pending receipt of desks that were ordered to accommodate these lamps. A P.O. (#H000083806) was issued March 7, 1988 for 93 writing tables (model MW-15A) to satisfy this requirement. Delivery is expected in early April, 1988.



2.

#### Fixed Lights

Compliance has been achieved at the following institutions by the installation of ceiling fixtures in the areas listed below:

AYCC: Dorms 2, 3, 5, & 6 + bath (Dorm 4) i.e. 4 wards and 1 bath  
LSWRC: Dorms A - F + baths (Dorms E and F) i.e. 6 wards and 2 baths  
SCI: Admin. Seg. i.e. 12 cells  
WCC: Lock Up i.e. 5 cells  
WRCI: Admin. Seg. i.e. 6 cells

CoWRC has completed the installation of fluorescent lighting fixtures in all cubes. These fixtures are appropriate for complying with the lighting requirement of 20 foot-candles.

The following institutions, listed below, also need ceiling fixtures for use in at least some, if not all, living areas for compliance with lighting requirements:

CACI: Admin. Seg. i.e. 48 cells  
DCI: Admin. Seg. i.e. 48 cells  
KCI: Dorms A-I & D i.e. 128 cells  
MCI: Admin. Seg. (old section) i.e. 10 cells  
PCI: Dorms A - D (Admin. Seg.) i.e. 192 cells

Work is currently in progress at KCI with regard to this project. Ed Abston, of Construction, Engineering, and Maintenance, reports that five dorms (A-II, B-I & II, C-I & II) have been completed. These five dorms constitute 256 cells.

The delivery of security fixtures for the other institutions, listed above, is expected on March 21, 1988. Installation of these light fixtures will begin immediately after they are received by CE&M.

## AIR FLOW

The following institutions are in compliance with air flow requirements:

AYCC\* BCC BRR&EC CACI CWRC CoWRC DCI GCC\* GCI\* GYCC KCI LCI

LiWRC LSWRC MCCI NCC PCI PWRC SCI\* SPCC WCC WCI\* WPRC

\* brought into compliance by CE&M since Nelson funding was made available to the SCDC.

The following institutions are also scheduled to have air handling units installed in these designated areas to provide at least 10 cubic feet per minute per occupant of re-circulated filtered air for compliance during winter months:

BRP/WRC: WRC & PRC  
CaWRC: Wards 1 - 8  
MCI: Admin. Seg.  
MYCC: Dorms 1 - 5\*  
WRCI: Admin. Seg.\*

\* denotes areas that are in non-compliance status year-round.

Ralph Long, of CE&M, reports that units are currently being installed at BRW/PRC. These units should be operational by March 31, 1988. Units are currently being constructed for CaWRC. These units are to be installed and become operational by April 30, 1988.

Air handling units have been installed in Wards 1 - 6 and the A's Quarters at MCI bringing these areas into compliance. Only the Admin. Seg. area (24 cells) remains to be supplied with an air handling system.

Inasmuch as funding was received this Fiscal Year to replace MYCC with new inmate housing units, air flow improvements will be made as each new unit is constructed.

Air handling units have also been installed in Wards 1 - 6 at WRCI bringing these areas into compliance. Only the Admin. Seg. area (6 cells) remains to be supplied with an air handling system.

The following areas are receiving ward type air handling units:

BRP/WRC: WRC - 3 wards, PRC - 1 ward  
CaWRC: Wards 1 - 8

The following areas will receive room/cell air handling units:

BRP/WRC: WRC (15 rooms), PRC (12 rooms)  
MCI: Admin. Seg. (24 cells)  
WRCI: Admin. Seg. (6 cells)

# EXHIBIT

APR 26 1988 NO. 1

## FURNISHINGS

## STATE BUDGET & CONTROL BOARD

The following institutions are in compliance with furnishing requirements relating to chairs/stools, desks/writing surfaces, mirrors, and lockers/storage facilities:

AYCC BCC BRP/WRC\* BRR&EC CACI CWRC CaWRC CoWRC

DCI GCC GCI GYCC\* KCI\* LCI LSWRC\* LiWRC MCI\*

McCI NCC PCI\* PWRG SCI\* SPCC WCC WCI WPRC WRCI\*

\* indicates that these institutions have been brought into compliance since Nelson funding has been received by the SCDC.

The Division of Construction, Engineering, and Maintenance has ordered the necessary furnishings to bring remaining institutions into compliance. The following table identifies items in living areas as necessary to achieve compliance at remaining institutions:

Inst.	Combination Desk/Bench	Lockers	Chairs	Desks	Mirrors
CCI	416	751	273	194	481*
MYCC	0	269	69	93	16*

\* These items have been received by the institutions.

CCI - 162 of the combination desk/bench units have been received by the institution. They are to be modified to specifically accommodate the cells in CB II and Bldg. V. The remaining 254 combination units are to be ordered through a local vendor. These are a special folding variety to specifically accommodate the cells in CB I. Purchase orders involving both of these items are expected by March 31, 1988. Delivery to CCI will be 30 days net. Of the 751 lockers, 589 have been delivered and are in place. CCI is ordering the remaining 164 "foot lockers" for CB I with a net delivery of 60 days.

A P.O. was issued on March 16, 1988 for the 273 chairs and 194 tables noted above. These items should be delivered by April 30, 1988, to be placed in Bldg. V and Stoney.

MYCC - Desks are on order; all other furnishings are to be provided through renovation funding.

# EXHIBIT

APR 26 1988 NO. 1

## STATE BUDGET & CONTROL BOARD



# EXHIBIT

APR 26 1988

NO. 2

STATE BUDGET AND CONTROL BOARD  
MEETING OF April 26, 1988

BLUE AGENDA

ITEM NUMBER

2

AGENCY: Executive Director

SUBJECT: Interviewee Travel Expense Reimbursement

Please refer to the attached report for details on payments of interviewee travel expenses by the following agencies:

<u>Agency</u>	<u>Number</u>	<u>Estimated Cost</u>
(a) College of Charleston	4	1,508.27
(b) Governor's School for Science and Mathematics	5	1,800.00

BOARD ACTION REQUESTED:

Receive as information reports on the reimbursement of interviewee travel expenses by College of Charleston (4) and the Governor's School for Science and Mathematics (5).

ATTACHMENTS:

Referenced report

15273

INTERVIEWEE TRAVEL EXPENSE REIMBURSEMENT PAYMENTS

Agency	Period	Total Number	Total Cost	Number of Payments			
				\$100 or Less	\$101 to \$300	\$301 to \$500	\$501 and Over
College of Charleston Governor's School for Science & Mathematics	February-March	4	1,508.27	0	2	1	1
	April	5	1,800.00	0	3	2	0
Total		9	3,308.27	0	5	3	1

EXHIBIT

APR 26 1988 NO. 2

STATE BUDGET & CONTROL BOARD

Page 1

15274

April 26, 1988, BCB Meeting



# THE COLLEGE OF CHARLESTON

CHARLESTON, SOUTH CAROLINA 29401

APR - 8 1988

Office of the President

## EMPLOYEE RECRUITMENT - TRAVEL REIMBURSEMENT

Name of Recruit: Bruce Tuckman  
City Address: Minneapolis, MN  
Position to be Filled: Recruits - Math Dept  
Travel Dates: From Feb 18 To Feb 21, 1988  
Total Travel Reimbursement: \$223.58

Significance of position warrants such costs and the payment is more cost efficient than sending representatives to the recruits' home town.

Approved By: [Signature]

Harry M. Lightsey, Jr.  
President

Original: Account Payable  
Copy: Budget and Control Board

FOUNDED 1770

15275





# THE COLLEGE OF CHARLESTON

CHARLESTON, SOUTH CAROLINA 29401

Office of the President

## EMPLOYEE RECRUITMENT - TRAVEL REIMBURSEMENT

Name of Recruit: Robert Borden  
City Address: New Co  
Position to be Filled: Faculty - Math Dept  
Travel Dates: From Dec 25 To Dec 28, 1968  
Total Travel Reimbursement: \$450.66

Significance of position warrants such costs and the payment is more cost efficient than sending representatives to the recruits' home town.

Approved By: Harry M. Lightsey, Jr.

Harry M. Lightsey, Jr.  
President

Original: Account Payable  
Copy: Budget and Control Board

FOUNDED 1770

15276



# THE COLLEGE OF CHARLESTON

CHARLESTON, SOUTH CAROLINA 29401

Office of the President

## EMPLOYEE RECRUITMENT - TRAVEL REIMBURSEMENT

Name of Recruit: Kathryn Jones  
City Address: Minneapolis, Mn  
Position to be Filled: Secretary - North Dept.  
Travel Dates: From Feb 18 To Feb 21 1961  
Total Travel Reimbursement: \$218.02

Significance of position warrants such costs and the payment is more cost efficient than sending representatives to the recruits' home town.

Approved By: [Signature]

Harry J. Lightsey, Jr.  
President

Original: Account Payable  
Copy: Budget and Control Board

FOUNDED 1770

15277



# THE COLLEGE OF CHARLESTON

CHARLESTON, SOUTH CAROLINA 29401

## EXHIBIT

APR 26 1988 NO. 2

Office of the President

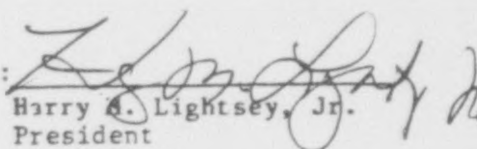
STATE BUDGET & CONTROL BOARD

### EMPLOYEE RECRUITMENT - TRAVEL REIMBURSEMENT

Name of Recruit: Larry Bruck  
City Address: Lexington, Illinois  
Position to be Filled: Security - Main Dept  
Travel Dates: From Mar 3 To Mar 5, 1988  
Total Travel Reimbursement: \$600.00

Significance of position warrants such costs and the payment is more cost efficient than sending representatives to the recruits' home town.

Approved By:

  
Harry A. Lightsey, Jr.  
President

Original: Account Payable  
Copy: Budget and Control Board





State of South Carolina  
Office of the Governor

CARROLL A. CAMPBELL, JR.  
GOVERNOR

RECEIVED

APR 11 1988

BUDGET AND CONTROL BOARD  
OFFICE OF EXECUTIVE DIRECTOR

EXHIBIT

APR 26 1988 NO. 2

STATE BUDGET & CONTROL BOARD

April 4, 1988

Dr. Luther F. Carter  
Senior Executive Assistant  
Finance and Administration  
Office of the Governor  
Post Office Box 11369  
Columbia, South Carolina 29211

Dear Fred:

Pursuant to Section 4.2.3.22 of the Disbursement Regulations, Subsistence Section of General Rules, as Chairman of the Board of Trustees for the Governor's School for Science and Mathematics, I have determined that payment of travel expenses for four (4) or five (5) candidates for the directorship of the School is warranted. The cost will not exceed the expenses of conducting the interviews in the interviewees home area. Qualified candidates residing within South Carolina are being considered before out-of-state candidates.

Also, should one or more of the top candidates be presently employed with another state agency we will obtain prior approval for travel reimbursement from the State Budget and Control Board and the current employing agency.

Sincerely,

Dr. Harry M. Lightsey, Jr.  
Chairman  
Board of Trustees  
Governor's School for Science and Mathematics

HMLjr:bd

cc: Dr. Jesse Coles, Jr.  
Dr. Doug Smith  
Mr. Tony Kester

*Est cost  
\$1,800 for 5  
per F. Carter  
WAM*

15279

# EXHIBIT

APR 26 1988

NOL 3

STATE BUDGET AND CONTROL BOARD STATE BUDGET & CONTROL BOARD AR SESSION  
MEETING OF April 26, 1988 ITEM NUMBER

2

AGENCY: General Services

SUBJECT: Report on Swaying Conditions at USC Williams-Brice Stadium

The Division of General Services advises that, in September 1987, a determination was made to retain an independent engineering consultant to study the swaying phenomenon at the Williams-Brice Stadium and to monitor this during football season.

The Division retained Dr. Barry J. Goodno, P.E., Consulting Structural Engineers, to conduct the study and to report on the findings.

Attached is a summary of the completed report with extracts from it.

BOARD ACTION REQUESTED:

Receive as information a briefing on the report from Dr. Barry J. Goodno, P.E., Consulting Structural Engineers, on the swaying phenomenon at the Williams-Brice Stadium.

ATTACHMENTS:

Agenda item worksheet; extracts from Goodno report

15280

# EXHIBIT

APR 26 1988

NO. 3

BUDGET AND CONTROL BOARD AGENDA ITEM WORKSHEET (12/84)

STATE BUDGET & CONTROL BOARD

Meeting Scheduled for: April 26, 1988

Agenda: Regular

1. Submitted By:

(a) Agency: Division of General Services

(b) Authorized Official Signature: Richard W. Kelly, Division Director

2. Subject: Report of the "Swaying" Conditions at the U.S.C. Williams-Brice Stadium

3. Summary Background Information:

A determination was made in September, 1987, that an independent engineering consultant be retained to study the swaying phenomenon at the Williams-Brice Stadium and monitor this during the football season. The Division of General Services retained the firm of Dr. Barry J. Goodno, P.E., Consulting Structural Engineers, to conduct this study and report on its findings. This report has been completed and a summary is attached for your information.

4. What is Board asked to do?

Receive the attached as information.

5. What is recommendation of Board Division involved?

6. Recommendation of other Division/agency (as required)?

(a) Authorized Signature: \_\_\_\_\_

(b) Division/Agency Name: \_\_\_\_\_

7. Supporting Documents:

(a) List Those Attached:

1. Summary of the Report on the "Swaying" Conditions at the U.S.C. Williams-Brice Stadium

(b) List Those Not Attached But Available From Submitter:

15281



# EXHIBIT

APR 26 1988 NO. 3

## A SUMMARY OF THE REPORT ON THE (INVESTIGATION OF) "SWAYING" CONDITIONS AT THE U.S.C. WILLIAMS-BRICE STADIUM

STATE BUDGET & CONTROL BOARD

### Background

Over a period of several years the public's attention has been directed, through observation and extensive media coverage, to the fact that crowd excitation in the east upper deck of the Williams-Brice Stadium at the University of South Carolina has caused perceptible awareness of (swaying) movement.

Because the State of South Carolina insures the physical assets of the University of South Carolina the Division of General Services through its Insurance Reserve Fund and Agency Services/State Engineer's Office sections initiated by contract a study providing for the investigation of east upper deck movement at the University of South Carolina's Williams-Brice Stadium. The investigation and subsequent report were made by Drs. Barry J. Goodno, P.E., James I. Craig, and Lawrence F. Kahn, P.E., Consulting Structural Engineers, Atlanta, Georgia.

### Overview

An initial meeting was held on September 9, 1987 between the consulting engineers and various state personnel. At this time discussions of the problem took place and the consultants made an inspection of the Stadium. Additionally, reports and investigations made by other consultants, prior to the visitation of the consulting engineers, were provided to the consulting engineers. This was followed up with a report of September 14, 1987.

Based on a recommendation made in the September 14, 1987 report by the consulting engineers a program of experimental vibration measurements was begun on October 10, 1987 with data compiled at the Virginia Tech football game. Subsequently data was taken at the Virginia, East Carolina, N.C. State and Clemson games. The investigation (study) was limited to Sections 501, 502 and 503 of the stadium because this was the region of the upper deck that had been previously observed to exhibit the most pronounced vibration.

The principle objectives of the investigation, as stated in the report, were to:

1. determine the character and magnitude of the dynamic response of the upper deck during a series of football games;
2. find the dynamic properties (vibration frequencies, damping) of the upper deck structure;
3. evaluate the possibility of fatigue on the basis of actual response data;

15282

# EXHIBIT

APR 26 1988

NO. 3

## STATE BUDGET & CONTROL BOARD

4. prepare a simple computer model of a portion of the upper deck in order to properly interpret the measurements and evaluate study results; and
5. make a recommendation as to the proper course of action to follow dealing with the problem in the future.

The two (2) primary issues we are most concerned with are the strength of the structure and the serviceability of the structure. As stated in the reports "Strength has to do with the stress levels experienced by the structure under normal operating conditions. Stress levels must be below allowable values so that localized failure or overall collapse which threatens life safety can be prevented. Serviceability, on the other hand, refers to the ability of the structure to satisfy the needs of its occupants; the structure must not exhibit excessive flexibility in the form of large deflections or perceptible vibrations which interfere with the function of the structure or which disturb its occupants."

1. A first concern with the actions caused to the structural elements of the deck is the stress to the structural element itself and the ability (strength) of the structural element to return to its original shape with no loss in structural adequacy. When a structural element is constantly exposed to stress (in our situation "bending" is a stress factor) a condition known as "fatigue" may develop in the structural element. It was noted during the testing observation procedure that the lowest critical deflection amplitude for the tips of the box girders (supporting the deck) at which fatigue becomes a consideration was determined to be +/-0.635 inches. Since this was not exceeded it is concluded that the measured vibration amplitudes do not exceed the lowest critical fatigue limits.
2. A second concern is the movement (either seen or felt) and the psychological impact of a stadium deck providing something akin to a roller coaster ride. There is a certain amount of vibration in every structure either produced by human or natural phenomena. The ability of a structure to absorb or minimize the vibration is the ability of that structure to reduce - or dampen the vibration being induced. In buildings most of the damping effect is taken up in the buildings interior partitions. The report states "The upper deck of the stadium is slightly damped which is consistent with the fact there are no interior partitions or other nonstructural elements commonly found in building structures to provide higher levels of damping. As a result, any perceptible response (vibration) of the structure once initiated (by the crowd) is likely to continue for some time".

The report further states "On the basis of a limited amount of computer modeling and dynamic response analysis, a clear solution did not emerge for reduction of the deck vibrations to less than perceptible levels. The addition of bracing at the tip of the flexible box girder was the most effective of the solutions considered, but would most likely be aesthetically unacceptable and prohibitively expensive. Study of the availability and suitability of add-on damping devices to control the deck motions may provide a solution but the cost and reliability of such devices must be studied carefully".

15283



# EXHIBIT

APR 26 1988

NO. 3

## Report Summary/Conclusions

## STATE BUDGET & CONTROL BOARD

1. Because the structure is lightly damped the vibration response of the structure is likely to continue for some time, however, this poses no problem to the structural adequacy of the structure.
2. Failure of the steel box girders due to fatigue is not a factor in determining the useful life of the upper deck stands. The vibrations do not adversely affect the strength of the upper stands.
3. Some slight increase in maintenance problems on the concrete bearing pads and joint material is a reality if additional movement is imposed on the structure but this is not an important factor. This can be handled through a regular maintenance program.
4. The vibration of the upper stands is a serviceability problem only; the vibration presents no problem related to strength or failure of structural materials. Little can be done, construction related, to reduce the perceived or discernable movement in the stands. Any solutions considered would most likely be aesthetically unacceptable and prohibitively expensive. The report states "Straight forward, "normal" alteration to the structure would not reduce the human perception of severe vibrations substantially. Though costly, addition of braces or strengthening the box girders would not improve the serviceability of the upper stands".

## Report Summary/Recommendations

1. The present stadium inspection program that is now in effect should be continued.
2. The efforts of stadium occupants to create perceptible vibration levels should be discouraged.

## Comments

It is to be noted that the level of cooperation and assistance received from the University of South Carolina and the firm of Wilbur Smith and Associates was excellent. This report could not have been finalized as quickly or as economically without the fine support received.

15284



# EXHIBIT

APR 26 1988

NO. 3

STATE BUDGET & CONTROL BOARD

## INVESTIGATION OF EAST UPPER DECK VIBRATIONS AT WILLIAMS-BRICE STADIUM UNIVERSITY OF SOUTH CAROLINA COLUMBIA, SC

Prepared by

Dr. Barry J. Goodno, P.E.  
Dr. James I. Craig  
Dr. Lawrence F. Kahn, P.E.

Consulting Structural Engineers  
2893 Northbrook Drive  
Atlanta, GA 30340  
(404)894-2227 (O), 939-4324 (H)

February 19, 1988

15285

# EXHIBIT

APR 26 1988

NO. 3

STATE BUDGET & CONTROL BOARD

## LETTER OF TRANSMITTAL

February 19, 1988

TO: Mr. Jay A. Flanagan, P.E.  
State Engineer, South Carolina  
Budget and Control Board  
Division of General Services  
1201 Main Street  
Columbia, South Carolina 29201  
(803)737-0770

FROM: Dr. Barry J. Goodno, P.E., Dr. James I. Craig,  
and Dr. Lawrence F. Kahn, P.E.  
Consulting Structural Engineers  
2893 Northbrook Drive  
Atlanta, GA 30340  
(404)894-2227 (O), 939-4324 (H)

SUBJECT: FINAL REPORT - Investigation of East Upper Deck Vibrations  
at the Williams-Brice Stadium, University of South Carolina,  
Columbia, SC

This report is a complete account of vibration studies and associated structural analyses that were carried out on the East Upper Deck of the Williams-Brice Stadium. Structural response measurements were acquired during five football games in the stadium during Fall 1987. The report includes evaluation and interpretation of the response data, an analysis of the response using a computer model, and an evaluation of possible fatigue in the supporting structure.

15286

# EXHIBIT

APR 26 1988

NO. 3

## TABLE OF CONTENTS

STATE BUDGET & CONTROL BOARD

### SUMMARY

PART I:	<u>EXPERIMENTAL VIBRATION SURVEY</u>	Pages 1-10
	Tables 1-1 to 1-7	
	Figures 1-1 to 1-32	
PART II:	<u>ANALYTICAL STUDIES</u>	Pages 1-5
	Tables 2-1 to 2-4	
	Figures 2-1 to 2-4	
PART III:	<u>FATIGUE AND STRESS CONSIDERATIONS</u>	Pages 1-2
APPENDIX:	The Appendices contain auto and cross spectral plot for all sensors for all games recorded. Time histories for selected games are also included.	

15287



# EXHIBIT

APR 26 1988 NO. 3

STATE BUDGET & CONTROL BOARD

## SUMMARY

As a follow up to our report of 14 September 1987 and based on recommendations made therein and accepted by you, we began a program of experimental measurements of the east upper deck vibrations on 10 October 1987 at the Virginia Tech football game. Vibration measurements were also made at the October 17, October 24, October 31 and November 21, 1987 games. The report which follows describes the experimental program (Part I), the associated computer model and analyses (Part II), and the evaluation of possible fatigue in the steel box girders supporting the upper deck (Part III).

The principal objectives of the investigation were to:

- determine the character and magnitude of the dynamic response of the upper deck during a series of football games;
- find the dynamic properties (vibration frequencies, damping) of the upper deck structure;
- evaluate the possibility of fatigue on the basis of actual response data;
- prepare a simple computer model of a portion of the upper deck in order to properly interpret the measurements and evaluate study results; and
- make a recommendation as to the proper course of action to follow in dealing with the problem in the future.

The principal findings of the study are summarized below, but the full report should be consulted for a complete evaluation of the results and any limiting assumptions made during the course of the investigation. The main findings are:

1. The fundamental frequency of the upper deck structure is amplitude dependent, varying between 2.2 Hz for larger amplitude motions and approximately 2.05 Hz for more modest levels of excitation.

2. The damping of the upper deck was measured at approximately 1-2% for the response levels observed during a typical game. The structure is lightly damped, which is consistent with the fact that there are no interior partitions or other nonstructural elements commonly found in building structures to provide higher levels of damping. As a result, any perceptible response of the structure once initiated is likely to continue for some time.
3. Displacement response of the deck was computed from the measured acceleration-time histories recorded during the five football games. There was relatively little vibration response for most of the time. The largest peak amplitude was about 0.44 inches and was measured during the second half of the Clemson game (Nov. 21, 1987).
4. The lowest critical deflection amplitude for the tips of the supporting box girders at which fatigue becomes a consideration was determined to be  $\pm 0.635$  inches. Since this level was not exceeded during these observations, it must be concluded that the measured vibration amplitudes do not exceed the lowest critical fatigue limits even for a game (i.e., Clemson) for which the response was visibly apparent. This was further confirmed by strain gage measurements on the upper and lower flanges of the support girder at a point near the near-field support column.
5. On the basis of a limited amount of computer modelling and dynamic response analysis, a clear solution did not emerge for reduction of the deck vibrations to less than perceptible levels. The addition of bracing at the tip of the flexible box girder was the most effective of the solutions considered, but would most likely be aesthetically unacceptable and prohibitively expensive. Study of the availability and suitability of add-on damping devices to control the deck motions may provide a solution but the cost and reliability of such devices must be studied carefully.
6. Finally, we recommend that the present stadium inspection program be continued and that efforts of stadium occupants to create perceptible vibration levels be discouraged.

# EXHIBIT

APR 26 1988

NO. 4

STATE BUDGET AND CONTROL BOARD  
MEETING OF April 26, 1988

STATE BUDGET & CONTROL BOARD

REGULAR SESSION

ITEM NUMBER

3

AGENCY: Human Resource Management

SUBJECT: Revised Criteria to Employee Performance Management System

The Division of Human Resource Management advises that its Employee Relations Section has conducted a study of the Employee Performance Management System (EPMS) in State government for refinements to make the system more manageable and user acceptable.

The Division requests approval of the revised EPMS criteria which incorporates the revisions resulting from the study.

Please refer to the Executive Summary and EPMS Criteria (attached) for details.

BOARD ACTION REQUESTED:

Approve the revised Employee Performance Management System (EPMS) which incorporates the revisions resulting from the study.

ATTACHMENTS:

Agenda item worksheet; attachments

15290



# EXHIBIT

APR 20 1988

## BUDGET AND CONTROL BOARD AGENDA ITEM WORKSHEET (Revised 8/84)

APR 26 1988

NO. 4

For meeting scheduled for:

April 26, 1988

STATE BUDGET & CONTROL BOARD

☐ Blue Agenda

☒ Regular Session Agenda

☐ Executive Session Agenda

1. Submitted By:

(a) Agency: Division of Human Resource Management

(b) Authorized Official Signature: Phyllis M. Mayes

2. Subject:

Revised Criteria to the Employee Performance Management System

3. Summary Background Information:

The Employee Relations Section of the Division of Human Resource Management conducted a study of the Employee Performance Management System (EPMS) in state government for refinements to make the system more manageable and user acceptable. The Division of Human Resource Management provided a briefing to the Board on the study and the areas of review at the Board's April twelfth meeting. The Division of Human Resource Management requests approval of the revised EPMS Criteria which incorporates the revisions resulting from the study.

4. What is Board asked to do?

Approve the revisions to the EPMS Criteria.

5. What is recommendation of the Board Division involved?

Approve the revisions to the EPMS Criteria.

6. Recommendation of other office (as required)?

(a) Office Name \_\_\_\_\_

Authorized

(b) Signature \_\_\_\_\_

7. Supporting Documents:

List Those Attached

Executive Summary

EPMS Criteria

List Those Not Attached But Available  
from Submitter

15291

# EXHIBIT

Executive Summary

APR 26 1988

NO. 4

Proposed Revisions to the Employee Performance Management System

STATE BUDGET & CONTROL BOARD

The Budget and Control Board is being asked to approve revisions to the Employee Performance Management System outlined below. The Division of Human Resource Management has worked with staff from state agencies to receive input regarding the system to make it more easy to administer and user acceptable. Efforts to streamline the system have been formulated while protecting the integrity of a sound performance management system.

Below is a comparison of the significant revisions to the current criteria:

## Current System

## Revised System

One evaluation form for all employees.

Two evaluation forms will be used. One form for management and professional level employees. A second form for non-management employees.

Three levels of performance:  
Exceeds performance requirements.  
Meets performance requirements.  
Below performance requirements.

Four levels of performance:  
Exceeds performance requirements.  
Above meets performance requirements.  
Meets performance requirements.  
Below performance requirements.

Present form has brief instructional paragraph.

An instruction page on each form is provided to aid supervisors in administering the evaluation.

Performance characteristics are rated as "exceeds", "meets" or "below".

Performance characteristics will be rated as "acceptable" or "unacceptable".

Characteristics will be deemphasized and used more as a communications tool.

Objectives are required for all employees.

Objectives will be required for management employees. Objectives will be optional for "non-management" employees.

## Further Action of the Study:

-An Executive Forum on Performance Management will be conducted on May 18, 1988, by a national consultant to emphasize the reasons and motivations to make performance management a top priority in state government.

-Agencies will continue to conduct evaluations on the anniversary date of the employee. In response to several agencies desiring a universal review date, the Division of Human Resource Management will be working with two or three agencies on developing a pilot program incorporating a universal review date for submission to the Budget and Control Board for approval.

Prepared by the Division of Human Resource Management

15292

# EXHIBIT

APR 26 1988 NO. 4

NEW

STATE BUDGET & CONTROL BOARD

## EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM CRITERIA

Pursuant to subregulation 19-704.02 State Personnel Rules Manual, the following criteria shall be incorporated into each agency's performance appraisal program:

### General Information

Each agency shall develop a procedure to comply with the criteria outlined by January 1, 1989, or use the system developed by the Division of Human Resource Management. Implementation of the new system shall be initiated in all agencies in accordance with a schedule approved by the Division of Human Resource Management no later than July 1, 1989.

The Division of Human Resource Management shall approve each agency's performance appraisal procedure to include the agency's plan, implementation schedule, and forms. Those agencies whose procedure has not been approved by January 1, 1989, shall begin using the State developed procedure unless an extension has been granted by the Division of Human Resource Management. New agencies shall function under the State's model procedure until such time as an individual plan is approved.

All performance appraisals shall be made by the employee's supervisor who has first-hand experience or knowledge of the work being performed and reviewed by the next higher level supervisor, unless the appraiser is the agency head, prior to the appraisal being discussed with the employee. The higher level supervisor may attach additional comments to the appraisal, and in the attachment may take exception to any of the supervisor's appraisal points; however, the reviewer may not change the appraisal completed by the supervisor. The appraisal must bear the signature of the rater, the reviewer and the employee, if possible. If an employee will not sign an appraisal, a notation shall be made on the performance appraisal of this and, if possible, witnessed by one signature.

All performance appraisals shall become a permanent part of the employee's official personnel file. Upon request, the agency shall furnish the employee with a copy of the performance appraisal with copies of all pertinent attachments including the form completed at the time of the planning stage and the final appraisal form.



# EXHIBIT

APR 26 1988

NO. 4

## STATE BUDGET & CONTROL BOARD

The State Budget and Control Board or a designee shall audit each agency's performance appraisal program to determine its compliance with Budget and Control Board policy and its use as an effective management tool within the agency.

### Training

Training shall be mandatory for all employees within each agency in regards to EPMS. New employees shall be briefed on the performance appraisal system during the agency's orientation session(s).

### Levels of Performance

There shall be four levels of performance:

- Exceeds Performance Requirements - Work that is characterized by exemplary accomplishments throughout the rating period; performance that is considerably and consistently above the success criteria of the job.
- Above Meets Performance Requirements - Work that is above the success criteria of the job throughout the rating period.
- Meets Performance Requirements - Work that meets the success criteria of the job.
- Below Performance Requirements - Work that fails to meet the success criteria of the job.

\*Performance characteristics shall be given a rating of acceptable/unacceptable:

- Acceptable - Meets Requirements
- Unacceptable - Fails to Meet Requirements

### Non-Management Form

The non-management form shall be used for those employees who are not responsible for rating and supervising other employees.

# EXHIBIT

APR 26 1988

NO. 4

## Management Form

## STATE BUDGET & CONTROL BOARD

The management form shall be used for those employees who are responsible for rating and supervising other employees. All management/supervisory employees will be rated on the management form unless an exemption by classification is requested and approved by the Division of Human Resource Management. Non-supervisory/professional employees, by class, may be evaluated on the management form. Agencies are encouraged to use the management form when deemed appropriate.

## Requirements of the Appraisal Form

The performance appraisal forms shall provide for at least the following information:

- a. Place for the employee, supervisor, and reviewer to sign and date the form after the planning stage and after the formal appraisal period;
- b. Name, position/classification title, agency, date assigned to the current position, State employment date, performance period covered for the employee, and place for the employee to sign and date the form acknowledging that the position description has been reviewed;
- c. Actual performance and success criteria for the job duties and objectives on the management form. Success criteria for the job duties and objectives on the non-management form. Definitions are required for performance characteristics on both forms;
- d. Provisions to allow for the rating of each individual job duty and objective based on the four levels of performance;
- e. Provisions to allow for a rating of "acceptable" or "unacceptable" for each individual performance characteristic;
- f. Place for the overall performance rating;
- g. Justification shall be required for any employee with an overall rating of below or exceeds performance requirements;
- h. Space for employee and reviewing officer comments;

# EXHIBIT

APR 26 1988

NO. 4

## STATE BUDGET & CONTROL BOARD

- i. Place where the supervisor identifies the employee's major overall accomplishments and areas of performance needing improvement; and
- j. Recommendations on how the employee may improve performance and potential through his/her own efforts or by agency assistance.

### Planning Stage

Each employee shall have a planning stage conducted at the beginning of each rating period no later than 6 weeks after the completion of the annual review. The employee's job duties, objectives and performance characteristics for the next rating period will be discussed at this time. The reviewing officer and the supervisor shall discuss the requirements for the coming year prior to the planning stage.

### Job Duties

The supervisor and the employee shall determine the job duties by reviewing the employee's position description. If the position description is not up-to-date, or if there is no position description, one shall be prepared and submitted for approval. In those instances where the supervisor and employee cannot agree upon the job duties, the supervisor's decision shall be final.

### Performance Characteristics

The Division of Human Resource Management will provide agencies with a list of performance characteristics and their definitions. All employees will be given a rating of "acceptable" or "unacceptable" on performance characteristics. In a weighted system, agencies shall decide between giving performance characteristics no numerical score or giving performance characteristics a weight not to exceed 15% of the overall rating. Agencies not using a weighted system shall limit the impact of the characteristics section in the overall rating.

It shall be mandatory for every management/supervisory employee to be rated on the performance characteristic of "promoting equal opportunity." (Promoting equal opportunity includes meeting agency affirmative action goals in such areas as hiring, promotion, or placement; level of personal and organizational commitment to equal opportunity; progress



# EXHIBIT

APR 26 1988

NO. 4

## STATE BUDGET & CONTROL BOARD

and organizational commitment to equal opportunity; progress toward achieving a fully integrated and representative work force; and contribution toward minority programs and other social/economic equal opportunity goals.)

### Objectives

All management/supervisory employees shall be evaluated on objectives unless an exemption by class is requested and approved by the Division of Human Resource Management. Objectives for non-management employees are not required. However, the supervisor has the option of using the objectives section of the form for non-management employees.

### Success Criteria

Success criteria, which specifies the expected level of performance necessary to obtain a "meets performance requirements" rating, shall be developed for each job duty and objective. Success criteria are not required for performance characteristics. However, each performance characteristic shall be defined.

### Probationary/Trial Appointments

The performance of each employee who has completed six months of "meets performance requirements" in a position shall be given an annual appraisal not more than ninety calendar days prior to the employee's performance review date. The performance of each employee who has been given an original, reinstatement, promotion, demotion or reassignment appointment shall be appraised prior to the completion of the initial six months of service in the position. If an employee does not receive a performance appraisal at the end of the initial six month period, the employee will receive a "meets performance requirements" rating by default and obtain permanent status in that classification.

### Annual Performance Reviews

All permanent employees shall be given an annual appraisal no more than ninety calendar days prior to the employee's review date. If an employee does not receive an annual appraisal prior to or on their performance review date, the employee shall be rated "meets performance requirements" by default.

# EXHIBIT

APR 26 1988

NO. 4

## Substandard Performance

STATE BUDGET & CONTROL BOARD

### Requirements:

In order to ensure that employees are given adequate notice of their substandard performance, along with the opportunity to improve such performance prior to the formal evaluation, the following procedures shall be followed regarding substandard performance:

- a. At least 30 calendar days and no more than 120 calendar days prior to an employee receiving a "below performance requirements" rating, the supervisor shall provide the employee with a written warning notice of substandard performance. Such notice shall include those items as listed below and the proviso that a rating of "below performance requirements" shall result if performance is not brought up to standard in the time period specified.
- b. During the warning period, the employee and the supervisor shall have regularly scheduled meetings during which they shall discuss the employee's progress. These meetings shall be documented and included in the employee's official personnel file.
- c. If the employee's performance is rated "meets performance requirements" or above at the end of the warning period, employment shall continue. If rated "below performance requirements", the employee shall be removed from the position immediately, i.e. dismissed, transferred, demoted.
- d. A special review (incorporating this substandard process) may be initiated any time the supervisor believes that the employee's performance is below standard. However, such a special review may not be initiated less than 30 calendar days prior to the employee's review date.
- e. Any employee whose performance requires more than two substandard warning processes within 365 days shall be terminated upon receipt of the third warning notice of substandard performance.
- f. Once a timeframe for improving substandard performance has been given, the employee must be rated by the specified time or the employee will receive a "meets performance requirements" rating by default.

# EXHIBIT

APR 26 1988

NO. 4

## Warning Notice

STATE BUDGET & CONTROL BOARD

An official warning notice shall include the following:

- a. Must be in writing;
- b. Addressed to the employee;
- c. Labeled as a warning notice of substandard performance;
- d. Deficiencies listed;
- e. Ways of improving deficiencies listed;
- f. Time period for improving;
- g. Possible consequences if no improvement noted (i.e. dismissal, demotion, transfer);
- h. Signed by the employee, if possible;
- i. Copy to the employee; and
- j. Placed in the employee's official personnel file.



# EXHIBIT

APR 26 1988 NO. 5

STATE BUDGET AND CONTROL BOARD  
MEETING OF April 26, 1988

REGULAR SESSION

ITEM NUMBER

4

AGENCY: Medical University

SUBJECT: \$3,000,000 Institution Refunding Bond Anticipation Notes

The Board of Trustees of the Medical University has adopted a resolution requesting the issuance of \$3,000,000 State Institution Refunding Bond Anticipation Notes.

This request follows a determination by MUSC to retire \$500,000 of the outstanding notes using excess debt service funds.

These notes were issued for \$5,000,000 in 1984 and \$500,000 of them were retired in 1985, 1986 and 1987.

BOARD ACTION REQUESTED:

Adopt a resolution authorizing the Medical University to issue \$3,000,000 State Institution Refunding Bond Anticipation Notes and authorize the State Treasurer to withdraw from MUSC accounts the funds necessary to pay the interest due on the outstanding notes and the \$500,000 to retire that much of the principal of those notes.

ATTACHMENTS:

Guerard April 18 letter to McInnis; Resolution

15300

# HAYNSWORTH, MARION, McKAY & GUÉRARD

ATTORNEYS AT LAW

W. Francis Marion  
Julius W. McKay  
Robt. S. Galloway, Jr.  
Fred D. Cox, Jr.  
O. G. Calhoun, Jr.  
Theodore B. Guérard  
Donald L. Ferguson  
G. Dewey Orner, Jr.  
William M. Grant, Jr.  
Jesse C. Belcher, Jr.  
Maye R. Johnson, Jr.  
W. E. Applegate, III  
Charles E. McDonald, Jr.  
William E. Shaughnessy  
James B. Pressly, Jr.  
Sherwood M. Cleveland  
H. Donald Sellers  
Robert C. Wilson, Jr.

Donald A. Harper  
Andrew J. White, Jr.  
Ellis M. Johnston, II  
Joseph J. Blake, Jr.  
John M. Campbell, Jr.  
William C. Cleveland  
Sam L. Stephenson  
Thomas H. Coker, Jr.  
John Paul Trouche  
William P. Simpson  
Theodore S. Stern, Jr.  
W. Francis Marion, Jr.  
John B. McLeod  
Bryan Francis Hickey  
Samuel W. Howell, IV  
Frances D. Ellison  
John H. Muench  
Anne S. Eilefson

Two Prioleau Street  
Post Office Box 1119  
Charleston, South Carolina 29402  
(803) 722-7606  
Telecopier (803) 723-5263

Post Office Box 2048  
Greenville, South Carolina 29602  
(803) 240-3200

Sixth Floor, South Carolina National Bank Building  
Post Office Drawer 7157  
Columbia, South Carolina 29202  
(803) 765-1818

John R. Tally  
Knox H. White  
Edwin B. Parkinson, Jr.  
H. Sam Mabry, III  
F. Matlock Elliott  
David Hill Keller  
Shawn Daughtridge Wallace  
Anne G. H. Rounds  
Roy F. Harmon, III  
Alexander M. Bullock  
Van D. Hipp, Jr.  
Moffatt G. McDonald  
Lester S. Schwartz  
Carol L. Clark  
Jeffrey E. Gray  
James H. Ritchie, Jr.  
Amy Miller Snyder

H. J. Haynsworth  
1859-1941

C. F. Haynsworth  
1886-1953

J. M. Perry  
1894-1964

Eugene Bryant  
1902-1969

OF COUNSEL  
Thomas K. Johnstone, Jr.  
Andrew B. Marion  
Harry R. Stephenson, Jr.

April 18, 1988

## EXHIBIT

APR 26 1988 NO. 5

William A. McInnis  
Deputy Executive Director  
State Budget and Control Board  
P. O. Box 12444  
Columbia, SC 29211

STATE BUDGET & CONTROL BOARD

Re: \$3,000,000 State Institution Refunding Bond Anticipation Notes -  
The Medical University of South Carolina

Dear Bill:

In connection with the captioned matter, we now enclose the following:

1) Nine certified copies of the Resolution adopted by the Board of Trustees of The Medical University of South Carolina seeking the issuance of the captioned Note.

2) Nine copies of a Resolution to be considered by the State Budget and Control Board authorizing the issuance of the captioned Note.

We ask that this matter be put on the Budget and Control Board's agenda for Tuesday, April 26, 1988.

If you have any questions, please give me a call.

Many thanks for your assistance and with kind regards,

Sincerely,

Theodore B. Guerard

TBG/jrl

Encs:

cc: Mr. Marion Woodbury, MUSC

15301

# EXHIBIT

APR 26 1988

NO. 5

STATE OF SOUTH CAROLINA )

MUSC Institution Refunding BAN

COUNTY OF RICHLAND )

STATE BUDGET & CONTROL BOARD

I, WILLIAM A. McINNIS, SECRETARY to the South Carolina State Budget and Control Board, DO HEREBY CERTIFY:

That the State Budget and Control Board (the Board) is composed of the following:

His Excellency, Carroll A. Campbell, Jr., Governor and Chairman of the Board;

The Honorable Grady L. Patterson, Jr., State Treasurer;

The Honorable Earle E. Morris, Jr., Comptroller General;

The Honorable James M. Waddell, Jr., Chairman of the Senate Finance Committee; and

The Honorable Robert N. McLellan, Chairman of the House Ways and Means Committee.

That due notice of a meeting of the Board, called to be held in Columbia, South Carolina, at 9:30 a.m. on Tuesday, April 26, 1988, was given to all members in writing, and at least four (4) days prior to the meeting; that all members of the Board were present at the meeting.

That at the meeting, a Resolution, of which the attached is a true, correct and verbatim copy, was introduced by Mr. Patterson, who moved its adoption; the motion was seconded by Senator Waddell, and upon the vote being taken and recorded it appeared that the following votes were cast:

FOR MOTION

AGAINST MOTION

5

0

That the Chairman thereupon declared the Resolution unanimously adopted and the original thereof has been duly entered in the permanent records of minutes of meetings of the Board in my custody as its Secretary.

April 27, 1988

William A. McInnis

15302



# EXHIBIT

APR 26 1988 NO. 5

STATE BUDGET & CONTROL BOARD

## A RESOLUTION

AUTHORIZING THE ISSUANCE OF REFUNDING BOND ANTICIPATION NOTES OF THE STATE OF SOUTH CAROLINA, IN ANTICIPATION OF THE ISSUANCE OF STATE INSTITUTION BONDS OF THE STATE OF SOUTH CAROLINA ON BEHALF OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA

BE IT RESOLVED BY THE STATE BUDGET AND CONTROL BOARD OF THE STATE OF SOUTH CAROLINA IN MEETING DULY ASSEMBLED:

### Section 1. Findings of Fact.

As an incident to the adoption of this Resolution and the issuance of the refunding bond anticipation notes herein authorized, the State Budget and Control Board of the State of South Carolina (the State Board) finds:

(a) The State Board is authorized by the provisions of Chapter 107, Title 59, Code of Laws of South Carolina 1976, as amended (the Bond Enabling Act), to make provision for the issuance of state institution bonds in order to raise funds for permanent improvements to the various institutions of higher learning in the State of South Carolina.

(b) The statutory limit now controlling the issuance of state institution bonds set forth in Section 59-107-90 of the Code of Laws of South Carolina 1976, as amended, will permit the issuance of the refunding bond anticipation notes (and ultimately state institution bonds) in the amount herein authorized.

(c) On May 22, 1984, the State of South Carolina (the State) issued its \$5,000,000 state institution bond anticipation notes, the proceeds of which have been fully expended to defray a portion of the costs of the acquisition, construction and equipping of the Medical University Hospital's East Addition Children's Hospital.

(d) Thereafter, the State issued \$4,500,000 of state institution bond anticipation notes to refund \$4,500,000 of the \$5,000,000 notes. The remaining principal in the amount of \$500,000 was paid with cash.

(e) Subsequently, the State issued \$4,000,000 of state institution bond anticipation notes to refund \$4,000,000 of the \$4,500,000 notes. The remaining principal in the amount of \$500,000 was paid with cash.

(f) Subsequently, the State issued \$3,500,000 of state institution bond anticipation notes (the 1987 Notes) to refund \$3,500,000 of the \$4,000,000 notes. The remaining principal in the amount of \$500,000 was paid with cash.

153C3

# EXHIBIT

APR 26 1988 NO. 5

## STATE BUDGET & CONTROL BOARD

(g) The Board of Trustees (the Trustees) of the Medical University of the South Carolina (MUSC) in their resolution adopted April 8, 1988, a copy of which is attached hereto as Exhibit A, propose to pay \$500,000 on the principal of the 1987 Notes and all of the interest coming due in cash and request the issuance of state institution bonds or state institution bond anticipation notes to refund the \$3,000,000 balance of the 1987 Notes, all of which come due, both principal and interest, on May 20, 1988.

(h) The State Board has determined that the relatively small size of the remaining debt and a beneficial short term borrowing rate makes it prudent once again to delay the issuance of long term bonds. Accordingly, the State Board has determined, in accordance with the request of the Trustees, to empower the State Treasurer to arrange a sale of \$3,000,000 refunding bond anticipation notes to retire, with other available debt service funds, the 1987 Notes.

(i) The State Board finds that there is an immediate and definite need to raise the remaining sum of \$3,000,000 to refund \$3,000,000 principal of the outstanding 1987 Notes and has determined that this sum should be raised through the issuance and sale of state institution bond anticipation notes (the Notes) authorized by this Resolution.

(j) There is a satisfactory and proper schedule of tuition fees in effect at MUSC to provide for the payment of state institution bonds as authorized hereunder. The Trustees have agreed that such schedule of tuition fees may be revised from time to time and whenever necessary to provide not less than the sum to pay the annual principal and interest requirements on the proposed state institution bonds and on all outstanding state institution bonds issued for MUSC.

(k) As soon as market conditions and overall state institution borrowing requirements permit, the State Board will offer for sale state institution bonds (the State Institution Bonds) in order to obtain funds with which to pay the Notes.

(l) The resolution of the Trustees attached as Exhibit A hereto reflects that \$3,000,000 of state institution bonds may be issued for MUSC within the limitations set forth in Article X, Section 13(6)(b) of the South Carolina Constitution.

### Section 2. Statutory Authority For Bond Anticipation Borrowing.

(a) The State Board is authorized by Chapter 17, Title 11, Code of Laws of South Carolina 1976, as amended (the Note Enabling Act), to issue bond anticipation notes to provide the funds in anticipation of the receipt of proceeds of bonds authorized by law to be issued.

(b) It is hereby determined that temporary financing pursuant to the Note Enabling Act to the extent herein set forth in anticipation of



the issuance of State Institution Bonds, shall be immediately undertaken, and that authorization be given to the Governor and State Treasurer which will enable such officers to comply with the directives of this Resolution.

(c) Accordingly, it is the purpose of this Resolution:

(i) to authorize the Governor and State Treasurer to effect the issuance of the Notes to the extent herein set forth and for the purposes herein recited; and

(ii) to obligate the State to effect the issuance of sufficient state institution bonds to provide funds with which to pay the Notes herewith authorized.

Section 3. Authorization of Issuance of the Notes.

Pursuant to authorization cited above, there shall be issued by the State refunding bond anticipation notes to be designated "State Institution Refunding Bond Anticipation Notes of 1988 (Medical University of South Carolina)", in the aggregate principal amount of \$3,000,000 which shall be dated the date of their delivery, and which shall be expressed to mature on or before May 20, 1989 on a date selected by the State Treasurer. The Notes shall not be subject to prepayment prior to their maturity.

Section 4. Interest on the Notes.

The Notes shall bear interest from their date, payable upon the stated maturity thereof, at the rate negotiated by the State Treasurer.

Section 5. Form of the Notes.

The Notes shall be numbered from 1 upwards, shall be in the denomination of \$25,000 or any integral multiple of \$25,000 requested by the purchaser thereof; provided that Notes in a smaller denomination may be issued for any remaining balance of the Notes; and shall be in typewritten or engraved form as determined by the State Treasurer. The Notes shall be issued either all in bearer form or all in fully registered form, at the option of the initial purchaser of the Notes at the time of issuance. The Notes shall be substantially in the form attached hereto as Exhibit B, with such necessary changes or appropriate variations, omissions and insertions as are incidental to the series, numbers, denominations and registration and transfer provisions as are otherwise permitted or required by law or this Resolution. The Notes shall be payable, both principal and interest, to bearer or, if issued in fully registered form, to the registered owner, in legal tender upon maturity, at the office of the State Treasurer or, if the State Treasurer determines to appoint a paying agent, at the option of the holder, at the office of any bank or financial institution designated by the State Treasurer as paying agent, upon the presentation and surrender thereof. Notes may not subsequently be exchanged for Notes in another form, but Notes issued in fully registered form may be



# EXHIBIT

APR 26 1988 NO. 5

## STATE BUDGET & CONTROL BOARD

exchanged as provided in Sections 10 and 11, infra, for Notes of other authorized denominations in fully registered form.

### Section 6. Sale of the Notes.

The State Treasurer is authorized to negotiate the sale of the Notes herein authorized and, at his discretion, to appoint a paying agent. The State Treasurer is specifically authorized to fix the rate of interest to be borne by the Notes at a rate in excess of that prescribed by Section 11-9-350 of the Code of Laws of South Carolina 1976, as amended.

### Section 7. Execution of the Notes.

The Notes shall be executed on behalf of the State by the Governor of the State of South Carolina and by the State Treasurer of South Carolina, and the Great Seal of the State of South Carolina shall be impressed or reproduced thereon, and the same shall be attested by the Secretary of State of South Carolina, provided that at least one of such signatures shall be a manual signature of the officer signing the Notes. Any facsimile signature appearing on the Notes may be those of the officers who are in office on the date of adoption of this Resolution. The Notes shall be executed in respect of any manual signature by the person or persons holding office when such Notes are delivered to the purchaser thereof. The execution of the Notes in this fashion shall be valid and effectual notwithstanding changes in the personnel of any of the above offices subsequent to their execution.

### Section 8. Mutilated, Lost, Stolen or Destroyed Notes.

In the event any Note is mutilated, lost, stolen or destroyed, the State may execute a new Note of like date and denomination as that mutilated, lost, stolen or destroyed; provided that, in the case of any mutilated Note, such mutilated Note shall first be surrendered to the State Treasurer, and in the case of any lost, stolen or destroyed Note, there shall be first furnished to the State Treasurer evidence of such loss, theft or destruction satisfactory to the State Treasurer, together with indemnity satisfactory to him; provided that, in the case of a holder which is a bank or insurance company, the agreement of such bank or insurance company to indemnify shall be sufficient. In the event any such Note shall have matured, instead of issuing a duplicate Note, the State may pay the same without surrender thereof. The State may charge the holder of such Note with its reasonable fees and expenses in this connection.

### Section 9. Registration and Transfer of Registered Notes; Persons Treated as Owners.

(a) Any Note issued in fully-registered form shall be transferable only upon the books of registry of the State Board, which shall be kept for that purpose at the office of the State Treasurer as note registrar, by the registered owner thereof or by his attorney, duly authorized in

writing, upon surrender thereof, together with a written instrument of transfer satisfactory to the State Treasurer as note registrar, duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any Note, the State Board shall issue, subject to the provisions of Section 10 hereof, in the name of the transferee, a new Note or Notes of the same aggregate principal amount as the unpaid principal amount of the surrendered Note.

(b) Any holder of a Note in fully-registered form requesting any transfer shall pay any tax or other governmental charge required to be paid with respect thereto. As to any Note in fully-registered form, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of or on account of the principal and interest of any Note in fully-registered form shall be made only to or upon the order of the registered holder thereof, or his duly authorized attorney, and the State Board shall not be affected by any notice to the contrary, but such registration may be changed as herein provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

#### Section 10. Exchange of Registered Notes.

Notes issued in fully registered form, upon surrender thereof at the office of the State Treasurer as note registrar, with a written instrument of transfer satisfactory to the State Treasurer, duly executed by the holder of the Note or his duly authorized attorney, may, at the option of the holder of the Note, and upon payment by such holder of any charges which the State Treasurer may make as provided in Section 11, be exchanged for a principal amount of Notes in fully registered form of any other authorized denomination equal to the unpaid principal amount of surrendered Notes.

#### Section 11. Regulations with Respect to Exchanges and Transfer of Registered Notes.

In all cases in which the privilege of exchanging or transferring Notes in fully-registered form is exercised, the State Board shall execute and deliver Notes in accordance with the provisions of this Resolution. All Notes in fully-registered form surrendered in any such exchanges or transfers shall forthwith be cancelled by the State Treasurer. There shall be no charge to the holder of such Note for such exchange or transfer of Notes in fully-registered form except that the State Treasurer may make a charge sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or transfer.

#### Section 12. Use of Proceeds and Tuition Fees.

(a) In order to accomplish the results intended by this Resolution the State Treasurer is hereby authorized to withdraw from the MUSC State Institution Debt Reserve Account, or any other sources of funds

# EXHIBIT

APR 26 1988

NO. 5

## STATE BUDGET & CONTROL BOARD

legally available for the purpose, sufficient sums to (1) meet the interest due May 20, 1988 on the maturing 1987 Notes and (2) to provide \$500,000 of the principal maturing May 20, 1988 on the 1987 Notes.

(b) The Notes shall be forthwith prepared, executed in the manner hereinabove set forth, and thereafter delivered to the purchaser thereof, upon receipt of the proceeds thereof. The proceeds shall be paid to the State Treasurer and placed in a fund to the credit of the State Board subject to withdrawal on its order. \$3,000,000 of the proceeds of the Notes shall be applied to the retirement of the outstanding 1987 Notes, provided that all accrued interest received shall be used to discharge interest on the Notes, and any premium shall be used to discharge principal coming due on the Notes. The purchasers of the Notes shall in no wise be liable for the application of the proceeds of the Notes to the purposes for which they are intended.

### Section 13. Security for the Notes.

(a) For the payment of the principal of and interest on the Notes, as the same shall fall due, the full faith, credit and taxing power of the State shall be pledged. In addition thereto, so much of the principal proceeds of the State Institution Bonds which shall be issued to provide the funds with which to pay the Notes are hereby pledged and the State Treasurer, upon receipt of the proceeds of such State Institution Bonds, shall and he is hereby directed to apply such proceeds to such payment.

(b) The State Board authorizes, and on behalf of the State, covenants and agrees to effect the issuance of sufficient State Institution Bonds in order that the proceeds thereof will be sufficient to provide for the retirement of all Notes hereafter to be outstanding.

### Section 14. No Further Notes.

The State Board agrees with the holders of the Notes that the State Board will issue no further bond anticipation notes in anticipation of the issuance of the State Institution Bonds so long as any of the Notes are outstanding.

### Section 15. All Notes Equally and Ratably Secured.

All Notes authorized by and issued pursuant to this Resolution, shall be secured equally and ratably by the aforesaid pledge of the full faith, credit and taxing powers of the State and the proceeds of the State Institution Bonds.

### Section 16. Performance of Covenants and Agreements; Authority of the State Board.

The State Board covenants that it will faithfully perform at all times any and all covenants, undertakings, stipulations and provisions



# EXHIBIT

APR 26 1988 NO. 5

## STATE BUDGET & CONTROL BOARD

contained in the Bond Enabling Act, the Note Enabling Act, in this Resolution, in the Notes executed and delivered hereunder and in all proceedings pertaining thereto. The State Board covenants that it is duly authorized under the Constitution and laws of the State of South Carolina to issue the Notes authorized hereby, to adopt this Resolution, and to pledge the proceeds of the State Institution Bonds hereby pledged in the manner and to the extent herein set forth; that all action on its part for the issuance of the Notes and the adoption of this Resolution has been duly and effectively taken, and that the Notes in the hands of the holders thereof are and will be valid and enforceable obligations of the State according to the import thereof.

### Section 17. Release of Resolution.

If all of the Notes issued pursuant to this Resolution shall have been paid and discharged, then the obligations of the State under this Resolution, the pledge securing the Notes made thereby, and all other rights granted thereby shall cease and determine. Notes shall be deemed to have been paid and discharged within the meaning of this Section under each of the following circumstances:

(a) If the State Treasurer shall hold, at the stated maturity of such Notes, in trust and irrevocably appropriated thereto, moneys for the full payment thereof; or

(b) If default in the payment of the principal of such Notes or the interest thereon shall have occurred, and thereafter tender of such payment shall have been made, and the State Treasurer shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(c) If there shall have been deposited with the State Treasurer, in irrevocable trust, either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America, which are not subject to redemption by the issuer prior to the date of redemption of the Notes to be defeased, the principal of and interest on which, when due, will provide moneys which, together with the moneys, if any, deposited with the State Treasurer, as aforesaid, at the same time, shall be sufficient to pay, when due, the principal and interest due and to become due on the Notes on the maturity thereof.

### Section 18. Deposit of Moneys.

Any moneys which at any time shall be deposited with the State Treasurer by or on behalf of the State Board for the purpose of paying and discharging any Notes shall be and are hereby assigned, transferred and set over to the State Treasurer in trust for the respective holders of such Notes, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. If, through lapse of time or otherwise, the holders of such Notes shall no longer be entitled to enforce payment of their obligations, then, in such event, it shall be the duty of the State Treasurer to apply such funds for the benefit of the State Board.

Section 19. Notice of Release of Resolution.

The State Board covenants and agrees that any moneys which it shall deposit with the State Treasurer shall be deemed to be deposited in accordance with, and subject to, the applicable provisions of this Resolution, and whenever it shall have elected to defease any Notes, it will irrevocably bind and obligate itself to give notice of the defeasance thereof, and will further authorize and empower the State Treasurer to cause such notice of the defeasance to be given in its name and on its behalf by mailing such notice to the registered owners of the Notes, if any, at the address shown on the books of registry and by publishing one (1) time notice of such defeasance in a financial journal published in the City of New York, New York.

Section 20. Amending and Supplementing of Resolution Without Consent of Holders of Notes.

(a) The State Board, from time to time and at any time and without the consent or concurrence of any holder of any Note, may adopt a resolution amendatory hereof or supplemental hereto, if the provisions of such supplemental resolution shall not materially adversely affect the rights of the holders of the Notes then outstanding, for any one or more of the following purposes:

1. To make any changes or corrections in this Resolution as to which the State Board shall have been advised by counsel that the same are verbal corrections or changes or are required for the purpose of curing or correcting any ambiguity or defective or inconsistent provision or omission or mistake or manifest error contained in this Resolution, or to insert in this Resolution such provisions clarifying matters or questions arising under this Resolution as are necessary or desirable;

2. To add additional covenants and agreements of the State Board for the purpose of further securing the payment of the Notes;

3. To surrender any right, power or privilege reserved to or conferred upon the State Board by the terms of this Resolution;

4. To confirm as further assurance any lien, pledge or charge or the subjection to any lien, pledge or charge, created or to be created by the provisions of this Resolution;

5. To grant or confer upon the holders of the Notes any additional right, remedies, powers, authority or security that lawfully may be granted to or conferred upon them;

6. To modify any of the provisions of this Resolution in any other respects provided that such modification shall not be effective until after the Notes outstanding at the time such supplemental resolution is adopted shall cease to be outstanding,



# EXHIBIT

APR 26 1988 NO. 5

## STATE BUDGET & CONTROL BOARD

or until the holders thereof consent thereto pursuant to Section 21 hereof, and any Notes issued subsequent to any such modification shall contain a specific reference to the modifications contained in such supplemental resolution; and

7. To make such additions, deletions or modifications as may be necessary to assure compliance with Section 148(f) of the Internal Revenue Code of 1986, as amended (the Code) relating to required rebate of excess investment earnings to the United States or otherwise as may be necessary to assure exemption from federal income taxation of interest on the Notes.

(b) The State Board shall not adopt any supplemental resolution authorized by the foregoing provisions of this Section unless in the opinion of counsel (which opinion may be combined with the opinion required by Section 23 hereof) the adoption of such supplemental resolution is permitted by the foregoing provisions of this Section and the provisions of such supplemental resolution do not adversely affect the rights of the holders of the Notes then outstanding.

### Section 21. Amending and Supplementing of Resolution With Consent of Holders of Notes.

(a) With the consent of the holders of not less than a majority in principal amount of the Notes then outstanding, the State Board from time to time and at any time may adopt a resolution amendatory hereof or supplemental hereto for the purpose of adding any provisions to, or changing in any manner or eliminating any of the provisions of, this Resolution, or modifying or amending the rights and obligations of the State Board under this Resolution, or modifying or amending in any manner the rights of the holders of the Notes then outstanding; provided, however, that, without the specific consent of the holder of each such Note which would be affected thereby, no supplemental resolution amending or supplementing the provisions hereof or thereof shall: (i) change the fixed maturity date of any Note or the dates for the payment of interest thereon or the terms of the redemption thereof, or reduce the principal amount of any Note or the rate of interest thereon; (ii) reduce the aforesaid percentage of Notes, the holders of which are required to consent to any supplemental resolution amending or supplementing the provisions of this Resolution; (iii) give to any Note or Notes any preference over any other Note or Notes secured hereby; (iv) authorize the creation of any pledge, prior, superior or equal to the pledge created herein for the payment of the Notes; or (v) deprive any holder of the Notes of the pledge afforded by this Resolution. Nothing in this paragraph contained, however, shall be construed as making necessary the approval of the holders of the Notes of the adoption of any supplemental resolution authorized by the provisions of Section 20 hereof.

(b) It shall not be necessary that the consents of the holders of the Notes approve the particular form of wording of the proposed amendment or supplement or of the supplemental resolution effecting



such amending or supplementing hereof pursuant to this Section. The State Board shall (i) mail a notice at least once, not more than thirty (30) days after the effective date of such amendment or supplement of such amendment or supplement postage prepaid, to each holder of Notes in fully-registered form then outstanding at his address, if any, appearing upon the books of registry and (ii) publish notice thereof one (1) time in a financial journal published in the City of New York, New York, but failure to mail copies of such notice to any of the holders shall not affect the validity of the supplemental resolution effecting such amendments or supplements or the consents thereto. Nothing in this paragraph contained, however, shall be construed as requiring the giving of notice of any amendment or supplement of this Resolution authorized by Section 20 hereof. No action or proceeding to set aside or invalidate such supplemental resolution or any of the proceedings for its adoption shall be instituted or maintained unless such action or proceeding is commenced within sixty (60) days after the publication of the notice required by this paragraph.

Section 22. Notation Upon Notes; New Notes Issued Upon Amendments.

Notes delivered after the effective date of any action taken as provided in Sections 20 or 21 hereof may bear a notation as to such action, by endorsement or otherwise and in form approved by the State Board. In that case, upon demand of the holder of any Note outstanding after such effective date and upon the presentation of the Note for such purpose at the office of the State Treasurer, and at such additional offices, if any, as the State Board may select and designate for that purpose, a suitable notation shall be made on such Note. If the State Board shall so determine, new Notes, so modified as in the opinion of the State Board upon the advice of counsel to conform to the amendments or supplements made pursuant to Sections 20 or 21 hereof, shall be prepared, executed and delivered, and upon demand of the holder of any Note then outstanding shall be exchanged without cost to such holder for Notes then outstanding, upon surrender of such outstanding Notes.

Section 23. Effectiveness of Supplemental Resolution.

Upon the adoption by the State Board of any supplemental resolution amending or supplementing the provisions of this Resolution and the delivery to the State Treasurer of an opinion of bond counsel that such supplemental resolution is in due form and has been duly adopted in accordance with the provisions hereof and applicable law and that the provisions thereof are valid and binding upon the State Board, or upon such later date as may be specified in such supplemental resolution, (a) this Resolution and the Notes shall be modified and amended in accordance with such supplemental resolution, (b) the respective rights, limitations of rights, obligations, duties and immunities under this Resolution of the State Board and the holders of the Notes shall thereafter be determined, exercised and enforced under this Resolution subject in all respects to such modifications and amendments, and (c) all of the terms and conditions of any such

# EXHIBIT

APR 26 1988 NO. 5

## STATE BUDGET & CONTROL BOARD

supplemental resolution shall be a part of the terms and conditions of the Notes and of this Resolution for any and all purposes.

### Section 24. Supplemental Resolution Affecting Paying Agent.

No supplemental resolution changing, amending or modifying any of the rights, duties and obligations of any paying agent appointed by or pursuant to the provisions of this Resolution may be adopted by the State Board or be consented to by the holders of the Notes without written consent of such paying agent affected thereby.

### Section 25. Exemption from State Taxes.

Both the principal of and interest on the Notes shall be exempt from all state, county, municipal, school district and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, or transfer taxes.

### Section 26. Federal Guarantee Prohibition.

The State Board shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986 (the Code) and regulations promulgated thereunder (the Regulations).

### Section 27. Private Business Use Limitation.

The State Board shall assure that (i) not in excess of ten percent (10%) of the face amount of the Notes, plus accrued interest and premium, if any (Net Proceeds) is used directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding, however, use by a state or local government unit and use as a member of the general public (Private Business Use), if, in addition, the payment of more than ten percent (10%) of the principal or ten percent (10%) of the interest due on the Notes during the term thereof is, under the terms of the Notes or any underlying arrangement, directly or indirectly, secured by an interest in property used or to be used for a Private Business Use or in payments in respect of property used or to be used for a Private Business Use or is to be derived from payments, whether or not to the State, in respect of property or borrowed money used or to be used for a Private Business Use; and (ii) in the event that both (a) in excess of five percent (5%) of the Net Proceeds of the Notes are used for a Private Business Use, and (b) an amount in excess of five percent (5%) of the principal or five percent (5%) of the interest due on the Notes during the term thereof is, under the terms of the Notes or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said Private Business Use or in payments in respect of property used or to be used for said Private Business use or is to be derived from



payments, whether or not to the State, in respect of property or borrowed money used or to be used for said Private Business Use, then said excess over said five percent (5%) of Net Proceeds of the Notes used for a Private Business Use shall be used for a Private Business Use related to the governmental use of a portion of the facilities financed with the proceeds of the Notes and shall not exceed the proceeds used for the governmental use of the portion of the Undertakings to which such Private Business Use is related.

Section 28. No Arbitrage

(a) The State Board shall not take, or permit or suffer to be taken, any action which would result in the Proceeds of the Notes being invested at a yield which is higher than the yield on the Notes for other than a "temporary period" as defined in the Code or any other action which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken, on the date the Notes are issued (the Closing Date) would have caused the Notes to be "arbitrage bonds" within the meaning of Section 148(a) of the Code and Regulations promulgated thereunder.

Section 29. Copy of Resolution to be Transmitted to Governor and State Treasurer.

A certified copy of this Resolution shall be transmitted to the Governor and the State Treasurer, as a means of authorizing the issuance of the Notes and apprising them of the action taken by this Board as above set forth.

Section 30. Execution of Closing Documents and Certificates.

The Governor and the State Treasurer are fully authorized and empowered to take such further action and to execute and deliver such closing documents as may be necessary and proper in order to complete the borrowing herein authorized and the action of such officers or any one or more of them in executing and delivering any of such documents, in such form as he or they shall approve, is hereby fully authorized.

Section 31. Benefits of Resolution Limited to the State and Holders of the Notes.

With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from this Resolution or the Notes is intended or should be construed to confer upon or give to any person other than the State and the holders of the Notes, any legal or equitable right, remedy or claim under or by reason of or in respect to this Resolution or any covenant, condition, stipulation, promise, agreement or provision herein contained. This Resolution and all of the covenants, conditions, stipulations, promises, agreements and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the State and the holders from time to time of the Notes as herein and therein provided.



# EXHIBIT

APR 26 1988 NO. 5

## STATE BUDGET & CONTROL BOARD

### Section 32. Resolution Binding Upon Successors or Assigns of the State.

All the terms, provisions, conditions, covenants, warranties and agreements contained in this Resolution shall be binding upon the successors and assigns of the State and shall inure to the benefit of the holders of the Notes.

### Section 33. No Personal Liability.

No recourse shall be had for the enforcement of any obligation, covenant, promise or agreement of the State Board contained in this Resolution or the Notes, against any member of the State Board, any officer or employee, as such, in his or her individual capacity, past, present or future, of the State, either directly or through the State Board, whether by virtue of any constitutional provision, statute or rule of law, or by the enforcement of any assessment or penalty or otherwise, it being expressly agreed and understood that this Resolution and the Notes are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer or employee as such, past, present or future, of the State Board, either directly or by reason of any of the obligations, covenants, promises, or agreements entered into between the State and the holders of the Notes or to be implied therefrom as being supplemental hereto or thereto, and that all personal liability of that character against every such member, officer and employee is, by the adoption of this Resolution and the execution of the Notes, and as a condition of, and as a part of the consideration for, the adoption of this Resolution and the execution of the Notes, expressly waived and released. The immunity of members, officers and employees of the State under the provisions contained in this Section shall survive the termination of this Resolution.

### Section 34. Effect of Saturdays, Sundays and Legal Holidays.

Whenever this Resolution requires any action to be taken on a Saturday, Sunday, legal holiday or bank holiday in the State of South Carolina, such action shall be taken on the first business day occurring thereafter. Whenever in this Resolution the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, legal holiday or bank holiday, in the State of South Carolina, such time shall continue to run until midnight on the next succeeding business day.

### Section 35. Partial Invalidity.

(a) If any one or more of the covenants or agreements or portions thereof provided in this Resolution on the part of the State to be performed should be determined by a court of competent jurisdiction to be contrary to law, then such covenant or covenants, or such agreement or agreements, or such portions thereof, shall be deemed severable from the remaining covenants and agreements or portions

thereof provided in this Resolution and the invalidity thereof shall in no way affect the validity of the other provisions of this Resolution or of the Notes, but the holders of the Notes shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

(b) If any provisions of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 36. Law and Place of Enforcement of the Resolution.

This Resolution shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Resolution shall be instituted in a court of competent jurisdiction in said State.

Section 37. Effect of Section Headings and Table of Contents.

The heading or titles of the several Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Resolution.

Section 38. Repeal of Inconsistent Resolutions.

All resolutions of the State Board, and any part of any resolution, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 39. Effectiveness of this Resolution.

This Resolution shall become effective upon its adoption.

---

A RESOLUTION

REQUESTING THE ISSUANCE OF STATE INSTITUTION BONDS PURSUANT TO CHAPTER 107, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, AND THE ISSUANCE OF BOND ANTICIPATION NOTES PRIOR TO THE ISSUANCE OF SUCH BONDS

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA IN MEETING DULY ASSEMBLED:

Section 1. Findings of Fact.

As an incident to the adoption of this Resolution the Board of Trustees (the Trustees) of the Medical University of South Carolina (MUSC) hereby finds:

(a) That, by resolution adopted April 12, 1984, by the Trustees, application was made to the State Budget and Control Board (the State Board) pursuant to the provisions of Chapter 107, Title 59, Code of Laws of South Carolina 1976, as amended (the Enabling Act), for the issuance of \$5,000,000 state institution bonds the proceeds of which were applied to the financing of a portion of the costs of the acquisition, construction and equipping of the Medical University Hospital's East Addition, Children's Hospital. In such resolution adopted April 12, 1984, the Trustees requested that bond anticipation notes be issued if the State Board determined that long term obligations should not be issued.

(b) The State Board reviewed the Resolution adopted April 12, 1984, and determined that it was prudent to issue bond anticipation notes. Accordingly, \$5,000,000 state institution bond anticipation notes dated May 22, 1984, and maturing May 22, 1985, were issued.

(c) Thereafter, the State of South Carolina (the State) issued \$4,500,000 of state institution bond anticipation notes dated May 22, 1985, and maturing May 22, 1986, to refund that amount of the \$5,000,000 notes. The remaining principal was paid with cash in the sum of \$500,000.

(d) Subsequently, the State issued \$4,000,000 of state institution bond anticipation notes dated May 22, 1986, and maturing May 22, 1987, to refund that amount of the \$4,500,000 notes. The remaining principal was paid with cash in the amount of \$500,000.

(e) Subsequently, the State issued \$3,500,000 of state institution bond anticipation notes dated May 22, 1987, and maturing May 20, 1988 (the "1987 Notes"), to refund that amount of the \$4,000,000 notes. The remaining principal was paid in cash in the amount of \$500,000.



# EXHIBIT

APR 26 1988

NO. 5

## STATE BUDGET & CONTROL BOARD

(f) It is now necessary to make provision for the payment of \$3,500,000 of the 1987 Notes maturing May 20, 1988. \$500,000 of the principal sum due on the 1987 Notes will be paid with cash. Interest on the 1987 Notes in the total amount of \$182,729 will be paid from tuition fees.

(g) Accordingly, this Resolution is adopted pursuant to Section 59-107-40 of the Code of Laws of South Carolina 1976, as amended, in order to make formal application for the issuance of state institution bonds for MUSC to the extent of \$3,000,000, which will be used to pay principal due on the outstanding 1987 Notes.

### Section 2. Application for Issuance of State Institution Bonds.

The Trustees hereby make formal application to the State Board for the issuance of \$3,000,000 state institution bonds (the Bonds) pursuant to the provisions of the Enabling Act, in order that the proceeds thereof may be used for the purposes described in Section 1 above.

### Section 3. Use of Proceeds.

The proceeds of the proposed issue in the amount of \$3,000,000 will be applied to the payment of a portion of the outstanding 1987 Notes.

### Section 4. Tuition Fees Received in Previous Fiscal Year.

The aggregate sum received from tuition fees charged by MUSC for the preceding fiscal year, viz., July 1, 1986 through June 30, 1987 is \$1,894,985.

### Section 5. Current Schedule of Tuition Fees.

The schedule of tuition fees now in effect at MUSC is as set forth on the attached Exhibit A.

### Section 6. Maturity Schedule for Bonds.

The suggested maturity schedule for bonds issued pursuant to this application is set forth as Schedule I of Exhibit B to this Resolution.

### Section 7. Debt Service on Outstanding State Institution Bonds.

A statement showing the unmatured state institution bonds heretofore issued on behalf of MUSC now outstanding and not defeased together with the annual interest and principal payments to become due thereon, is set forth as Schedule II of Exhibit B to this Resolution.

Section 8. Debt Service on Outstanding Bonds Including Bonds Authorized Hereby.

A table showing debt service on all state institution bonds to be outstanding for MUSC following the issuance of the Bonds herein sought to be issued is set forth as Schedule III of Exhibit B to this Resolution.

Section 9. Calculation of Debt Limitation.

A calculation establishing the right of MUSC to seek the issuance of bonds to the extent set forth in this Resolution is set forth as Schedule IV of Exhibit B to this Resolution.

Section 10. Request for Issuance of Bond Anticipation Notes.

In the event that the State Board shall determine, for whatever reason, that long term obligations cannot be issued at the present time, this resolution shall serve as a request that bond anticipation notes (the Notes) be issued.

Section 11. Covenant to Impose Tuition Fees Sufficient to Pay Bonds.

The Trustees hereby covenant and agree that the schedule of tuition fees now in effect at MUSC will be revised from time to time and whenever necessary in order to provide the annual principal and interest requirements of all state institution bonds now or hereafter to be outstanding, which have been or will be issued on behalf of MUSC.

Section 12. Federal Guarantee Prohibition.

The Trustees shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause either the Bonds or the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986 (the Code) and regulations promulgated thereunder (the Regulations).

Section 13. Private Business Use Limitation.

The Trustees shall assure that (i) not in excess of ten percent (10%) of the face amount of the Bonds or the Notes (as the case may be), plus accrued interest and premium, if any (Net Proceeds) is used directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding, however, use by a state or local governmental unit and use as a member of the general public (Private Business Use), if, in addition, the payment of more than ten percent (10%) of the principal or ten percent (10%) of the interest due on the Bonds or the Notes (as the case may be) during the term thereof is, under the terms thereof or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for a Private Business Use or in payments in respect of property used or to be used for a Private

Business Use or is to be derived from payments, whether or not to the State, in respect of property or borrowed money used or to be used for a Private Business Use; and (ii) in the event that both (a) in excess of five percent (5%) of the Net Proceeds are used for a Private Business Use, and (b) an amount in excess of five percent (5%) of the principal or five percent (5%) of the interest due on the Bonds or the Notes (as the case may be) during the term thereof is, under the terms thereof or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said Private Business Use or in payments in respect of property used or to be used for said Private Business Use or is to be derived from payments, whether or not to the State, in respect of property or borrowed money used or to be used for said Private Business Use, then said excess over said five percent (5%) of Net Proceeds used for a Private Business Use shall be used for a Private Business Use related to the governmental use of a portion of the facilities financed with the proceeds of the Bonds or the Notes (as the case may be) and shall not exceed the proceeds used for the governmental use of the portion of the Undertaking to which such Private Business Use is related.

Section 14. Private Loan Limitation.

The Trustees shall assure that not in excess of five percent (5%) of the Net Proceeds of the Bonds or the Notes (as the case may be) are used, directly or indirectly, to make or finance a loan to persons other than state or local government units.

Section 15. No Arbitrage.

(a) The Trustees shall not take, or permit or suffer to be taken, any action with respect to the Gross Proceeds (as defined below) of either the Bonds or the Notes which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken, on the date either the Bonds or the Notes are issued (the Closing Date) would have caused either the Bonds or the Notes (as the case may be) to be "arbitrage bonds" within the meaning of Section 148(a) of the Code and Regulations promulgated thereunder.

(b) "Gross Proceeds" shall mean the sum of the following amounts:

- (i) original proceeds, namely, net amounts received by or for the State as a result of the sale of either the Bonds or the Notes, excluding original proceeds which become transferred proceeds (determined in accordance with applicable Regulations) of obligations issued to refund in whole or in part either the Bonds or the Notes;
- (ii) investment proceeds, namely, amounts received at any time by or for the State, such as interest and dividends, resulting from the investment of any original proceeds (as referenced in clause (i) above) or



# EXHIBIT

APR 26 1988 NO. 5

## STATE BUDGET & CONTROL BOARD

investment proceeds (as referenced in this clause (ii)) in Nonpurpose Investments (as defined below), increased by any profits and decreased (if necessary, below zero) by any losses on such investments, excluding investment proceeds which become transferred proceeds (determined in accordance with applicable Regulations) of obligations issued to refund in whole or in part either the Bonds or the Notes;

(iii)

transferred proceeds, namely, original proceeds of the prior notes, and interest earnings and profits less losses resulting from investment of such original proceeds in Nonpurpose Investments, which are deemed to become proceeds of either the Bonds or the Notes ratably as original proceeds of either the Bonds or the Notes, and interest earnings and profits resulting from investment of such original proceeds in Nonpurpose Investments, discharge the outstanding principal of the prior notes, all on the date of such ratable discharge;

(iv) sinking fund proceeds, namely, amounts, other than original proceeds, investment proceeds or transferred proceeds (as referenced in clauses (i) through (iii) above) of either the Bonds or the Notes, to the extent that the State reasonably expects to use such other fund to pay debt service on either the Bonds or the Notes;

(v) Investment Property (as defined below) pledged as security for payment of debt service on either the Bonds or the Notes by the State;

(vi) amounts, other than as specified in this subsection (b), used to pay debt service on either the Bonds or the Notes; and

(vii) amounts received as a result of investment amounts described in this subsection (b).

(c) "Investment Property" shall mean any security (as said term is defined in Section 165(g)(2)(A) or (B) of the Code), obligation, annuity contract or investment-type property, excluding, however, obligations the interest on which is excluded from gross income, under Section 103 of the Code, for federal income tax purposes.

(d) "Nonpurpose Investment" shall mean any Investment Property which is acquired with the Gross Proceeds and is not acquired in order to carry out the governmental purpose of either the Bonds or the Notes.

Section 16. Secretary to Present Resolution to State Board.

The Secretary of the Trustees is hereby directed to present a certified copy of this Resolution, together with the Exhibits heretofore referred to, to the State Budget and Control Board of South Carolina, as evidence of the formal request of the Trustees for the issuance of the Bonds on behalf of MUSC and as evidence that all conditions precedent to the issuance of such Bonds have been met prior to the issuance of either Bonds or Notes.

Section 17. Execution of Closing Documents and Certificates.

The Chairman and Secretary of the Trustees, and all other officers of MUSC, are fully authorized and empowered to take such further action and to execute and deliver such closing documents as may be necessary and proper in order to complete the borrowing herein authorized and the action of such officers or any one or more of them in executing and delivering any of such documents, in such form as he or they shall approve, is hereby fully authorized.

Section 18. Law and Place of Enforcement of the Resolution.

This Resolution shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Resolution shall be instituted in a court of competent jurisdiction in said State.

Section 19. Effect of Section Headings and Table of Contents.

The heading or titles of the several Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Resolution.

Section 20. Repeal of Inconsistent Resolutions.

All resolutions of the Trustees, and any part of any resolution, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 21. Effectiveness of this Resolution.

This Resolution shall become effective upon its adoption.

# EXHIBIT

APR 26 1988

NO. 5

STATE BUDGET & CONTROL BOARD

EXHIBIT A

## Schedule of Tuition Fees for Fiscal Year Ending June 30, 1989

<u>College</u>	<u>In State</u>	<u>Out-of-State</u>
<u>Medicine</u>		
Semester	\$818.00	\$1,703.00
Maymester	165.00	281.00
Summer	420.00	878.00
<u>Dental Medicine</u>		
Semester	503.00	1,073.00
Maymester	100.00	221.00
Summer	263.00	563.00
<u>Pharmacy</u>		
Semester	343.00	753.00
Maymester	68.00	151.00
Summer	185.00	408.00
<u>Nursing</u>		
Semester	373.00	813.00
Maymester	73.00	162.00
Summer	200.00	438.00
<u>Health Related Professions</u>		
Semester	173.00	413.00
Maymester	58.00	132.00
Summer	169.00	372.00
<u>Certificate - HRP</u>		
Semester	87.00	87.00
Maymester	29.00	29.00
Summer	85.00	85.00
<u>Graduate Studies</u>		
Semester	173.00	173.00
Maymester/Summer	179.00	179.00
On Stipend	31.75	31.75
Summer	27.50	27.50
<u>Unclassified</u>	22.50	22.50



# EXHIBIT

APR 26 1988 NO. 5

STATE BUDGET & CONTROL BOARD  
EXHIBIT B

## SCHEDULE I

PRO FORMA DEBT SERVICE TABLE ON THE  
PROPOSED ISSUE FOR \$3,000,000 STATE INSTITUTION BONDS  
OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA  
TO BE DATED JUNE 1, 1988, PRINCIPAL AND INTEREST  
(COMPUTED AT 6.0%) PAYABLE AS INDICATED

<u>Fiscal Year Ending June 30</u>	<u>Principal December 1</u>	<u>Interest December 1</u>	<u>Interest June 1</u>	<u>Total Principal and Interest</u>
1989	\$ 200,000	\$ 90,000	\$ 90,000	\$ 380,000
1990	200,000	84,000	84,000	368,000
1991	200,000	78,000	78,000	356,000
1992	250,000	72,000	72,000	394,000
1993	250,000	64,500	64,500	379,000
1994	250,000	57,000	57,000	364,000
1995	300,000	49,500	49,500	399,000
1996	300,000	40,500	40,500	381,000
1997	350,000	31,500	31,500	413,000
1998	350,000	21,000	21,000	392,000
1999	350,000	10,500	10,500	371,000
Total	\$3,000,000	\$598,500	\$598,500	\$4,197,000

Total Interest: \$1,197,000

# EXHIBIT

APR 26 1988

NOL 5

## SCHEDULE II

STATE BUDGET & CONTROL BOARD

Issue of September 7, 1977

<u>Fiscal Year Ending June 30</u>	<u>Principal December 1</u>	<u>Interest December 1</u>	<u>Interest June 1</u>	<u>Total Principal and Interest</u>
1988	\$ --	\$ --	\$21,000	\$ 21,000
1989	250,000	21,000	15,625	286,625
1990	250,000	15,625	10,125	275,750
1991	250,000	10,125	4,500	264,625
1992	<u>200,000</u>	<u>4,500</u>		<u>204,500</u>
	\$950,000	\$51,250	\$51,250	\$1,052,500

# EXHIBIT

APR 26 1988 NO. 5

## SCHEDULE III

## STATE BUDGET & CONTROL BOARD

COMPOSITE PRO FORMA DEBT SERVICE TABLE ON ALL  
STATE INSTITUTION BONDS  
FOR THE MEDICAL UNIVERSITY OF SOUTH CAROLINA  
FOLLOWING THE ISSUANCE OF  
\$3,000,000 OF STATE INSTITUTION BONDS TO BE  
DATED JUNE 1, 1988

Fiscal Year Ending June 30	Principal December 1	Interest December 1	Interest June 1	Total Principal and Interest
1988	\$ 0	\$ 0	\$ 21,000	\$ 21,000
1989	450,000	111,000	105,625	666,625
1990	450,000	99,625	94,125	643,750
1991	450,000	88,125	82,500	620,625
1992	450,000	76,500	72,000	598,500
1993	250,000	64,500	64,500	379,000
1994	250,000	57,000	57,000	364,000
1995	300,000	49,500	49,500	399,000
1996	300,000	40,500	40,500	381,000
1997	350,000	31,500	31,500	413,000
1998	350,000	21,000	21,000	392,000
1999	350,000	10,500	10,500	371,000
Total	\$3,950,000	\$649,750	\$649,750	\$5,249,500

Total Interest: \$1,299,500



SCHEDULE IV

PROOF SHOWING COMPLIANCE WITH CHAPTER 107,  
TITLE 59, SOUTH CAROLINA CODE OF LAWS  
OF 1976, AS AMENDED

Aggregate of tuition fees received by the University during preceding fiscal year	\$1,894,985
Multiply by	90%
Product	\$1,705,487
Maximum Annual Debt Service on All State Institution Bonds of MUSC (including the proposed BAN issue of \$3,000,000)	\$666,625
Margin	\$1,038,862

# EXHIBIT

APR 26 1988 NO. 5

STATE BUDGET & CONTROL BOARD  
EXHIBIT B

No. \_\_\_\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF  
SOUTH CAROLINA  
STATE INSTITUTION REFUNDING AND IMPROVEMENT  
BOND ANTICIPATION NOTE OF 1988  
(MEDICAL UNIVERSITY OF SOUTH CAROLINA)

KNOW ALL MEN BY THESE PRESENTS that the STATE OF SOUTH CAROLINA hereby acknowledges itself indebted, and for value received, promises to pay to the BEARER hereof, the principal sum of

\_\_\_\_\_ at the office of the State Treasurer of South Carolina, in the City of Columbia, State of South Carolina, or, at the option of the holder at the principal office of \_\_\_\_\_, in the City of New York, State of New York, on the \_\_\_\_\_ day of May, 1989, and to pay interest (calculated on the basis of a 360-day year consisting of twelve 30-day months) on said principal sum from the date hereof, at the rate of \_\_\_\_\_ per centum (\_\_\_\_%) per annum, payable upon the maturity of this Note. This Note is not subject to prepayment prior to its maturity.

BOTH THE PRINCIPAL of and interest on this Note are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for the payment of public and private debts.

THIS NOTE is one of an issue of Refunding Bond Anticipation Notes, of like date, tenor and effect, except as to numbering and denomination, aggregating \$3,000,000 (the Notes), issued by the State of South Carolina, pursuant to the authorization of Chapter 17, Title 11, Code of Laws of South Carolina 1976, as amended, in anticipation of the receipt of the proceeds to be derived from the sale of state institution bonds of the State of South Carolina to be issued pursuant to Chapter 107, Title 59, Code of Laws of South Carolina 1976, as amended. The full faith, credit and taxing power of the State of South Carolina and the proceeds to be derived from the sale of the state institution bonds, in anticipation of which the Notes are issued, are pledged for the payment of the principal of and interest on this Note.

THIS NOTE and the interest hereon are exempt from all state, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate or transfer taxes.

Exhibit B - 1

15328

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and Laws of the State of South Carolina to exist, to happen, or to be performed precedent to or in the issuance of this Note, do exist, have happened, and have been performed in regular and due time, form and manner, and the amount of this Note, and the issue of which this Note is one, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, the STATE OF SOUTH CAROLINA has caused this Note to be signed by the \_\_\_\_\_ signature of the Governor of South Carolina and by the \_\_\_\_\_ signature of the State Treasurer of South Carolina, the Great Seal of the State to be reproduced hereon, the same to be attested by the \_\_\_\_\_ signature of the Secretary of State of South Carolina, and this Note to be dated the \_\_\_\_\_ day of May, 1988.

STATE OF SOUTH CAROLINA

\_\_\_\_\_  
Governor of the State of  
South Carolina

(SEAL)

\_\_\_\_\_  
State Treasurer

Attest:

\_\_\_\_\_  
Secretary of State

Exhibit B - 2

**15329**



# EXHIBIT

APR 26 1988

NO. 5

STATE BUDGET & CONTROL BOARD

I, the undersigned <sup>Acting</sup> Secretary of the Board of Trustees of The Medical University of South Carolina, DO HEREBY CERTIFY that the foregoing is a true, correct and verbatim copy of a Resolution duly adopted by the Board of Trustees of The Medical University of South Carolina at its regularly scheduled meeting held April 8, 1988.

Elizabeth D. Castle

April 19, 1988

15330

# EXHIBIT

APR 26 1988 NO. 5

## A RESOLUTION

## STATE BUDGET & CONTROL BOARD

REQUESTING THE ISSUANCE OF STATE INSTITUTION BONDS PURSUANT TO CHAPTER 107, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, AND THE ISSUANCE OF BOND ANTICIPATION NOTES PRIOR TO THE ISSUANCE OF SUCH BONDS

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA IN MEETING DULY ASSEMBLED:

### Section 1. Findings of Fact.

As an incident to the adoption of this Resolution the Board of Trustees (the Trustees) of the Medical University of South Carolina (MUSC) hereby finds:

(a) That, by resolution adopted April 12, 1984, by the Trustees, application was made to the State Budget and Control Board (the State Board) pursuant to the provisions of Chapter 107, Title 59, Code of Laws of South Carolina 1976, as amended (the Enabling Act), for the issuance of \$5,000,000 state institution bonds the proceeds of which were applied to the financing of a portion of the costs of the acquisition, construction and equipping of the Medical University Hospital's East Addition, Children's Hospital. In such resolution adopted April 12, 1984, the Trustees requested that bond anticipation notes be issued if the State Board determined that long term obligations should not be issued.

(b) The State Board reviewed the Resolution adopted April 12, 1984, and determined that it was prudent to issue bond anticipation notes. Accordingly, \$5,000,000 state institution bond anticipation notes dated May 22, 1984, and maturing May 22, 1985, were issued.

(c) Thereafter, the State of South Carolina (the State) issued \$4,500,000 of state institution bond anticipation notes dated May 22, 1985, and maturing May 22, 1986, to refund that amount of the \$5,000,000 notes. The remaining principal was paid with cash in the sum of \$500,000.

(d) Subsequently, the State issued \$4,000,000 of state institution bond anticipation notes dated May 22, 1986, and maturing May 22, 1987, to refund that amount of the \$4,500,000 notes. The remaining principal was paid with cash in the amount of \$500,000.

(e) Subsequently, the State issued \$3,500,000 of state institution bond anticipation notes dated May 22, 1987, and maturing May 20, 1988 (the "1987 Notes"), to refund that amount of the \$4,000,000 notes. The remaining principal was paid in cash in the amount of \$500,000.

(f) It is now necessary to make provision for the payment of \$3,500,000 of the 1987 Notes maturing May 20, 1988. \$500,000 of the

# EXHIBIT

APR 26 1988

NO. 5

## STATE BUDGET & CONTROL BOARD

principal sum due on the 1987 Notes will be paid with cash. Interest on the 1987 Notes in the total amount of \$182,729 will be paid from tuition fees.

(g) Accordingly, this Resolution is adopted pursuant to Section 59-107-40 of the Code of Laws of South Carolina 1976, as amended, in order to make formal application for the issuance of state institution bonds for MUSC to the extent of \$3,000,000, which will be used to pay principal due on the outstanding 1987 Notes.

### Section 2. Application for Issuance of State Institution Bonds.

The Trustees hereby make formal application to the State Board for the issuance of \$3,000,000 state institution bonds (the Bonds) pursuant to the provisions of the Enabling Act, in order that the proceeds thereof may be used for the purposes described in Section 1 above.

### Section 3. Use of Proceeds.

The proceeds of the proposed issue in the amount of \$3,000,000 will be applied to the payment of a portion of the outstanding 1987 Notes.

### Section 4. Tuition Fees Received in Previous Fiscal Year.

The aggregate sum received from tuition fees charged by MUSC for the preceding fiscal year, viz., July 1, 1986 through June 30, 1987 is \$1,894,985.

### Section 5. Current Schedule of Tuition Fees.

The schedule of tuition fees now in effect at MUSC is as set forth on the attached Exhibit A.

### Section 6. Maturity Schedule for Bonds.

The suggested maturity schedule for bonds issued pursuant to this application is set forth as Schedule I of Exhibit B to this Resolution.

### Section 7. Debt Service on Outstanding State Institution Bonds.

A statement showing the unmatured state institution bonds heretofore issued on behalf of MUSC now outstanding and not defeased together with the annual interest and principal payments to become due thereon, is set forth as Schedule II of Exhibit B to this Resolution.

### Section 8. Debt Service on Outstanding Bonds Including Bonds Authorized Hereby.

A table showing debt service on all state institution bonds to be outstanding for MUSC following the issuance of the Bonds herein sought



to be issued is set forth as Schedule III of Exhibit B to this Resolution.

Section 9. Calculation of Debt Limitation.

A calculation establishing the right of MUSC to seek the issuance of bonds to the extent set forth in this Resolution is set forth as Schedule IV of Exhibit B to this Resolution.

Section 10. Request for Issuance of Bond Anticipation Notes.

In the event that the State Board shall determine, for whatever reason, that long term obligations cannot be issued at the present time, this resolution shall serve as a request that bond anticipation notes (the Notes) be issued.

Section 11. Covenant to Impose Tuition Fees Sufficient to Pay Bonds.

The Trustees hereby covenant and agree that the schedule of tuition fees now in effect at MUSC will be revised from time to time and whenever necessary in order to provide the annual principal and interest requirements of all state institution bonds now or hereafter to be outstanding, which have been or will be issued on behalf of MUSC.

Section 12. Federal Guarantee Prohibition.

The Trustees shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause either the Bonds or the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986 (the Code) and regulations promulgated thereunder (the Regulations).

Section 13. Private Business Use Limitation.

The Trustees shall assure that (i) not in excess of ten percent (10%) of the face amount of the Bonds or the Notes (as the case may be), plus accrued interest and premium, if any (Net Proceeds) is used directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding, however, use by a state or local governmental unit and use as a member of the general public (Private Business Use), if, in addition, the payment of more than ten percent (10%) of the principal or ten percent (10%) of the interest due on the Bonds or the Notes (as the case may be) during the term thereof is, under the terms thereof or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for a Private Business Use or in payments in respect of property used or to be used for a Private Business Use or is to be derived from payments, whether or not to the State, in respect of property or borrowed money used or to be used for a Private Business Use; and (ii) in the event that both (a) in excess of five percent (5%) of the Net Proceeds are used for a Private Business Use, and (b) an amount in excess of five percent (5%) of the principal

or five percent (5%) of the interest due on the Bonds or the Notes (as the case may be) during the term thereof is, under the terms thereof or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said Private Business Use or in payments in respect of property used or to be used for said Private Business Use or is to be derived from payments, whether or not to the State, in respect of property or borrowed money used or to be used for said Private Business Use, then said excess over said five percent (5%) of Net Proceeds used for a Private Business Use shall be used for a Private Business Use related to the governmental use of a portion of the facilities financed with the proceeds of the Bonds or the Notes (as the case may be) and shall not exceed the proceeds used for the governmental use of the portion of the Undertaking to which such Private Business Use is related.

Section 14. Private Loan Limitation.

The Trustees shall assure that not in excess of five percent (5%) of the Net Proceeds of the Bonds or the Notes (as the case may be) are used, directly or indirectly, to make or finance a loan to persons other than state or local government units.

Section 15. No Arbitrage.

(a) The Trustees shall not take, or permit or suffer to be taken, any action with respect to the Gross Proceeds (as defined below) of either the Bonds or the Notes which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken, on the date either the Bonds or the Notes are issued (the Closing Date) would have caused either the Bonds or the Notes (as the case may be) to be "arbitrage bonds" within the meaning of Section 148(a) of the Code and Regulations promulgated thereunder.

(b) "Gross Proceeds" shall mean the sum of the following amounts:

- (i) original proceeds, namely, net amounts received by or for the State as a result of the sale of either the Bonds or the Notes, excluding original proceeds which become transferred proceeds (determined in accordance with applicable Regulations) of obligations issued to refund in whole or in part either the Bonds or the Notes;
- (ii) investment proceeds, namely, amounts received at any time by or for the State, such as interest and dividends, resulting from the investment of any original proceeds (as referenced in clause (i) above) or investment proceeds (as referenced in this clause (ii)) in Nonpurpose Investments (as defined below), increased by any profits and decreased (if necessary, below zero) by any losses on such investments, excluding investment proceeds which become transferred proceeds (determined



# EXHIBIT

APR 26 1988

NOL 5

## STATE BUDGET & CONTROL BOARD

in accordance with applicable Regulations) of obligations issued to refund in whole or in part either the Bonds or the Notes;

(iii)

transferred proceeds, namely, original proceeds of the prior notes, and interest earnings and profits less losses resulting from investment of such original proceeds in Nonpurpose Investments, which are deemed to become proceeds of either the Bonds or the Notes ratably as original proceeds of either the Bonds or the Notes, and interest earnings and profits resulting from investment of such original proceeds in Nonpurpose Investments, discharge the outstanding principal of the prior notes, all on the date of such ratable discharge;

(iv) sinking fund proceeds, namely, amounts, other than original proceeds, investment proceeds or transferred proceeds (as referenced in clauses (i) through (iii) above) of either the Bonds or the Notes, to the extent that the State reasonably expects to use such other fund to pay debt service on either the Bonds or the Notes;

(v) Investment Property (as defined below) pledged as security for payment of debt service on either the Bonds or the Notes by the State;

(vi) amounts, other than as specified in this subsection (b), used to pay debt service on either the Bonds or the Notes; and

(vii) amounts received as a result of investment amounts described in this subsection (b).

(c) "Investment Property" shall mean any security (as said term is defined in Section 165(g)(2)(A) or (B) of the Code), obligation, annuity contract or investment-type property, excluding, however, obligations the interest on which is excluded from gross income, under Section 103 of the Code, for federal income tax purposes.

(d) "Nonpurpose Investment" shall mean any Investment Property which is acquired with the Gross Proceeds and is not acquired in order to carry out the governmental purpose of either the Bonds or the Notes.

### Section 16. Secretary to Present Resolution to State Board.

The Secretary of the Trustees is hereby directed to present a certified copy of this Resolution, together with the Exhibits heretofore referred to, to the State Budget and Control Board of South Carolina, as evidence of the formal request of the Trustees for the issuance of the Bonds on behalf of MUSC and as evidence that all conditions precedent to the issuance of such Bonds have been met prior to the issuance of either Bonds or Notes.



Section 17. Execution of Closing Documents and Certificates.

The Chairman and Secretary of the Trustees, and all other officers of MUSC, are fully authorized and empowered to take such further action and to execute and deliver such closing documents as may be necessary and proper in order to complete the borrowing herein authorized and the action of such officers or any one or more of them in executing and delivering any of such documents, in such form as he or they shall approve, is hereby fully authorized.

Section 18. Law and Place of Enforcement of the Resolution.

This Resolution shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Resolution shall be instituted in a court of competent jurisdiction in said State.

Section 19. Effect of Section Headings and Table of Contents.

The heading or titles of the several Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Resolution.

Section 20. Repeal of Inconsistent Resolutions.

All resolutions of the Trustees, and any part of any resolution, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 21. Effectiveness of this Resolution.

This Resolution shall become effective upon its adoption.

# EXHIBIT

APR 26 1988

NO. 5

## STATE BUDGET & CONTROL BOARD EXHIBIT A

### Schedule of Tuition Fees for Fiscal Year Ending June 30, 1989

<u>College</u>	<u>In State</u>	<u>Out-of-State</u>
<u>Medicine</u>		
Semester	\$818.00	\$1,703.00
Maymester	165.00	281.00
Summer	420.00	878.00
<u>Dental Medicine</u>		
Semester	503.00	1,073.00
Maymester	100.00	221.00
Summer	263.00	563.00
<u>Pharmacy</u>		
Semester	343.00	753.00
Maymester	68.00	151.00
Summer	185.00	408.00
<u>Nursing</u>		
Semester	373.00	813.00
Maymester	73.00	162.00
Summer	200.00	438.00
<u>Health Related Professions</u>		
Semester	173.00	413.00
Maymester	58.00	132.00
Summer	169.00	372.00
<u>Certificate - HRP</u>		
Semester	87.00	87.00
Maymester	29.00	29.00
Summer	85.00	85.00
<u>Graduate Studies</u>		
Semester	173.00	173.00
Maymester/Summer	179.00	179.00
On Stipend	31.75	31.75
Summer	27.50	27.50
<u>Unclassified</u>	22.50	22.50

## EXHIBIT B

## SCHEDULE I

PRO FORMA DEBT SERVICE TABLE ON THE  
 PROPOSED ISSUE FOR \$3,000,000 STATE INSTITUTION BONDS  
 OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA  
 TO BE DATED JUNE 1, 1988, PRINCIPAL AND INTEREST  
 (COMPUTED AT 6.0%) PAYABLE AS INDICATED

Fiscal Year Ending June 30	Principal December 1	Interest December 1	Interest June 1	Total Principal and Interest
1989	\$ 200,000	\$ 90,000	\$ 90,000	\$ 380,000
1990	200,000	84,000	84,000	368,000
1991	200,000	78,000	78,000	356,000
1992	250,000	72,000	72,000	394,000
1993	250,000	64,500	64,500	379,000
1994	250,000	57,000	57,000	364,000
1995	300,000	49,500	49,500	399,000
1996	300,000	40,500	40,500	381,000
1997	350,000	31,500	31,500	413,000
1998	350,000	21,000	21,000	392,000
1999	350,000	10,500	10,500	371,000
Total	\$3,000,000	\$598,500	\$598,500	\$4,197,000

Total Interest: \$1,197,000



# ( EXHIBIT

APR 26 1988

NO. 5

## SCHEDULE II

STATE BUDGET & CONTROL BOARD

Issue of September 7, 1977

<u>Fiscal Year</u> <u>Ending</u> <u>June 30</u>	<u>Principal</u> <u>December 1</u>	<u>Interest</u> <u>December 1</u>	<u>Interest</u> <u>June 1</u>	<u>Total</u> <u>Principal</u> <u>and Interest</u>
1988	\$ --	\$ --	\$21,000	\$ 21,000
1989	250,000	21,000	15,625	286,625
1990	250,000	15,625	10,125	275,750
1991	250,000	10,125	4,500	264,625
1992	200,000	4,500		204,500
	\$950,000	\$51,250	\$51,250	\$1,052,500

# EXHIBIT

APR 26 1988 NO. 5

## SCHEDULE III

## STATE BUDGET & CONTROL BOARD

COMPOSITE PRO FORMA DEBT SERVICE TABLE ON ALL  
STATE INSTITUTION BONDS  
FOR THE MEDICAL UNIVERSITY OF SOUTH CAROLINA  
FOLLOWING THE ISSUANCE OF  
\$3,000,000 OF STATE INSTITUTION BONDS TO BE  
DATED JUNE 1, 1988

Fiscal Year Ending June 30	Principal December 1	Interest December 1	Interest June 1	Total Principal and Interest
1988	\$ 0	\$ 0	\$ 21,000	\$ 21,000
1989	450,000	111,000	105,625	666,625
1990	450,000	99,625	94,125	643,750
1991	450,000	88,125	82,500	620,625
1992	450,000	76,500	72,000	598,500
1993	250,000	64,500	64,500	379,000
1994	250,000	57,000	57,000	364,000
1995	300,000	49,500	49,500	399,000
1996	300,000	40,500	40,500	381,000
1997	350,000	31,500	31,500	413,000
1998	350,000	21,000	21,000	392,000
1999	350,000	10,500	10,500	371,000
Total	\$3,950,000	\$649,750	\$649,750	\$5,249,500

Total Interest: \$1,299,500

# EXHIBIT

APR 26 1988 NO. 5

## SCHEDULE IV

STATE BUDGET & CONTROL BOARD

### PROOF SHOWING COMPLIANCE WITH CHAPTER 107, TITLE 59, SOUTH CAROLINA CODE OF LAWS OF 1976, AS AMENDED

Aggregate of tuition fees received by the University during preceding fiscal year	\$1,894,985
Multiply by	90%
Product	\$1,705,487
Maximum Annual Debt Service on All State Institution Bonds of MUSC (including the proposed BAN issue of \$3,000,000)	\$666,625
Margin	\$1,038,862

# EXHIBIT

APR 26 1988 NO. 5

STATE BUDGET & CONTROL BOARD



# EXHIBIT

APR 26 1988

NOL 6

## STATE BUDGET & CONTROL BOARD

STATE BUDGET AND CONTROL BOARD

REGULAR SESSION

MEETING OF April 26, 1988

ITEM NUMBER

5

AGENCY: City of Mullins

SUBJECT: Ceiling Allocation

The City of Mullins requests a State ceiling allocation of \$850,000. The City will issue not exceeding \$850,000 Combined Public Utility System Refunding and Improvement Revenue Bonds, Series 1988-A.

The Bonds will be classified as private activity bonds under the provisions of the 1986 Tax Reform Act due to the substantial use and commitment to pay debt service by AVM, a manufacturer of automotive and machine components. The bonds are being issued by the City under Title 6, Chapter 21 (Revenue Bond for Utilities Act).

The status report on the State Ceiling as of April 20, 1988, (year elapsed 30%) shows:

	<u>1988 Ceiling</u>	<u>Allocated</u>	<u>(%)</u>	<u>Not Allocated</u>	<u>(%)</u>
State Pool	\$ 68,500,000	\$ 3,100,000	( 4.5%)	\$65,400,000	(95.5%)
Local Pool	102,750,000	74,860,000	(72.9%)	27,890,000	(27.1%)
Total	\$171,250,000	\$77,960,000	(45.5%)	\$93,290,000	(54.5%)

### BOARD ACTION REQUESTED:

Allocate \$850,000 of the State Ceiling to the City of Mullins for the issuance of Combined Public Utility System Refunding and Improvement Revenue Bonds, Series 1988-A; and receive as information a State ceiling status report which shows that of the \$171,250,000 ceiling, \$77,960,000 has been allocated and \$93,290,000 is available.

### ATTACHMENTS:

Galloway April 19 letter to McInnis; status report on State ceiling

15342

APR 19 1988

ALBERT SIMONS, JR.  
CHARLES W. KNOWLTON  
H. SIMMONS TATE, JR.  
G. DANA SINKLER  
KIRKMAN FINLAY, JR.  
WILLIAM C. BOYD  
FRANCIS P. MOOD  
J. DONALD DIAL, JR.  
MANTON M. GRIER  
GEORGE S. KING, JR.  
THOMAS R. GOTTSCHALL  
HAMILTON OSBORNE, JR.  
STEPHEN E. DARLING  
JOHN R. LINTON  
MARGARET CHRISTIAN POPE  
HAROLD E. TRASK, JR.  
CHARLTON DESAUSSURE, JR.  
MARVIN D. INFINGER  
DARYL L. WILLIAMS  
JOHN C. BRUTON, JR.  
F. MITCHELL JOHNSON, JR.  
WALTER W. THEUS, JR.  
MICHAEL D. JONES  
ELIZABETH A. CARPENTIER  
MARK S. SHARPE  
BENTON D. WILLIAMSON  
SUE C. ERWIN  
JOHN B. MCARTHUR  
DAVID M. SWANSON

# SINKLER & BOYD

PROFESSIONAL ASSOCIATION

PREDECESSOR FIRMS  
SINKLER GIBBS & SIMONS, PA.  
BOYD, KNOWLTON, TATE & FINLAY, PA.

THE PALMETTO CENTER  
1426 MAIN STREET, SUITE 1200  
COLUMBIA, SOUTH CAROLINA 29201

MAILING ADDRESS:  
POST OFFICE BOX 11889  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE (803) 779-3080  
CABLE ADDRESS: PALMETTO  
TELECOPIER (803) 765-1243

CHARLESTON OFFICE  
160 EAST BAY STREET  
CHARLESTON, SOUTH CAROLINA 29401

MAILING ADDRESS:  
POST OFFICE BOX 340  
CHARLESTON, SOUTH CAROLINA 29402  
TELEPHONE AND TELECOPIER  
(803) 722-3366

April 19, 1988

EXHIBIT

APR 26 1988 NO. 6

STATE BUDGET & CONTROL BOARD

ROBERT S. GALLOWAY, III  
CLARKE W. DUBOSE  
TERRI J. MORRILL  
RANDOLPH B. EPTING  
ROBERT Y. KNOWLTON  
SUZANNE HULST CLAWSON  
THEODORE B. DUBOSE  
BELTON T. ZEIGLER  
PHYLLIS B. BURKHARD  
THOMAS C. HILDEBRAND, JR.  
JOHN M. G. MCLEOD  
ROBERT W. BUFFINGTON  
WILLIAM L. HIRATA  
ELIZABETH W. SETTLE  
DAVID B. SUMMER, JR.  
INEZ MOORE TENENBAUM  
MARIE C. TILLER  
FRANK W. CURETON  
W. KURT TAYLOR  
BERT GLENN UTSEY III

OF COUNSEL:  
CHARLES H. GIBBS  
PALMER FREEMAN, JR.

JOHN C. BRUTON 1907-1969  
W. C. BOYD 1904-1975  
HUGER SINKLER 1908-1987

Mr. William A. McInnis  
Director  
State Budget and Control Board  
Room 600, Wade Hampton Building  
Capitol Complex  
Columbia, South Carolina 29201

HAND DELIVERED

RE: Not exceeding \$850,000 Combined Public  
Utility System Refunding and Improvement  
Revenue Bonds, Series 1988-A, of the  
City of Mullins, South Carolina

Dear Bill:

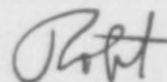
I enclose the standard transmittal form and the documents referenced therein pertaining to the request by the City of Mullins for a 1988 state ceiling private activity bond allocation for the above-referenced issue.

For your information, these bonds will be classified as private activity bonds under the more restrictive provisions of the 1986 Tax Reform Act due to the substantial use and commitment to pay debt service by AVM, a manufacturer of automotive and machine components. The bonds are being issued by the City under the Revenue Bond for Utilities Act (Title 6, Chapter 21).

The bonds will be composed of a refunding (\$164,800) of a prior private activity bond and new money (see Inducement Resolution for not exceeding \$700,000) for the construction project.

Please let me know if you require any further information.

Very truly yours,



Robert S. Galloway, III

RSG/skm  
Enclosures

15343

## EXHIBIT

APR 26 1988

NO. 6

STATE BUDGET &amp; CONTROL BOARD

## RESOLUTION

A RESOLUTION MAKING APPLICATION TO THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA FOR THE ALLOCATION OF STATE CEILING FOR ISSUANCE OF PRIVATE ACTIVITY BONDS.

WHEREAS, the City of Mullins, South Carolina (the "City"), acting by and through its City Council (the "City Council"), is authorized and empowered by the provisions of Chapter 21, Title 6, Code of Laws of South Carolina, 1976, as amended, to issue its revenue bonds for the purpose of, inter alia, improving, enlarging or expanding its sewer system; and

WHEREAS, the City intends to issue not exceeding \$850,000 principal amount City of Mullins, South Carolina, Combined Public Utility System Revenue Refunding and Improvement Bonds (the "Bonds") for the purpose of extending its sewer system from its existing treatment plant along U.S. Highway 76 West of the City to a point near the Marion County Airport and to refund the City's outstanding \$350,000 original principal amount Combined Public Utility System Revenue Bonds, Series of 1973 (the "Project"); and

WHEREAS, the City has been advised that, due to the nature of a contract which will secure the partial payment of the Bonds, the Bonds will constitute "private activity bonds" as defined in Section 147 of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147 of the Internal Revenue Code of 1986 an allocation of 1988 state ceiling for private activity bonds by the State Budget and Control Board of South Carolina (the "State Board") in the amount of up to \$850,000 is necessary in order to enable the issuance of the Bonds; and

WHEREAS, it is now deemed advisable by the City Council to file with the State Board, in compliance with Section 2 of Act No. 117 of the 1987 General Assembly of the State of South Carolina ("Act No. 117"), the Petition of the City requesting an allocation of state ceiling for private activity bonds by the State Board;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mullins, South Carolina, as follows:

Section 1. There is hereby authorized and directed the submission on behalf of the City of a Petition by the City Council requesting an allocation of 1988 state



# EXHIBIT

APR 26 1988

NO. 6

10585

## STATE BUDGET & CONTROL BOARD

ceiling for private activity bonds in the amount of up to \$850,000 by the State Board. Said Petition, which constitutes and is hereby made a part of this authorizing resolution, to be in substantially the form attached hereto as Exhibit A.


Section 2. The Mayor of the City is hereby authorized and directed to execute said Petition in the name and on behalf of the City; and the City Clerk and Treasurer is hereby authorized and directed to affix the seal of the City to said Petition and to attest the same and thereafter to submit an executed copy of this resolution, and such other applicable items as may be required under Act No. 117 and the applicable regulations of the State Board, to the State Board in Columbia, South Carolina.

Section 3. The undersigned certify, under penalty of perjury, the above-referenced Petition of the City was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

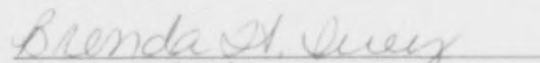
Section 4. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its passage and approval.

Passed and approved this 14th day of April, 1988.

(SEAL)

  
Mayor, City of Mullins, South  
Carolina

ATTEST:

  
Clerk and City Treasurer

## EXHIBIT

APR 26 1988 NO. 6

EXHIBIT A

STATE BUDGET &amp; CONTROL BOARD

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF MARION )

TO THE STATE BUDGET AND CONTROL )  
 )  
 BOARD OF SOUTH CAROLINA )

P E T I T I O N

This Petition of the City of Mullins, South Carolina (the "City"), pursuant to Section 2 of Act No. 117 of the 1987 General Assembly of the State of South Carolina, respectfully shows:

1. The City Council of the City of Mullins (the "City Council") is the governing body of the City.

2. The City intends to issue not exceeding \$850,000 principal amount City of Mullins, South Carolina, Combined Public Utility System Revenue Bonds (the "Bonds") for the purpose of extending its sewer system from its existing treatment plant along U.S. Highway 76 West of the City to a point near the Marion County Airport and to refund the City's outstanding \$350,000 original principal amount Combined Public Utility System Revenue Bonds, Series of 1973 (the "Project").

3. The City has been advised that, due to the nature of a contract which will secure the partial payment of the Bonds, the Bonds will constitute "private activity bonds" as defined in Section 141 of the Internal Revenue Code of 1986 (the "Code").

4. The City has been further advised that, pursuant to Section 141 of the Code, an allocation by the State Budget and Control Board of South Carolina (the "State Board") of 1988 state ceiling for private activity bonds is necessary in connection with the issuance of the Bonds.

5. The allocation amount for 1988 state ceiling for private activity bonds requested herein constitutes all of the private activity bond financing contemplated at this time for the Project and any other facilities located at or used as part of the integrated operation of the Project.

15346

# EXHIBIT

10585

APR 26 1988

NO. 6

## STATE BUDGET & CONTROL BOARD

Upon the basis of the foregoing, the County respectfully prays that the State Board allocate up to \$850,000 of the 1988 state ceiling for private activity bonds for the issuance of the Bonds.

Respectfully submitted,

CITY OF MULLINS, SOUTH CAROLINA

(SEAL)

By:

*James L. Ramsey*  
Mayor

Dated: April 14, 1988

ATTEST:

*Brenda H. Sney*  
Clerk and City Treasurer



**EXHIBIT****APR 26 1988 NO. 6**STATE OF SOUTH CAROLINA )  
COUNTY OF MARION )**STATE BUDGET & CONTROL BOARD**

I, the undersigned Clerk and City Treasurer of the City of Mullins, South Carolina, do hereby certify that (i) the foregoing is a true, correct and verbatim copy of a Resolution adopted by Mullins City Council at a duly called and regularly held meeting on April 14, 1988, at which meeting the members of said City Council voted unanimously in favor of the adoption of said Resolution, and at which meeting a quorum was present and remained throughout; and (ii) the original of said Resolution is duly entered in the permanent records of minutes of meetings of the City Council.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April, 1988.

Brenda H. Juey  
Clerk and City Treasurer  
of the City of Mullins,  
South Carolina

## EXHIBIT

APR 26 1988

NOL 6

## STATE BUDGET &amp; CONTROL BOARD

## A RESOLUTION

EXPRESSING THE INTENT TO ISSUE TAX-EXEMPT BONDS AND TO PROVIDE OFFICIAL ACTION IN SUCH REGARD.

WHEREAS, the City of Mullins, South Carolina (the "City") is authorized by Chapter 21 of Title 6, Code of Laws of South Carolina, 1976, as amended (the "Act"), to issue revenue bonds for the purpose of defraying the costs of construction and installation of improvements to the City's combined public utility system (the "System"); and

WHEREAS, pursuant to the Act, the City intends to issue an amount not exceeding \$700,000 principal amount of Combined Public Utility System Revenue Bonds (the "Bonds") to defray the costs of construction and installation of extensions to sewer lines of the System along U. S. Highway 76 (the "Improvements");

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mullins, South Carolina, as follows:

1. Pursuant to the authority contained in the Act, and subject to the adoption hereafter by the City Council of an approving ordinance, the City Council hereby expresses its intent to issue the Bonds in a principal amount not exceeding \$700,000 to defray the cost of construction and installation of the Improvements.

2. It is the intention of the City Council that this Resolution shall constitute an "official action" on the part of the City within the meaning of Section 1.103(8)(a)(5) of the Treasury Regulations relating to the issuance of tax-exempt bonds.

3. The provisions of this Resolution shall take effect immediately.

DONE IN MEETING DULY ASSEMBLED this 16th day of February, 1988.

CITY COUNCIL OF THE CITY OF  
MULLINS, SOUTH CAROLINA

(SEAL)

*James F. Ramsey*  
Mayor

Attest:

*Brenda H. Sneyd*  
Clerk and City Treasurer

15349

1988 STATE CEILING AMOUNT AVAILABLE FOR ALLOCATION

A. State Government Pool (40%)	68,500,000
<b>Total, State Government Pool (40%)</b>	<b><u>68,500,000</u></b>
B. Local Pool (60%)	102,750,000
<b>Total, Local Pool (60%)</b>	<b><u>102,750,000</u></b>
<b>Certified State Ceiling (01/05/88)</b>	<b><u>171,250,000</u></b>

\* \* \* \* \*

1988 STATE CEILING AMOUNT AVAILABLE FOR ALLOCATION

<u>Date of B&amp;C Board Allocation</u>	<u>Governmental Unit</u>	<u>Name of Project</u>	<u>Pool Total</u>	<u>Amount of Pool Allocated</u>	<u>Balance of Pool Available</u>	<u>Amount Certified for Issue</u>	<u>Issue Date</u>	<u>Attorney</u>
01/05/88	STATE GOVERNMENT POOL		68,500,000					
03/08/88	JEDA	Kent Manufacturing Co.		-2,200,000		2,200,000	03/30/88	Lucas
03/08/88	JEDA	Mar-Mac Mfg. Co., Inc.		-900,000		900,000	03/30/88	Lucas
	<b>Total, State Government Pool</b>		<b><u>68,500,000</u></b>	<b><u>-3,100,000</u></b>	<b><u>65,400,000</u></b>	<b><u>3,100,000</u></b>		
01/05/88	LOCAL POOL		102,750,000					
01/12/88	Greenville County	National Electrical Carbon		-6,000,000		6,000,000	01/27/88	Page
01/12/88	Laurens County	Dispoz-o Plastics		-4,000,000		4,000,000	02/02/88	Page
01/12/88	Spartanburg County	Alkahn Labels, Inc.		-2,000,000		2,000,000	01/29/88	Page
01/12/88	Darlington County	Hobart Corporation		-3,500,000		3,500,000	01/20/88	Jeffcoat
02/09/88	PMPA	PMPA		-55,000,000		26,943,000	03/23/88	Corley
03/08/88	Oconee County	Log Cabin Acquisition		-1,160,000		1,160,000	03/10/88	Miller
03/08/88	Spartanburg County	Garfield Construction Co.		-1,700,000		1,700,000	03/25/88	Page
03/08/88	Greenville County	Gress Foods		-1,500,000		1,500,000	03/30/88	Lucas
	<b>Total, Local Pool</b>		<b><u>102,750,000</u></b>	<b><u>-74,860,000</u></b>	<b><u>27,890,000</u></b>	<b><u>46,803,000</u></b>		
	<b>GRAND TOTAL</b>		<b><u>171,250,000</u></b>	<b><u>-77,960,000</u></b>	<b><u>93,290,000</u></b>	<b><u>49,903,000</u></b>		

15350

EXHIBIT

APR 26 1988 NO. 6

STATE BUDGET & CONTROL BOARD



# EXHIBIT

State of South Carolina

APR 26 1988

NO. 6

## State Budget and Control Board

STATE BUDGET & CONTROL BOARD

CARROLL A. CAMPBELL, JR., CHAIRMAN  
GOVERNOR

GRADY L. PATTERSON, JR.

STATE TREASURER

EARLE E. MORRIS, JR.  
COMPTROLLER GENERAL

Box 12444

Columbia  
29211

JAMES M. WADDELL, JR.  
CHAIRMAN, SENATE FINANCE COMMITTEE

ROBERT N. McLELLAN  
CHAIRMAN, WAYS AND MEANS COMMITTEE

JESSE A. COLES, JR., Ph.D.  
EXECUTIVE DIRECTOR

April 26, 1988

### C E R T I F I C A T E

#### STATE CEILING ON ISSUANCE OF PRIVATE ACTIVITY BONDS

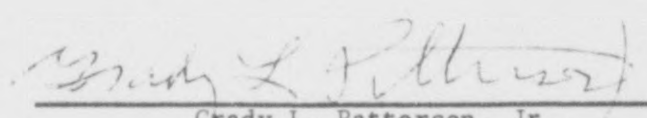
(UNDER TAX REFORM ACT OF 1986)

TENTATIVE ALLOCATION, CALENDAR YEAR 1988

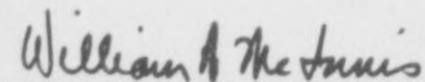
TO: City of Mullins  
\$850,000  
Combined Public Utility System Refunding and Improvement Revenue Bonds,  
Series 1988-A

The State Budget and Control Board has made a tentative allocation of the State Ceiling established in the Tax Reform Act of 1986 in the amount indicated to the referenced bonds/notes and project. This allocation is valid for calendar year 1988 only. It will expire on July 25, 1988, which is ninety (90) consecutive calendar days from the date the allocation was approved by the Board, if the bonds/notes for which the allocation has been approved have not been issued prior to that time.

Before this tentative allocation becomes final, Section 6(B) of Act 117 of 1987, effective May 26, 1987, requires that the exact amount of the bonds/notes being issued be certified to the Board Secretary by the issuing authority before the issue is made. In response to that issue amount certificate, the Secretary will issue a certificate which makes the ceiling allocation final.

  
Grady L. Patterson, Jr.

Attest:

  
William A. McInnis, Secretary

15351

## EXHIBIT

APR 26 1988 NO. 6

## STATE BUDGET &amp; CONTROL BOARD

## RESOLUTION

A RESOLUTION MAKING APPLICATION TO THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA FOR THE ALLOCATION OF STATE CEILING FOR ISSUANCE OF PRIVATE ACTIVITY BONDS.

WHEREAS, the City of Mullins, South Carolina (the "City"), acting by and through its City Council (the "City Council"), is authorized and empowered by the provisions of Chapter 21, Title 6, Code of Laws of South Carolina, 1976, as amended, to issue its revenue bonds for the purpose of, inter alia, improving, enlarging or expanding its sewer system; and

WHEREAS, the City intends to issue not exceeding \$850,000 principal amount City of Mullins, South Carolina, Combined Public Utility System Revenue Refunding and Improvement Bonds (the "Bonds") for the purpose of extending its sewer system from its existing treatment plant along U.S. Highway 76 West of the City to a point near the Marion County Airport and to refund the City's outstanding \$350,000 original principal amount Combined Public Utility System Revenue Bonds, Series of 1973 (the "Project"); and

WHEREAS, the City has been advised that, due to the nature of a contract which will secure the partial payment of the Bonds, the Bonds will constitute "private activity bonds" as defined in Section 147 of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147 of the Internal Revenue Code of 1986 an allocation of 1988 state ceiling for private activity bonds by the State Budget and Control Board of South Carolina (the "State Board") in the amount of up to \$850,000 is necessary in order to enable the issuance of the Bonds; and

WHEREAS, it is now deemed advisable by the City Council to file with the State Board, in compliance with Section 2 of Act No. 117 of the 1987 General Assembly of the State of South Carolina ("Act No. 117"), the Petition of the City requesting an allocation of state ceiling for private activity bonds by the State Board;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mullins, South Carolina, as follows:

Section 1. There is hereby authorized and directed the submission on behalf of the City of a Petition by the City Council requesting an allocation of 1988 state

# EXHIBIT

APR 26 1988

NO. 6

10585

## STATE BUDGET & CONTROL BOARD

ceiling for private activity bonds in the amount of up to \$850,000 by the State Board. Said Petition, which constitutes and is hereby made a part of this authorizing resolution, to be in substantially the form attached hereto as Exhibit A.

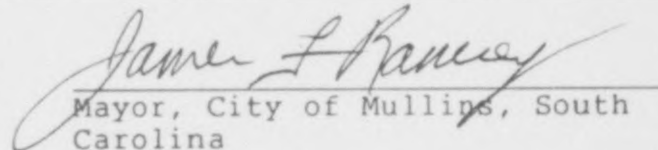
Section 2. The Mayor of the City is hereby authorized and directed to execute said Petition in the name and on behalf of the City; and the City Clerk and Treasurer is hereby authorized and directed to affix the seal of the City to said Petition and to attest the same and thereafter to submit an executed copy of this resolution, and such other applicable items as may be required under Act No. 117 and the applicable regulations of the State Board, to the State Board in Columbia, South Carolina.

Section 3. The undersigned certify, under penalty of perjury, the above-referenced Petition of the City was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

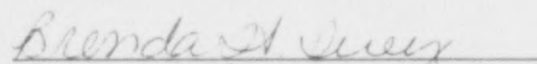
Section 4. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its passage and approval.

Passed and approved this 14th day of April, 1988.

(SEAL)

  
Mayor, City of Mullins, South  
Carolina

ATTEST:

  
Clerk and City Treasurer



## EXHIBIT

APR 26 1988

NO. 6

EXHIBIT A

STATE BUDGET &amp; CONTROL BOARD

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF MARION )

\_\_\_\_\_  
 TO THE STATE BUDGET AND CONTROL )

BOARD OF SOUTH CAROLINA )

P E T I T I O N

This Petition of the City of Mullins, South Carolina (the "City"), pursuant to Section 2 of Act No. 117 of the 1987 General Assembly of the State of South Carolina, respectfully shows:

1. The City Council of the City of Mullins (the "City Council") is the governing body of the City.

2. The City intends to issue not exceeding \$850,000 principal amount City of Mullins, South Carolina, Combined Public Utility System Revenue Bonds (the "Bonds") for the purpose of extending its sewer system from its existing treatment plant along U.S. Highway 76 West of the City to a point near the Marion County Airport and to refund the City's outstanding \$350,000 original principal amount Combined Public Utility System Revenue Bonds, Series of 1973 (the "Project").

3. The City has been advised that, due to the nature of a contract which will secure the partial payment of the Bonds, the Bonds will constitute "private activity bonds" as defined in Section 141 of the Internal Revenue Code of 1986 (the "Code").

4. The City has been further advised that, pursuant to Section 141 of the Code, an allocation by the State Budget and Control Board of South Carolina (the "State Board") of 1988 state ceiling for private activity bonds is necessary in connection with the issuance of the Bonds.

5. The allocation amount for 1988 state ceiling for private activity bonds requested herein constitutes all of the private activity bond financing contemplated at this time for the Project and any other facilities located at or used as part of the integrated operation of the Project.

# EXHIBIT

10585

APR 26 1988

NO. 6

## STATE BUDGET & CONTROL BOARD

Upon the basis of the foregoing, the County respectfully prays that the State Board allocate up to \$850,000 of the 1988 state ceiling for private activity bonds for the issuance of the Bonds.

Respectfully submitted,

CITY OF MULLINS, SOUTH CAROLINA

(SEAL)

By:

James L. Ramsey  
Mayor

Dated: April 14, 1988

ATTEST:

Brenda H. Jue  
Clerk and City Treasurer

## EXHIBIT

APR 26 1988 NO. 6

STATE OF SOUTH CAROLINA )  
)  
COUNTY OF MARION )

STATE BUDGET &amp; CONTROL BOARD

I, the undersigned Clerk and City Treasurer of the City of Mullins, South Carolina, do hereby certify that (i) the foregoing is a true, correct and verbatim copy of a Resolution adopted by Mullins City Council at a duly called and regularly held meeting on April 14, 1988, at which meeting the members of said City Council voted unanimously in favor of the adoption of said Resolution, and at which meeting a quorum was present and remained throughout; and (ii) the original of said Resolution is duly entered in the permanent records of minutes of meetings of the City Council.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April, 1988.

Brenda H. Juey  
Clerk and City Treasurer  
of the City of Mullins,  
South Carolina



# EXHIBIT

09175

APR 26 1988 NO. 6

STATE BUDGET & CONTROL BOARD

## A RESOLUTION

EXPRESSING THE INTENT TO ISSUE TAX-EXEMPT BONDS AND TO PROVIDE OFFICIAL ACTION IN SUCH REGARD.

WHEREAS, the City of Mullins, South Carolina (the "City") is authorized by Chapter 21 of Title 6, Code of Laws of South Carolina, 1976, as amended (the "Act"), to issue revenue bonds for the purpose of defraying the costs of construction and installation of improvements to the City's combined public utility system (the "System"); and

WHEREAS, pursuant to the Act, the City intends to issue an amount not exceeding \$700,000 principal amount of Combined Public Utility System Revenue Bonds (the "Bonds") to defray the costs of construction and installation of extensions to sewer lines of the System along U. S. Highway 76 (the "Improvements");

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mullins, South Carolina, as follows:

1. Pursuant to the authority contained in the Act, and subject to the adoption hereafter by the City Council of an approving ordinance, the City Council hereby expresses its intent to issue the Bonds in a principal amount not exceeding \$700,000 to defray the cost of construction and installation of the Improvements.

2. It is the intention of the City Council that this Resolution shall constitute an "official action" on the part of the City within the meaning of Section 1.103(8)(a)(5) of the Treasury Regulations relating to the issuance of tax-exempt bonds.

3. The provisions of this Resolution shall take effect immediately.

DONE IN MEETING DULY ASSEMBLED this 16th day of February, 1988.

(SEAL)

CITY COUNCIL OF THE CITY OF  
MULLINS, SOUTH CAROLINA

*James F. Ramsey*  
Mayor

Attest:

*Brenda J. Welch*  
Clerk and City Treasurer

15357

# EXHIBIT

APR 26 1988 NO. 6

## TRANSMITTAL FORM, REVENUE BONDS

Date: April 19, 1988  
Submitted for BCB Meeting on:  
April 26, 1988

### FROM:

Sinkler & Boyd  
Name of Law Firm  
Columbia, South Carolina 29201  
City, State, Zip Code

RE: Not exceeding \$850,000  
Amount of Issue  
City of Mullins  
Issuing Authority Name

TO: William A. McInnis, Secretary  
State Budget and Control Board  
600 Wade Hampton Office Building  
Columbia, SC 29201  
OR P. O. Box 12444, Columbia, SC 29211

Suite 1400, The Palmetto Center  
1426 Main Street (P. O. Box 11889, 29211)  
Street Address/Box Number  
803/779-3080

### Telephone Area Code and Number

Combined Public Utility System Refunding  
and Improvement Revenue Bonds, Series 1988-A  
Type of Bonds or Notes  
June 1, 1988  
Projected Issue Date

Project Name: Project will substantially benefit AVM Division/Maremont

### Project Description:

Extension of sewer line along Highway 76 West of City; and refunding of City's

outstanding \$160,000 Combined Public Utility System Revenue Bonds, Series of 1973

Employment as result of project: Maintain existing employment at AVM (425 persons)

### CEILING ALLOCATION REQUIRED

X Yes (\$850,000)      No  
Amount

### REFUNDING INVOLVED

X Yes (\$164,800)      No  
Amount

### PROJECT APPROVED PREVIOUSLY

     Yes (    ) X No  
Date

### DOCUMENTS ENCLOSED:

(ALL required for State law approval; A and C only for ceiling allocation only.)

- A. X Petition (executed original and two copies)  
B.      Resolution or ordinance (executed copy)  
C. X Inducement Resolution or comparable preliminary approval (executed copy)  
D.      Standard Form Investment Letter from bonds purchaser (executed original)  
(Purchaser:     )

OR      Audited financial statements for three most recent years

- E.      Department of Health and Environmental Control certificate IF REQUIRED  
F.      Budget and Control Board Resolution and Public Notice (original)  
[Plus      copies for certification and return to counsel]  
G.      Processing fee  
Amount \$      Check No.       
Payor

Bond Counsel: Sinkler & Boyd

Typed Name

By:

Robert S. Galloway, III

Robert S. Galloway, III

Signature

15358

State of South Carolina  
**State Budget and Control Board**

CARROLL A. CAMPBELL, JR., CHAIRMAN  
GOVERNOR  
GRADY L. PATTERSON, JR.  
STATE TREASURER  
EARLE E. MORRIS, JR.  
COMPTROLLER GENERAL

Box 12444  
Columbia  
29211

JAMES M. WADDELL, JR.  
CHAIRMAN, SENATE FINANCE COMMITTEE  
ROBERT N. McLELLAN  
CHAIRMAN, WAYS AND MEANS COMMITTEE

JESSE A. COLES, JR., Ph.D.  
EXECUTIVE DIRECTOR

June 14, 1988

C E R T I F I C A T E  
STATE CEILING ON ISSUANCE OF PRIVATE ACTIVITY BONDS  
(UNDER TAX REFORM ACT OF 1986)  
FINAL ALLOCATION, CALENDAR YEAR 1988

TO: City of Mullins, South Carolina  
c/o Robert S. Galloway, III  
Sinkler & Boyd  
PO Box 11889  
Columbia, SC 29211

RE: Issue of \$820,000 City of Mullins, South Carolina  
Public Utility System Refunding and Improvement Revenue Bonds, Series 1988-A  
Issue Date Projected By Issuing Authority: June 21, 1988  
Allocation Expiration Date: July 25, 1988  
Issue Amount Certificate Date: June 14, 1988

Based upon my receipt of the issue amount certificate required of the issuing authority by Section 6(B) of Act 117 of 1987, effective May 26, 1987, which certificate is dated not more than ten (10) business days prior to the projected date of issue which, as certified by the issuing authority, is within the time period during which the ceiling allocation approved previously on a tentative basis by the State Budget and Control Board for the referenced project is valid, I have determined that the allocation is now final in the amount indicated above.

I also have determined that the referenced issue when issued and combined with the amount of private activity bonds and notes certified to me previously by South Carolina issuing authorities as having been issued or which are to be issued in 1988 will not exceed the 1988 State Ceiling on the issuance of private activity bonds for the State of South Carolina.

*William A. McInnis*

William A. McInnis, Secretary

15359



JUN 14 1988

SINKLER & BOYD  
PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

THE PALMETTO CENTER  
1426 MAIN STREET, SUITE 1200  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE (803) 779-3080  
CABLE ADDRESS: PALMETTO  
TELECOPIER (803) 765-1243  
June 14, 1988

REPLY TO:  
COLUMBIA OFFICE  
POST OFFICE BOX 11889  
COLUMBIA, S.C. 29211

850,000 Tentative  
Allocation

820,000 Final

30,000 relinquished

Mullins

HAND DELIVERED

Mr. William A. McInnis  
Director  
State Budget and Control Board  
Room 600, Wade Hampton Building  
Capitol Complex  
Columbia, South Carolina 29201

RE: \$820,000 Public Utility System Refunding  
and Improvement Revenue Bonds, Series  
1988-A, of the City of Mullins, South  
Carolina

Dear Bill:

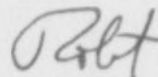
I am writing on behalf of the City of Mullins,  
as their Bond Counsel, to certify that the exact issue  
amount of the above-referenced Bonds will be \$820,000  
and to request that a final private activity bond  
allocation by the State Budget and Control Board be  
given for such amount.

The projected issue date is June 21, 1988.

For your information, a copy of the tentative  
allocation for these bonds, dated April 26, 1988, in  
the amount of \$850,000, is enclosed.

Thank you very much.

Very truly yours,



Robert S. Galloway, III

RSG/skm  
Enclosure

15360

State of South Carolina  
**State Budget and Control Board**

CARROLL A. CAMPBELL, JR., CHAIRMAN  
GOVERNOR  
GRADY L. PATTERSON, JR.  
STATE TREASURER  
EARLE E. MORRIS, JR.  
COMPTROLLER GENERAL



Box 12444  
Columbia  
29211

JAMES M. WADDELL, JR.  
CHAIRMAN, SENATE FINANCE COMMITTEE  
ROBERT N. McLELLAN  
CHAIRMAN, WAYS AND MEANS COMMITTEE

JESSE A. COLES, JR., Ph.D.  
EXECUTIVE DIRECTOR

April 26, 1988

C E R T I F I C A T E  
STATE CEILING ON ISSUANCE OF PRIVATE ACTIVITY BONDS  
(UNDER TAX REFORM ACT OF 1986)  
TENTATIVE ALLOCATION, CALENDAR YEAR 1988

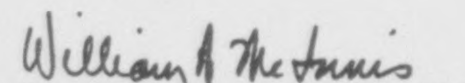
TO: City of Mullins  
\$850,000  
Combined Public Utility System Refunding and Improvement Revenue Bonds,  
Series 1988-A

The State Budget and Control Board has made a tentative allocation of the State Ceiling established in the Tax Reform Act of 1986 in the amount indicated to the referenced bonds/notes and project. This allocation is valid for calendar year 1988 only. It will expire on July 25, 1988, which is ninety (90) consecutive calendar days from the date the allocation was approved by the Board, if the bonds/notes for which the allocation has been approved have not been issued prior to that time.

Before this tentative allocation becomes final, Section 6(B) of Act 117 of 1987, effective May 26, 1987, requires that the exact amount of the bonds/notes being issued be certified to the Board Secretary by the issuing authority before the issue is made. In response to that issue amount certificate, the Secretary will issue a certificate which makes the ceiling allocation final.

  
Grady L. Patterson, Jr.

Attest:

  
William A. McInnis, Secretary

15361

# EXHIBIT

APR 26 1988

NOL 7

STATE BUDGET AND CONTROL BOARD  
MEETING OF April 26, 1988

REGULAR SESSION

ITEM NUMBER

6

AGENCY: General Services

SUBJECT: Notice of Drafting Period, Real Property Leasing Regulations

The Division of General Services advises that Code Section 11-35-1590 and Section 16.75, Part I, 1987-88 Appropriations Act, requires the Budget and Control Board to promulgate regulations concerning procedures for leasing of public and private space for State agencies.

The Division wants to publish a Notice of Drafting Period for the regulations and to begin the drafting process.

BOARD ACTION REQUESTED:

Authorize a Notice of Drafting Period for Real Property Leasing Regulations in the next edition of the State Register.

ATTACHMENTS:

Agenda item worksheet; attachments

15362



# EXHIBIT

APR 26 1988 NO. 7

## BUDGET AND CONTROL BOARD AGENDA ITEM WORKSHEET STATE BUDGET & CONTROL BOARD

Meeting Scheduled for: April 26, 1988

Agenda: Regular

1. Submitted By:

(a) Agency: Division of General Services

(b) Authorized Official Signature: Richard W. Kelly, Division Director

2. Subject: Notice of Drafting Period for Real Property Leasing Regulations

3. Summary Background Information:

Section 11-35-1590 of the Code of Laws of South Carolina, 1976 (as amended) and Section 16.75 of Part I of the 1987-88 Appropriations Act requires the Budget and Control to promulgate regulations concerning procedures for leasing of public and private space for state agencies. Those two sections require the regulations to address specific topics and procedures in promulgating these regulations. The Division of General Services wishes to publish a Notice of Drafting Period for these regulations and begin the drafting process.

4. What is Board asked to do?

Publish a Notice of Drafting Period for Real Property Leasing Regulations in the next edition of the State Register as required by Section 1-23-110 of the Administrative Procedures Act.

5. What is recommendation of Board Division involved?

To publish Notice of Drafting Period.

6. Recommendation of other Division/agency (as required)?

(a) Authorized Signature: \_\_\_\_\_

(b) Division/Agency Name: \_\_\_\_\_

7. Supporting Documents:

(a) List Those Attached:

1. Section 11-35-1590, Code of Laws of South Carolina, 1976 (as amended)
2. Section 16.75 of Part I of 1987-88 Appropriations Act
3. Section 1-23-110, Code of Laws of South Carolina, 1976 (as amended)

(b) List Those Not Attached But Available From Submitter:

15363

APR 26 1988

NO. 7

§ 11-35-1580

PUBLIC FINANCE

STATE BUDGET & CONTROL BOARD

- (f) developing policies and standards for the management of information technology in state government;
- (g) initiating a state plan for the management and use of information technology;
- (h) providing management and technical assistance to state agencies in using information technology; and
- (i) establishing a referral service for state agencies seeking technical assistance or information technology services.

(2) *Exemptions from the requirements of this Section.* The office may establish by regulation categories of procurement for information technology which shall be exempted from the requirements of this section.

(3) *Training and Certification.* The office may establish a training and certification program in accordance with § 11-35-1030.

(4) *Requirements for Publications.* All invitations to compete for information technology procurements shall be formally advertised in an official state government publication. The manner in which this official state government publication shall be published, the content of the publication itself, the frequency of the publication, the method for subscription to the publication; and the manner by which the publication will be distributed shall be established by regulation of the board.

**HISTORY:** 1981 Act No. 148, § 1.

**Cross references—**

As to provisions of this section constituting exception to requirements governing competitive sealed bidding in § 11-35-1520, see § 11-35-1510.

As to this section constituting exception to general procedures governing sale of state owned supplies, property or personal property, see § 11-35-3820.

**Research and Practice References—**

64 Am Jur 2d, Public Works and Contracts § 43.

**§ 11-35-1590. Leasing of real property for governmental bodies.**

(1) *Designation of Board as Single Central Broker.* The board is hereby designated as the single central broker for the leasing of real property for governmental bodies. No governmental body shall enter into any lease agreement or renew any existing lease except in accordance with the provisions of this Section.

(2) *Notification as to Need When State-Owned Property is Unavailable.* When any governmental body needs to acquire real property for its operations or any part thereof and state-owned property is not available, it shall notify the Division of General Services of its requirement on rental request forms prepared by the division. Such forms shall indicate the amount and location of

200

15364



space desired, the purpose for which it shall be used, the proposed date of occupancy and such other information as the division may require.

Upon receipt of any such request, the division shall conduct an investigation of available rental space which would adequately meet the governmental body's requirements, including specific locations which may be suggested and preferred by the governmental body concerned. When suitable space has been located which the governmental body and the division agree meets necessary requirements and standards for state leasing as prescribed in regulations of the board as provided for in subsection (3) of this Section, the division shall give its written approval to the governmental body to enter into a lease agreement. In the event the governmental body and the division fail to reach agreement with regard to the appropriate property for leasing, the controversy shall be referred to the board which shall make a final determination of the matter. All proposed lease renewals shall be submitted to the division by the time specified by the division.

(3) *Promulgation of Regulations.* The board shall promulgate regulations to implement the provisions of this Section which shall include:

- (a) Procedures for governmental bodies to apply for rental space.
- (b) Flexible cost standards for rental space.
- (c) Procedures for competitive bidding where feasible.

**HISTORY:** 1981 Act No. 148, § 1.

**Cross references—**

As to provisions of this section constituting exception to requirements governing competitive sealed bidding in § 11-35-1520, see § 11-35-1510.

**Research and Practice References—**

64 Am Jur 2d, Public Works and Contracts § 45.

**SUBARTICLE 5**

**CANCELLATION OF INVITATION FOR BIDS OR REQUEST FOR PROPOSALS**

**SEC.**

11-35-1710. Cancellation of invitation for bids or request for proposals.

**§ 11-35-1710. Cancellation of invitation for bids or request for proposals.**

An invitation for bids, a request for proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or part as may be specified in the solicitation, when it is in the best interest of the State. The reasons for



SECTION 16  
BUDGET AND CONTROL BOARD

EXHIBIT

APR 26 1988 NO. 7

processing, installment purchase program, and printing, on June 30 of any fiscal year, the Budget and Control Board is authorized and directed, after discussion in an open meeting, to transfer any funds remaining in the agency accounts to pay these obligations prior to the closing of the books for that fiscal year and prior to carrying any funds forward to the subsequent fiscal year. The provisions herein above shall not apply to the General Assembly.

16.73. Notwithstanding any other provision of law and upon approval of the Budget and Control Board, an employee appointed to fill an original, full-time position as a Public Accounts Assistant Auditor, Public Accounts Senior Assistant Auditor, Public Accounts Senior Auditor, Public Accounts Audit Supervisor, or Public Accounts Audit Manager, shall serve a probationary period of not more than twelve (12) months.

16.74. The Fire Academy of the State Fire Marshal Division may charge participants a fee to cover the cost of education and training programs. The revenue generated may be applied to the cost of operations, and any unexpended balance may be carried forward to 1987-88 and utilized for the same purposes.

16.75. The Budget and Control Board, in an effort to ensure that funds authorized and appropriated for rent are used in the most efficient manner, is directed to develop a program to manage the leasing of all public and private space of State agencies. In accordance with Sections 11-35-1590 of the Code of Laws of 1976 (leasing of real property for governmental bodies) the Board's regulations, upon General Assembly approval, shall include procedures for: 1) assessing and evaluating agency needs, including the authority to require agency justification for any request to lease public or private space; 2) establishing standards for the

# EXHIBIT

SECTION 16  
BUDGET AND CONTROL BOARD

APR 26 1988

NO. 7

## STATE BUDGET & CONTROL BOARD

quality and quantity of space to be leased by a requesting agency; 3) devising and requiring the use of a standard lease form (approved by Attorney General) with provisions which assert and protect the State's prerogatives including, but not limited to, a right of cancellation in the event of a (a) non-appropriation for the renting agency, (b) dissolution of the agency and (c) the availability of public space in substitution for private space being leased by the agency; 4) rejecting an agency's request for additional space and/or space at a specific location; 5) directing agencies to be located in public space, when available, before private space can be leased; 6) requiring the agency to submit a multi-year financial plan for review by the Board's budget office with copies sent to Ways and Means Committee and Senate Finance Committee, before any new lease for space is entered into; and 7) requiring prior review by the Joint Bond Review Committee and the requirement of Budget and Control Board approval before the adoption of any new lease that commits more than \$1 million in a 5 year period.

16.76. That revenues generated from the rentals of the facilities of the Mansion Complex may be retained and expended for the budgeted operation of the Complex.

16.77. Notwithstanding any other provision of law, the funds received from grants from the Office of Local Government after July 1, 1987, shall be expended for the purpose listed in the grant within six months from the date of approval by the Office of Local Government or the funds shall be returned to the Office of Local Government. Failure to expend or return the grant funds within a six month period or the expenditure of the funds for purposes not listed in the grants shall make the grantee ineligible to receive funds from the Office of Local Government until approved by the Budget and Control Board.

APR 26 1988

NO. 7

§ 1-11-100

ADMINISTRATION OF THE GOVERNMENT

STATE BUDGET &amp; CONTROL BOARD

**§ 1-11-100. Execution of instruments conveying rights of way or easements over marshlands or vacant lands.**

Deeds or other instruments conveying such rights of way or easements over such marshlands or vacant lands as are owned by the State shall be executed by the Governor in the name of the State, when authorized by resolution of the Budget and Control Board, duly recorded in the minutes and records of such Board and when duly approved by the office of the Attorney General; deeds or other instruments conveying such easements over property in the name of or under the control of State agencies, institutions, commissions or other bodies shall be executed by the majority of the governing body thereof, shall name both the State of South Carolina and the institution, agency, commission or governing body as grantors, and shall show the written approval of the majority of the members of the State Budget and Control Board.

**HISTORY:** 1962 Code § 1-357.3; 1963 (53) 177.

**Cross References—**

As to authority of State institutions and agencies to grant easements and rights of way, see § 10-1-130.

**Research and Practice References—**

63A Am Jur 2d, Public Lands § 115.

73B CJS, Public Lands §§ 178, 180.

17 Am Jur Legal Forms 2d, States, Territories, and Dependencies § 239:21 (agricultural lease-provision-reservation of right to grant easements).

**§ 1-11-110. Authorization of Board to acquire real property by gift, purchase, and condemnation.**

(1) The State Budget and Control Board is authorized to acquire real property, including any estate or interest therein, for, and in the name of, the State of South Carolina by gift, purchase, condemnation or otherwise.

(2) The State Budget and Control Board shall make use of the provisions of the Public Works Eminent Domain Law (Chapter 5 of Title 28) should it be necessary to acquire real property by condemnation. Such proceedings shall be maintained by and in the name of the Board. *Provided*, that such right of condemnation shall be limited to the right to acquire land necessary for the development of the capital complex mall in the city of Columbia.

**HISTORY:** 1962 Code § 1-357.4; 1968 (55) 3067.

**Research and Practice References—**

26 Am Jur 2d, Eminent Domain §§ 13, 27 et seq.

29A CJS, Eminent Domain §§ 19, 22, 29-31.



# EXHIBIT

APR 26 1988

NO. 8

STATE BUDGET AND CONTROL BOARD  
MEETING OF April 26, 1988

REGULAR SESSION  
ITEM NUMBER

7

AGENCY: Budget Division

SUBJECT: Transfer Requests

The Budget Division recommends approval of the following agency requests to transfer personal service funds:

- (a) Archives and History: \$93,985 to other operating expenses (contractual services \$22,585; supplies \$600; equipment \$70,985); and
- (b) Mental Health: \$247,000 to contractual services; supplies; and light, power and heat.

BOARD ACTION REQUESTED:

Approve the following personal service funds transfers as recommended by the Budget Division:

- (a) Archives and History: \$93,985 to other operating expenses (contractual services \$22,585; supplies \$600; equipment \$70,985); and
- (b) Mental Health: \$247,000 to contractual services; supplies; and light, power and heat.

ATTACHMENTS:

Agenda item worksheets; attachments

15369

# EXHIBIT

APR 20 1988

APR 26 1988

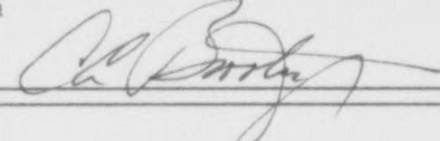
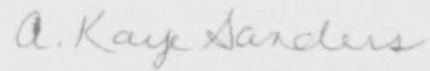
NO. 8

## STATE BUDGET & CONTROL BOARD BUDGET AND CONTROL BOARD AGENDA ITEM WORKSHEET (12/84)

88-178

Meeting Scheduled for: April 26, 1988

Regular Agenda

1. Submitted By:  
(a) Agency: State Budget Division  
(b) Authorized Official Signature: 
2. Subject:  
Department of Archives & History Request to Transfer Personal Service Funding to Other Operating Expenses
3. Summary Background Information:  
The South Carolina Department of Archives and History requests the transfer of \$93,985 from Personal Services to Other Operating Expenses. The agency has a surplus in Personal Service funds which occurred because of a higher turnover rate in staff positions and a temporary freeze on hiring. This transfer is to move Personal Service funds to: Contractual Services, \$22,585; Supplies, \$600; and Equipment, \$70,985. See agency letter for further justification.
4. What is Board asked to do?  
Approve the transfer of \$93,985 from Personal Service funds to Other Operating Expenses
5. What is recommendation of Board Division involved?  
Recommend approval  

6. Recommendation of other Division/agency (as required)?  
  
(a) Authorized Signature: \_\_\_\_\_  
(b) Division/Agency Name: \_\_\_\_\_
7. Supporting Documents:  
(a) List Those Attached:
  1. Agency Letter
  2. Transfer Form #30  
(b) List Those Not Attached But Available From Submitter:

15370

(a)

EXHIBIT

APR 26 1988

NO. 8



## South Carolina Department of Archives and History

1430 Senate Street, P.O. Box 11,669, Columbia, South Carolina 29211 (803) 734-8577  
State Records (803) 734-7914; Local Records (803) 734-7917

April 5, 1988

## MEMORANDUM

From: George L. Vogt, Director  
Subject: Reallocation of excess personal services money  
To: Members of the Budget and Control Board

APR 06 1988

STATE BUDGET &amp; CONTROL BOARD

BACKGROUND TO REQUEST

Last August, I placed a temporary freeze on agency hiring to deal with a projected shortfall in funds. (The shortfall was created by a legislative error last year with regard to our benefits money and by sharp increases in our insurance and telephone costs.) I removed the freeze effective January 1; however, there were unavoidable delays in filling several vacancies, and others were filled from within, thus creating additional vacancies. Moreover, the turnover rate in staff positions has been much higher than expected this year. As a result, we now project a surplus in the personal services category agencywide.

REQUESTED ACTION

I request permission to transfer \$93,985 of personal services funds to other categories of our budget, as listed below.

JUSTIFICATION

The Department is now more than halfway through long-range planning and has identified some key needs:

- 1) Better conservation equipment (Priority #4 in the FY 1988-89 budget submission - not recommended in House bill)
- 2) Space utilization study to reduce overcrowding and redesign in three work areas
- 3) In-house publishing capability ("desktop publishing").

In addition, we have urgent need for a new security lock system on exterior doors (we may thus avoid the need for a security officer on duty); we need to replace failing microfilm equipment (another unfunded priority request); we need to republish a long list of out-of-print pamphlets and brochures (printing budget was vetoed); and we are required to acquire a variety of computer room accessories, such as fire-proof cabinets and special fire extinguishers.

I appreciate your consideration of this request and stand ready to answer any questions that you may have.

15371



Summary of Requested Transfers

Equipment

16,400  
12,000  
12,000  
1,300  
29,100

desktop publishing equip - ADMIN  
conservation equipment - A&P  
microfilm equipment - S&L REC  
computer equipment - COMP SERV  
office dividers/modular furniture

Supplies

600

desktop publishing (1 year supplies) - ADMIN

Contractual Services

10,000  
1,085  
5,500  
6,000

space consultant/enclosing training area  
service contract for desktop publisher  
republishing of brochures, pamphlets  
new lock system - ADMIN

---

\$ 93,985

**EXHIBIT**

**APR 26 1988      NO. 8**

**STATE BUDGET & CONTROL BOARD**

APR 26 1988

**15372**

## EXHIBIT-01

AGENCY NUMBER	AGENCY BATCH NUMBER	OBJECT CODE HASH TOTAL	TOTAL BATCH AMOUNT	BATCH DATE	BATCH NUMBER	DOCUMENT
H79	22	1574	187,970.00	APR 26 1988	NO. 8	3

AGENCY VOUCHER NUMBER

22

AGENCY TRANSFERRED TO ICRI

王 强 张 强

## Archives and History

86 87 88 89 90 91 92 93  
A. 27 27 27 27 27 27 27 27

1430 Senate Street

Columbia, SC

## STATE OF SOUTH CAROLINA

BUDGET AND CONTROL BOARD • FINANCE DIVISION

### APPROPRIATION TRANSFER

TO REQUESTING AGENCY:

This form must be supported with documentation indicating the reason for the transfer. No commitment should be made in anticipation of the approval of a transfer.

CD WARRANT NUMBER

### BUDGET & CONTROL BOARD

AGENCY TRANSFERRED FROM IDMI

52 頁 54 頁

Archives and History

品 牌 經 理 人 員 均 經 培 訓 考 試 合 格 領 取 證 書 上 崗

1430 Senate Street

Columbia, SC

REASON FOR TRANSFER: Reallocation of excess personal services money

ROM

FUND	TRANS CODE	AGCY NO.	MINT CODE	SUB FUND CODE	SUBSIDIARY ACCOUNT NO.	ENCUMBRANCE NO.	HOD	PROJECT CODE	PAYEE	AGENCY REFERENCE NUMBER	OBJECT CODE		TRANSACTION AMOUNT	MULTI PURPOSE CODE
10	350	H79	0479	1001							0158		43,851.00	
10	350	H79	0469	1001							0158		21,504.00	
10	350	H79	0465	1001							0158		28,630.00	
										TOTAL	474		93,985.00	

FM	TRANS CODE	AGCY NO	MMH CODE	SUB FUND CODE	SUBSIDIARY ACCOUNT NO	FUNDS BRANCE NO	H O D	PROJECT CODE	AGENCY REFERENCE NUMBER	OBJECT CODE	TRANSACTION AMOUNT	MULTI PURPOSE CODE
10	300	H79	0463	1001						0200	22,585.00	
10	300	H79	0463	1001						0300	600.00	
10	300	H79	0463	1001						0600	70,800.00	
									TOTAL	1100	93,985.00	

REQUESTED BY Anne C. Burriss DATE 4 5 88 STATE BUDGET ANALYST \_\_\_\_\_ DATE \_\_\_\_\_

To the Comptroller General and Treasurer: By unanimous approval of the Budget and Control Board, the above appropriation transfers are authorized.

STATE AUDITOR \_\_\_\_\_ DATE \_\_\_\_\_

# EXHIBIT

APR 26 1988 NO. 8

BUDGET AND CONTROL BOARD AGENDA ITEM WORKSHEET (STATE BUDGET & CONTROL BOARD)

88-179

Meeting Scheduled for: April 26, 1988

Regular Agenda

1. Submitted By:

(a) Agency: State Budget Division

(b) Authorized Official Signature: 

2. Subject:

Department of Mental Health Request to Transfer Personal Service Funds to Other Operating Expenses

3. Summary Background Information:

The Department of Mental Health requests the transfer of \$247,000 of state funds from Personal Services to Contractual Services, Supplies, and Light, Power, and Heat. At the Board's meeting of April 12, 1988, the Department reported a potential year-end deficit of \$2.3 million. This estimate was predicated on the agency's ability to transfer all available surpluses to cover accounts projected to have deficits. This transfer is part of the Department's deficit management program. Accrued vacancy funds are the result of the agency's inability to hire qualified health professionals. In many cases, the agency has had to rely on contracted services such as nursing pools and private sector physicians and psychiatrists. No RIF will be involved.

4. What is Board asked to do?

Approve the transfer of \$247,000 of state funds from Personal Services to Other Operating Expenses as part of the Department's deficit management program

5. What is recommendation of Board Division involved?

Recommend approval



6. Recommendation of other Division/agency (as required)?

(a) Authorized Signature: \_\_\_\_\_

(b) Division/Agency Name: \_\_\_\_\_

7. Supporting Documents:

(a) List Those Attached:

1. Agency Letter
2. Transfer Form #30

15374

(b) List Those Not Attached But Available From Submitter:

(b)





## South Carolina Department of Mental Health

An Equal Opportunity Employer

P.O. Box 485 / 2414 Bull Street / Columbia, South Carolina 29202

Information (803) 734-7783

Joseph J. Bevilacqua, Ph.D. / State Commissioner

(803) 734-7780

# EXHIBIT

April 5, 1988

APR 26 1988 NO. 8

### MENTAL HEALTH COMMISSION:

William L. Pope, Chairman  
Columbia

Bernard Warshaw, Vice-Chairman  
Walterboro

C. Alex Harvin, Jr.  
Summerton

Elaine T. Freeman  
Spartanburg

Carol W. Garvin  
Aiken

Willie G. Boulware  
Rock Hill

Ernest E. Harrill  
Greenville

C. M. Tucker, Jr.  
Chairman Emeritus  
Pageland

John M. Fewell, M.D.  
Member Emeritus  
Greenville

G. Werber Bryan  
Member Emeritus  
Sumter

Aaron Krute  
State Budget Division  
532 Edgar Brown Building  
1205 Pendleton Street  
Columbia, S.C. 29201

STATE BUDGET & CONTROL BOARD

Dear Aaron,

Attached please find Transfer T0249 requesting additional transfers from community mental health centers to other programs in order to deal with the agency's management of the deficit situation. This transfer was to have been submitted with other transfers currently pending Board approval as they cross category lines, however several journal entries had to be made first with the Comptroller General's Office in order to complete the transfer request.

Your assistance with this request is appreciated.

Sincerely,

*Jack Balling*  
Jack Balling  
Dir., Budgeting Systems

15375

# EXHIBIT OF 1

AGENCY NUMBER <b>J12</b>	AGENCY BATCH NUMBER	OBJECT CODE HASH TOTAL <b>3632</b>	TOTAL BATCH AMOUNT <b>\$494,000.00</b>	BATCH DATE <b>APR 26 1988</b>	BATCH NUMBER <b>NO. 8</b>	DOCUMENT <b>3</b>
-----------------------------	---------------------	---------------------------------------	---	----------------------------------	------------------------------	----------------------

AGENCY VOUCHER NUMBER

**T0249**

## STATE OF SOUTH CAROLINA

BUDGET AND CONTROL BOARD - FINANCE DIVISION

CG WARRANT NUMBER

STATE BUDGET & CONTROL BOARD

AGENCY TRANSFERRED TO (CRI)

NAME <b>Mental Health</b>
ADDRESS <b>P.O. Box 485</b>
<b>Columbia, S. C. 29202</b>

### APPROPRIATION TRANSFER

TO REQUESTING AGENCY:

This form must be supported with documentation indicating the reason for the transfer. No commitment should be made in anticipation of the approval of a transfer.

AGENCY TRANSFERRED FROM (DRI)

NAME <b>Mental Health</b>
ADDRESS <b>P.O. Box 485</b>
<b>Columbia, S. C. 29202</b>

REASON FOR TRANSFER: \_\_\_\_\_

FROM

FM	TRANS CODE	AGCY NO	MINI CODE	SUB FUND CODE	SUB SIDIARY ACCOUNT NO	ENCUM BRANCE NO	M O D	PROJECT CODE	AGENCY REFERENCE NUMBER	OBJECT CODE	TRANSACTION AMOUNT	MULTI PURPOSE CODE
10	350	J12	0576	1001						0158	54,000.00	Santee
10	350	J12	0578	1001						0158	100,000.00	Sptbg.
10	350	J12	0580	1001						0158	45,000.00	Waccamaw
10	350	J12	2272	1001						0158	48,000.00	Berkeley
TOTAL										0632	247,000.00	

TO

FM	TRANS CODE	AGCY NO	MINI CODE	SUB FUND CODE	SUB SIDIARY ACCOUNT NO	ENCUM BRANCE NO	M O D	PROJECT CODE	AGENCY REFERENCE NUMBER	OBJECT CODE	TRANSACTION AMOUNT	MULTI PURPOSE CODE
10	300	J12	0560	1001						2300	54,000.00	SCSH
10	300	J12	4175	1001						0200	100,000.00	HPH
10	300	J12	4124	1001						0300	45,000.00	Admin
10	300	J12	4175	1001						0200	48,000.00	HPH
TOTAL										3000	247,000.00	

REQUESTED BY *J. Balling* DATE 4/5/88 STATE BUDGET ANALYST \_\_\_\_\_ DATE \_\_\_\_\_

To the Comptroller General and Treasurer: By unanimous approval of the Budget and Control Board, the above appropriation transfers are authorized

STATE AUDITOR **15376** DATE \_\_\_\_\_

# EXHIBIT

APR 26 1988

NO. 9

## STATE BUDGET & CONTROL BOARD

STATE BUDGET AND CONTROL BOARD

REGULAR SESSION

MEETING OF April 26, 1988

ITEM NUMBER

8

AGENCY: Mental Health

SUBJECT: Moving Expenses

In accord with Code Section 8-11-135, the Department of Mental Health requests approval of the payment of not to exceed \$5,000 to Dr. Melvin Mart as a reimbursement for the costs incurred in moving personal and household effects from Long Island, New York to Columbia.

Dr. Mart is to accept a Psychologist IV position at the William S. Hall Psychiatric Institute.

### BOARD ACTION REQUESTED:

In accord with Code Section 8-11-135, authorize the Department of Mental Health to pay not to exceed \$5,000 to Dr. Melvin Mart as a reimbursement for the costs incurred in moving personal and household effects from Long Island, New York to Columbia.

### ATTACHMENTS:

Bevilaqua April 11 memo to McInnis

15377





APR 28 1988

## South Carolina Department of Mental Health

An Equal Opportunity Employer

P. O. Box 485 / 2414 Bull Street / Columbia, South Carolina 29202

Information (803) 734-7766

Joseph J. Bevilacqua, Ph.D. / State Commissioner

(803) 734-7780

# EXHIBIT

APR 26 1988

NOL 9

### MEMORANDUM

STATE BUDGET & CONTROL BOARD

#### MENTAL HEALTH COMMISSION:

William L. Pope, Chairman  
Columbia

C. Alex Harvin, Jr., Vice-Chairman  
Summerton

Elaine T. Freeman  
Spartanburg

E. A. Hall, Jr.  
Columbia

Richard K. Harding, M.D.  
Columbia

Ernest E. Harrill  
Greenville

Louise R. Hassenplug  
Rock Hill

C. M. Tucker, Jr.  
Chairman Emeritus  
Pageland

John M. Fewell, M.D.  
Member Emeritus  
Greenville

G. Werber Bryan  
Member Emeritus  
Sumter

Bernard Warshaw  
Member Emeritus  
Walterboro

TO: William A. McInnis, Secretary  
Budget and Control Board

FROM: Joseph J. Bevilacqua, Ph.D.  
State Commissioner of Mental Health

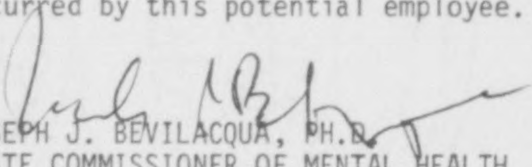
SUBJECT: New Employee Moving Expense Payment  
Approval Request

DATE: April 20, 1988

In accord with Code Section 8-11-135, this is a request for Budget and Control Board approval of the payment by this agency, not to exceed \$5,000, as a reimbursement to Dr. Melvin Mart, Long Island, New York for the costs incurred in moving personal and household effects from Long Island, New York to Columbia, South Carolina.

Dr. Mart will be accepting a position for a Psychologist IV at the William S. Hall Psychiatric Institute. Dr. Mart is well qualified and will provide exceptional clinical services to the Institute.

I certify that the indicated amount to be paid is the total paid and to be paid by this agency toward the moving cost incurred by this potential employee.

  
JOSEPH J. BEVILACQUA, PH.D.  
STATE COMMISSIONER OF MENTAL HEALTH

JJB:cmb

15378

APR 19 1988



## South Carolina Department of Mental Health

An Equal Opportunity Employer

P. O. Box 485 / 2414 Bull Street / Columbia, South Carolina 29202

Information (803) 734-7766

Joseph J. Bevilacqua, Ph.D. / State Commissioner

(803) 734-7780

# EXHIBIT

APR 26 1988

NO. 9

### MEMORANDUM STATE BUDGET & CONTROL BOARD

#### MENTAL HEALTH COMMISSION:

William L. Pope, Chairman  
Columbia

C. Alex Harvin, Jr., Vice-Chairman  
Summerton

Elaine T. Freeman  
Spartanburg

E. A. Hall, Jr.  
Columbia

Richard K. Harding, M.D.  
Columbia

Ernest E. Harrill  
Greenville

Louise R. Hassenplug  
Rock Hill

C. M. Tucker, Jr.  
Chairman Emeritus  
Pageland

John M. Fewell, M.D.  
Member Emeritus  
Greenville

G. Werber Bryan  
Member Emeritus  
Sumter

Bernard Warshaw  
Member Emeritus  
Walterboro

TO: William A. McInnis, Secretary  
Budget and Control Board

FROM: Joseph J. Bevilacqua, Ph.D.  
State Commissioner of Mental Health

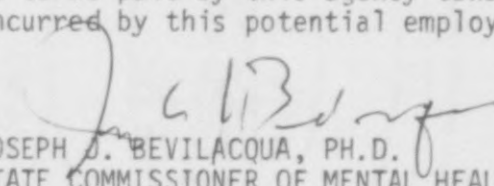
SUBJECT: New Employee Moving Expense Payment  
Approval Request

DATE: April 11, 1988

In accord with Code Section 8-11-135, this is a request for Budget and Control Board approval of the payment by this agency, not to exceed \$5,000, as a reimbursement to Dr. Melvin Mart, Long Island, New York for the costs incurred in moving personal and household effects from Long Island, New York to Columbia, South Carolina.

Dr. Mart is ~~considering~~<sup>to</sup> accepting a vacant position for a Psychologist IV at the William S. Hall Psychiatric Institute. Dr. Mart is well qualified and will provide exceptional clinical services to the Institute.

I certify that the indicated amount to be paid is the total paid and to be paid by this agency toward the moving cost incurred by this potential employee.

  
JOSEPH J. BEVILACQUA, PH.D.  
STATE COMMISSIONER OF MENTAL HEALTH

JJB:cmb



15379

# EXHIBIT

APR 26 1988 NO. 9

STATE BUDGET & CONTROL BOARD

## **§ 8-11-135. Payment of moving expenses of new employees.**

A state agency may pay the cost of moving the personal and household effects for newly-employed personnel if all of the following conditions are met:

- (a) The new employee's place of residence is outside of the State of South Carolina at the time of employment by the agency.
- (b) The agency can demonstrate that paying these costs is necessary to fill the position.
- (c) The maximum payment in any instance to any new employee may not exceed five thousand dollars.
- (d) The payment is certified by the agency head (or the board or commission chairman if the new employee is the agency head) as the total paid by the agency toward the total moving cost incurred by the new employee.
- (e) The amount certified by the agency is approved by the Budget and Control Board.

**HISTORY:** 1985 Act No. 201, Part II, § 10.



# EXHIBIT

APR 26 1988

NO. 10

STATE BUDGET AND CONTROL BOARD ~~STATE BUDGET & CONTROL BOARD~~ REGULAR SESSION  
MEETING OF April 26, 1988 ITEM NUMBER

9

AGENCY: Water Resources Commission

SUBJECT: Moving Expenses

In accord with Code Section 8-11-135, the Water Resources Commission requests approval of the payment of the following reimbursements for the costs incurred in moving personal and household effects:

(a) \$1,007.04 to William T. Griffin, Geologist II, from New Orleans, Louisiana to Columbia; and

(b) \$1,631.71 to Gregory B. Kuntz, Hydrologist II, from Omaha, Nebraska to Columbia.

BOARD ACTION REQUESTED:

In accord with Code Section 8-11-135, authorize the Water Resources Commission to pay the following reimbursements for the costs incurred in moving personal and household effects: (a) \$1,007.04 to William T. Griffin, Geologist II, from New Orleans, Louisiana to Columbia; and (b) \$1,631.71 to Gregory B. Kuntz, Hydrologist II, from Omaha, Nebraska to Columbia.

ATTACHMENTS:

Vang April 13 memos to McInnis

15381

State of South Carolina  
Water Resources Commission



APR 14 1988

EXHIBIT

APR 26 1988

NO. 10

STATE BUDGET & CONTROL BOARD

Alfred H. Vang  
Executive Director

April 13, 1988

MEMORANDUM

TO: William A. McInnis, Secretary  
Budget and Control Board

FROM: Alfred H. Vang, Executive Director *AV*  
Water Resources Commission

SUBJECT: New Employee Moving Expense Payment Approval Request

In accord with Code Section 8-11-135, this is a request for Budget and Control Board approval of the payment by this agency of \$1,007.04 as a reimbursement to William T. Griffin, 480 Audubon Street #5, New Orleans, Louisiana, 70118 for the costs incurred in moving personal and household effects from New Orleans, Louisiana to Columbia, South Carolina.

William T. Griffin is to become a Geologist II with this agency. Because of Mr. Griffin's experience and expertise in the field of geological coring and well-site logging, and his knowledge of geophysical log analysis, and because of the intricate nature of the geohydrological investigation being conducted in cooperation with the United States Department of Energy, it is necessary for this agency to pay this reimbursement to fill this position.

I certify that the indicated amount to be paid is the total paid and to be paid by this agency toward the total moving cost incurred by this new employee.

15382

APR 14 1988

State of South Carolina  
Water Resources Commission



EXHIBIT

APR 26 1988

NO. 10

STATE BUDGET & CONTROL BOARD

Alfred H. Vang  
Executive Director

April 13, 1988

MEMORANDUM

TO: William A. McInnis, Secretary  
Budget and Control Board

FROM: Alfred H. Vang, Executive Director *AV*  
Water Resources Commission

SUBJECT: New Employee Moving Expense Payment Approval Request

In accord with Code Section 8-11-135, this is a request for Budget and Control Board approval of the payment by this agency of \$1,631.17 as a reimbursement to Gregory B. Kuntz, 1105 North 48th Avenue #5, Omaha, Nebraska, 68132 for the costs incurred in moving personal and household effects from Omaha, Nebraska to Columbia, South Carolina.

Gregory B. Kuntz is to become a Hydrologist II with this agency. Because of Mr. Kuntz's expertise in the field of hydrology, and his knowledge of ground-water flow modeling, and because of the intricate nature of the geohydrological investigation being conducted in cooperation with the United States Department of Energy, it is necessary for this agency to pay this reimbursement to fill this position.

I certify that the indicated amount to be paid is the total paid and to be paid by this agency toward the total moving cost incurred by this new employee.

15383



# EXHIBIT

APR 26 1988 NO. 11

STATE BUDGET AND CONTROL BOARD  
MEETING OF April 26, 1988

REGULAR SESSION  
ITEM NUMBER

10

AGENCY: Clemson University

SUBJECT: Foreign Travel

Clemson University requests approval of the travel of Dr. Daniel B. Smith, Professor and Extension Agricultural Economist, to Copenhagen, Denmark, during the June 22 - July 2, 1988 period to participate in the International Farm Management Association Congress and Pre-Congress Study Tour.

The estimated cost of this travel is \$3,500 and will be paid from State-appropriated funds.

BOARD ACTION REQUESTED:

Approve the travel of Dr. Daniel B. Smith, Clemson University Professor and Extension Agricultural Economist, to Copenhagen, Denmark, during the June 22 - July 2, 1988 period at an estimated cost of \$3,500 and to be paid from State-appropriated funds.

ATTACHMENTS:

Wise/Maxwell Memo to McInnis

15384

## EXHIBIT

APR 26 1988

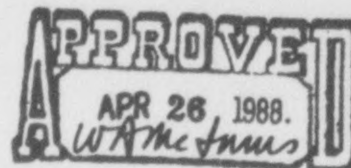
NO. 11

APR 21 1988

APR 25 1988

CLEMSON  
UNIVERSITY

STATE BUDGET &amp; CONTROL BOARD

BUSINESS AND FINANCE  
Office of Financial ManagementSTATE BUDGET AND  
CONTROL BOARD

## REQUEST FOR APPROVAL OF FOREIGN TRAVEL

DATE: April 15, 1988

TO: Mr. William A. McInnis  
Deputy Executive Director, State Budget & Control Board  
601 Wade Hampton Office Building  
Columbia, SC 29211

FROM: *W. David Maxwell*  
Dr. David Maxwell ~~Vice Provost~~ and Vice President of Academic Affairs

SUBJECT: Dr. Carol G. Weatherford  
Name  
Assistant Professor  
Title

DESTINATION: Witzenhausen, GermanyTIME PERIOD: June 18 - June 25 or 26, 1988PURPOSE: To present an interactive workshop"The Imagery Connection: Creatively Linking PastExperience with New Concepts"

FUNDS: State-appropriated: 1-20-5180-0709-51-0000 \$1,000.00  
Account No. Amount

Account No. Amount

Other sources:

Personal 200

Account No. Amount

Account No. Amount

ESTIMATED TOTAL COST: \$ 1,700.00

*Carol G. Weatherford* 4/18/88  
Traveler Date

*Richard Hargis* 4-15-88  
Department Head Date

*J.E. Matthews* 4/19/88  
Dean or Director Date

15385

# EXHIBIT

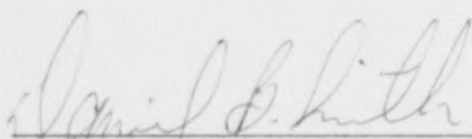
PURPOSE

APR 26 1988

NO. 1 1

## STATE BUDGET & CONTROL BOARD

The International Farm Management Congress met two years ago at Minneapolis, Minnesota. I participated in that Congress in connection with another meeting at Minneapolis. I found the sessions and association with international, extension, research, and farm management professionals to be very productive. This is the only organized group of international farm management professionals where the opportunities for exchange of ideas and programs can take place. Of special interest to me for South Carolina is the economics of low input agriculture. Several foreign countries have made substantial progress in profitability from low input agriculture. An update on extension methods in marketing, policy and financial management will also be useful in program development in South Carolina. I feel my extension work in South Carolina would be enhanced as a result of professional improvement from participation in this Congress.



Daniel B. Smith, Department of  
Agricultural Economics and  
Rural Sociology

15386



# EXHIBIT

APR 26 1988

NO. 11

STATE BUDGET & CONTROL BOARD



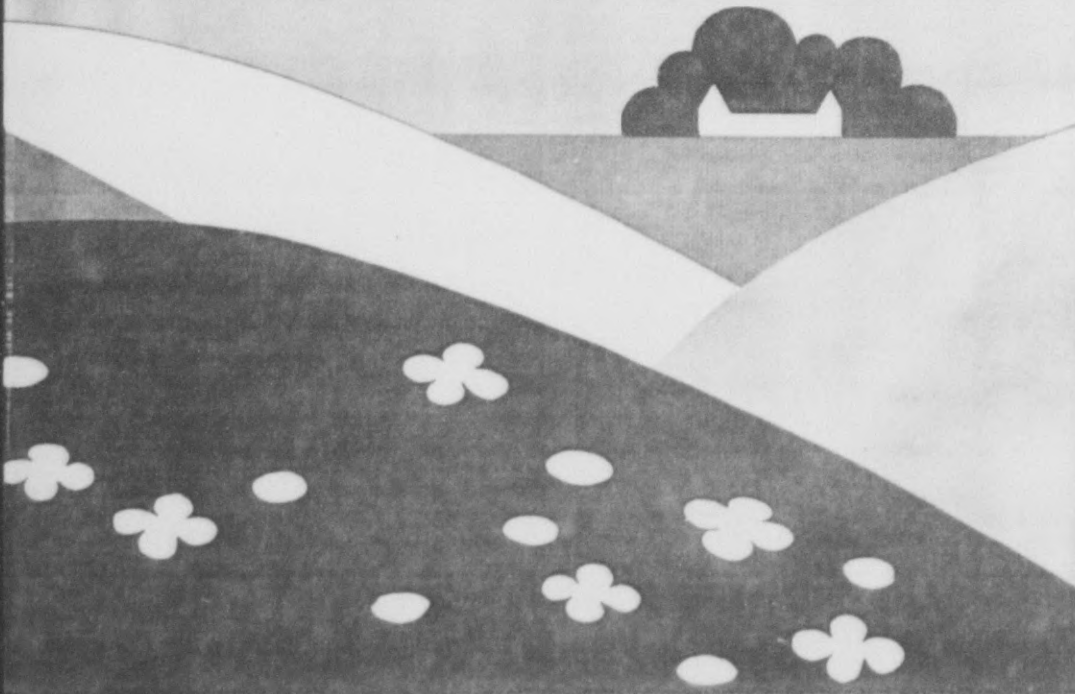
## International Farm Management Association

ifma

### FARM MANAGEMENT IN PRACTICE - THE CHALLENGE OF CHANGE

7th International  
Farm Management Congress  
Copenhagen, Denmark,  
June 26th-July 1st, 1988

Programme and Registration Details



15387

EXHIBIT

APPENDIX - NO. 11

MAINTENANCE & CONTROL BOARD

11255

EXHIBIT

APR 26 1958 NO. 11

STATE BUDGET & CONTROL BOARD

13289



EXHIBIT

APP 25 1982 VOL. 11

U.S. DEPT. OF JUSTICE

15280