

MINUTES
LEXINGTON COUNTY COUNCIL
JUNE 13, 2005

Lexington County Council held a Special Meeting on Monday, June 13, 2005 in Council Chambers, beginning at 8:00 p.m. The purpose of the meeting was to determine if any changes were to be considered to Ordinance 05-04 - FY2005-06 - General and Non-General Fund Budgets prior to third and final reading on June 14, 2005. Vice Chairman Cullum presided; Mr. Davis gave the invocation; Mr. Keisler led the Pledge of Allegiance.

Members attending: M. Todd Cullum William C. Billy Derrick
George H. Smokey Davis Debra B. Summers
Bobby C. Keisler John W. Carrigg, Jr.
Joseph W. Owens

Not present: Mr. Jeffcoat *

* Mr. Jeffcoat was not present due to illness.

Also attending: Art Brooks, County Administrator; Larry Porth; Finance Director/Assistant County Administrator; Katherine Doucett, Personnel Director/Assistant County Administrator; John Fechtel, Director of Public Works/Assistant County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Ordinance 05-04 - FY 2005-06 - General and Non-General Fund Budgets - Clerk of Court -
A motion was made by Mr. Derrick and seconded by Mr. Davis to reconsider the motion previously approved on May 24 that amended the County's general fund budget to reduce Fund Number 141100 by \$240,000 and adding \$240,000 as a contingency line item to Fund Number 101100.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor: Mr. Cullum Mr. Derrick
 Mr. Davis Ms. Summers
 Mr. Keisler Mr. Owens

Abstaining: Mr. Carrigg

Clerk of Court - A motion was made by Mr. Derrick and seconded by Mr. Davis to adjust the

following line items in the Clerk of Court and Family Court budgets for a combined total of \$1,414,344 which will be equivalent to FY 2004-05 funding. Mr. Derrick stated within the \$1,414,344 funding, there is \$120,000 contingency for bank service charges as well as a shortfall of \$79,265 for salary adjustments that will have to be taken care of by the Clerk of Court.

The following line items are:

	Clerk of Court	Family Court	Combined
FY 2004-05 Original Approved Budget	\$934,570	\$404,687	\$1,339,257
FY 2004-05 Budget as Amended	\$986,631	\$427,713	\$1,414,344
FY 2005-06 Proposed Budget	\$989,449	\$435,887	\$1,425,336

Motion to Revise as Follows:

Difference

(1) In the Clerk of Court Budget:

Office Supplies - from \$16,000 to \$14,000	-\$ 2,000
Duplicating - from \$24,000 to \$20,000	-\$ 4,000
Health Supplies - from \$500 to \$0	-\$ 500
Small Equipment Repairs and Maintenance - from \$2,000 to \$1,000	-\$ 1,000
Pagers and Cell Phones - from \$3,825 to \$0	-\$ 3,825
Postage - from \$21,600 to \$16,000	-\$ 5,600
Conference and Meeting Expense - from \$3,500 to \$0	-\$ 3,500
Subscription, Dues and Books - from \$2,044 to \$0	-\$ 2,044
Personal Mileage Reimbursement - from \$200 to \$0	-\$ 200
Motor Pool Reimbursement - from \$200 to \$0	-\$ 200
Small Tools and Minor Equipment - from \$2,584 to \$0	-\$ 2,584
Minor Software - from \$479 to \$0	-\$ 479
(2) Laptops - from \$3,778 to \$0	-\$ 3,778
(2) Date Stamp Machines - from \$1,470 to \$0	-\$ 1,470
(3) Electric Seals - from \$1,491 to \$0	-\$ 1,491
Overtime - from \$6,000 to \$0	-\$ 6,000
Total	-\$ 38,671

(2) In the Family Court Budget:

Office Supplies - from \$7,800 to \$6,000	-\$ 1,800
Duplicating - from \$5,000 to \$3,500	-\$ 1,500
Operating Supplies - from \$11,000 to \$8,000	-\$ 3,000
Small Equipment Repairs and Maintenance - from \$1,728 to \$1,000	-\$ 728
Pagers and Cell Phones - from \$570 to \$0	-\$ 570

Postage - from \$60,000 to \$40,000	-\$ 20,000
Conference and Meeting Expense - from \$1,100 to \$0	-\$ 1,100
Subscription, Dues and Books - from \$810 to \$0	-\$ 810
Minor Software - from \$881 to \$0	-\$ 881
(3) Laptops - from \$5,667 to \$0	-\$ 5,667
Overtime - from \$5,000 to \$0	-\$ 5,000
Total	-\$ 41,056

(3) Additional reduction in salaries and wages to be made by the Clerk of Court in the amount of \$79,265 -\$ 79,265

(4) Add the Following Accounts:

Provision for Annual Salary Adjustments	+\$ 28,000
Contingency for Bank Service Charges	+\$ 120,000

The Summary of this Motion Would Yield a Revised Total Combined Budget of \$1,414,344

Mr. Cullum stated the motion with the attached document is to be replaced in the recommended portion of the FY 2005-06 budget for the Clerk of Court.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

Mr. Davis called for the question.

In Favor:	Mr. Cullum	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Keisler	Mr. Owens

Abstaining: Mr. Carrigg

Accommodations Tax - Columbia Regional Sports Council - A motion was made by Mr. Davis and seconded by Mr. Owens to delete the \$7,500 recommended for Columbia Regional Sports Council and add the \$7,500 to Capital City Lake Murray Country.

Mr. Cullum opened the meeting for discussion.

Mr. Carrigg asked if the \$10,000 recommended for the Midlands Golf Course Owners Association was approved.

Mr. Cullum replied the \$10,000 was deleted and redistributed.

Mr. Carrigg asked if the \$2,000 recommended for the South Carolina State Museum was

redistributed as well.

Mr. Keisler stated that should also be redistributed.

Mr. Cullum stated a motion was on the floor and called for further discussion; none occurred.

In Favor:	Mr. Cullum	Mr. Davis
	Mr. Owens	Mr. Derrick
	Ms. Summers	Mr. Keisler
	Mr. Carrigg	

South Carolina State Museum - Mr. Keisler made a motion, seconded by Mr. Owens to delete the \$2,000 recommended for the South Carolina State Museum and add the \$2,000 to the Lexington County Museum.

Mr. Cullum opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Cullum	Mr. Keisler
	Mr. Owens	Mr. Derrick
	Mr. Davis	Ms. Summers
	Mr. Carrigg	

Victims' Bill of Rights - Mr. Davis stated the Justice Committee had recommended a one (1) year supplemental appropriation of \$166,200 for the Victims' Bill of Rights from Fund Balance and said if State funding was not secured within six months, the Committee would re-evaluate for possible elimination of the program. He noted on the FY 2005-06 Budget Recap Summary provided by Finance, the \$166,200 was not shown as being funded from Fund Balance as recommended by the Committee. He said he did not want the \$166,200 to be added to anyone's budget because once a budget is set, the State statute expects funding to remain at that level or more each year.

Mr. Cullum asked Mr. Davis if he was open for a suggestion. He said the \$166,200 appropriation entails three different departments; Law Enforcement, Magistrate Court Services, and Solicitor; two of those being elected positions. He said the \$166,200 may be appropriated as a line item in the Magistrate Court Services budget rather than in Law Enforcement or Solicitor's budget because if Council should ever want to reduce their funding (Law Enforcement or Solicitor) by that amount, Council would not be able to do so. He said by appropriating the \$166,200 in the Magistrate Court Services budget, which is a County service, Council would have the freedom to move funds if needed and asked staff for guidance.

Mr. Brooks asked, putting the \$166,200 from the Victims' Bill of Rights to Magistrate Court Services?

Mr. Cullum replied, make it a line item in the Magistrate Court Services budget but

Mr. Carrigg asked if placing the \$166,200 into Magistrate Court Services budget was for micro-management purposes or what?

Mr. Davis replied, no; if they don't have the funding next year from tickets and fines, he is unsure the County can continue to fund the Victims' Bill of Rights program.

Mr. Owens asked why the \$166,200 can't be taken out completely and make the decision when Council has received the information from staff.

Mr. Davis replied the Justice Committee had recommended funding the \$166,200 from Fund Balance but would review the program in six months to know what the revenue stream is and that way the Committee would have another six months to finalize or liquidate the program.

Mr. Cullum stated the program initially was funded by the State through fines and tickets and said because of a decline in the number of tickets being issued by law enforcement due to personnel shortage, revenues have also declined.

Mr. Cullum said as he understood Mr. Davis to say, if Council appropriates the \$166,200 as a line item in the Sheriff's Department budget, and Council decided not to fund the \$166,200 from Fund Balance as approved by the Justice Committee, that Council had effectively created a \$166,200 addition to the Sheriff's budget that Council will have to continue to appropriate in the following year's budget.

Mr. Carrigg asked, whose budget?

Mr. Cullum replied, the Sheriff's Department budget.

Mr. Davis replied, the Sheriff's Department or the Solicitor's budget.

Mr. Cullum replied, the Sheriff's Department or the Solicitor because they are elected officials. He said Magistrate Court Services is

Mr. Carrigg stated that Council needed to get an opinion from the County attorney before you vote on something like this because he believes what Council is wanting to do is illegal. He said Council is really putting the money there to be spent by the Sheriff's Department but you are just "cloaking" it in another line item; it is not only illegal, it is just intellectually dishonest. Put it where it belongs or don't.

Mr. Derrick suggested taking the \$166,200 completely out of the budget.

Mr. Derrick made a motion to delete \$166,200 out of the budget for the Victims' Bill of Rights.

Mr. Owens seconded the motion for discussion.

Mr. Owens asked, how can we reinstate the \$166,200 without affecting the budget from being cut next time?

Mr. Davis stated the Justice Committee recommendation is for a one-year supplemental appropriation of \$166,200 from Fund Balance for Law Enforcement, Magistrate Court Services and Solicitor.

Mr. Carrigg stated it will still fall within an operating budget system; it is still operating money.

Mr. Davis asked if there is anyway to fund the \$166,200 from Fund Balance without it being part of somebody's budget that Council will have to continue funding at the same level in the future.

Mr. Porth, Finance Director, stated the statute that relates to reduction of budgets is under the annual salary supplement (Section 8-15-65) and it does not refer to the Magistrates nor the Solicitor's office.

Mr. Davis made a motion, seconded by Mr. Owens to go into Executive Session for legal advice.

In Favor:	Mr. Cullum	Mr. Davis
	Mr. Owens	Mr. Derrick
	Ms. Summers	Mr. Keisler
	Mr. Carrigg	

Mr. Cullum reconvened the meeting in open session.

Mr. Cullum stated currently there is a motion on the floor to reduce the supplemental appropriation of \$166,200 from the Law Enforcement, Magistrate Court Services, and Solicitor's budgets for the Victims' Bill of Rights and asked for further discussion.

Mr. Carrigg said he understood it would reduce staffing in Magistrate Court Services and Solicitor's office by 50 percent; two or three people would be fired.

Mr. Cullum stated it would cut their staff in half.

Mr. Owens asked, what about the Sheriff's Department; won't they be affected?

Mr. Cullum replied, yes; they have five employees. He said there is a total of nine employees in the program.

Mr. Derrick made a motion to amend the motion, seconded by Mr. Keisler to reduce funding to \$83,100 for the Victims' Bill of Rights program. He said that will give the Victims' Bill of Rights program six months of funding until staff can determine what funding source will be utilized to keep the program in place.

Mr. Owens asked how Mr. Derrick arrived with the \$83,100.

Mr. Derrick replied that he divided \$166,200 by 2. He said it was a year's funding so this would be half, which equates to six months funding.

Mr. Owens replied the amendment would accomplish what he and Mr. Davis were attempting to do.

Mr. Carrigg said if they don't pick up the funding then around Christmas, they will have to terminate three people.

Mr. Derrick stated staff should be monitoring the program and if they see that the funding is not available, then they will have to start taking action.

Mr. Carrigg asked, will they have time to know by then?

Mr. Derrick replied, the Justice Committee has promised to monitor the program on a monthly basis.

Mr. Davis replied, we will have them report to us (Justice Committee) monthly.

Mr. Cullum asked for further discussion; none occurred.

Vote on Amendment:

In Favor:	Mr. Cullum	Mr. Derrick
	Mr. Keisler	Mr. Davis
	Ms. Summers	Mr. Owens

Opposed: Mr. Carrigg

Vote on Motion as Amended:

In Favor:	Mr. Cullum	Mr. Derrick
	Mr. Owens	Mr. Davis
	Ms. Summers	Mr. Keisler

Opposed: Mr. Carrigg

Mr. Cullum asked if there were additional amendments to be considered on Ordinance 05-04 - FY 2005-06 General and Non-General Fund Budgets; none were made.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

M. Todd Cullum
Vice Chairman