

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA

Called Meeting - June 12, 2001 - 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

MINUTES

All area newspapers, radio stations and television stations were informed of this meeting in compliance with guidelines set forth in the *Freedom of Information Act*.

PRESENT

Chairman Clint Wright - District #4 - Presiding
G. Fred Tolly - District #1
Gracie S. Floyd - District #2
Larry E. Greer - District #3
Vice Chairman Mike Holden - District #5
William C. Dees - District #6
M. Cindy Wilson - District #7
Joey Preston - Administrator
Tom Martin - County Attorney
Linda N. Gilstrap - Clerk to Council
Tammie Shealy - Deputy Clerk to Council

The official called meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, June 12, 2001 at 6:00 p.m.

Chairman Wright announced that the meeting was called for the sole purpose of the third reading of the 2001-2002 fiscal year budget.

Ms. Gracie Floyd gave the invocation and everyone stood and pledged allegiance to the flag.

**AT THE REQUEST OF A MEMBER OF COUNTY COUNCIL, THE MINUTES ARE
VERBATIM**

Chairman Wright: Public Comments, Agenda matters, Mr. Martin.

Mr. Martin: Thank you, Mr. Chairman and Members of Council there are three citizens signed up on the Citizens Agenda. I'll call their name and ask them to one of the microphones at the front of the room and I will keep time and let them know when they one minute left of them allot three minute time.

Chairman Wright: Thank you Mr. Martin.

Mr. Martin: Mel Gerrard.

Mr. Gerrard: Thank you, Mr. Chairman, and members of County Council. Before my time starts, I'd like to ask -I don't believe this microphone is working. Can you hear me? I like to approach Council and ask for a waive of the three minute rule, because what I have to say will take more than three and I don't know how to approach you other than at these public meetings. Now if you give me a panel, I'll meet you anywhere you want to go any time. Would you?

Chairman Wright: I believe I'd go ahead and do the best you can to let us know what you want to talk about in that three minutes then if we need to talk with you individually after the meeting I think we would all be happy to talk with you, but the protocol right now is the Citizens agenda is limited to three minutes. If you don't mind.

Mr. Gerrard: All right, sir, I appreciate that. I'll honor you sticking to the rules and maybe further down the road they'll be some rules that I'll ask you to stick to too in the future. I came last Tuesday night. The first time I've been to a County council in my life other than just coming last summer for a couple meetings when I was trying to get some land rezoned and I only stayed for that zoning part. I was disturbed when I went home last Tuesday night because there was some questions asked and there weren't any answers forth coming. I didn't know whether that was a common way of doing business or whether it was uncommon. It was the only meeting I had to go by and I didn't have anything to check it with. First of all, I want you to know that I'm here in the best interest of Anderson County. I'm not here to create any disturbance or make any argument. I just want you to know that it is uncharacteristic of me to try to speak in public, but there are some things happening in Anderson County that concerns me and has a lot to do with the way the County proceeds on different matters. You had five matters brought up last week and I don't have time to get into those. I will name one or

two new ones. I'm concerned that the local people, the engineering firms, the auditing firms, the professional people in Anderson County are not given an opportunity to bid on different projects, different survey projects. I think there ought to be an explanation. I was talking with an engineer this morning with an engineer whose company has been in business here for almost 50 years, and I asked him did he get to do any business for the County and his answer was no that all of the engineering mostly came from out of the County. I didn't know that. I'm learning. It is my understanding, according to, and Council can answer this but not on my time, concerning Home Rule, it is my understanding that there is an ordinance, that states that the Administrator shall furnish to the Council a monthly report of expenditures by department. I understand that is not being done. First of all is there a law to that effect, if there is, is it being done or is not being done. That's one question...

Mr. Martin: One minute please.

Mr. Gerrard: Okay, the most disturbing thing-I went home with the idea that this idea that this Council is not the fiscal responsibility. I realize that's a pretty serious charge but you had an opportunity last week. If I polled you individually and asked you were you for fiscal responsibility I believe most of you would say you were, but yet you missed a good opportunity last week to tell the people of your district that you're for fiscal responsibility when you did not even second a motion on the floor to put a cap on how much money that can be moved out of one department in to another. That would not be a limit for our Administrator but it would be something that he would have to account to you for personally if the amount was over \$7,500. I thank you for your time-I wish I had about 35 minutes I think I could do a better job.

Mr. Martin: Dan Harvell.

Mr. Dan Harvell: Mr. Chairman, Honorable members of council, Mr. Preston, Mr. Martin as a citizen I come before you tonight to request your approval of a proposed \$7,500 cap on interdepartmental transfers. I'm amazed that such an amount would cause you such difficulty as a Council or as an Administration, which seeks to provide the citizens of this county, a government that is preceived as

wholly accountable to taxpayers which fund its existence. Are we not speaking out of both sides of our mouths when demand ultimate accountability of the EMS

operations while at the same time giving other county employees such little oversight. No doubt you are all highly qualified in your respective fields. As a Council, you offer Anderson County a vast pool of experience based on the professional qualifications of your occupations. Most of your occupations certainly require strict accounting practices. Is there more oversee profession than that of banking, one hardly more full of checks and balances. All you have to do is apply for a mortgage to find much the same in the real estate world. Those of you who are business owners have to adhere to standards to remain successful and we found last meeting that while an education in extension accounting background is held by Ms. Floyd as well. That said I just can't understand your stance on this matter. I sincerely request that one of you at least second the motion to be made so that discussion can be had on the record as to why we the citizens of Anderson County don't deserve such oversight of our tax dollars. Thank you very much.

Mr. Martin: Brantley Jordan.

Mr. Jordan: I just wanted to make a comment or two. I don't ordinarily listen to the radio but I turned it on this morning and happened to hear Mr. Wright having a discussion about the budget among other things and he did such a wonderful job explaining the operation of the budget and how it is handled and how its done. I just felt like I should comment on his talk this morning. He did a wonderful job and I think that is something that the citizens would appreciate from the rest of you people and maybe you do talk some because I don't listen to the radio much. But Mr. Wright did such a fine job this morning; I just wanted to note that. Thank you.

Mr. Martin: There is no other citizens signed up, Mr. Chairman.

Chairman Wright: Thank you Mr. Martin. We'll move on to item 1. Ordinances of third reading - Ordinance #2001-016. Mr. Martin.

Mr. Martin: Thank you, Mr. Chairman and Members of Council. Ordinance #2001-016 is an ordinance to adopt the operating and capital budgets of Anderson County for the fiscal year beginning July 1, 2001, and ending June 30, 2002 and to make appropriations for such Anderson County budgets for county ordinary purposes and for other county purposes for which the county may levy a tax other than for Tri-County Technical College purposes to provide for the levy of taxes on all taxable personal and real estate properties in Anderson County for such county ordinary purposes including sufficient tax to pay the principal and interest on

outstanding indebtedness for Anderson County maturing during such fiscal year, to adopt the operating and capital budgets of Anderson County for fiscal year beginning July 1, 2001 and ending June 30, 2002 and to make appropriations for such Anderson County budgets for Tri-County Technical College, to provide for the levy of taxes on all personal and real properties in Anderson County on which school taxes may be levied for such Tri-County Technical College purposes, to provide for the levy assessment and collection of certain other taxes and fees and to provide for the expenditure of said taxes and other revenues coming to the county during said fiscal year and to provide for other matters relating to Anderson County. Mr. Chairman and Members of Council, this budget has received to prior readings by County Council and a public hearing was held on this during second reading. It has been advertised for third reading during this specially called meeting of County Council to comply with state law and it is appropriate for your consideration on third reading. I think Council has previously discussed the fact that the budget does include a levy for County EMS purposes that was discussed during the last meeting and of course that is the content of the Ordinance. It contains the operating budgets including specifically the budget for EMS the additional EMS revenue needed to operate during this fiscal year. It is appropriate for your consideration on third reading.

Chairman Wright: Thank you, Mr. Martin. At this time I would entertain a motion that we adopt ordinance #2001-016.

Mr. Tolly: Mr. Chairman, I moved that we adopt on third reading Ordinance #2001-016.

Mr. Holden: I'll second that.

Chairman: We have a motion and a second. Is there any discussion or comments?

Ms. Wilson: May I put on the floor for discussion some of the things that we discussed previously about a ceiling cap. Have all of you received the enclosures and had time to review them?

Chairman: Yes.

Ms. Wilson: What is the proper way to put that on the floor to discuss that bit of information?

Chairman: You can discuss it right now if you care to. It is a point of discussion on anything pertaining to the budget so it would be appropriate for you to talk about that right now.

Ms. Wilson: Thank you. In addition to what you had in your package, there is also a paper, which was put on your desk from copies of section XXVI from the 97-98-budget year ordinance and also from 96-97 and you will note that we continue to have some sort of a cap on spending. At that time it was \$2,500. As my fellow Councilmen were concerned that was amounting to micro-managing I did call the Association of Counties and try to talk with other folks around to find out what would be more appropriate and the figure was advanced that perhaps \$7,500 would be a more workable figure for a County our size with the budget our size. So I would like to make the motion that we consider putting back into the budget ordinance the language where we have the County Council approval on expenditures between or should say transfers between departments or funds more than \$7,500 and any transfers between funds and departments less than \$7,500 our Administrator would give us this information on a monthly basis. I am also requesting that we amend the Ordinance that was changed in this budget ordinance where the language in all previous budget ordinances read that the County Finance Director would prepare a monthly financial statement and give it the Administrator and to all of our Council members. That language was changed this year and it stated that the County Finance Director would prepare the monthly financial statement and give it to the Administrator and then the Administrator would give it to us. That seems a little bit unwieldy. I am asking my fellow Councilmen to accept this motion and if might have a second.

Chairman: Are you going to include those in one motion or we got two separate portions of the budget ordinance. You want to do them together or separately?

Ms. Wilson: Which would be more appropriate?

Chairman: You can do it either way.

Ms. Wilson: Well lets do it separately. That might keep it clearer.

Chairman: So I-just to make sure we are clear. The first amendment that you want to make is dealing with the ceiling for transfers, expenditures and transfers between departments.

Ms. Wilson: Between funds and departments more than \$7,500 would require County Council's approval. Less than \$7,500 we would be advised of that on a monthly basis from our Administrator.

Chairman: Is that dealing with just transfers or expenditures.

Ms. Wilson: Transfers.

Chairman: Just transfers. Okay.

Ms. Wilson: Expenditures within the funds and departments are generally not so much of a problem because we already have a budget.

Chairman: So we have a motion on the floor to amend the ordinance dealing with transferring of funds for Ms. Wilson. Would you want to state that once again just to make sure what you want to amend or how the wording should be?

Ms. Wilson: Well, Mr. Martin will jazz up the language on it for us. But essentially I would like for us to consider language in the budget ordinance that would require County council approval for transfers of more than \$7,500 between departments and funds and for less than \$7500 the Administrator would advise us within thirty days of those transfers less than \$7,500.

Chairman: Okay. We have a motion on the floor from Ms. Wilson. Do we have a second? Motion to amend died from lack of a second. You have a second amendment dealing with?

Ms. Wilson: The change in this years budget ordinance where in previous budget ordinances that required that our County Finance Director prepare a monthly financial statement and the monthly financial statement included all the funds in all the departments, categories and sub-categories, revenues and expenditures and those are to be given to County council and the Administrator on

a monthly basis. The language in the new budget ordinance states that the County Finance Director will provide the county administrator with that information and he in turn will give it to us. I think that the other way was certainly a less confusing way and should provide us with a timely receipt of the information that we require and I would like to make that motion.

Chairman: We have a motion on the floor now to change the verb age of the ordinance that would require the finance director to provide those monthly statements direct to Council - not to the Administrator.

Ms. Wilson: As it has been in all the years past.

Chairman: I understand that.

Ms. Wilson: It'll just correct the change that's been made in this years' budget ordinance.

Chairman: Okay. Everybody understand the amendment? We have a motion on the floor to amend that language as stated. Do I have a second?

Mr. Holden: I do have a comment pertaining to that.

Chairman: Right now we have a motion on the floor. Just hold tight.

Mr. Holden: No, I'm not going hold tight, Clint because if she's going to state her position why she wants to do it. We're waiting on a second and I got some comments that I'm going to make pertaining to what she just said. So maybe it's been done wrong in the past because the finance director would work for Mr. Preston not County Council and if that's the case, the Finance Director, would give, maybe it should go to Mr. Preston and not to County Council. Those points are relevant to what she just said.

Chairman: I understand that. You can make any ...

Mr. Holden: I don't like being called down when I'm trying to talk about the issue on the floor.

Chairman: I understand that, Mike. I understand that. Do we have a second? That motion also dies from a lack of a second. Now, is there any further discussion.

Mr. Tolly: Yes, Mr. Chairman, I have a few remarks. There has been a lot of discussion about the fiscal responsibility of the County and I was just reflecting back when I first came on Council. There were commissions, chairmen and department heads that had their own County check books and they were writing County checks with very little control, very little accountability. Also reflecting back several years ago, the finance director by his failure to send in employment withholding funds on time cost the County \$25,000. So you talk about a fiscal responsibility I think has vastly improved over what we had a few years ago. I think the Council and the Administration are doing an excellent job in fiscal responsibility and I don't think anybody can deny that. Also there has been quite a few folks concerned with this budget, been a lot of comments made and the Chairman at the last meeting said that these folks should be just as interested in the school budgets as our budget because approximately 80% of your tax dollars go to the school districts. The other 20-25% goes to County operation. I think this is great that the people are interested in our budget and I think that by doing so and by telling us the things you think are wrong or right about the budget makes us do a better job and I commend you and everyone that's been interested in the budget for being interested in it. But I also hope that you'll be just as diligent with the other 80% of your tax dollars which are spent by the school districts. That's my comments Mr. Chairman.

Ms. Wilson: Mr. Chairman, is it true that our Solicitor's office has their own check book and some of the others still do? I've heard that before. Is there anyway to know?

Mr. Preston: The solicitor's office is a regional office. It's for Anderson and Oconee County and that is appropriate.. We appropriate the funding to the Solicitor's office. They receive it and then they expend that money and they perform...they have an audit that they provide a copy to the County each year.

Ms. Wilson: So they receive funding from Oconee County as well as Anderson then?

Mr. Preston: Yes, they do.

Ms. Wilson: One other comment, I've had a number of constituents to call me and I had noticed it I just hadn't talked with anyone about it, but I see that there is \$110,000 budgeted for a celebration and I would like to have our Council members to consider perhaps taking money since we've already had a fabulous Freedom Weekend Aloft and apply it to areas where vital services might be lacking perhaps some road and shoulder work and maybe even funding some vests for our drug dogs. That was a very touching..

Chairman: Right, we can comment on that. A majority of that money not all of it is County money. It comes from major sponsor - the city.

Ms. Wilson: This is from the city?

Chairman: Will you explain that please.

Mr. Preston: That budget is: 25% comes from the city of Anderson, 25% (in the past) has come from, actually 50% from sponsors that we have and the county provides the other 25%.

Ms. Wilson: Would it be possible to get a break down of that? Thank you.\

Chairman: any other comments?

Mr. Dees: Yes, Mr. Chairman. And I quote from a letter dated June 5 2001 to Ms. M. Cindy Wilson from Kathleen K. Williams, Assistant Director of S.C. Association of Counties, now about 3-1/2-4 months ago, I too covered some of this ground to check to make sure that we were transferring money in accord with S.C. law and in accord with Home Rule and in accord with county policies. At that time, I was satisfied. In this letter to Ms. M. Cindy Wilson says this: (Noise from sound system) Robert Croome referred your questions concerning the transfers of budgeted funds to me for response. I am enclosing the policies of 9 of the larger Counties. Though there is a fair amount of variance between them, the majority of 9, gives a fairly broad grant of authority to the chief administrative officers to make transfers within and between county departments. Signed by Kathleen K. Williams, Assistant Director of S.C. Association of Counties, as I said I too covered this ground several months ago and I was satisfied. Thank you.

Ms. Wilson: Did you look at what Greenville does and Spartanburg? Those are the Counties, which are most closely aligned to us size wise and so forth. Greenville requires County council approval on all transfers and Spartanburg has a ceiling cap of \$5,000. Charleston grants a broad latitude to their Administrator and there are variations in between, but I thought that Greenville and Spartanburg more accurately mirrored Anderson County.

Mr. Dees: Well if you are discussing Greenville county, as I mentioned last week, Greenville county has nearly 400 deputies are we ready for that? Are we ready for that? We don't want to mirror everything Greenville does.

Ms. Wilson: This is in the area of budgetary controls.

Mr. Holden: Well we do determine how many deputies we are going to fund so that is budgetary.

Mr. Dees: That is sort of budgetary.

Mr. Greer: Mr. Chairman, may I have the floor please.

Chairman: Certainly.

Mr. Greer: Over the last few weeks I've heard a lot of comments about responsibility, fiscal responsibility and other responsibility. One of the things that I believe is the biggest responsibility that I have, when I consider information in making decisions affecting my council district as well as the rest of the county is that I need to be as unbiased as I can and look at all aspects of the information (sound system noise) and make sure that I have all the information and consider all points in that particular information. Ms. Wilson tonight placed this copy of the 1997-1998 fiscal year budget and this is the first time I've seen this in some time and I beg you to bare with me as I read part of it. The County Administrator may if he deems it in the best interest of the county and within the overall appropriations provided by this ordinance and consistent with all other applicable legal requirements transfer funds or any portion thereof, from any fund, department, activity, or purpose other than for special education, the Anderson County Library fund, and the enterprise funds of the County to any other fund, department, activity, or purpose other than special education fund, the Anderson County Library fund, and the enterprise fund to the County, and within any fund.

The administrator shall report to the Anderson County Council monthly on all such transfers. This is the 97-98 budget giving the Administrator fairly broad authority to transfer funds. It goes on to say amounts over \$2,500 from the contingency fund shall be transferred by the County Council. It is my understanding that we no longer have a contingency fund. This is all of the information and not just part of the information. I'm going to pass out to my fellow Council members copies of part of the minutes that are verbatim from our last meeting and refer you to some highlighted sections there. Page 1 - front page under Ms. Wilson it says "I've called and talked with Mr. Robert Croome who is a lawyer with the Association of Counties trying to find out what other Counties did in the way of looking at transfers between departments and funds. This is not a matter of micro-management it is a matter of some oversights by those who have been elected to be responsible. He suggested that some of the larger Counties have handled that by having a ceiling cap of 1% of their budget - a reasonable number might be \$7,500." Those were Ms. Wilson's comments at the last meeting. On page 4 - again Ms. Wilson says, "I would like to reiterate that the ceiling cap suggestion that Mr. Croome indicated that other Counties do, is a suggestion, the meat of the matter is that we need to a ceiling cap. I certainly defer to my fellow Council members if they would prefer to set a different ceiling cap." Another hand out supplied by Ms. Wilson at the last meeting, she states that after meeting with Mr. Robert Croome, Assistant Director of Legal and Legislative Affairs with the Association of Counties, I am asking that Ordinance #2001-016 be changed as follows: most counties of our size place a ceiling cap of 1% of their total budget for all transfers that must be approved by County Council which would be \$7,500 for Anderson County. An article in the Greenville News that appeared today "Most counties of Anderson's size caps spending when it reaches more than 1% of the total budget \$7,500 for Anderson County" Wilson said. The information came from the S.C. Association of Counties. I called Mr. Robert Croom yesterday and read him the comments Ms. Wilson supplied in the hand-out last week and I talked with him extensively concerning the conversation and what was indicated and his remark to me was that we needed to reach a consensus on what Council is comfortable with that is what he told me in a conversation that we had, and I asked him about the 1% ceiling cap that had been discussed or suggested. He stated emphatically that he did not recommend a 1% ceiling cap but he talked about what (sound system interference-tape is not clear) he never implied that Counties our size have a cap. The end product of the conversation that he had with Ms. Wilson was that he would have Ms. Williams send that information that she supplied to us in the agenda packet, which brings me to that information. I've

taken to the time to look through that information thoroughly. The first page and half is basically a summary of what I found as I read through those 9 counties, but on the second page there is a summary using totals that was supplied from this information. From those 9 counties all 9 authorize transfers. The counties in which the Administrator may appoint someone else to approve transfers, not the Administrator himself, but in some cases department heads or the Administrator's appointee. There are three counties where the Administrator can have someone else approve transfers those are Aiken, Dorchester, and Charleston. Of those 9 counties, the counties which allow the Administrator to approve all transfers - those are Aiken, Charleston, Dorchester, Florence, Horry, and Lexington. Of the counties, which restrict the Administrator to intra-departmental transfers - those are Greenville, Richland and Spartanburg. Now we just heard tonight that Greenville County the council must approve all transfers. What I read was that the Administrator can approve intra-departmental transfers and must make an informal report to county council and then County Council in Greenville must approve inter-departmental transfers. Counties in which County council must approve inter-departmental transfers include Greenville, Richland, and Spartanburg for a total of three. Counties which require the Administrator to report all allowable transfers to County council are Greenville, and that is the intra-departmental transfers. Counties which require the Administrator to report some transfers to County council and these are reported only on a quarterly basis is Charleston. On the third page; Counties which do not require the Administrator to report any transfers to County council-Aiken, Florence, Dorchester, Horry, Lexington, Richland and Spartanburg. These are all Counties which were included in the packet of information supplied to us by Ms. Wilson that Ms. Williams from the Association of Counties sent. Counties which place a cap on transfers without Council's approve from the information I received in this packet I found zero had a cap on transfers. Now if I miss-read it, I'll look at it again but I found zero. Counties which prohibit any transfers without County Council approval is zero. Anderson County operates similar to the majority of the Counties considered in this information - that is allowing the Administrator to approve all transfers without Council approval. Anderson County does maintain somewhat of a tighter control on the Administrator by requiring the Administrator to submit monthly reports of all transfers. Seven of the counties considered did not require the Administrator to report any transfers. My (sound system interference)...reporting when I look at these transfers if there is something wrong there - there is a red flag that raises his ugly head then it's time to take action-that's our control. We have that on a monthly basis. None of the nine counties had that tight of control

in the material that I reviewed. From this information it would appear that Anderson County is utilizing good control over fund transfers by requiring monthly reports of transfers that provides Council with the opportunity to evaluate the validity of transfers on a monthly basis while allowing the administrator the latitude needed to properly administer the funds of the County as approved by Anderson County in the annual budget ordinance. We've heard a lot of talk over the last three-four weeks, month, and couple months, about peoples' right to examine the budget. Now I'm going to make a comment here and I hope it's real strong and I believe this with all my heart. I would defend the right of all citizens and Council members to seek answers to questions concerning the budget. You have that right to raise those questions and to expect answers to those questions. This Council, the Administration and the public has been exposed to questions concerning the budget now for almost 6 months now, there has been no evidence produced that even indicates that County funds have not been utilized appropriately or transferred appropriately to the contrary, the evidence indicates that the taxpayers funds entrusted to this Council and Administration has been well managed well provided increased services to the people of Anderson County with only a minimal increase in taxes and that increase was to fund EMS. It is for these reasons that I do not support placing additional fund transfer controls on the Administration at this time. We must be unbiased as we examine information, we must look all aspects of it and we must try to do what is in the best interest for the people of our County and that is what I'm up here trying to do. Our County has grown and prospered in the last 2-1/2 years that I've been here. I've seen a lot of productive positive changes happen in my Council district. We've approve a 5.1 million dollar sewer line in my Council district, we have a major 4 lane road going into Iva, we going to do a ribbon cutting on a beautiful sports complex this Saturday, we're working on a Library for the city of Belton, and I can go on and on with the positive changes which are happening in my Council district. These changes didn't happen because something is wrong. They happened because something is right and it's right because we are managing the money well and this County is on the right road and it is moving forward. Thank you, Mr. Chairman.

Ms. Wilson: May I speak to some of that please?

Chairman: Certainly.

Ms. Wilson: In regards to the monthly transfers reporting we've had them on a quarterly basis or every two-month basis, Mr. Greer. And in reference to

talking with Mr. Croom, I'm not sure it's in the copy of the letter you have before you but I will surely dig it out-he suggested that \$7500 was the number that we did talk about and when he asked what our budget was and he said that might help strike a balance and those were his exact words in concerns for fiscal responsibility and the concern of the other councilmen and not looking at all the transfers in advance and approving them. Greenville county-all of these pages that you will want to look through - you will make your own interpretation of the number items. My interpretations were somewhat different from Mr. Greer's. It did appear in reading, and I had someone else to read with me, the Greenville county transfer approval system and it did appear to us in reading through this several times that Greenville county did require approval on all transfers then if I'm in error then someone else should take a look at it too. I'll repeat again, and then I'll retire from this particular subject that I think you will find in the months and the next year ahead that our citizens do prefer that we have a higher rate of accountability here. With that said I appreciate your homework. Thank you.

Mr. Greer: Mr. Chairman, if I may. I want to read from the hand out that Ms. Wilson supplied. This is the county of Greenville fund transfer: B1-Intra-department transfers. Funds appropriated in the annual budget may be transferred by the County administrator between line-item accounts within a department or nondepartment account for the purpose providing continuing county services approved by County Council in the budget ordinance. The county Administrator will approve the transfers subject to appropriate detailed justification by the department manager. The county Administrator will submit an informal report of such transfers to the council. Intra department transfers will be the subject of the following criteria-and it gives some situations under which the Administrator cannot transfer such as personnel funds and so forth. But it does authorize intra department transfers based on..

Ms. Wilson: Intra is different from Inter read down to where it says inter departmental transfers please.

Chairman: Yes, Interdepartmental is approved by Council.

Ms. Wilson: Interdepartmental transfers are approved by Council. Thank you.

Chairman: That's correct. I have one quick question. A comment that was made just a few minutes ago that Spartanburg County had a \$5,000 cap-unfortunately that's also pertaining to the contingency funds not there budget.

Ms. Wilson: What is the contingency fund from the old definition and what do we have now?

Chairman: I'm not sure what it is - I've never dealt with a contingency fund. We haven't a contingency fund since I've been on Council that I'm aware of.

Ms. Floyd: 1992 - I believe- 1992-1993 we got rid of that fund.

Mr. Martin: A euphemism which was used for the contingency fund in those days was "Slush fund". It was a non-earmarked, non-designated general fund.

Chairman: We haven't had that in this County since 1992.
Mr. Preston: 1997.

Ms. Floyd: Mr. Chairman are you finished? That is where I want to comment on. It is important to know that the two sections that we were referred to earlier from 1997-1998 transferred fund that Mr. Greer pointed out as well as from the 1996-97 budget saying that we should go back to the language that we use here to place a ceiling on transfers. I would like to point out I can't find any place where it said that. The \$2,500 that the county Administrator is authorized to transfer with the Council's permission was from the contingency fund - both of these sections - both the 97-98 sections well as the 96-97 all referred to the contingency fund. It was nothing in here that stated that we had at one time we had a section where the Administrator was required to get Council's permission. What was quoted tonight was from the contingency fund and we no longer have those funds. If you start with paragraph the "Administrator shall report to the county Council monthly on all transfers amount over \$2,500 from the contingency fund shall be transferred by the county council and 97-98 the County Administrator is authorized to approve transfers and expenditures within a department and between departments and to expend contingency funds in an amount not to exceed \$2,500." It was contingency fund. That's it. We don't have that any more.

Mr. Greer: One more, real quick comment. Let's assume that there was a recommendation for a 1% cap on transfers. One percent of our budget is not \$7,500. Let's just round it off, our budget being 80 million dollars-1% of 80 million dollars is \$800,000 not \$7,500.00.

Chairman: I'm sorry to correct your math but it would be \$80,000. I'm sorry. I don't want to embarrass you.

Mr. Greer: but it's a lot more than \$7,500.

Ms. Floyd: What concerns me is the errors-the facts. What concerns me is that we're talking to our constituents to the people we serve but we aren't giving them accurate facts. Like these people out here don't have access to this. I don't think y'all got a copy of this. So you only know what was said here. This concerns me because I'm wondering just how much more - what else is going to be said that is not correct. That is not good for us.

Ms. Wilson: Why don't we give everyone here copies of that so they can review it?

Ms. Floyd: that's fine with me, Ms. Wilson. I don't have a problem with that because they do need to see that. They do need to see where the transfers you referred to earlier were from the contingency fund. I want to get this budget issue behind us. I want to get back to work. I want us to work together. I want all of us to work together. There is so much to be done here. There is so much going on now in Anderson County. We have finished one segment but we're going towards something new and things are coming down the pipe that I want all of us to take a part in. I don't like all of this thing that has been going back and forth. I don't like what the newspaper is saying about us. I don't like what the people are saying about us. I don't want to go back to where we were in 92. I was a part of that. I heard that constantly in 93. It started again in 95-96. I slept with that. I don't want to go back to that. I don't think we have to do this. We have looked at this budget. We've gone through everything. Everybody had a chance to speak and all questions have been answered. Lets just start working together now. I've got some things that I'm excited about. I want to share it with you. I want to share it with you Mr. Greer- even you. Everyone is so bogged down with the budget and reports and this and that. We did a good job, but lets get back to moving this county to where we want it to go. It's a new county. It's a new day. Come on guys.

Ms. Holden: Ms. Floyd..

Chairman: Can I grab a minute of your time? I need to make an apology to Mr. Greer here. His math was better than mine - it is \$800,000-I'm sorry. I wanted to correct that before we went any further.

Ms. Floyd: Did Mr. Greer correct it for you?

Chairman: Yea, he got his pencil out and started to do some math.

Ms. Wilson: Mr. Croom will be embarrassed.

Chairman: Mr. Holden, I'm sorry but I needed to correct that before you got started.

Mr. Holden: It looks like it is more than more than one trying to keep the truth from being brought out up here. Mr. Wright so be careful about that.

Chairman: I hear you.

Mr. Holden: I think Ms. Floyd is right that all you hear is what one councilperson is saying and that is why we are spending all our time having to chase down innuendoes, half truths. I think that Ms. Wilson thinks information that she provides is accurate. But we up here does the same type work she does. Mr. Croom like Larry said he contacted him. Jay Bender - I contacted him. Cindy even told me last council meeting information that she wrote in a letter that somebody tried to read here on the floor came from the Greenville news. It didn't come from Jay Bender. He personally called me 30 minutes before the last Council meeting and said Mr. Holden just for the record after I faxed those 14 pages of what was being said up here using his name he didn't appreciate that. There are two sides to this whole thing and we spend all our time having to prove to people out here that are just hearing one side that this has been torn apart. Most everybody that stood on this floor up here has got their own personal interest and that's why they're up here making these comments. The courtroom would be packed and they would be standing in the hallways like it has been when we had nude bars trying to come in or providing liquor at the Civic Center and everything else. When the big

issue is there if they were all that upset about this budget the hallways would be packed. It would not be a select few trying to persuade 6 opinions up here. We've all have done our homework. We've been involved in this budget. I've talked with Mr. Preston other council members up here and looked at this whole thing. I think if information is going to be provided it should be provided correctly. I do take offense to letters getting read on WAIM radio show before I ever have time to get them and that's happened on two different occasions and I didn't appreciate that and I brought that to that council person's attention. But Ms. Floyd was right we got to get to working together up here and quit spreading things which aren't

true and deal with the facts. I feel most Anderson County is happen with the way things are being done. We are managing things within the budget and I personally don't like the insinuations when people stand up here and say things based on half of the information. You can take any article which comes out in the newspaper and I have one right here and put any kind of spin on it you want to. It can sound good or it can sound bad. So it just depends on who is talking. When it comes my time to talk then I'm going to be heard.

Ms. Wilson: May I respond?

Chairman: Mr. Bender, I understand, represents most of the news media in the state on FOI. I was told by a councilman in Greenville County and also it was written in the Greenville Newspaper, either I miss read it or it was misprinted, that he is the person that wrote the FOI Act. That was something that someone else told me. In checking with the Legislature I think you will find that any special area of interest, special legislation the legislature will have experts in that area to help them to draft whatever legislation pertains to the expertise. So I think that is where all of that came from, Mike.

Mr. Holden: Well, that is a decent explanation, but there again they have experts helping them, Cindy, just like we do helping us prepare the budget because none of us are qualified to do that on our own. But you did write me a letter now saying that Jay Bender wrote the FOI Act?

Ms. Wilson: That is what I had read and had been informed of from other sources.

Mr. Holden: And that was not true.

Ms. Wilson: You and I discussed this at the last meeting privately and you seemed to accept that is where I had read it.

Mr. Holden: Well, you told me that so I took that at face value. But the fact is again all of these comments coming up here are not based on facts it is just based on what somebody said. And so my advise to anybody - anybody can get up here and say anything they want to and that's why they get here and they are not saying the correct information then I don't mind saying that's not how it is and pointing that out because I don't know if it's deliberate from Council. These things that came toward me I thought was deliberate because they were read on the radio show before I ever got them, Cindy.

Ms. Wilson: Well, I don't know why you didn't receive them in advance. They were sent to you in advance. But I will state that I have not bothered to take our County council time going through this until now and I didn't bring that file but it might be important to read those letters, your letters, to me and the responses back that may be informative.

Mr. Holden: I haven't written but one letter to you.

Ms. Wilson: I wrote one response to you on the 15th day because Mr. Bender was out of town and unable to guide on that response. I then wrote you another more complete letter based on his advice.

Ms. Dees: Call for the question.

Chairman: Thank you.

Mr. Greer: Before we vote-I know we've called for the question, but there is an error in the ordinance that we're going to vote on tonight. I need to make sure that it's corrected.

Chairman: Let me make one quick comment and we'll come back to that. I was elected 5 years ago when people thought our county was being run very well. We made some very positive changes in how our County was being operated and run. I looked over the information, Ms. Wilson, that you provided for you. I appreciate you getting that for us. And as Mr. Greer has analyzed it I really couldn't find

anything in that information that was really different than what we were doing here. There was some small differences in some of it. There was no caps. I didn't see where that was an issue and I guess from my point of view that if that's improper management of our County funds then the entire state is being mis-managed. I don't see where any information that I have proves that we're doing anything contrary to what's fairly well and widely accepted throughout the entire state. I really don't want to return to the way we were doing things years ago that tend to stagnate and make our county a laughing stock of our entire state. We ended up creating more argument than you did positive things. So I went over this and looked at it and I've sit here and I've listened to everybody speak and to be honest if there is no abuse of the policy that we're doing now. I haven't heard anybody raise a point specifically of transfers that would show any line or any kind of pattern of abuse of the budget. All the budgets I've voting on, I believe, I stand to be corrected, have come in on budget or under budget. There is no pattern of abuse of the budget system. So I don't see where there is any positive thing that would come out of changing the policy for the sake of just changing the policy and I think that is what's going on. We just want to change something to be changing it. I don't see where putting that cap or limit would have an opportunity to make our accountability any better or worse. Mr. Martin, I have a quick question here. If a transfer takes place and were reported on a monthly basis, if a majority of this council feels that it was inappropriately transferred or the money was going where it shouldn't go, do we have an opportunity to bring that on to the floor to reverse that transfer?

Mr. Martin: Yes Sir.

Chairman: That's what I thought. I just wanted to make that clear as we look at this that we have an opportunity if this council decides that the Administrator has moved money into a department that we don't feel is appropriate based on a majority we can ask to have that reversed.

Mr. Martin: Mr. Chairman, the Administrator is always under the control of the council, he is under the control through the budget ordinance, he is also under control through the actions of this Council at any Council meeting unless the money has physically left the county anything can be done or undone by Council.

Chairman: So this policy we have is not. unclear I find it difficult to believe that we are just asleep at the wheel and we're not paying attention. I think

to the contrary to that. I think that the discussions we've been having over the budget process over the last several weeks point out very clearly that the majority that of this council looking at the facts of what is going on and looking at on a fairly regularly basis. To end my comments, I think to echo what Mr. Holden - we have to be careful not to state our personal opinion in a way that it is contrived to be fact. We all have a right to an opinion but we're not entitled to our facts. We have to be able to substantiate what we say as an opinion. No matter what we do we need to base our opinion on the facts of the issue not try to make our opinions look like facts. I think in some cases that is what's happening in some of the discussions and some of the materials that's been given. It's obvious here tonight that some opinion has been portrayed as fact and I think it has been corrected. Thank you.

Mr. Martin: In response to your question, I might note in the budget ordinance there are two additional restrictions that are placed on the Administrator's authority: his transfer have to be within the overall appropriation of the budget. Anything above that requires council's action. It has to be within line item as approved by council. He cannot create new line items. It is only for that which has been approved by council.

Chairman: Mr. Greer, you had a correction to the ordinance.

Mr. Greer: Mr. Chairman, on page 16 in the section of the ordinance dealing with the ASLEEP program or the resident deputy program at the last council meeting we amended the budget ordinance to change the word annually to monthly in the fourth line from the bottom and that was not corrected in the Ordinance that was sent to us for this third reading.

Mr. Martin: Mr. Chairman, Mr. Greer is correct, I think. I did not actually receive an agenda package so I don't know but I have forwarded to the Clerk to County Council an ordinance in which that line reads: "the Anderson County Administrator and the Anderson County Sheriff shall provide updates as from time to time may be appear appropriate to them but not less frequently than monthly to the Anderson County council on the funding implementation operation and success." So it has been made. Actually, I think there were a couple other typo changes. From the last meeting to the current meeting the only changes that was made were that one change in substance changing annually to monthly and then we reformatted where there should be a doubt underlining, where there should be a

space between-we reformatted to have correct spacing. There were no other changes to any numbers figures or words. The ordinance that the Clerk has for signature I believe has the change that Mr. Greer is referring to. Now I believe that was made in a form of a motion to amend at the last meeting so it actually is in the form of the ordinance that is before you for signature tonight.

Chairman: Is there any other comments or questions? Okay we have an active motion on the floor to approve Ordinance #2001-016 - all those in favor? Six. All opposed? One (Ms. Wilson).

Ms. Floyd: Before we move on. I'd like to point out that as a Council member as Council Members we all operate as one voice one body. Now that the budget has been approved it is up to us to support this budget. We operate with one voice one body. The budget has been approved. We have to support our budget.

Chairman: Thank you. We move on to Council Members Comments. Mr. Holden I believe that it will be your night to start. You've made yours. Ms. Wilson.

Ms. Wilson: Yes, I believe that Ms. Floyd was directing those comments to me.

Ms. Floyd: Ms. Wilson, I directed those comments to whom ever was listening.

Ms. Wilson: You were looking directly at me.

Ms. Floyd: Your imagination.

Ms. Wilson: In reference to all that's been said tonight lets endeavor to work together so I would like to offer a request that since I'm so lacks in my understanding of the budget and we've all had difficulty understanding certain items of it. Is it possible for us to start having, for a period of time, monthly work sessions where we can learn more together and perhaps work on Mr. Greer's water project and Ms. Floyd's noise ordinance but also to work more to understanding the budget better. Perhaps y'all can teach me.

Chairman: We can take that under consideration. Mr. Dees.

Mr. Dees: I believe Ms. Floyd, and her speaking of we're all members of a body, was just about paraphrasing First Corinthians and Paul when he said "none of us are a single member we're all members". We can refer to that in society as well, but we here as Council, hopefully are doing the job that we were elected to do and you know if we're not we can be fired. It just that simple. The thing that we have to remember that we have to do the right thing period. We just have to do the right thing. We can't go out and poll constituents in a representative form of government. That's what we're here for to represent-Representative form of government. And that's what we're trying to do our best to do-so many times all the times we're supposed to take this job seriously. But folks we shouldn't take ourselves too seriously. That's all.

Chairman: Ms. Floyd.

Ms. Floyd: We've got a budget! We've got a budget! We're going to get down to work again. Welcome back folks. Welcome back.

Chairman: Mr. Greer.

Mr. Greer: I listened to what Mr. Dees said and I'll try not to talk to long this time and he quoted-referred to a passage of scripture from the Bible and it brought back to memory two verses that I've used as my guide since I've been here. And I actually looked it up when I was refreshing my memory two and half years ago cause I wanted to read it verbatim from the King James Version and it says to abstain from the appearance of evil. Don't even look like you're something wrong. I try to use that as a guide. Now I don't mind someone disagreeing with my position or my opinion and I respect your right to disagree. But I at all times try to avoid the appearance of doing something wrong but as a side product to looking up that scripture there is a verse right above it that says "prove all things and hold to that which is good" prove all things and hold to that which is good. That is the other guide that I've tried to use since I've been here. Look at everything make it pass the litmus test that some people refer to. Look at all aspects of it. That's what I was referring to when I said make sure you take an unbiased approach to it. I made a comment to some members of the finance department last week when we walked out that I honestly tried to find something wrong with this budget. Mr. Preston will attest to that fact by the questions that I submitted to him in some

of the questions that I submitted to him in some of the discussions that we had. I picked it apart. I tried to prove all things and hold to that which is good. And referring to Ms. Floyd's comments - we've beat this dead horse long enough - it's time to move on.

Chairman: Thank you, Mr. Greer. I really don't have a lot more to say. I would like to address Mr. Gerrard in his comments about his questions not being answered. I have a copy here I would be more than happy to provide you with all the questions that were asked at the last meeting. With all the answers here. There are several pages involved there. If you would like to have a copy of those it would certainly be provided to you. There is a lot of questions and it is very difficult to answer each one in a public meeting but they were all addressed and very specifically answered right here. I am sure that Mr. Preston would be more than happy to hand you one of those. I don't want people to think that when you step up at a public hearing or citizen's agenda time that you have questions they are ignored. Because they are not. I think this is proof and we'll go and try to answer those questions as best we can. I'm going to skip on. Mr. Tolly, I kind of skipped over you.

Mr. Tolly: Did you mean to ignore me? I have a 30-page document --- No further comments.

Chairman: With that said - we're adjourned. (Time 7:10 p.m.)

Respectfully submitted,

Linda N. Gilstrap, Clerk
ANDERSON COUNTY COUNCIL