

MINUTES OF
BUDGET AND CONTROL BOARD
MEETING

January 26, 1988

State of South Carolina
State Budget and Control Board

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

Box 12444
Columbia
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REMBERT C. DENNIS
CHAIRMAN, SENATE FINANCE COMMITTEE
ROBERT N. McLELLAN
CHAIRMAN, WAYS AND MEANS COMMITTEE

JESSE A. COLES, JR., Ph.D.
EXECUTIVE DIRECTOR

January 26, 1988

MEMORANDUM

TO: Budget and Control Board Division Directors
FROM: William A. McInnis, Deputy Executive Director *WAM*
SUBJECT: Summary of Board Actions at January 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 January 12, 1988, meeting;
3. Received as information the Department of Corrections "Defendants' Twelfth Quarterly Report on Compliance" with terms of the Consent Decree entered into on January 8, 1985, in relation to the Nelson v. Leeke suit;
4. Received as information a report that the Department of Highways and Public Transportation, which owns over 1/3 of the State vehicle fleet, has recently taken action to implement the State Fleet Safety Program, and has been commended by Dr. Coles;
5. Received as information a report that the Workers' Compensation Fund has advised State agencies that State employee failure to wear seat belts while operating or riding in a motor vehicle on State business may result in a 10% reduction in benefits to employees who file claims as a result of motor vehicle accidents;
6. Received as information a report that, in accord with Code Section 8-11-40 and Board policy, the Division of Human Resource Management has approved the advancement of sick leave for two employees during the October-December, 1987, period;
7. Received as information reports on the reimbursement of interviewee travel expenses by Mental Health (2);

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8. Carried over consideration of the S. C. Tuition Grants Agency request to release the 1.5% reserve (\$237,179) which the Board, on June 9, 1987, directed the Agency to establish, until after receipt of the February 15, 1988, revenue estimate;
9. Approved a \$150,000 rural improvement funds grant from the \$2,000,000 of lapsed funds appropriated to the Division of Local Government to Greenville County on behalf of the Northwest Rural Water Company;
10. Authorized SLED to pay for its Criminal Justice Information and Communication Building roof replacement project temporarily from its own earmarked operating revenue account (#3035) while this and other possibilities for permanent financing, including an allocation from the Bond Contingency Fund and any lapsed funds from SLED, are examined in more detail;
11. Received as information a General Services Division report that the following conditions have been met in relation to awarding the automobile reinsurance contract to the Davis-Garvin Agency:
 - (a) the Davis-Garvin Agency's national reinsurer has provided the Division with written verification of its reinsurance commitment;
 - (b) the reinsurer has agreed to notify the Division 90 days in advance in the event its agreement with the Agency is cancelled;
 - (c) the Insurance Commissioner has given written assurance of the Agency's sound condition and status; and
 - (d) the Division has notified all entities covered of the strong probability that rates for this coverage will increase substantially above the level provided under this contract for the first year;
12. To capture the premium savings expected to result from the low bid by the Davis-Garvin Agency, the Board directed the Division of General Services to collect last year's premium and to:
 - a. Refund all county, municipal, school district dollars above premium amount;
 - b. Escrow all State agency dollars above premium amount and allow State agencies to apply for refund where appropriate (i.e., federal fund participation); and
 - c. Develop a list of possible uses of the surplus State dollars with SLED's blood-urine testing program as the top priority;
13. Declared 116 acres adjacent to the Charwood Golf Club in the Pineridge Section of Lexington County surplus to the needs of the Board and authorized disposition of the tract under the standard surplus property procedures with the proceeds of the sale, less 4% to Property Management to cover appraisal and administrative costs, to be deposited in the general fund; and directed that, if any State agency declares a need for the property and asks that it be assigned to it, the property must be used

for a public purpose by the agency or it will revert to the Board and that the State reserves all timber and mineral rights;

14. In accord with Code Section 1-11-80, approved the following easements:
 - (a) To the Commissioners of Public Works, City of Greenville to relocate an underground pipeline on the Greenville Farmers' Market property;
 - (b) To Berkeley County Electric Cooperative, Inc. to install, operate and maintain subaqueous electrical cables across the Kiawah River and adjacent marsh from Johns Island to Kiawah Island in Charleston County, subject to approval by the Coastal Council;
15. Agreed to hold a special meeting to consider capital improvement bond requests at 3:30 p.m. on Thursday, February 4, in the Governor's conference room in the State House and a regular meeting at 9:30 a.m. on Tuesday, February 9, in the Governor's conference room in the State House;
16. Approved salary increases of 5.38% and 15.92% for two College of Charleston unclassified faculty members, effective January 26, 1988, with the stipulation that increases granted prior to this date without Board approval be recouped; and
17. Approved an annual salary of \$74,333 for the Executive Director of the Health and Human Services Finance Commission, effective January 26, 1988.

WAM:dw

MINUTES OF STATE BUDGET AND CONTROL BOARD MEETING

JANUARY 26, 1988

9:30 A. M.

The Budget and Control Board met at 9:30 a.m. on Tuesday, January 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;
Senator James M. Waddell, Jr., Chairman, Senate Finance Committee;
Representative Robert N. McLellan, Chairman, House Ways & Means Committee.

Mr. Earle E. Morris, Jr., Comptroller General, was absent. He was represented by Senior Assistant Comptroller General George M. Lusk.

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
Charles H. Smith	Special Projects Administrator
Donna K. Williams	Assistant to Board Secretary
Other Board staff	
Joseph A. Wilson, II	Chief Deputy Attorney General
Q. Whitfield Ayres, Ph.D.	Governor's Dir., Budget & Social Policy
Luther F. Carter, Ph.D.	Governor's Exec. Asst. Finance & Planning
Scott R. Inkley, Jr.	Ways & Means Committee Dir. of Research
Susan K. Hooks	Ways & Means Committee Research Analyst

Adoption of Agenda

Dr. Coles distributed a revised regular session agenda index and advised that number 5 and 6 had been reversed on the version distributed previously.

The Board adopted the proposed agenda without objection.

Minutes of Previous Meeting (Regular #1)

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

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

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Blue Agenda

Dr. Coles advised that the five items included on the blue agenda are for information only and do not require Board action. He called particular attention to items 2 and 3 which he noted are efforts by agencies to comply with and to implement the Board's fleet safety program.

[Secretary's Note: Discussion details are included at individual items.]

Upon a motion by Mr. Patterson, seconded by Senator Waddell, the Board approved the blue agenda.

Blue agenda items are identified as such in these minutes.

Corrections: Nelson v. Leeke, 12th Quarterly Compliance Report (B#1)

Extracts from the 12th Quarterly report on compliance with the terms of the Consent Decree entered into on January 8, 1985, were provided in the agenda materials.

Highlights included reports that:

- (1) a special compliance report will be published in mid-January because a number of issues have a January 8 compliance date;
- (2) double-celling of an average of 169 cells at Lieber continued despite Plaintiff's counsel objections;
- (3) the Stoney Building at CCI was converted to a 68-bed transitional care unit;
- (4) negotiations on the custody classification of the Women's Correctional Institution continued;
- (5) the net increase in inmate population continued to average 72 per month (for the entire January 1985 through November 1987 period) but the average increase was 65 per month over the past 12 months;
- (6) all approved construction projects were on schedule with 600-bed Broad River facility to be completed by April 1988; and 808-bed Allendale facility and 808-bed Marlboro facility to be completed by January 1989;
- (7) the decision to relocate CCI in Lee County was made and that requests for proposals for construction and design and financing are to be released;

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- (8) bond requests for about 3,964 additional bedspaces were presented to the Budget and Control Board and the Bond Committee on December 9, 1987; and
- (9) that classification consultant Dr. James Austin was retained by the Department to review its classification instruments and system and the results of its classification validation study.

The Board was advised that a copy of the complete report can be made available.

The Board received as information the Department of Corrections "Defendants' Twelfth Quarterly Report on Compliance" with 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.

Motor Vehicle Mgmt: Fleet Safety Program Implementation (Highway Dept.) (B#2)

The Division of Motor Vehicle Management advised that the Department of Highways and Public Transportation, which owns over 1/3 of the State vehicle fleet, recently took the following actions to implement the State Fleet Safety Program:

- (a) Recruitment of a full-time departmental Fleet Safety Officer;
- (b) Publication of an internal program implementation memorandum;
- (c) Formation of an agency Accident Review Board; and
- (d) Provision of a permanent representative to the State Accident Action Committee.

The Division advised that the Department's action will contribute greatly to the success of the State Fleet Safety Program, and feels that the Department should be commended for its efforts.

The Board received as information a report that the Department of Highways and Public Transportation, which owns over 1/3 of the State vehicle fleet, has recently taken action to implement the State Fleet Safety Program, and has been commended for this effort by Dr. Coles on behalf of the Board.

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

Workers' Compensation: Benefits Reduction for Failure to Wear Seat Belts (B#3)

Workers' Compensation Fund Deputy Director Mark Kirby has advised State agency heads that State employee failure to wear seat belts while operating or riding as a passenger in a motor vehicle on State business may result in a 10% reduction in compensation benefits to State employees who file a claim as a result of a motor vehicle accident.

Mr. Kirby advised agency heads that this step was taken by the Fund to assist in implementing the Board's policy requiring State employees to wear seat belts while operating or riding in a motor vehicle on State business.

Mr. McLellan questioned whether the Fund can really reduce claims on this basis. He noted that, while this position has value, the Fund would be hard pressed to deny a claim.

Mr. Wilson noted that the law relates to a willful failure by an employee to use a safety appliance.

Mr. McLellan noted that he is a seatbelt advocate but he questioned where this sort of thing might start and stop.

The Board received as information a report that the Workers' Compensation Fund has advised State agencies that State employee failure to wear seat belts while operating or riding in a motor vehicle on State business may result in a 10% reduction in benefits to employees who file claims as a result of motor vehicle accidents.

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

Human Resource Mgmt: Sick Leave Advancement, October-December, 1987 (B#4)

The Board received as information a report that, in accord with Code Section 8-11-40 and Board policy, the Division of Human Resource Management has approved the advancement of sick leave for two employees during the October-December, 1987, period.

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

Executive Director: Interviewee Travel Expense Reimbursement (Blue #5)

The Board received as information reports on the reimbursement of interviewee travel expenses by Mental Health (2).

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

Higher Education Tuition Grants: Release of 1.5% Reserve (Regular #2)

Higher Education Tuition Grants Executive Director Edward M. Shannon appeared before the Board on this matter.

The Higher Education Tuition Grants Agency requested that it be permitted to release the funds it had reserved in response to the Board's direction and award those funds to eligible students who are on the waiting list to receive grants.

At its meeting on June 9, 1987, the Budget and Control Board mandated that, for fiscal year 1987-88, the Tuition Grants Agency establish a 1.5% reserve (\$237,179) as protection against a possible midyear budget reduction. The reserve was not to be awarded until the State determined that no midyear reduction in State funds will occur at the agency level.

The Agency noted that the midyear date has passed and no mention has been made of a midyear State reduction. The Agency advised that there are approximately 1,016 eligible applicants anxiously awaiting news on the status of tuition grant applications.

Mr. McLellan suggested that it would be wise to hold action on this request until the February 15 revenue estimate has been received. He noted that action today would be premature as it is 20 days in advance of the final revenue estimate for the year.

Mr. Shannon advised that a two-week wait would not have a significant impact.

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Upon a motion by Senator Waddell, seconded by Mr. Patterson, the Board carried over consideration of the S. C. Tuition Grants Agency request to release the 1.5% reserve (\$237,179) which the Board, on June 9, 1987, directed the Agency to establish, until after receipt of the February 15, 1988, revenue estimate.

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

Local Government: Greenville County Grant Request (Regular #3)

Local Government Division Director Michael Gullledge appeared before the Board on this matter.

The Division of Local Government advised that a large portion of rural northwest Greenville County is not served by a public water system. The County, on behalf of the Northwest Rural Water Company, has requested a grant of \$150,000 to assist in providing water service to approximately 800 families.

The total project cost is \$4,550,400.

\$2,599,000	Greenville Water System
1,606,400	Area residents' cost
195,000	Northwest Rural Water Company
150,000	Local Government Rural Improvement Funds
<u>\$4,550,400</u>	

Mr. Gullledge advised that this area has many problems. It is served by wells which are going dry. He advised that the \$150,000 grant will come from the \$2,000,000 of lapsed funds appropriated to the Division.

Upon a motion by Mr. McLellan, seconded by Mr. Patterson and Senator Waddell, the Board approved a \$150,000 rural improvement funds grant from the \$2,000,000 of lapsed funds appropriated to the Division of Local Government to Greenville County on behalf of the Northwest Rural Water Company.

Governor Campbell expressed the view that the Board is correct in doing this. He noted that the financing is a unique arrangement and extended his thanks to Mr. McLellan for making the motion to approve the award.

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

General Services: SLED Emergency Funding for Roof Repair (Regular #4)

General Services Division Director Richard Kelly and SLED Director of Administrative Services James V. Martin appeared before the Board on this matter.

In the agenda materials provided to the Board was a letter from SLED Chief Robert Stewart in which he advised that the built-up roofing system of the agency's Criminal Justice Information and Communications Systems Building has failed. He pointed out that leaking throughout the building interior has resulted which disrupts the work of 115 employees and which threatens \$8 million of computer equipment and irreplaceable documents. Chief Stewart indicated that the leaking roof could, conceivably, bring the entire Statewide law enforcement communications system to a standstill.

The situation, apparently, was greatly aggravated by the January 7 ice storm but the Insurance Reserve Fund has determined that the storm did not cause the roof failure and no claim will be paid.

Chief Stewart asked in his letter that \$101,000 in emergency funding be made available to make the needed repairs (\$62,000 to replace the roof; \$36,000 for repair of interior water damage; \$3,000 for design services).

The Board was advised that these monies could be allocated from the Bond Contingency Revolving Fund if the Board and the Bond Committee agree to shift some funds to Group 12. Available from that source now are \$28,000 and \$332,000 are in Priority Group 13 which is scheduled for release in the July-December 1988 period. Of the \$332,000 in Group 13, \$73,000 would have to be shifted to Group 12.

Board staff suggested in the agenda materials the possibility of authorizing SLED to pay for the project from its own earmarked operating revenue account (#3035). These revenues are derived from data processing and records search services and they are used to maintain and operate SLED's computer system. An analysis of the account by staff (which showed a balance of \$539,453 at December 31, 1987) was provided in the agenda materials.

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The Board was advised in the agenda materials that SLED staff did not agree that funds from the earmarked account can be used for the project.

Staff suggested that, in view of the emergency situation, the Board might consider authorizing SLED to finance the project temporarily from its earmarked revenue account while this and other possibilities for permanent financing, including an allocation from the Bond Contingency Fund, are examined in more detail.

At the meeting, Mr. Kelly said that the roofing problem had been aggravated by the ice storm but he also reported that the Insurance Reserve Fund had determined that the leaking problem had existed for some time before the storm and that the Fund had denied the claim. He also noted that SLED staff have taken the position that it does not have the funds to pay for the project.

Governor Campbell observed that some \$7 million or \$8 million of equipment is in jeopardy because of the roof problem and that contingent liabilities exist on the earmarked fund.

Mr. Martin of SLED advised that the funds in the account Board staff suggest might be used to finance this project are held for contingencies to replace data processing equipment. He also said that, because the Insurance Reserve Fund will not be using SLED computer equipment after July 1988, SLED will lose \$165,000 in revenue which makes its retention of the earmarked funds more imperative. He advised that, until 1991, SLED will use its reserve to subsidize its loss of revenue. In response to Governor Campbell, Mr. Martin said if the earmarked account funds were used for the roof repair project the agency would have a shortfall.

Mr. McLellan suggested that the Board authorize SLED to finance the repair project temporarily from the earmarked account and that, in addition to the staff recommendation, the Board look at the possibility of using lapsed funds from SLED as the permanent source of funds.

Governor Campbell indicated his total agreement with Mr. McLellan's suggestion.

Upon a motion by Mr. McLellan, seconded by Mr. Patterson, the Board authorized SLED to pay for its Criminal Justice Information and Communication Building roof replacement project temporarily from its own earmarked operating revenue account (#3035) while this and other possibilities for permanent financing, including an allocation from the Bond Contingency Fund and the use of any lapsed funds from SLED, are examined in more detail.

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

General Services: Automobile Insurance Bid Conditions (Regular #6)

General Services Division Director Richard Kelly and Insurance Reserve Fund Officer James Bennett appeared before the Board on this matter.

At the January 12, 1988, meeting, the Division of General Services was authorized to award the automobile reinsurance contract to the Davis-Garvin Agency on the condition that:

- (a) the Davis-Garvin Agency's national reinsurer provides the Division with written verification of its reinsurance commitment;
- (b) the reinsurer agrees to notify the Division in the event its agreement with the Agency is cancelled;
- (c) the Insurance Commissioner gives written assurance of the Agency's sound condition and status; and
- (d) the Division notifies all entities covered of the strong probability that rates for this coverage will increase substantially above the level provided under this contract for the first year.

At the meeting, Mr. Kelly said staff had tried to satisfy all of the conditions set by the Board.

A copy of a January 18, 1988, letter from William Van Syckle, Vice President, National Reinsurance Corporation, Stamford, Connecticut, was provided in the agenda materials. It responded to the conditions in (a) and (b), above.

Staff distributed a response by Insurance Commissioner Richards to (c).

Mr. Bennett reviewed the four conditions imposed by the Board and he expressed the view that they had been met.

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Senator Waddell called attention to the paragraph in Insurance Commission Chief Actuary Simons' January 19, 1988, memo to Commissioner Richards in which reference is made to his concerns about the financial capacity of the primary insurer (this memo was in the materials distributed at the meeting by staff).

Mr. McLellan noted that a 90-day advance notice of cancellation can be secured.

Following a brief discussion, the Board received as information a General Services Division report and concurred that the following conditions have been met in relation to awarding the automobile reinsurance contract to the Davis-Garvin Agency:

- (a) the Davis-Garvin Agency's national reinsurer has provided the Division with written verification of its reinsurance commitment;
- (b) the reinsurer has agreed to notify the Division 90 days in advance in the event its agreement with the Agency is cancelled;
- (c) the Insurance Commissioner has given written assurance of the Agency's sound condition and status; and
- (d) the Division has notified all entities covered of the strong probability that rates for this coverage will increase substantially above the level provided under this contract for the first year.

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

General Services: Automobile Insurance Premium (Regular #5)

Deputy Executive Director J. Samuel Griswold appeared before the Board on this matter and he distributed additional information on the issue to the members.

The Division of General Services advised in the agenda materials that, as a result of the recent automobile liability reinsurance bid, there is a significant decrease in the cost of the program effective February 1, 1988.

The Division advised, however, that with the loss experience rating formula inherent in the reinsurance contract, fiscal year 1989-90 rates will approach the 1986-87 levels.

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In response to the Board's direction at the January 12, 1988, meeting, the Division provided the following options on capturing the premium savings expected to result from the low bid by the Davis-Garvin Agency:

Option 1: Reduce all rates in accordance with new reinsurance premiums.

Option 2: Collect last year's premium.

- a. Refund all county, municipal, school district dollars above premium amount.
- b. Escrow all State agency dollars above premium amount and allow State agencies to apply for refund where appropriate (i.e., federal fund participation.
- c. Surplus State dollars could be: (1) returned to general fund
(2) used to support one-time nonrecurring expenses
(3) earmarked in separate accounts for special purposes:
 - (a) auto safety program
 - (b) State House renovations
 - (c) program deficiencies (e.g., blood-urine testing)
 - (d) etc.

The Division recommended that the Board select option 2.

Dr. Griswold reviewed the information on the amount of funds involved in the premium reduction and noted, in particular, that some \$2.4 million of savings for State agencies are involved. He observed that Highway Department funds skewed the figures dramatically. He estimated that about \$844,391 of savings for the general fund are involved.

Mr. Patterson asked for an illustration of how federal funds get involved and Dr. Griswold pointed out that if an agency receives federal funds the presumption is that the costs of auto use are paid on a proportionate basis.

Mr. Patterson said we will have to be able to identify all of that in detail from this point forward because of a bill now in Congress to require states to pay interest earnings on federal funds to the federal government. He noted that the Intergovernmental Cooperation Act of 1968 said that states were not liable for this interest but he said we need to be gearing up to keep track of this matter. He said that this is an issue with the Department of Social Services and USC now.

Dr. Griswold said that recommended option 2 which provides for the collection of the excess premiums and then the rebate of them as probably the best way to go.

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Mr. Patterson asked, since we know the rates are going back up next year, why the excess funds should not be kept and used for one-time purposes.

Dr. Coles noted that the counties, the municipalities and school districts involved would retain their shares of these funds and the interest earnings on them and that the remainder involved should be returned to them. He said we obviously do not want a federal audit problem and that the funds could be collected and escrowed pending action by the General Assembly.

Mr. McLellan said he is not in favor of returning the funds to the agencies. He mentioned the veto of the \$735,000 of funds for the COGs, which could not be reversed, as an area where the excess funds might go. He mentioned the blood-urine testing by SLED as another area in need of funding. He also mentioned a need for \$130,000 to finance the replacement of the State House windows.

Governor Campbell said he had no objection to Mr. McLellan's list but he expressed the view that SLED ought to be priority for about \$200,000.

Mr. McLellan suggested the possibility of prorating the available funds for the COGs which he said had been hurt deeply by the loss of the appropriated funds. He asked that staff develop a list of uses of the funds for the Board's consideration including SLED and the State House windows.

Governor Campbell also asked staff to assemble a list with SLED as first priority.

Upon a motion by Mr. McLellan, seconded by Mr. Patterson and Senator Waddell, the Board, to capture the premium savings expected to result from the low bid by the Davis-Garvin Agency, directed the Division of General Services to collect last year's premium and to:

- a. Refund all county, municipal, school district dollars above premium amount;
- b. Escrow all State agency dollars above premium amount and allow State agencies to apply for refund where appropriate (i.e., federal fund participation); and
- c. Develop a list of possible uses of the surplus State dollars with SLED's blood-urine testing program as the top priority.

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

General Services: Sale of Board Property, Pineridge, Lexington Co. (R#7)

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

The Division advised in the agenda materials that the Board is the owner of a vacant 116-acre parcel of land that joins the Charwood Golf Club in the Pineridge Section of Lexington County.

The tract is traversed by a 200-foot wide SCE&G power line right-of-way. A recent appraisal values the property at \$1,000 per acre. Property Management is not aware of any past use of the property or of any plans for future use.

The Division also advised in the agenda materials that the owner of the Charwood Country Club has expressed an interest in obtaining the property.

The Division recommended that the property be declared surplus to the needs of the Board and that it be offered for sale under the standard surplus property procedures with the proceeds from the sale, less 4% to Property Management for appraisal and administrative costs, to be deposited in the general fund.

This item was carried over at the January 12 meeting to allow staff time to determine the origin of ownership.

At the meeting, Mr. Kelly reviewed the background on the item and reported on the Division's findings regarding the ownership history of the tract.

The Division advised that, in 1913, Mr. Pickens C. Price conveyed to the State a 1,007-acre tract to be used as a camp site and rifle range for the organized Militia for the State. The tract was later abandoned as a camp site and rifle range and the Adjutant General's Office turned the tract over to the Sinking Fund Commission.

In 1950, under Reorganization Plan No. 2, the duties and powers vested in the Sinking Fund Commission were transferred to the Budget and Control Board.

In response to Mr. McLellan, Mr. Kelly advised that the requested Board action will not preclude an offer to trade for property of equal value and that the highest dollar value offered in whatever form would be what he would recommend.

Mr. McLellan moved that the tract be declared surplus and disposed of under the standard surplus property procedures with the proceeds of the sale, less 4% to Property Management for appraisal and administrative costs, to be deposited in the general fund. His motion was seconded by Senator Waddell.

During further discussion, Dr. Coles questioned whether the Board should include a reverter clause to restrict the use of the property by any State agency for a public purpose. He cited the case from last year when the Board transferred property to another State entity which promptly cut \$70,000 worth of timber off of the property. He suggested the possibility of including a reverter clause in any document transferring property to another State agency.

Senator Waddell moved that the motion be reconsidered. His motion was seconded by Mr. Patterson.

Upon a motion by Senator Waddell, seconded by Mr. Patterson, the Board declared 116 acres adjacent to the Charwood Golf Club in the Pineridge Section of Lexington County surplus to the needs of the Board and authorized disposition of the tract under the standard surplus property procedures with the proceeds of the sale, less 4% to Property Management to cover appraisal and administrative costs, to be deposited in the general fund; and directed that, if any State agency declares a need for the property and asks that it be assigned to it, the property assigned or transferred to another agency by the Board must be used for a public purpose by the agency or it will revert to the Board and that the State reserves all timber and mineral rights relating to any property assigned by the Board to another State agency.

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

General Services: Easements (Regular #8)

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

The Division of General Services recommended that the Board approve the following easements in accord with Code Section 1-11-80:

1. County Location: Greenville
From: State of South Carolina
To: Commissioners of Public Works, City of Greenville
Description/Purpose: Relocate an underground pipeline on the Greenville Farmers' Market property
Consideration: In kind
2. County Location: Berkeley; Charleston
From: State of SC, Budget and Control Board
To: Berkeley County Electric Cooperative, Inc.
Description/Purpose: Install, operate and maintain subaqueous electrical cables across the Kiawah River and adjacent marsh from Johns Island to Kiawah Island in Charleston County
Consideration: \$2,232

Upon a motion by Mr. Patterson, seconded by Senator Waddell, the Board, in accord with Code Section 1-11-80, approved an easement to the Commissioners of Public Works, City of Greenville to relocate an underground pipeline on the Greenville Farmers' Market property.

Upon a motion by Senator Waddell, seconded by Mr. Patterson, the Board approved an easement to Berkeley County Electric Cooperative, Inc., to install, operate and maintain subaqueous electrical cables across the Kiawah River and adjacent marsh from Johns Island to Kiawah Island in Charleston County, subject to approval by the Coastal Council.

Information relating to this matter has been retained in these files and is identified as Exhibit 12.

Future Meeting

The Board agreed to hold a special meeting to consider capital improvement bond requests at 3:30 p.m. on Thursday, February 4, in the Governor's conference room in the State House and a regular meeting at 9:30 a.m. on Tuesday, February 9, in the Governor's conference room in the State House.

Executive Session

Dr. Coles advised that two personnel items had been proposed for consideration during executive session.

Upon a motion by Mr. Patterson, seconded by Senator Waddell, the Board agreed to consider these items in executive session whereupon Governor Campbell declared the meeting to be in executive session.

Vote on Matters Discussed in Executive Session Actions

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

(a) Human Res. Mgmt.: Unclassified Salary Increases, Col. of Charleston (X1)

Upon a motion by Mr. Patterson, seconded by Senator Waddell, the Board approved salary increases of 5.38% and 15.92% for two College of Charleston unclassified faculty members, effective January 26, 1988, with the stipulation that increases granted prior to this date without Board approval be recouped.

(b) Human Resource Management: Agency Head Salary, HHSFC (X#2)

Upon a motion by Senator Waddell, seconded by Mr. McLellan, the Board approved an annual salary of \$74,333 for the Executive Director of the Health and Human Services Finance Commission, effective January 26, 1988.

Adjournment

The meeting was adjourned at 10:40 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 11:35 a.m. on Friday, January 22, 1988.]

EXHIBIT

JAN 26 1988

NO. 1

STATE BUDGET AND CONTROL BOARD STATE BUDGET & CONTROL BOARD
MEETING OF January 26, 1988 ITEM NUMBER 1

AGENCY: Department of Corrections

SUBJECT: Nelson v. Leeke, 12th Quarterly Compliance Report

Extracts from the 12th Quarterly report on compliance with the terms of the Consent Decree entered into on January 8, 1985, are attached.

Highlights include reports that:

- (1) a special compliance report will be published in mid-January because a number of issues have a January 8 compliance date;
- (2) double-celling of an average of 169 cells at Lieber continued despite Plaintiff's counsel objections;
- (3) the Stoney Building at CCI was converted to a 68-bed transitional care unit;
- (4) negotiations on the custody classification of the Women's Correctional Institution continued;
- (5) the net increase in inmate population continued to average 72 per month (for the entire January 1985 through November 1987 period) but the average increase was 65 per month over the past 12 months;
- (6) all approved construction projects were on schedule with 600-bed Broad River facility to be completed by April 1988; and 808-bed Allendale facility and 808-bed Marlboro facility to be completed by January 1989;
- (7) the decision to relocate CCI in Lee County was made and that requests for proposals for construction and design and financing are to be released;
- (8) bond requests for about 3,964 additional bedspaces were presented to the Budget and Control Board and the Bond Committee on December 9, 1987; and
- (9) that classification consultant Dr. James Austin was retained by the Department to review its classification instruments and system and the results of its classification validation study.

A copy of the complete report can be made available.

BOARD ACTION REQUESTED:

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

ATTACHMENTS:

Extracts from referenced report

11505



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

EXHIBIT

JAN 26 1988

NO. 1

STATE BUDGET & CONTROL BOARD

January 8, 1988

RECEIVED

JAN 13 1988
BUDGET AND CONTROL BOARD
OFFICE OF EXECUTIVE DIRECTOR

Jesse A. Coles, Jr., Ph.D.
Executive Director
SC Budget and Control Board
612 Wade Hampton Building
Columbia, South Carolina 29211

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

Dear Dr. Coles:

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' Twelfth 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
Laurie A. Osler
Executive Assistant for Legal
Settlements and Compliance

Enclosure

LAO/map

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BOARD OF
CORRECTIONS

NORMAN KIRKLAND
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Bamberg, S.C.

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

EXHIBIT

JAN 26 1988

NO. 1

INTRODUCTION

STATE BUDGET & CONTROL BOARD

This report is submitted to the Court in compliance with the terms of the 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 "Twelfth 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/efforts undertaken/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 unsuited.

I. Special Notices:

A. "Supplemental Compliance Report."

Inasmuch as certain issues of the Decree have a compliance date of January 8, 1988, and inasmuch as this Report is printed for publication during mid-December, 1987, for submission to the Court, et al., by January 8, 1988, a "Special Supplemental Report on Compliance" will be issued by the Compliance Office in mid-January, 1988. This report will describe the efforts taken by Departmental officials to comply with the following requirements of the Decree:

1. The requirement stipulating that inmates housed in medium-security institutions be provided the sleeping space required by the Decree by January 8, 1988 (Section III.2.(3), Page 20).

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In the last edition of the Quarterly Report, it was reported that Federal Magistrate Gambrell had issued a 92-page "Report of Recommendations" relative to the Defendants' "Motion for Modification of the Consent Decree." Briefly, the Defendants' requested in their "Motion" that general population inmates housed in new medium-security institutions be allowed to be permanently double-housed in cells measuring less than 100 square feet in order to allow the Department to comply with mandated housing capacities at existing medium-security institutions by January 8, 1988.

Under the present terms of the Decree, all existing medium-security institutions and new institutions completed prior to January 8, 1988, are to be in compliance with mandated Nelson capacities by January 8, 1988. Medium-security institutions constructed after January 8, 1988, are to open "in-compliance" with the housing requirements. It is estimated, that compliance with housing requirements at existing medium-security institutions by January 8, 1988, would result in the loss of a total of 725 bedspaces from such institutions as CCI, KCI,

MCI, WCC and PCI (see, also, "Appendix B" to this report for a complete description of where such bedspace reductions must take place).

The Defendants' proposed modification of the Decree would, therefore, enable Departmental officials the ability to transfer inmates occupying the above-referenced beds to new facilities in order to achieve housing compliance in existing medium-security institutions. Currently, the Department has two new institutions (McCormick and Lieber Correctional Institutions) operational--each with a single-celled, general population capacity of 504--that could be utilized to achieve such compliance. Additionally, the Department currently is in the process of constructing three new medium-security institutions (Broad River Correctional Institution (by April, 1988), Allendale and Marlboro Correctional Institutions (by January, 1989)) and, is currently requesting funding for additional medium-security institutional construction which would enable compliance to be maintained at existing medium-security facilities, as well.

As was noted previously, the Magistrate recommended that the Department be allowed to double-cell new medium-security institutions for a two-year period (until January 8, 1990) for compliance at existing institutions. Additionally, the Magistrate recommended that the Department strongly continue making requests for additional prison construction in order to keep pace with anticipated population increases.

Under federal rules of law; however, the Magistrate's recommendations cannot be utilized as a final ruling on this Motion inasmuch as the Magistrate's recommendations must be reviewed and either adopted, rejected, or revised by the Federal District Court Judge assigned to the Nelson case. At this writing (December 15, 1987) a final ruling by the Court has not been received by the Department.

B. Housing Requirements

1. 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 non-compliance with the terms of the Decree, inasmuch as mandated Nelson capacities are not required to be met at all medium/maximum security institutions until January 8, 1988.

During this reporting period, an average of 169 cells were double-occupied at Lieber during the month of October; an average of 181 cells were double-occupied during the month of November; and an average of 172 cells were double-occupied during the period December 1 - December 10, 1987. It should be noted that Departmental officials do make every effort to reduce double-celling at Lieber after normal, first-of-the-month releases. It should further be noted, that should the Court not allow new medium security institutions to be double-celled, double-celling at this institution will also need to be eliminated by January 8, 1988.

2. Central Correctional Institution's Stoney Building: On September 3, 1987, a decision was made to convert the Stoney Building at the Central Correctional Institution to a 68-bed Transitional Care Unit. Previously, this housing unit was being utilized by Broad River Reception and Evaluation officials to house intake overflow to the same. Plaintiffs' counsel was notified of the decision to convert this unit and was offered the opportunity to tour the Central Correctional Institution to approve this conversion. Plaintiffs' counsel, however, made no objections to this housing change.
3. Women's Correctional Center: During this reporting period, Plaintiffs' counsel and Departmental officials met to discuss the custody classification of the Women's Correctional Center. Departmental officials had proposed to Plaintiffs' counsel that only Cottages 4, 8 and 9 (rather than the entire institution) be classified as medium security inasmuch as the design of these units warrants such classification, and inasmuch as the Women's Center houses both medium/minimum security inmates.

EXHIBIT

JAN 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

Plaintiffs' counsel objected to this request and proposed that Departmental officials still consider classifying the entire institution as medium security, however, be allowed to extend the time-frames by which full compliance with mandated housing capacities at this institution must be achieved. Concessions offered by Plaintiffs' counsel are to allow Cottages 1, 2, 3, 5, 6 and 7 at this facility to be two-thirds double-celled between the period January 8, 1988 through January 8, 1990. On January 8, 1990, however, only five of the above cottages could be one-half double-celled, with the remaining cottages single-celled. In addition, Plaintiffs' counsel proposed that the Department must still comply with the 25% reductions in overcrowding every six months required under the terms of the Decree in Cottages 1, 2, 3, 5, 6 and 7. Departmental officials are still reviewing this proposal and plan to respond to Plaintiffs' counsel in writing with regard to the same.

4. Inmate Admissions: At the time of the last reporting period, 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 August, 1987. During this reporting period, the average increase in SCDC facility count was also 72 inmates per month. This figure reflects the average monthly net increase/decrease in facility counts over the period January, 1985 through November, 1987. The average facility count increase reported over the past 12-month period (December, 1986 through November, 1987) was 65 inmates per month.

EXHIBIT

JAN 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

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5. Construction: During this reporting period, all approved construction projects were reported as being on schedule. During late October, 1987, the Dutchman Correctional Institution officially converted to a low-level, medium-security institution. Additional renovations are still needed at this institution in order to officially classify the facility as "medium" security; however, such renovations were not significant enough to impede upon the conversion of the inmate population to such a security level.

In addition to the above, other construction projects for which the Department has received funding, but which are not listed in the Decree, are also reported as being on schedule. The tentative completion dates for these projects are, as follows:

Broad River Correctional Institution
(a 600-bed medium security facility),
by April, 1988.

Allendale Correctional Institution (an
808-bed medium security facility), by
January 1989.

Marlboro Correctional Institution (an
808-bed medium security facility), by
January 1989.

6. Central Correctional Institution Site
Selection/Relocation: In the last edition of the Quarterly Report, it was reported that there was a controversy over the potential site for the new Central Correctional Institution (CCI). During this reporting period; however, this controversy was resolved inasmuch as the Budget and Control Board made the official decision to relocate the CCI to Lee County. Presently, the existing CCI is located in Richland County.

A "Request for Proposals" (RFP) for either "Construction and Design" and/or "Financing" is scheduled to go out during January, 1988, and 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 that it will take approximately 3½ to 4 years from the release of funding to complete this relocation.

7. Bond Request for Fiscal Year 1988-1989: Departmental officials met with members of the Budget and Control Board and Joint Bond Review Committee on December 9, 1987, to present the Department's Bond Request for Fiscal Year 1988-1989. Specifically, the Bond Request calls for funding to construct approximately 3,964 additional bed spaces throughout the Department to keep pace with projected population increases through 1992, as follows:

a. During Fiscal Year 1989-1990:

- (1) Construct a 96-bed addition to LSWRC;
- (2) Construct a 96-bed addition to CWRC;
- (3) Construct a 96-bed addition to PWRC;
- (4) Construct a 192-bed addition to GCC;
- (5) Construct a 192-bed addition to MYCC;
- (6) Construct a 50-bed maximum-security unit at KCI;
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- (8) Construct a 96-bed addition to GCI; and,
- (9) Construct a 96-bed addition to WCI.

b. During Fiscal Year 1990-1991:

- (1) Construct a 50-bed Habilitation Unit at SCI;

(2) Construct a new, 384-bed minimum-security, female institution; and,

(3) Construct a new 808-bed male, medium-security institution.

c. During Fiscal Year 1991-1992:

Construct a new 808-bed male, medium-security institution;

d. During Fiscal Year 1992-1993:

Construct a new 808--bed male, medium-security institution.

C. Status of the Department's Classification Plan:

1. SCDC's Classification Consultant: During the mediation session conducted during April, 1986, between Plaintiffs' counsel, Departmental officials and the Nelson Mediator, it was recommended that both parties retain the services of a contractual consultant to review the implementation status of the Department's classification system; review the classification instruments utilized by the Department; and, to review the results of the Classification Validation Study.

On December 10 and 11, 1987, Departmental officials contracted with Dr. James Austin, Director of Research, National Institute on Crime and Delinquency, to act as their consultant in this matter. Dr. Austin spent the above two days with representatives of the Department's Classification Branch and Research and Information Management Division reviewing the results of the Department's Validation Study and the modifications made to both the initial and reclassification instruments pursuant to the results of this study.

The Validation Study suggested that the following variables were greater "predictors" of violence and, therefore, should be weighed more heavily when scoring inmates for both initial and reclassification purposes, as follows:

- a. For initial classification, the results indicated "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" remained the most significant factor followed by "number of prior convictions over 90 days" and "number of offenses in current commitment."
- b. For reclassification purposes, the most significant "predictors" are "age," "number prior commitments over 90 days," and, "percentage of time served."

At the conclusion of Dr. Austin's visit, it was agreed that he would forward to Departmental officials a written summary of his impressions of the classification system and any recommendations for improvement of the same. It should be noted, that Plaintiffs' counsel attended the "exit interview" conducted between Departmental officials and Dr. Austin, and it was agreed that Dr. Austin's report would also be forwarded to Plaintiffs' counsel and the Nelson Mediator for their review (see, also, Section VIII of this Report for additional information).

EXHIBIT

JAN 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

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

EXHIBIT

JAN 26 1988

NO. 1

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' TWELFTH QUARTERLY
REPORT ON COMPLIANCE

Prepared by:

The Office of the Executive Assistant for
Legal Settlements and Compliance

Laura Ann Osler, Executive Assistant

Columbia, South Carolina
January 8, 1988

11516

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EXHIBIT

JAN 26 1988

NO. 1

STATE BUDGET & CONTROL BOARD

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

11519

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EXHIBIT

JAN 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

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(2) Construct a new, 384-bed minimum-security, female institution; and,

(3) Construct a new 808-bed male, medium-security institution.

c. During Fiscal Year 1991-1992:

Construct a new 808-bed male, medium-security institution;

d. During Fiscal Year 1992-1993:

Construct a new 808--bed male, medium-security institution.

C. Status of the Department's Classification Plan:

1. SCDC's Classification Consultant: During the mediation session conducted during April, 1986, between Plaintiffs' counsel, Departmental officials and the Nelson Mediator, it was recommended that both parties retain the services of a contractual consultant to review the implementation status of the Department's classification system; review the classification instruments utilized by the Department; and, to review the results of the Classification Validation Study.

On December 10 and 11, 1987, Departmental officials contracted with Dr. James Austin, Director of Research, National Institute on Crime and Delinquency, to act as their consultant in this matter. Dr. Austin spent the above two days with representatives of the Department's Classification Branch and Research and Information Management Division reviewing the results of the Department's Validation Study and the modifications made to both the initial and reclassification instruments pursuant to the results of this study.

The Validation Study suggested that the following variables were greater "predictors" of violence and, therefore, should be weighed more heavily when scoring inmates for both initial and reclassification purposes, as follows:

- a. For initial classification, the results indicated "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" remained the most significant factor followed by "number of prior convictions over 90 days" and "number of offenses in current commitment."
- b. For reclassification purposes, the most significant "predictors" are "age," "number prior commitments over 90 days," and, "percentage of time served."

At the conclusion of Dr. Austin's visit, it was agreed that he would forward to Departmental officials a written summary of his impressions of the classification system and any recommendations for improvement of the same. It should be noted, that Plaintiffs' counsel attended the "exit interview" conducted between Departmental officials and Dr. Austin, and it was agreed that Dr. Austin's report would also be forwarded to Plaintiffs' counsel and the Nelson Mediator for their review (see, also, Section VIII of this Report for additional information).

III. 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
SCCJA	-	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

S E C T I O N O N E

11530

TWELFTH QUARTERLY REPORT ON COMPLIANCE FOR NELSON
January 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. During this quarter, for example, two, two (2)-hour classes were conducted at the Cross Anchor Correctional Institution for Correctional Officers and staff.

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 the SCDC.

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.

During this reporting period, all institutions maintained compliance with this issue of the Decree. Currently, 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, Manning 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, a request is currently being made by the Department for the funding to construct a 96-bed addition to Palmer during F.Y. 1988-1989. Updates as to the status of this request will be included in future editions of the Quarterly Report. It should be pointed out 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 96-beds. Additionally, some institutional officials have converted cell space to office space for unit management purposes or have renovated cells previously used for storage space to inmate housing thus resulting in small bed-space losses/gains, respectively.

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.

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.: MCI, NCC, WCI, GCI, CaWRC, etc.).

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***
Sept.	521	155	180	20	33	909
Oct.	455	143	129	10	41	778
Nov.	422	114	151	14	39	740

- * 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, 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. In the last edition of the Quarterly Report, compliance problems were noted at Manning Correctional Institution. Since this quarter, however, Manning officials have followed the directives issued by the Compliance Office and have maintained compliance with this issue.

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.

At present writing (December 10, 1987) the Department is still awaiting a ruling from the Federal Court as to our "Motion for Modification of the Consent Decree." As was reported in the last edition of the Quarterly Report, the Department filed this Motion in an effort to seek approval for double-celling at new medium security institutions. Under the terms of the original Decree, general population cells at new institutions are required to be single-celled. However, since the time of signing, external factors have caused our population projections to increase at a higher rate than anticipated; thereby, destroying the factual basis upon which many of the housing issues of the Decree were agreed. Double-celling general population cells at new institutions will enable the SCDC to comply with Nelson housing issues at existing medium security institutions.

A hearing on the Department's "Motion" was held on August 26, 1987. Inasmuch as Federal District Court Judge Houck was not present at this hearing due to scheduling conflicts, Federal Magistrate Gambrell presided. On September 8, 1987, Magistrate Gambrell issued to the Department a 92-page "Report of Recommendations." This Report recommended that the SCDC be allowed to double-occupy general population cells at new institutions for a two-year period (until January, 1990). The Federal District Court Judge is presently reviewing this report for either adoption, revision or disapproval.

In order to comply with this issue, certain reductions will need to be made at selected medium security institutions by January 8, 1988. Table I (Appendix B) lists these reductions by housing areas at the following EXISTING medium security institutions and housing units: CCI, KCI, WCC, PCI, MCI and the Officers' Quarters' at CCI. As can be detected from reviewing this Table, approximately 723 total medium security bedspaces will be lost on this date (roughly 121 beds from CCI; 203 from KCI; 12 from WCC; 192 from PCI; 138 from the Manning and 57 from the Officers' Quarters'.) Double-celling

new institutions would enable the SCDC to place inmates occupying these beds within the system rather than having to find alternative methods of housing, i.e., early release (for which most (if not all) medium security inmates are not eligible), temporary housing, etc.). NOTE: Should the Court deny the Department's "Modification" and not allow new institutions to be doubled-celled, approximately 170 inmates currently being double-celled at LCI would also need to be displaced for compliance purposes.

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 construction of new institutions for compliance purposes, 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.

IN LIGHT OF THE ABOVE INFORMATION AND INASMUCH AS THIS REPORT IS PRINTED FOR PUBLICATION IN MID-DECEMBER, 1987, IN ORDER TO BE RECEIVED BY THE COURT, PLAINTIFFS' COUNSEL, ETC., BY JANUARY 8, 1988, THE COMPLIANCE OFFICE HAS MADE A DECISION TO ISSUE A SPECIAL COMPLIANCE REPORT AFTER JANUARY 8, 1988, WHICH WOULD LIST ALL THE EFFORTS UNDERTAKEN BY DEPARTMENTAL OFFICIALS FOR COMPLIANCE WITH THIS ISSUE.

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 this quarter, Plaintiffs' counsel and Departmental officials have met to discuss this issue. To date, no agreement 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 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 this issue is not scheduled to be met by January 8, 1990 and 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.

Also, see issue #6, above, for information relative to the Department's "Bond Bill Request" for F.Y. 1988-1989 which includes a request for funding to construct 288 additional work release beds and 1,202 minimum security beds throughout the Department which will assist in compliance with this issue.

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 this issue is not scheduled to be met by January 8, 1990 and 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.

Also, see issue #6, above, for information relative to the Department's "Bond Bill Request" for F.Y. 1988-1989 which includes a request for funding to construction 288 additional work release beds and 1,202 minimum security beds throughout

the Department which will assist in compliance with this issue.

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)...

Contingent upon the ruling made by the Court on the "Defendants' Motion for Modification of the Consent Decree," at the present time SCDC officials are still considering the following compliance dates for these selected institutions to be, as follows:

At KCI, PCI, CCI, and WCC the compliance date is January 8, 1988; at MYCC, the compliance date is January 8, 1990.

Also, see issue #4 and Table #1, above, for information illustrating these housing requirements.

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 Adminis-

EXHIBIT

JAN 26 1988

NO. 1

STATE BUDGET & CONTROL BOARD

trative Segregation area that did not conform to Nelson standards. During this quarter, Manning officials have made every effort to have these certain cells repaired and have, to date, ordered the necessary parts to replace broken toilets and sinks in these deficient cells. 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 to television viewing.

To date, Manning officials have continued to comply with the Compliance Office's directive and have made every effort to not utilize any cell in ill-repair in this unit. The Warden of this facility has instructed all staff to only use the four aforementioned cells in emergency situations only and only for a 2-3 hour cooling off period or until another cell in the unit becomes available or can be located at another institution.

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%...

Contingent upon the ruling made by the Court on the "Defendants' Motion for Modification of the Consent Decree," the Department is still using January 8, 1988 as the date monitoring is to begin. Information pertaining to this issue will be included in the Special Compliance Report to be issued after January 8, 1988. This report will describe the Department's effort which were undertaken to comply with the housing issues of the Decree required to be met by January 8, 1988 and will also provide information relative to this compliance issue.

16. Monitoring must be done to ensure that all minimum security institutions are having population reductions of 25% every six (6) months...

Inasmuch as the date by which the first reduction in population must be achieved is July 8, 1988, information pertaining to compliance with this requirement will be reported in future editions of the Quarterly Report.

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

The Twelfth Quarterly Report was submitted to the Compliance Office on December 10, 1987. The average monthly increase in facility counts reported over the preceeding 35-month period was 72. This 35-month count is based on the average monthly increase/decrease in facility counts during the period January, 1985, through November, 1987.

Over the past 12 month period (December, 1986 through November, 1987) the average monthly facility count increase was 65.

18. 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 18 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.

24. 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...

In order to comply with the recommendations made by NIC Consultant, Mr. Jim Henderson, regarding A listing of these positions by institution is contained on pages 11-12, "Defendant's Sixth Quarterly Report on Compliance."

In order to comply with various other Nelson staffing requirements, i.e., sight or sound security; mental health and medical care; AIMS classification, etc. the Department was authorized to hire 341 new institutional employees during Fiscal Year 1985-1986. 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 Assembly for hire by the Department. To date, of the positions authorized 307 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 & MR & EC) and for the new shock probation units to be located at WRCI and the WCC. The following list does include the number of positions 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 11/30/87
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	22

Stevenson	19	18
State Park	8	8
Women's Center	16	13
Walden	30	30
Watkins	1	1
Wateree	5	5
<hr/>		
TOTAL	316	308

During Fiscal Year 1987-88, funding for approximately 41.5 (31.5 health care, 1 security and 9 administrative) 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 funding has been authorized by the General Assembly for Nelson related staffing requirements which, to date, have been generally complied with.

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 11/30/87
Accts. Payable	2	2
Compliance	1	1
Financial Act.	1	0
Records	3	3
Purchasing	2	0
Training Div.	1	0
BRPR/WRC	2	0
CWRC	1	0
CoWRC	1	0
LCI	6.5	4
LiWRC	1	0
LSWRC	1	0
McCI	6.5	0
PWRC	1	0
SPCC	1	0
SCI	4	2
WRCI	6.5	0
<hr/>		
TOTAL	41.5	12

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 October 16, 1987 and November 16, 1987 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 MCI. During this quarter, however, full compliance with this issue was achieved. Manning officials are now utilizing officers assigned to administrative areas throughout the institution to post the cafeteria during meal hours; therefore, allowing those officers posted in the wards to remain on their posts. The affected administrative areas are now being closed during meal hours inasmuch as these areas experienced the smallest amount of inmate activity during such times (i.e.: the school, etc.). Utilization of existing staff in this manner has allowed for the wards to be reopened on a 24-hour basis, 7-days per week for inmate access.

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. Unit Management is tentatively scheduled to be fully implemented by late-March, 1988.

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

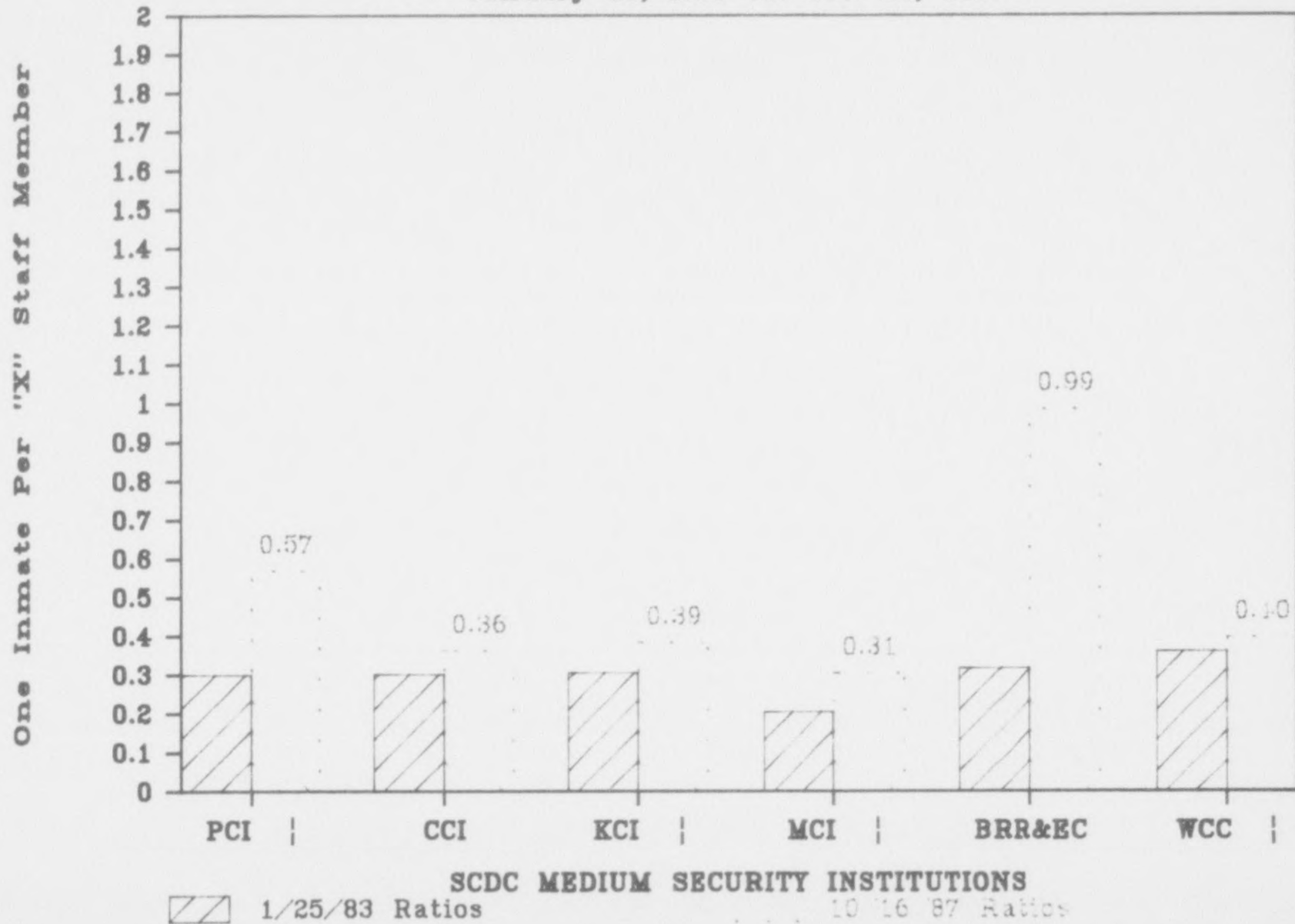
This issue is currently being complied with. See, also, issue #4, above, for additional compliance information.

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

GRAPH A

MEDIUM SECURITY INMATE/STAFF RATIOS

January 25, 1983 vs. Oct. 16, 1987

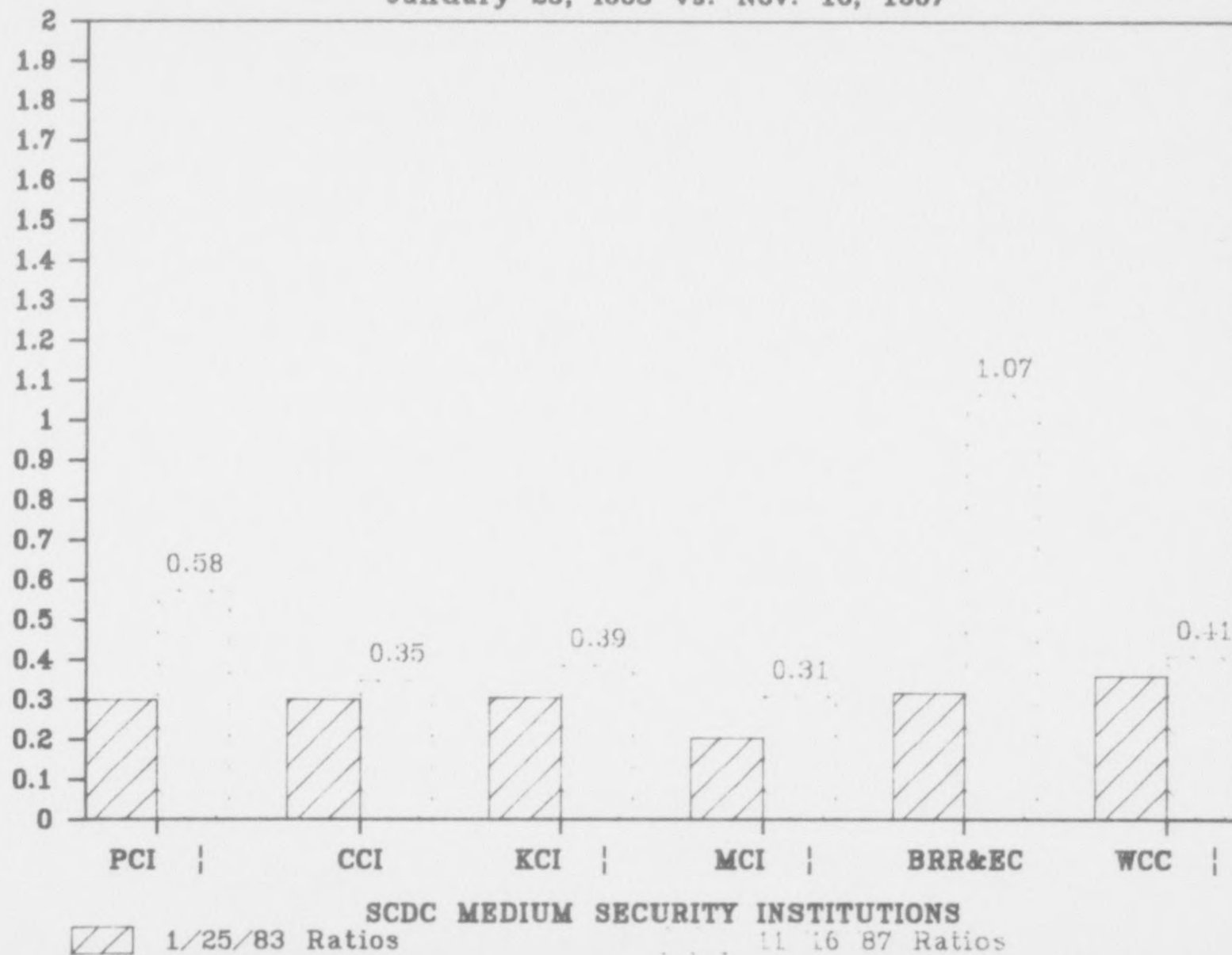


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GRAPH B

MEDIUM SECURITY INMATE/STAFF RATIOS

January 25, 1983 vs. Nov. 16, 1987



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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, 15 Departmental Trainers have completed this course and 12 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 S.C. Criminal Justice Academy (SCCJA). All new employees hired by the Department are immediately scheduled to attend this course during their first week of employment. Under extenuating circumstances, certain employees may delay (waive) orientation. 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. Last quarter it was reported that three non-security employees received orientation waivers. During this quarter, all three employees have completed (or made-up) their orientation training.

During this reporting period, approximately 11 orientation waivers were approved. All employees approved for orientation waiverd were non-security personnel, as follows:

<u>Position</u>	<u>Hire Date</u>	<u>Orientation Either Made-Up or Rescheduled(*)</u>	<u>Division</u>
Pink-Slip Admin. Support Specialist	9/23/87	Appropriate orientation provided by Division head	Public Affairs
Pink-slip Admin. Support Specialist	9/24/87	Appropriate orientation provided by Division head	Classifica- tion Branch
Part-time (20-hr.) Teacher	10/30/87	Appropriate orientation provided by Institutional Head	SCI
Full-time Accounts Payable Supervisor	10/2/87	40-hours orientation completed during week of 11/16/87	Accounts Payable
Full-Time Sales Representative	10/27/87	Will attend 1 day per week of orientation for 5 weeks until 40-hours is completed	Prison Industries
Pink-Slip Purchasing Agent	11/23/87	Delayed until 3/1/88 due to excessive work load in this Division	Purchasing Branch
Contract Muslim Chaplain (part-time, 20-hours/week)	11/5/87	Will attend 1 day per week of orientation for 5 weeks until 40-hours is completed	CCI
Pink-Slip Admin. Support Specialist	11/23/87	Orientation completed during week of 11/30/87	Public Affairs
Pink-Slip, Part-time Chaplain	11/3/87	Orientation provided in-house during week of 11/12/87	
Part-time, Pink-slip Construction Super.	11/3/87	Orientation being delayed until week of 1/4/88	Construction & Engineering
Pink-Slip, Part-time Teacher	9/21/87	Orientation provided in-house during week 10/8/87	MCI

3. STANDARD 2-4089 requires all clerical support staff to receive at least 16 hours of in-service training annually. During this 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. The Commissioner's Memorandum regarding this matter is included as "Appendix C" to this Report.

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

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) have three-years to phase-in compliance with in-service training requirements. 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).

It should be noted, that inasmuch as both the new procedures for minimum in-service training for Administrative Support employees and the new disciplinary procedures did not actually take effect until early-November, 1987, Training Branch officials responsible for reporting employee compliance with this issue are presently in the process of revising their computerized reporting system to reflect these changes. Therefore, employee compliance reports for the months of November and December, 1987 will not be submitted to the Compliance Office until after the first of the year. In light of this information, compliance information relative to this issue will be included in the Special edition of the Compliance Report to be published after January 8, 1988.

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, must 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.

As has been noted in previous editions of this Report, the Training Branch has all employee training records on computer to facilitate the monitoring of compliance with these training standards. Training officials forward copies of computer-generated training reports on a quarterly basis to all SCDC Division heads, Institutional heads, Branch Chiefs and Correctional Officer Supervisors so as to keep such individuals up-to-date on the number of training hours their employees have received for compliance purposes. Additionally, summaries of these reports are also forwarded to the Compliance Office for documentation purposes. During this reporting period, the summary compliance report listed 21 employees hired on or after January 1, 1985, in noncompliance with either first year or second year in-service training requirements. Inorder to rectify this noncompliance, the Compliance Office issued a memorandum to all Supervisors which sets forth certain disciplinary procedures to be followed for employees in noncompliance with these standards. A copy of this memorandum is included as "Appendix D" to this Report. It is anticipated that these disciplinary procedures will provide employees and supervisors with an incentive to comply with the terms of the Decree. In order to further confirm that these disciplinary procedures have been made known to all employees, SCDC Policy 200.2-1, "Progressive Employee Discipline" is currently being revised to reflect these new guidelines.

Compliance information relative to those employees hired on or after January 1, 1985, will be reported in the Special Compliance Report to be published after January 8, 1988, inasmuch as these employees are not required to comply with this issue until January 1, 1988 and this Quarterly Report is published prior to this date.

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.

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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.

With regard to the 40-hour in-service training standard required by this standard, it should be noted that of the 21 employees listed in issue #4, above, as in noncompliance with this requirement, none were reported as being Correctional Officers. These 21 noncomplying employees were all hired after January 1, 1985. Information pertaining to compliance with the 40-hour in-service requirement for employees hired prior to January 1, 1985, will be included in the Special Compliance Report to be published after January 8, 1988, inasmuch as these employees have until January 1, 1988 to comply with this requirement.

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.

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 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."

Below is an updated listing of the status of all positions authorized during F.Y. 1986-1987:

FISCAL YEAR 1986 - 1987 POSITION STATUS

Position -----	Inst. -----	Number Approved -----	Hire Status as of 9/8/87 -----	Number Hired -----
Social Worker III	AYCC	1	Yes	1
LPN II	AYCC	1	Yes	1

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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
Psychologist II	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

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 turnover, 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.

Construction of the infirmary began this quarter. The anticipated completion date for the infirmary is mid- to late-February, 1988. Equipment is presently in the process of being purchased for delivery and installation in this unit.

- c. Record the distribution of all medications.

In the last edition of the Quarterly Report, it was reported that CCI was in noncompliance with this issue in all living areas with the exception of lock-up. During this quarter, however, full compliance with this issue was

achieved upon the hiring of three nurses in October, 1987.

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

The completion date for this project has been delayed until July, 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.

MENTAL HEALTH CARE RECOMMENDATIONS

- a. Contract psychiatric services on a regular basis.

During this quarter, 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 insititutions.

- o Central Correctional Institution: During this reporting period, Transitional Care Unit patients were relocated to the Stoney Building. Currently, the capacity of the Stoney Building is 68.

- 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

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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 and plans to open this unit during January, 1988 are continuing on schedule.
- 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 OTTEID "community based" educational programming provided TSEB HEET TSE IEYEMMORB ODHNMNNAI YRNTERNO. 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 a equitable basis...

The monthly report of 12/8/87 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 12/8/87 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."

Inasmuch as construction is now underway for the TCU unit at PCI, library services for inmates in the Maximum Security Unit (Administrative Segregation, Protective Custody and Intake inmates) had to be altered. Book cart service to this unit is currently provided two days a week. The schedule adopted to provide library services to this unit is as follows:

Tuesday: 1:00 p.m., Dorms C and D
Thursday: 1:00 p.m., Dorms A and B

All inmates are allowed to check out up to four books and are provided with the opportunity to check out books from the main library through the utilization of the "selection sheet request". All library books may be kept for

a period of two weeks. Additionally, books that have been donated are included on the book cart. These books may be kept by the inmate for an indefinite period of time and, should the inmate desire, be "MJOPPED" amongst themselves.

In the last edition of this report, it was noted that a librarian had been hired for LCI. This librarian began work on October 5, 1987. LCI officials have informed the Compliance Office that the books have been delivered to the facility. Furniture for the library has been ordered and once the furniture is delivered, the books will be shelved and the library will become fully operational.

The following progress was reported by the Library Services Branch on 12/8/87 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 September, October, and November, 1987:

Inst.	Comics	Fiction	Non-Fiction	Periodicals	Total	# of Inmate Visits
GCI	165	896	407	2150	3618	2763
SCI	20	161	203	1537	1921	1322
SPCC	5	220	108	1170	1503	890
WCI	75	571	300	1898	2844	2051
TOTAL	265	1848	1018	6755	9886	7026

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 is still functional 26 hours per week as shown below:

Monday	9:00 to 11:00 1:00 to 3:00 5:30 to 8:30	Tuesday	9:00 to 11:00 1:00 to 3:00 5:30 to 8:30
Wednesday	9:00 to 11:00 1:00 to 3:00	Thursday	9:00 to 11:00 1:00 to 3:00
Friday	9:00 to 11:00 1:00 to 3:00		

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.	Sept.	Oct.	Nov.
GCC	0	0	0
NCC	24	24	11
WRCI	24	24	32
TOTAL	48	48	43

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 September, October, and August, 1987. These statistics are as follows:

CIRCULATION STATISTICS				
NUMBER OF ITEMS CIRCULATED				
Institution	Sept.	Oct.	Nov.	TOTAL
CACI	219	373	328	920
CCI	1628	2082	1376	5086
DCI	621	742	442	1805

KCI	452	291	402	1145
McCI	41	55	57	153
MCI	65	0	27	92
PCI	950	864	0	1814
WCC	521	869	537	1927
TOTALS:	4497	5276	3169	12942

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 this reporting period, the Compliance Office completed a project to provide law clerk training to inmate law clerks working in each "Core" library facility. A representative from the University of South Carolina, School of Law, who is both a Law Librarian and an Attorney was contracted with by the Department to conduct a video training tape for inmate law clerks. This training tape was completed during the week of December 1, 1987, and was forwarded to all institutional "Core" Law Librarians' during the week of December 7, 1987, for presentation to their inmate law clerks by December 18, 1987. A copy of the lesson plan used by the instructor is attached to this report as "Appendix E." (A copy of the training tape was also sent to Plaintiffs' counsel during the week of December 14, 1987).

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...

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...

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AIMS implementation continues to proceed on schedule. The following institutions are now fully implemented with AIMS: 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.

GCI and AYCC were Aided during the months of September and November, 1987, respectively.

Statistics for Serious Incident/Accident reports are compiled every quarter. Statistics for this quarter were compiled for 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 F" 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 Faurey, 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. The Consultant plans to forward to Departmental officials a summary of his recommendations relative to the classification instruments utilized by the Department and this "report" will be forwarded to Plaintiffs' counsel and the Nelson Mediator for review. Additionally, this report will also be contained in the next edition of the Quarterly Report.

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 indicate 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 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 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 this reporting period, the Department converted this institution from an A-custody institution to an A-III/B-III institution. Small renovations are still needed to convert this institution to true "medium" custody; however, such renovations were not significant enough to hamper conversion of this facility to A-III/B-III. Renovations will be complete by February, 1988, and include such items as completion of the security perimeter road; completion of installation of certain portions of the salley port area, etc.

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 there was a controversy over the potential site for the new CCI. During this reporting period, this controversy was resolved inasmuch as the Budget and Control Board made the decision to relocate the new CCI in Lee County. A "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 G" 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

Broad River 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

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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-celled until August, 1986.	Yes	See #2 above. The MR&EC was single celled on 9/19/86 pursuant to the Order issued by the Court July, 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-Compliance with a portion of this issue	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 13. 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-

		<p>tunity to receive visitation & recreation privileges pursuant to Section III, J, 2 (a) of the Decree.</p> <p>It should be noted that this requirement is currently contingent upon the final ruling of the Federal District Court Judge on the "Defendants' Motion for Modification of the Consent Decree." As is noted in the last Quarterly Report, the Magistrate recommended in his Report that this requirement be relaxed inasmuch as strict compliance with the same would only contribute to the unavailability of bedspace.</p>
5. YOA 5.b.'s can be single celled and can be housed no longer than 14 days.	Yes	<p>YOA 5.b inmates are only housed at the BRR&EC for 3 days for initial processing and then are transferred to PR&EC. As of September 19, 1986 all inmates including YOA 5.b's were being single celled. Also, see #4, above.</p>
6. Inmates held longer than 14 days will receive visitation and recreation privileges.	Non-Compliance with a portion of this issue	<p>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.</p>

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 50 cells.	Yes	Since 9/19/86, there 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 23. 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. Please see
|Issue #4 under
|BRR&EC for further
|information with
|regard to this issue.

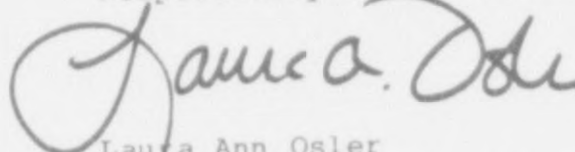
CATEGORY XVI: FOOD SERVICES

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 December 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

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A P P E N D I C E S

APPENDIX A:

Revised Institutional Nelson Capacities
for the January 8, 1990
Compliance Deadline

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	53	
Work-Release Dorm	111	164
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	23	
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		3,232
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Aiken Youth Correctional Center

Dorm 1	83	
Dorm 2, 3, and 5	126	
Dorm 4	22	
Dorm 6	22	253

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	1,302

Officers' Quarters'

Ward 1 & 2	82	82
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Campbell Work Release Center

East and West Wings	100	100
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Goodman Correctional Institution

Building 1	49
Building 2	42
Building 3	46
Building 4	50
NEW BARRACK (ADDITION)	96

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	17
Dorm B	10
Dorm C & D	24
Dorm E	2
Dorm F	6
	59

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

Stevenson Correctional Institution

Ward 1	14
Ward 2	34
Ward 3	17
Ward 4	28
Ward 5	22
Admin. Segregation	12
	127

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	286	
Dorms 1 & 2	188	474

(Wateree officials converted some ward/dorm space to office space for unit management purposes resulting in the loss of 12 beds)

Watkins Pre-Release Center

Dorms 1-3	144	144
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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 5,549

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
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MacDougall Youth Correctional Center

NEW UNITS TO BE CONSTRUCTED BY JANUARY, 1990	472	
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NEW BARRACK (ADDITION) (constructed September, 1987)	96	568
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Palmer Work Release Center

Dorm 1	50	50
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NEW MARLBORO CORRECTIONAL INST.

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

ALLENDAL E CORRECTIONAL INSTITUTION

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

SUBTOTAL		3,088
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TOTAL		11,869
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APPENDIX B:

Nelson Bedspace Reductions at
at Medium Security Institutions
(January 8, 1988)

11578

Central Correctional Institution

	Current Capacity as of 12/1/87	Housing Comments	Nelson Capacity as of 1/8/88	Housing Comments	Total Reduction
Ward					
1	55	All single-bunked	54	All single-bunked	-1
2	55	All single-bunked	54	All single-bunked	-1
3	55	All single-bunked	54	All single-bunked	-1
4	55	All single-bunked	54	All single-bunked	-1
5	55	All single-bunked	54	All single-bunked	-1
6	55	All single-bunked	54	All single-bunked	-1
7	55	All single-bunked	54	All single-bunked	-1
8	55	All single-bunked	54	All single-bunked	-1
9	55	All single-bunked	54	All single-bunked	-1
10	55	All single-bunked	54	All single-bunked	-1
11	97	All single-bunked	97	All single-bunked	0
CB1	254	All single-celled	254	All single-celled	0
CB2	102	All single-celled	102	All single-celled	0
CB3	214	All double-celled	161	1/2 double-celled	-53
MSC	118	All double-celled	60	All single-celled	-58
Stoney	68	18 cells tripled; 10 cells singled; 2 cells doubled	68	18 cells tripled; 10 cells singled; 2 cells doubled	0
TCU*	0	VACANT AT PRESENT	0	UNDECIDED	0
Ward B	20		20		0
TOTALS	1423		1302		-121

* The old TCU ward at the Central Correctional Institution is presently vacant contingent upon a decision by Regional officials and subsequent approval by Plaintiffs' counsel as to the use of this living area. This unit can house roughly 62 inmates.

* The capacities listed could be larger due to volunteers in lock-up and/or protective custody. Therefore, the capacities listed above are minimum capacities.

Perry Correctional Institution

	Current Capacity as of 12/1/87	Housing Comments	Nelson Capacity as of 1/8/88	Housing Comments	Total Reduction
Dorm					
1	192	All double-bunked	144	1/2 double-celled	-48
2	192	All double-bunked	144	1/2 double-celled	-48
3	192	All double-bunked	144	1/2 double-celled	-48
4	192	All double-bunked	144	1/2 double-celled	-48
Lock-up Dorms					
A	48	All Single-celled	48	All single-celled	0
D	48	All Single-celled	48	All single-celled	0
TOTALS	864		672		-192

NOTES: Nelson allows the four general population dormitories to be one-half double-celled on January 8, 1988

Perry Reception and Evaluation Center

	Current Capacity as of 12/1/87	Housing Comments	Nelson Capacity as of 1/8/88	Housing Comments	Total Reduction
Dorm					
B	48	All single-celled	48	All single-celled	0
C	48	All single-celled	48	All single-celled	0
TOTALS	96		96		0

NOTES:
Capacities listed above could be larger due to volunteers on lock-up or on protective custody. Therefore, the capacities listed above are MINIMUM capacities.

Kirkland Correctional Institution

	Current Capacity as of 12/1/87	Housing Comments	Nelson Capacity as of 1/8/88	Housing Comments	Total Reduction
Dorm					
A-1	128	All Double-celled	96	1/2 Double-celled	-32
A-2	107	43 Double cells & 21 single-cells	64	All single celled	-43
A-3	128	All Double-celled	96	1/2 Double-celled	-32
A-4	128	All Double-celled	96	1/2 Double-celled	-32
A-5	128	All Double-celled	96	1/2 Double-celled	-32
A-6	128	All Double-celled	96	1/2 Double-celled	-32
Lock-up	68	All Single-celled	68	All single celled	0
TOTALS	815		612		-203

NOTE: Nelson allows five of seven existing dormitories to be one-half double celled. For purposes of this analysis, Dormitories A-1, A-3, A-4, A-5 and A-6 were selected to reflect these reductions.

Capacities can be larger on January 8, 1988, due to volunteer in lock-up or on protective custody. Capacities listed above are MINIMUM capacities.

Manning Correctional Institution

	Current Capacity as of 12/1/87	Housing Comments	Nelson Capacity as of 1/8/88	Housing Comments	Total Reduction
Wards					
1	78	Some double-bunks against walls	55	No double-bunking	-23
2	78	Some double-bunks against walls	55	No double-bunking	-23
3	78	Some double-bunks against walls	55	No double-bunking	-23
4	78	Some double-bunks against walls	55	No double-bunking	-23
5	78	Some double-bunks against wall	55	No double-bunking	-23
6	78	Some double-bunks against walls	55	No double-bunking	-23
Barrack	96	All double-cubed	96	All double-cubed	0
Lock-up	24	All single-celled	24	All single-celled	0
Trusty	36	All triple-roomed	36	All triple-roomed	0
TOTALS	624		486		-138

NOTE: Nelson requires all ward style living areas to be single-bunked by January 8, 1988. Additionally, inmates housed in wards at Manning must receive at least 50 square feet of living space each by January 8, 1988.

Capacities can be larger on January 8, 1988, due to volunteers in lock-up or on protective custody. Capacities listed above are MINIMUM capacities.

Officers' Quarters'

	Current Capacity as of 12/1/87	Housing Comments	Nelson Capacity as of 1/8/88	Housing Comments	Total Reduction
Wards	139	Double-bunks are against the walls	82	All single- bunked	-57
	139		82		-57

Women's Correctional Institution

	Current Capacity as of 12/1/87	Housing Comments	Nelson Capacity as of 1/8/88	Housing Comments	Total Reduction
Dorm					
1	50	All double-celled	50	All double-celled	0
2	50	All double-celled	50	All double-celled	0
3	50	All double-celled	50	All double-celled	0
4	48	All double-celled	36	One-half doubled	-12
5	50	All double-celled	50	All double-celled	0
6	50	All double-celled	50	All double-celled	0
7	50	All double-celled	50	All double-celled	0
8*	48	All double-celled	48	All single-celled	0
9	48	All single-celled	48	All single-celled	0
Lock-up	5	All single-celled	5	All single-celled	0
TOTALS	449		437		-12

NOTES: Inasmuch as a decision as the custody designation of the WCC has not been rendered yet, the above chart reflects the capacity reductions proposed by Departmental officials should only Cottages 4, 8 and 9 be classified as medium security.

Nelson allows five of seven cottages (Cottages 1-7) to be one-half double-celled.

* Cottage 8 presently has 2 beds in each cell inasmuch as double-celling can occur in this unit until January 8, 1988. However, as of 12/8/87, only 9 actual cells were double-celled. Therefore, a transfer in 48 actual inmates from this unit is unlikely.

The capacities listed could be larger due to volunteers inmates on lock-up/protective custody. Therefore, the capacities above are MINIMUM capacities

APPENDIX C:

Commissioner's Memorandum:

"Revised Training Requirements for
Administrative Support Staff with
Minimal Inmate Contact"

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

-M E M O R A N D U M-

TO: All Deputy Commissioners, Division Directors, Branch Chiefs,
Institutional Heads and Regional Administrators

FROM: Mr. Parker Evatt, Commissioner

SUBJECT: Revised Training Requirements for Administrative Support
Staff with Minimal Inmate Contact

DATE: November 4, 1987

Over the past few weeks, many of you have expressed your concern to me over conflicting training requirements for Administrative Support employees. Specifically, as many of you are aware, the Nelson Decree only requires Administrative Support employees with minimal contact with inmates to receive at least 16 hours of in-service training annually. Departmental policy, on-the-other-hand, requires all employees regardless of their job classification to receive 40 hours of in-service training annually.

In addition to the above, many employees and supervisors have pointed out to me that the lack of quality training for Administrative Support employees has forced many such individuals to attend the same training class more than one time per year in order to earn 40 hours of in-service training. Repeating training courses is, of course, counterproductive to the overall purpose of in-service training which is intended to improve an employee's work skills and to enhance an employee's career development within the Department.

With the above information in mind, I have made a decision to revise Departmental policy 200.4-1, "Employee In-Service Training," so as to conform with the training requirements mandated by Nelson and so as to reduce the need for employees having to repeat certain training classes. Therefore, effective immediately, this memorandum will serve as official notification to all employees (until such a time that Departmental policy is revised) of the following annual in-service training requirements now authorized by the Department for Administrative Support staff with minimal inmate contact:

Policy 200.4-1, Page 1 Procedural Guidelines, #3, will be revised to read:

Clerical and/or administrative support positions who are located in the SCDC Headquarters Building, Regional Offices, or the administrative area of an institution not generally accessible to inmates, will receive at least 16 hours of job-related, in-service training annually. This 16 hour minimal in-service training requirement is in addition to Departmental orientation during the first year of employment (see, also, Policy 200.4, Procedural Guideline #1).


For purposes of this policy, "clerical and/or administrative support employees" are defined as those employees classified as follows:

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

It should be stressed that these revisions are not meant to suggest that Administrative Support staff receive only 16 hours of training annually. Rather, the 16 hour training requirement should only be viewed as a minimum training requirement. It has, and will continue to be, the Department's position that all employees be encouraged to continue training and education to not only improve their performance in the work place, but to improve themselves as well. Therefore, it is suggested that Supervisors encourage their employees to attend training classes in excess of the 16 hour minimum if such classes are pertinent to their jobs and would benefit the employee.

I would sincerely appreciate your dissemination of this memorandum to your line staff so as to ensure that all employees are made aware of these in-service training modifications.

Thank-you for your cooperation with regard to this matter. I trust that these revisions to Policy 200.4-1 will assist you and your employees in meeting training requirements mandated by the Nelson Decree, as well as assist Administrative Support staff in acquiring relevant and meaningful in-service training.

S/ 
Parker Evatt

EXHIBIT

JAN 26 1988 NO. 1

STATE BUDGET & CONTROL BOARD

APPENDIX D:

Compliance Office's Memorandum:

"Disciplinary Procedures for Employees
in Noncompliance with Nelson
Training Standards"

11588

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

MEMORANDUM

THROUGH: Larry C. Batson, Legal Advisor *LB*
TO: All Wardens, Superintendents, Division Directors and
Branch Chiefs
FROM: Laurie Osler, Executive Assistant for Legal Settlements
and Compliance
SUBJECT: Disciplinary Procedures for Employees in Non-compliance
with Nelson Training Requirements
DATE: October 26, 1987

As most of you are aware, the deadlines by which employees must receive mandated Nelson training hours has been revised. Currently, all employees hired prior to January 8, 1985, are required to receive at least 40 hours of in-service training by December 31, 1987, and 40 hours of in-service training every Calander Year thereafter. Employees hired on or after January 8, 1985, are required to receive at least 40 hours of orientation training and 40 hours of in-service training during their first year of employment, and 40 hours of in-service training every year thereafter. For purposes of defining such an employees yearly anniversary date, Supervisors are required to ensure that employees hired on or after January 8, 1985 receive their training by the end of their annual official hire month (example: an employee hired on January 1, 1985, must have recieved 40-hours orientation and 40 hours in-service by January 31, 1986; must have received 40 hours in-service by January 31, 1987; and so on).

Since these training deadlines were revised, I have received many phone calls from individuals questioning what can be done with employees who do not receive their required training. After repeated discussions with Personnel and Training officials, we have concluded that disciplinary procedures in accordance with those stipulated in Departmental Policy 200.2-1, "Progressive Employee Discipline," are in order for either (1) supervisors who fail to schedule training or allow their employee to attend training, and, (2) employees who refuse to attend scheduled training, as follows:

Supervisors Who Fail to Schedule Training or Allow their Employees to Attend Training

It is the Supervisor's responsibility to keep track of his or her subordinates training hours and to ensure that their employees are receiving training annually as required by Agency policy.

As most of you are aware, the Training Division distributes quarterly training reports of all employees training hours to each Division Director, Branch Chief and Institutional head. These training

reports should also be distributed to all Supervisors (i.e.: COS, COAS, etc.) so that all they can be informed of the training hours received by all their employees for whom they are responsible. For all practical purposes, a good "rule-of-thumb" to follow is that all employees should receive at least 10-hours of training per quarter to ensure that 40 hours of training are received by the end of any given year.

If the Supervisor fails to schedule and/or authorize training or allow their employees to attend the same, then disciplinary action should be taken in accordance with SCDC Policy 200.2-1, "Progressive Employee Discipline," against the responsible Supervisor. Supervisors can be charged with such offenses as "Negligence in Carrying Out Job Responsibilities," etc., depending upon the severity of the offense. Certainly, the circumstances surrounding the supervisor's not taking action to ensure his/her employees were scheduled for training should be taken into account, i.e, manpower shortages which precluded a Supervisors ability to allow an employee to attend training, security emergencies, etc.

For all practical purposes, all Supervisors should make it a habit to advise their employees of scheduled/authorized training in writing so avoid any potential conflict.

Employees who Fail/Refuse to Attend Scheduled Training

Employees who refuse to attend or do not attend scheduled training classes authorized by their Supervisors, can be subject to disciplinary action to be taken by the Supervisor. For example, Supervisors may discipline employees for such offenses as "Unauthorized Absence" (which carries a penalty of automatic loss of a days pay); "Refusal to Carry out the Oral or Written Directive of a Supervisor," etc., depending upon the severity of the offense. Such disciplinary action should be taken immediately following the time the employee is scheduled for training and does not attend.

As noted above, all Supervisors should make it a habit to advise their employees of scheduled/authorized training in writing so as to avoid any potential conflict. Additionally, while it is the Supervisors responsibility primarily, the employee also has an obligation to ensure that he/she meets Agency in-service training requirements. Therefore, any employee who has not been scheduled for appropriate training, should identify the need for training to the Supervisor in writing so that arrangements can be made.

I trust that this information will prove useful for purposes of documenting compliance with Nelson and Departmental training requirements. It is essential that all of us make a good faith effort to comply with all the requirements of the Nelson Decree. It is the opinion of the Legal Advisor that having some form of disciplinary procedures to follow in order to document that the Department is

internally reprimanding employees who fail to attend scheduled training classes and/or supervisors who fail to allow/schedule training will suffice to prove "good faith" in Court. Therefore, it is imperative that training requirements be taken seriously by all employees.

I would greatly appreciate your dissemination of this information to all your employees so that they can be made aware of these new procedures. It should be noted, that Departmental Policy 200.2-1, "Progressive Employee Discipline," will be revised in the near future to reflect these new training procedures. In the interim, this memorandum should serve as notification to all employees of these new training rules.

Thank you for your cooperation. If you have any questions, please feel free to contact me at 737-8431.

S/ 

Laurie Osler

cc.: Dr. Clements
Mr. Weldon
Mr. Catoe
Tommy Cave (for dissemination to Institutional Trainers)
Carol Rauch

APPENDIX E:

Inmate Law Clerk Training Lesson Plan

BASIC LEGAL RESEARCH FOR INMATES

I. Introduction

- A. Law Libraries have books which contain the text of the law and books which explain what the law is.
- B. Law books can help you understand your legal rights and they can help you if you wish to obtain legal access in the Courts.
- C. To be able to use law books and do legal research, you need a basic understanding of how law books are made.

II. Legal System and Citation Forms

- A. Several levels of government have authority to make law:
 - 1. Federal
 - 2. State
 - 3. Local
- B. Levels of government are divided into branches with different kinds of law making bodies:
 - 1. Legislative:
 - a. U.S. Congress or S.C. General Assembly
 - b. acts or statutes
 - c. laws published first as they are passed, then later they are published in subject matter compilations "Codes"
 - 2. Executive:
 - a. President or Governor
 - b. federal or state agencies
 - c. regulations--published in much the same way as statutes
 - 3. Judicial:
 - a. courts--federal or state; composed of judges
 - b. case law--judges' opinion and decisions
 - c. published chronologically in reports, (mostly appellate decisions)
 - d. not all cases published--only what judges send in
 - e. may be able to find summaries of unpublished cases

III. Language of the Law

A. Terminology

1. Some words (supoena, affidavit, habeaus corpus) are legal words, discussed and defined by law. Technical terms.
2. Other words (property, wife, husband, children) can have specific meanings when used in a legal document.

B. Black's Law Dictionary

1. When in doubt, look it up.
2. Aranged in alphabetical order.
3. Sometimes lists case which defines the term.
 - a. first reference to a legal document
 - b. take down--may lead to another source
 - c. citation form:
 1. case name
 2. volume number
 3. reporter abbreviation
 4. page number

IV. Legislative (Statutory) Law

- A. If you are suspect a law has been passed by a legislature (i.e.: a criminal offense, sentence), it is best to first look to code.
 1. Some statues
 2. If the answer is not clearly in the statute, it may be found in a case interpreting the statute.
 3. Both state and federal codes are annotated, meaning they contain the law plus summaries of cases interpreting the statute plus other related materials.
 4. Codes also provide access to:
 - a. constitutions
 - b. regulatory material (S.C.)
- B. S.C. Code Annotated:
 1. General Index--alphabetical, topics, sub-topics, cross references.
 2. Reference to title and section number.

3. Statute followed by noted--index for each title.
4. updated by pocket part or supplement (one per volume).
5. Constitutions--U.S. and S.C.
6. Court rules and statutory tables/volumes.
7. Regulations.

C. U.S. Code Annotated:

1. Title and section number.
2. Notes.
3. Pocket parts.
4. Constitution.
5. Court rules:
 - a. Supreme Court--for submitting papers
 - b. Federal Rules of Evidence--procedure at trial

V. Judicial Law:

A. Court Structure:

1. Trial--generally not reported except for Federal District Court--(not precode).
2. Appeals:
 - a. taken to intermediate appellate court, then to Court of Last Resort (Supreme Court)--Federal and State
 - b. appeal issue of law, not fact:
 1. trial judge or jury determines fact;
 2. on appeal, can question legal requirements not provided at trial
3. Courts operate on the principal of stare decisis:
 - a. following of past precedents
 - b. once a higher court has decided a question, its decision is followed in all subsequent situations unless distinguished
4. Statutes followed unless unconstitutional or inapplicable.

B. Case Reporters:

1. West Publications (National Reporter System):

- a. Supreme Court Reported--U.S. Supreme Court
- b. Federal Reporter--U.S. Court of Appeals
- c. Federal Supplement--U.S. District Courts
- d. Southeastern Reporter--S.C. Court of Appeals and Supreme Court
- e. Organization:
 - 1. name
 - 2. synopsis
 - 3. headnotes
 - 4. opinion

2. Criminal Law Reporter:

- a. subject matter compilations
- b. designed for current awareness
- c. index--may not cover all updates, pamphlets, etc.
- d. summaries and complete opinions--cite to full text

C. Digests:

- 1. Published by West as indexes to case reporters.
- 2. West has divided law into a series of topics (i.e.: Criminal Law, Constitutional Law, etc.).
- 3. Each topic is subdivided into an outline of all aspects of law which deal with that topic.
- 4. Each point of the outline is given a number called a "key number."

5. Research strategies:

a. topical outline:

- 1. read through outline--find key number
- 2. look at reference listed under key number
- 3. summaries of case issues, C.J.S. reference, other
- 4. works best if you have an understanding of the subject matter beforehand

b. case numbers:

- 1. locate relevant case.
- 2. check its topics and key number listings.

E. Shepherds:

- 1. Helps determine validity of precedents.

11596

2. Provides cites to all subsequent citings.
3. Indicates meaning of subsequent use.
4. Make sure that you check all volumes of Shepherds set.
5. If you don't have the original reporter volume, you can determine more current references.

VI. Descriptive (Explanatory) Sources:

- A. Place to begin research in unfamiliar area of law.
 1. Not the law.
 2. Provide background information.
 3. May be cited as persuasive authority, but not binding.
 4. Footnotes give case references or forms.
- B. Types:
 1. Dictionary.
 2. Encyclopedia--C.J.S.
 - a. cases
 - b. key numbers
 3. Hornbooks and texts.

VII. Effective Legal Research:

- A. Research Strategy:
 1. Familiarize yourself with area of law--dictionary, C.J.S. and texts.
 2. State with statutes if possible--check updates.
 3. Survey case law--check continuing validity with Shepherds.
 4. Keep notes of important sources and references you have used.
- B. Preparing Documents:
 1. Learn about procedure.

- a. Court rules
- b. forms

- 2. Write out points clearly.
- 3. Show authority for arguments--provide accurate citations.

APPENDIX F:

Serious Incident Reports (AIMS)

SERIOUS INCIDENTS
August, 1987 - October, 1987

LIEBER CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	ALPHA	AIMS GROUP GAMMA	BETA
1 A&B on inmate, sexual	2	0	0
1 A&B on inmate, no weapon	2	0	0
1 A&B on inmate, weapon	2	0	0
1 Fight	2	0	0
2 A&B on staff, no weapon	2	0	0
1 Self-inflicted injury	1	0	0
3 Destruction of property	3	0	0
1 Intentional fire by Inmate	1	0	0
11 Incidents	15 (100%)	0	0

Data analyzes 11 incidents involving 15 inmates. Data does not consider incidents occurring LR&E or lockup.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	10	5
GAMMA	0	0	0
BETA	0	0	0
	0	10 (66.7%)	5 (33.3%)

AREA INCIDENT OCCURRED

Living Area	-	9 (Alpha area - 7, Unknown area - 2)
Industries	-	2
TOTAL	-	11 incidents

SERIOUS INCIDENTS
August, 1987 - October, 1987

CENTRAL CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	ALPHA	AIMS GROUP GAMMA	BETA
4 A&B on inmate, weapon	7	0	1
1 A&B on inmate, unknown weapon	1	0	1
5 Incidents	8 (80%)		2 (20%)

Data analyzes 5 incidents involving 10 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	8	0
GAMMA	0	0	0
BETA	0	2	0
		10 (100%)	0

AREA INCIDENT OCCURRED

Living Area	-	3 (all Alpha area)
Cafeteria	-	1
Tunnel	-	1
TOTAL	-	5 incidents

SERIOUS INCIDENTS
August, 1987 - October, 1987

PERRY CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	ALPHA	AIMS GROUP GAMMA	BETA
2 A&B on inmate, unknown weapon	2	1	0
1 A&B on inmate, weapon	2	0	0
4 A&B on inmate, no weapon	7	0	2
5 Fight	20	1	1
2 A&B on staff, no weapon	4	0	0
1 Disruption of Institutional operations	1	0	0
15 Incidents	36 (87.8%)	2 (4.9%)	3 (7.3%)

Data analyzes 15 incidents involving 41 inmates. Data does not consider incidents occurring in PR&E or lockup.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	25	11
GAMMA	0	1	1
BETA	0	1	2
	0	27 (65.9%)	14 (34.1%)

AREA INCIDENT OCCURRED

Living Area	-	6 (all Alpha areas)
Industries	-	7
Cafeteria	-	1
Other	-	1 (Canteen)
TOTAL	-	15 incidents

SERIOUS INCIDENTS
August, 1987 - October, 1987

KIRKLAND CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	AIMS GROUP		
	ALPHA	GAMMA	BETA
1 A&B on staff, weapon	0	1	0
1 Attempted Suicide	0	0	1
1 A&B on inmate, sexual	2	0	0
2 A&B on inmate, unknown weapon	4	0	0
1 Fight	2	0	0
2 A&B on staff, no weapon	1	0	0
8 Incidents	9 (75%)	1 (8.3%)	2 (16.7%)

Data analyzes 8 incidents involving 12 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	7	2
GAMMA	0	1	0
BETA	0	0	2
	0	8 (66.7%)	4 (33.3%)

AREA INCIDENT OCCURRED

Living Area	-	2 (Alpha area - 1, Beta/Gamma area -1)
Recreation/Yard	-	2
Cafeteria	-	3
Program Services	-	1
TOTAL	-	8 incidents

SERIOUS INCIDENTS
August, 1987 - October, 1987

MACDOUGALL YOUTH CORRECTION CENTER

*(All incidents involve straight-time sentenced offenders only)

NUMBER OF AND TYPE INCIDENT	AIMS GROUP		
	ALPHA	GAMMA	BETA
1 A&B on staff, weapon	0	0	1
1 A&B on inmate, no weapon	2	0	0
1 Self-inflicted injury	1	0	0
3 Incidents	3 (75%)	0	1 (25%)

Data analyzes 3 incidents involving 4 inmates. Data does not consider incidents occurring in lockup areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	2	1
GAMMA	0	1	0
BETA	0	0	0
	0	3 (75%)	1 (25%)

AREA INCIDENT OCCURRED

Living Area	-	2 (Alpha area - 1, Beta area - 1)
Admin. Building	-	1
TOTAL	-	3 incidents

SERIOUS INCIDENTS
August, 1987 - October, 1987

CROSS ANCHOR CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	ALPHA	AIMS GROUP GAMMA	BETA
2 A&B on staff, no weapon	2	0	0
1 A&B on inmate, unknown weapon	0	1	1
3 Incidents	2 (50%)	1 (25%)	1 (25%)

Data analyzes 3 incidents involving 4 inmates. Data does not consider incidents occurring in lockup areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	1	1
GAMMA	0	1	0
BETA	0	1	0
	0	3 (75%)	1 (25%)

AREA INCIDENT OCCURRED

Recreation/Yard	-	2
Admin. Building	-	1
TOTAL	-	3 incidents

SERIOUS INCIDENTS
August, 1987 - October, 1987

DUTCHMAN CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	ALPHA	AIMS GROUP GAMMA	BETA
None	0	0	0

Data reveals 0 incidents involving inmate violence during this quarter. Data does not consider incidents occurring in lockup areas.

RACIAL BREAKDOWN BY AIMS GROUP

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

AREA INCIDENT OCCURRED

TOTAL - 0 incidents this quarter

SERIOUS INCIDENTS
August, 1987 - October, 1987

MCCORMICK CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	ALPHA	AIMS GROUP GAMMA	BETA
2 A&B on inmate, weapon	4	0	0
1 A&B on inmate, unknown weapon	1	0	0
1 Fight	2	0	0
1 A&B on staff, weapon	2	0	0
5 Self-inflicted injury	4	0	1
1 Unintentional fire by inmate	1	0	0
11 Incidents	14 (93.3%)	0	1 (6.7%)

Data analyzes 11 incidents involving 15 inmates. Data does not consider incidents occurring in lock-up areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	0	14
GAMMA	0	0	0
BETA	0	0	1
	0	0	15 (100%)

AREA INCIDENT OCCURRED

Living Area	-	8 (Alpha area - 6, unknown area -2)
Recreation/Yard	-	1
Unknown	-	2
TOTAL	-	11 incidents

SERIOUS INCIDENTS
August, 1987 - October, 1987

MANNING CORRECTIONAL INSTITUTION

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

NUMBER OF AND TYPE INCIDENT	AIMS GROUP		
	ALPHA	GAMMA	BETA
1 A&B on inmate, weapon	0	0	2
2 A&B on inmate, no weapon	3(1 YO)	0	0
4 Fight	8(6 YO)	1	1
1 A&B on staff, no weapon	3	0	0
1 Self-inflicted injury	0	0	1(1 YO)
9 Incidents	14 (73.7%)	1 (5.3%)	4 (21.0%)

Data analyzes 9 incidents involving 19 inmates. Data does not consider incidents occurring in lock-up areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	14	0
GAMMA	0	1	0
BETA	0	4	0
	0	19 (100%)	0

AREA INCIDENT OCCURRED

Living Area	-	7 (Alpha area - 5, Beta area - 1, Beta/Gamma area -1)
Tunnel	-	1
Unknown	-	1
TOTAL	-	9 incidents

SERIOUS INCIDENTS
August, 1987 - October, 1987

WATEREE RIVER CORRECTIONAL INSTITUTION

NUMBER OF AND TYPE INCIDENT	ALPHA	AIMS GROUP GAMMA	BETA
1 Sexual assault on visitor	0	1	0

Data analyzes 1 incident involving 1 inmate. Data does not consider incidents occurring in lock-up areas.

RACIAL BREAKDOWN BY AIMS GROUP

	OTHER	BLACK	WHITE
ALPHA	0	0	0
GAMMA	0	0	1
BETA	0	0	0
	0	0	1 (100%)

AREA INCIDENT OCCURRED

Child Care Center - 1

August, 1987 - October, 1987

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>TOTALS</u>
Living area	3	9	6	2	2	0	0	7	8	0	=	37
Recreation/Yard	0	0	7	2	0	2	0	0	1	0	=	12
Visiting	0	0	0	0	0	0	0	0	0	0	=	0
Cafeteria	1	0	1	3	0	0	0	0	0	0	=	5
Industries	0	2	0	0	0	0	0	0	0	0	=	2
Program Svcs.	0	0	0	1	0	0	0	0	0	0	=	1
Library	0	0	0	0	0	0	0	0	0	0	=	0
Operations	0	0	0	0	0	0	0	0	0	0	=	0
Shakedown Room	0	0	0	0	0	0	0	0	0	0	=	0
Medical Unit	0	0	0	0	0	0	0	0	0	0	=	0
Dental Clinic	0	0	0	0	0	0	0	0	0	0	=	0
Admin. Building	0	0	0	0	1	1	0	0	0	0	=	2
Chapel	0	0	0	0	0	0	0	0	0	0	=	0
Tunnel	1	0	0	0	0	0	0	1	0	0	=	2
Child Care Center	0	0	0	0	0	0	0	0	0	1	=	1
Other	0	0	1	0	0	0	0	0	0	0	=	1
Unknown	0	0	0	0	0	0	0	1	2	0	=	3
	5	11	15	8	3	3	0	9	11	1	=	66

(INCIDENT/CLASSIFI)

EXHIBIT

APPENDIX G:

JAN 26 1988

NO. 1

STATE BUDGET & CONTROL BOARD

Physical Plant Standards:
"Upgrade Status Report"

ENVIRONMENTAL SANITATION
UPGRADE STATUS REPORT
December 15, 1987

11512

PLUMBING

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
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		26	53	68

The following plumbing facilities remain to be added to GCI as follows:

Inst.	Nelson Capacity	Toilets	Wash Basins	Showers
GCI	283	1	11	9

At GCI, three wash basins have been added to each of Buildings 1 and 4. Three showers have also been added to Building 4. The remainder of this job is dependent upon the completion of the new cafeteria and the renovation of the old cafeteria in early 1988. This will allow for the relocation of the barbershop, laundry room, etc. to allow for the expansion of existing bathrooms.

11513

LIGHTING

The following institutions are in compliance with lighting requirements:

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

LCI LiWRC* LSWRC* M&CI NCC* PWRC 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.

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
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 - D i.e. 448 cells
MCI: Admin. Seg. (old section) i.e. 10 cells
PCI: Dorms A - D (Admin. Seg.) i.e. 192 cells
SCI: Admin. Seg. i.e. 12 cells

Ed Abston, of Construction, Engineering, and Maintenance is currently in charge of lighting upgrades to institutions. Suitable fixtures, identified as appropriate for use in the above areas, have been requisitioned with delivery expected in early February, 1988. Installation of these fixed lights will begin immediately after they are received by CE&M.

AIR FLOW

The following institutions are in compliance with air flow requirements:

BCC BRR&EC CACI CWRC CoWRC DCI GCI* GYCC KCI LCI LiWRC

LSWRC MCI* 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:

AYCC: Dorms 1 - 6 & Admin. Seg.
BRP/WRC: WRC & PRC
CaWRC: Wards 1 - 8
GCC: Wards A, B, & C
MYCC: Dorms 1 - 5*
WRCI: Wards 1 - 6, & Admin. Seg.*

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

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.

Ralph Long, of CE&M, reports that units are currently being constructed for WRCI and GCI. Installation of these units at both institutions should be completed by the end of January, 1987.

The following areas will receive ward/cube air handling units:

AYCC: Dorms 1 - 6
BRP/WRC: WRC - 3 wards, PRC - 1 ward
CaWRC: Wards 1 - 8
GCC: Wards A, B, & C
WRCI: Wards 1 - 6

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

AYCC: Admin. Seg. (2 cells)
BRP/WRC: WRC (15 rooms), PRC (12 rooms)
MCI: Admin. Seg. (24 cells)
MYCC: Dorms 1 - 5 (240 rooms)
WRCI: Admin. Seg. (6 cells)

EXHIBIT

JAN 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* LCI LSWRC* LiWRC

MCI* MCCI NCC PWRC 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	481	944	0	0	481*
KCI	155*	0	0	14*	331*
MYCC	0	269	69	93	16*
PCI	192*	0	0	14*	406*

* These items have been received by the institutions.

CCI has received 527 lockers. The remaining lockers (327) are expected to be completed by mid February, 1988. A combination desk/bench unit prototype is being constructed to specifically accommodate the cells in CB I, II, III, Bldg. V, and Stoney.

KCI - The combination desk/bench units have been painted and are ready to be installed along with the mirrors.

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

PCI - The combination desk/bench units are currently being installed along with the mirrors.

EXHIBIT

JAN 26 1988

NO. 2

STATE BUDGET AND CONTROL BOARD
MEETING OF January 26, 1988

BLUE AGENDA
ITEM NUMBER

2

AGENCY: Motor Vehicle Management

SUBJECT: Highway Department Implementation of State Fleet Safety Program

The Division advises that the Department of Highways and Public Transportation, which owns over 1/3 of the State vehicle fleet, has recently taken the following actions to implement the State Fleet Safety Program:

- (a) Recruitment of a full-time departmental Fleet Safety Officer;
- (b) Publication of an internal program implementation memorandum;
- (c) Formation of an agency Accident Review Board; and
- (d) Provision of a permanent representative to the State Accident Action Committee.

The Division advises that the Department's action will contribute greatly to the success of the State Fleet Safety Program, and feels that the Department should be commended for its efforts.

BOARD ACTION REQUESTED:

Receive as information a report that the Department of Highways and Public Transportation, which owns over 1/3 of the State vehicle fleet, has recently taken action to implement the State Fleet Safety Program, and has been commended by Dr. Coles.

ATTACHMENTS:

Spence January 5 memo to Coles; attachment

11618

EXHIBIT

State of South Carolina

JAN 26 1988

NO. 2

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

REMBERT C. DENNIS
CHAIRMAN, SENATE FINANCE COMMITTEE

ROBERT N. McLELLAN
CHAIRMAN, WAYS AND MEANS COMMITTEE

JESSE A. COLES, JR., Ph.D.
EXECUTIVE DIRECTOR

January 15, 1988

Mr. Joe G. Rideoutte
Executive Director
Department of Highways and Public Transportation
900 Park Street
Columbia, South Carolina 29201

Dear Mr. Rideoutte:

Allan Spence has informed me that your department has made great progress in implementing our Statewide Fleet Safety Program, and has provided me a copy of your recent internal memorandum concerning this implementation. Additionally, I understand that you are currently recruiting for a full-time departmental Fleet Safety Officer, and that Milton Dufford of your staff is serving as a permanent member of our State Accident Action Committee.

I wish to commend the Department of Highways and Public Transportation for these important actions. Since your agency possesses over one-third of the State's vehicle fleet, progress made in your Fleet Safety Program will have significant impact on the State's overall program. The end result of all our efforts in this regard should be a reduction in the human and financial costs associated with State vehicle accidents, and an improvement in the working environment of our State employees.

Again, my sincere appreciation to you for the spirit in which your department is implementing the State Fleet Safety Program.

Sincerely,

Jesse A. Coles, Jr.
Executive Director

JAC:hc

11619

State of South Carolina
Budget and Control Board

RECEIVED

JAN 15 1988

BUDGET AND CONTROL BOARD
OFFICE OF EXECUTIVE DIRECTOR

REMBERT C. DENNIS
CHAIRMAN, SENATE FINANCE

ROBERT N. McLELLAN
CHAIRMAN, WAYS AND MEANS

JESSE A. COLES, JR., PH.D.
EXECUTIVE DIRECTOR

CARROLL A. CAMPBELL, JR.
GOVERNOR

GRADY L. PATTERSON, JR.
STATE TREASURER

EARLE E. MORRIS, JR.
COMPTROLLER GENERAL

DIVISION OF MOTOR VEHICLE MANAGEMENT
ALLAN J. SPENCE, DIRECTOR

EXHIBIT

January 5, 1988

JAN 26 1988

NO. 2

STATE BUDGET & CONTROL BOARD

M E M O R A N D U M

TO: Dr. Jesse A. Coles, Jr.,
Executive Director
State Budget and Control Board

FROM: Allan J. Spence, Director, DMVM

SUBJECT: Highway Department Implementation of the
State Fleet Safety Program

1. Facts: The Department of Highways and Public Transportation (DHPT) possesses over one third of the total State vehicle fleet. DHPT has recently taken several important actions toward implementing the State Fleet Safety Program within that agency, including:
 - a. Recruitment of a full-time departmental Fleet Safety Officer (Tab A).
 - b. Publication of an internal program implementation memorandum (Tab B).
 - c. Formation of an agency Accident Review Board.
 - d. Provision of a permanent representative to the State Accident Action Committee.
2. Discussion: DHPT's implementation of an internal fleet safety program will contribute greatly to the success of the Board's Statewide Fleet Safety Program. The Department has begun complying with our program with a spirit of cooperation, and has

EXHIBIT

JAN 26 1988

NO. 2

Dr. Jesse A. Coles, Jr.
January 6, 1988
Page Two

STATE BUDGET & CONTROL BOARD

dedicated significant resources to the program. In view of this, DHPT should be commended for its efforts.

3. Recommendation: That the Executive Director sign the Letter at Tab C commending DHPT for its implementation of the Fleet Safety Program.

Enclosures (3)

Tab A - Position Announcement
B - Memorandum
C - Letter of Commendation

11621



EXHIBIT

JAN 26 1988

NO. 2

STATE BUDGET & CONTROL BOARD

The fee for the day and one-half conference is \$100.00, which includes registration, materials, lunch, coffee breaks, and a Thursday evening reception. Special arrangements have been made with the Holiday Inn Haywood for those wishing to stay at the hotel overnight during the evening of March 24. Attendees can make accommodation arrangements by calling the Holiday Inn at (803) 297-6300.

FROM THE PRESIDENT:

I hope everyone enjoyed our December Meeting at the Steak and Ale Restaurant.

Lt. Coleman from the South Carolina Highway Department had an excellent presentation on "Holiday Defensive Driving".

As we begin the new year of 1988, please let me encourage all of you to attend our monthly meetings and Special Safety Conferences that will be held throughout the year.

I think we have a very good Chapter and certainly we can gain a lot of safety information by attending meetings and working together.

If you have any new ideas that you think may improve our Chapter, please let us know.

Happy New Year to Each of You.

Brady H. Bouknight

Brady H. Bouknight
President 1987-88

CLASSIFIEDS:

New Position opening at the Highway Safety Office of the South Carolina Department of Highways and Public Transportation in Columbia, S.C. The title will be Employee Safety Representative - DHPT (Slot #0002) and the salary range is \$20,045 - \$28,413.

The chosen applicant will serve as fleet safety manager within the Department for approximately 5,000 vehicles and 5,000 drivers. Major job duties will include scheduling and conducting Defensive Driving Course classes, overseeing the driver record screening program, presenting accident cases to the Accident Review Board, establishing a vehicle inspection program, and expanding the Safe Driver Award program.

RECEIVED

DEC 22 1987

DIVISION OF MOTOR
VEHICLE MANAGEMENT



SOUTH CAROLINA

DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

P.O. BOX 191
COLUMBIA, S.C. 29202

EXHIBIT

December 18, 1987

JAN 26 1988

NO. 2

STATE BUDGET & CONTROL BOARD

MEMORANDUM TO DIVISION HEADS AND SUPERVISORS:

On March 16, 1987, the South Carolina Budget and Control Board, Division of Motor Vehicle Management, in a memorandum to all state agencies announced in detail a statewide Fleet Safety Program.

The goal of the program is to reduce the number of state vehicle accidents and associated damage and injuries. It is a very worthwhile and attainable goal and will be given full support by this agency.

The Fleet Safety Program contains provisions for driver selection, screening, education, discipline and incentive awards. Corrective action will be taken for employees found to be negligent in accidents and employees who have poor driving records. This action ranges from reprimand to permanent suspension from operating a state vehicle.

During the past several months the Department has worked with the Division of Motor Vehicle Management in detail regarding the impact of the program and to insure fairness for all employees. Some recommended changes to the program have been suggested and if accepted will be forthcoming.

This memorandum serves as a notification to all employees of the implementation of the South Carolina Fleet Safety Program within the Department of Highways and Public Transportation. All employees are urged to take every precaution when driving to avoid having an accident and to be aware of possible future disciplinary action.

Only through your help will this agency be successful in reducing accidents.

The final result will be the protection of our most precious resource ... you!


J. G. Rideoutte
Executive Director

11623

B

EXHIBIT

JAN 26 1988

NO. 3

STATE BUDGET AND CONTROL ~~STATE BUDGET & CONTROL BOARD~~ AGENDA

MEETING OF January 26, 1988

ITEM NUMBER

3

AGENCY: Workers' Compensation Fund

SUBJECT: Benefits Reduction for Failure to Wear Seat Belts

Workers' Compensation Fund Deputy Director Mark Kirby has advised State agency heads that State employee failure to wear seat belts while operating or riding as a passenger in a motor vehicle on State business may result in a 10% reduction in compensation benefits to State employees who file a claim as a result of a motor vehicle accident.

Mr. Kirby advised agency heads that this step was taken by the Fund to assist in implementing the Board's policy requiring State employees to wear seat belts while operating or riding in a motor vehicle on State business.

BOARD ACTION REQUESTED:

Receive as information a report that the Workers' Compensation Fund has advised State agencies that State employee failure to wear seat belts while operating or riding in a motor vehicle on State business may result in a 10% reduction in benefits to employees who file claims as a result of motor vehicle accidents.

ATTACHMENTS:

Kirby January 4, 1987 (sic) memo to agency directors

11624

State Workers' Compensation Fund **EXHIBIT**

F.C. 807-0210K

Columbia, S.C. 29221-5000

JAN 26 1988

NO. 3

STATE BUDGET & CONTROL BOARD

RECEIVED

JAN 19 1988

BUDGET AND CONTROL BOARD
OFFICE OF EXECUTIVE DIRECTOR

Irvin D. Parker
Chairman
1808 707-4800

MEMORANDUM

TO: All State Agency Directors

FROM: Mark Kirby, Deputy Director, Worker's Compensation Operations

SUBJECT: Seat Belt Usage by State Employees

DATE: January 4, 1987

At the request of the Division Of Motor Vehicle Management, the State Fund is assisting with the implementation of the Budget and Control Board policy which requires that all State Employees wear seat belts, while operating or riding as passengers in motor vehicles on State business. Failure to comply with the seat belt policy may result in a TEN PERCENT (10%) REDUCTION IN COMPENSATION BENEFITS to those State Employees who file a Worker's Compensation claim for an accident which involved a motor vehicle accident, and seat belts were not worn as required. The 10% reduction is authorized under SECTION 42-9-50 of the Worker's Compensation Law of South Carolina. Use of seat belts has been proven to dramatically reduce injuries to your employees who operate motor vehicles. As your Worker's Compensation premium is based on accident losses, use of seatbelts is one way to help keep your premium from increasing due to injuries. The State Fund will be glad to assist you with the seat belt policy through our loss control services which are offered to you at no charge. Please contact me if I can assist you. Thank you for your cooperation on this very important matter.

11625

EXHIBIT

JAN 26 1988

NO. 4

STATE BUDGET AND CONTROL BOARD
MEETING OF January 26, 1988

STATE BUDGET & CONTROL BOARD

BLUE AGENDA

ITEM NUMBER

4

AGENCY: Human Resource Management

SUBJECT: Sick Leave Advancement, October-December, 1987

In accord with Code Section 8-11-40 and Board policy, the Division of Human Resource Management has approved the advancement of sick leave for the following two employees during the October-December, 1987, period.

<u>Employee</u>	<u>Agency</u>	<u># Days</u>
Margaree S. Crosby	Clemson University	10
Henrietta Spigner	Technical Education	4

BOARD ACTION REQUESTED:

Receive as information a report that, in accord with Code Section 8-11-40 and Board policy, the Division of Human Resource Management has approved the advancement of sick leave for two employees during the October-December, 1987, period.

ATTACHMENTS:

Agenda item worksheet and attachment

11626

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

For meeting scheduled for:

January 26, 1988

☒ 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:

Advancement of Sick Leave

3. Summary Background Information:

Attached is the quarterly report for advancement of sick leave requests for October through December, 1987, for your information. These requests were approved in accordance with the requirements of Section 8-11-40, Code of Laws of South Carolina.

EXHIBIT

JAN 26 1988 NO. 4

STATE BUDGET & CONTROL BOARD

4. What is Board asked to do?

No action required.

5. What is recommendation of the Board Division involved?

No action required.

6. Recommendation of other office (as required)?

(a) Office Name _____

Authorized

(b) Signature _____

7. Supporting Documents:

List Those Attached

List Those Not Attached But Available
from Submitter

Advancement of Sick Leave For FY 87-88

October-December 1987 Quarterly Report

11627

EXHIBIT

JAN 26 1988

NO. 4

Budget and Control Board

Blue Agenda Item Fact Sheet

STATE BUDGET & CONTROL BOARD

Subject: October-December 1987 Quarterly Report

1. Quarterly Report submitted for informational purposes. No action is required by the Budget and Control Board.
2. Approval has been granted for the request in accordance with Section 8-11-40, Code of Laws of South Carolina.
3. Clemson University requested that Mrs. Margaree S. Crosby be granted ten additional days of sick leave to allow her to return to work without having to be placed on leave without pay.
4. The State Board for Technical and Comprehensive Education requested that Ms. Henrietta Spigner be granted four additional days of sick leave to allow her to return to work without having to be placed on leave without pay.

Prepared by the Division of Human Resource Management

11628

EXHIBIT

JAN 26 1988 NO. 4

ADVANCEMENT OF SICK LEAVE STATE BUDGET & CONTROL BOARD
OCTOBER - DECEMBER 1987 QUARTERLY REPORT

AGENCY	EMPLOYEE	NUMBER OF DAYS	APPROVED/ DISAPPROVED
CLEMSON UNIVERSITY	MARGAREE S. CROSBY	TEN	APPROVED
STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION	HENRIETTA SPIGNER	FOUR	APPROVED

EXHIBIT

JAN 26 1988

NO. 5

STATE BUDGET AND CONTROL BOARD
MEETING OF January 26, 1988

BLUE AGENDA
ITEM NUMBER

5

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) Mental Health	2	\$1,350.00

BOARD ACTION REQUESTED:

Receive as information reports on the reimbursement of interviewee travel expenses by Mental Health (2).

ATTACHMENTS:

Referenced report

11630

INTERVIEWEE TRAVEL EXPENSE REIMBURSEMENT PAYMENTS

<u>Agency</u>	<u>Period</u>	<u>Total Number</u>	<u>Total Cost</u>	<u>Number of Payments</u>			
				<u>\$100 or Less</u>	<u>\$101 to \$300</u>	<u>\$301 to \$500</u>	<u>\$501 and Over</u>
Mental Health	December	2	1,350.00	0	0	1	1
Total		2	1,350.00	0	0	1	1

EXHIBIT

JAN 26 1988 NO. 5

STATE BUDGET & CONTROL BOARD

11631

EXHIBIT

JAN 15 1988

JAN 26 1988

NO. 5

RECEIVED

STATE BUDGET & CONTROL BOARD

DEC 31 1987

State Commissioner of
Mental Health
S. C. Dept. of Mental Health

MEMORANDUM

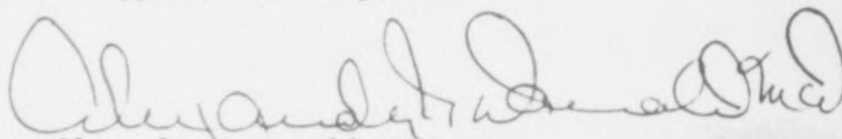
TO: Joseph J. Bevilacqua, Ph.D.
State Commissioner of Mental Health

FROM: Alexander G. Donald, M.D.
Director, William S. Hall Psychiatric Institute

DATE: December 29, 1987

SUBJECT: Reimbursement for Interview Travel

I request approval of travel reimbursement in the amount of approximately \$850.00 for Louis Gruber, M.D. to visit the Institute on January 13, 1988, for the purpose of interviewing for the Teaching Psychiatrist II position at the William S. Hall Psychiatric Institute. This is a significant position to be filled in light of the teaching mission of the Institute, and the cost is warranted. The cost of this interview will be significantly less than to pay the costs of five staff members to travel to Tulsa, Oklahoma for the interview. In addition, it is imperative that the applicant see the Institute in order to make an informed decision. This interview is necessary in that no qualified applicants within South Carolina have applied for the position.



Alexander G. Donald, M.D.
Director

AGD/baw

c Mr. William S. McInnis
Deputy Executive Director
State Budget and Control Board

RECEIVED

JAN 4 1988

Office of Deputy Commissioner
Division of Financial Services

11632



JAN 12 1988



Charleston Area Mental Health Center

A Facility of the South Carolina Department of Mental Health

30 Lockwood Drive / Charleston, South Carolina 29401 / (803) 727-2000

December 08, 1987

DEC 31 1987

S. C. D. M. H.
PROCUREMENT

RECEIVED

DEC 14 1987

Acting State Commissioner of
Mental Health
S. C. D. M. H.

MEMO TO: Joseph J. Bevilacqua, Ph.D.
State Commissioner of Mental Health

THROUGH: E. Wayne Jovanelly
Director of Management Services

FROM: Thomas G. Hiers, Ph.D.
Acting Director

EXHIBIT

JAN 26 1988 NO. 5

STATE BUDGET & CONTROL BOARD

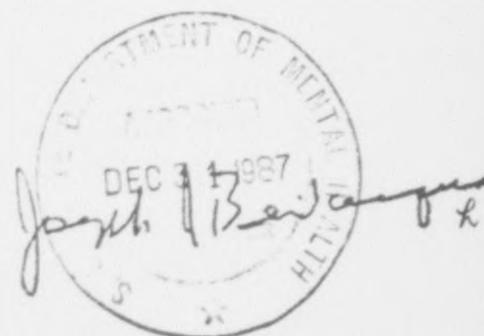
In accordance with Directive No. 625-83 (2-90), I wish to request your authorization for travel reimbursement for approximately \$500.00 for Nancy L. Sheehy, Ph.D., for the purpose of interviewing for the Executive/Medical Directors position at the Charleston Area Mental Health Center.

The cost of this travel will be significantly less than to pay the costs of the five (5) Board of Director-appointed Recruitment Committee members to travel to various parts of the country to interview these applicants. In addition, these applicants have all indicated the need to visit this facility and its staff in order to make an informed decision. Qualified candidates residing in South Carolina were considered before candidates from other states were sought.

Thank you for your consideration in this matter.

TGH/nsf

CC: Mr. Neil E. Meisler



11633

EXHIBIT

JAN 26 1988

NO. 6

STATE BUDGET & CONTROL BOARD

STATE BUDGET AND CONTROL BOARD

REGULAR SESSION

MEETING OF January 26, 1988

ITEM NUMBER

2

AGENCY: Higher Education Tuition Grants

SUBJECT: Release of 1.5% Reserve

The Higher Education Tuition Grants Agency requests that it be permitted to release the 1.5% reserve fund and award those funds to eligible students who are on the waiting list to receive grants.

At its meeting on June 9, 1987, the Budget and Control Board mandated that, for fiscal year 1987-88, the Tuition Grants Agency establish a 1.5% reserve fund (\$237,179) as protection against a possible midyear budget reduction. The reserve funds were not to be awarded until the State determined that no midyear reduction in State funds will occur at the agency level.

The Agency notes that the midyear date has passed and no mention has been made of a midyear State reduction. The Agency advises that there are approximately 1,016 eligible applicants anxiously awaiting news on the status of tuition grant applications.

BOARD ACTION REQUESTED:

Permit the S. C. Tuition Grants Agency to release the 1.5% reserve fund (\$237,179) and to award the funds to eligible grant applicants.

ATTACHMENTS:

Shannon January 11 letter to Coles

11634

EXHIBIT 1

JAN 13 1988

JAN 26 1988

NO. 6

South Carolina
Higher Education Tuition Grants Agency

STATE BUDGET & CONTROL BOARD

P.O. BOX 11638

COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1200

January 11, 1988

Jesse A. Coles, Ph.D.
Executive Director
State Budget and Control Board
612 Wade Hampton Building
Columbia, S.C. 29201

RECEIVED

JAN 12 1988

BUDGET AND CONTROL BOARD
OFFICE OF EXECUTIVE DIRECTOR

Dear Dr. Coles:

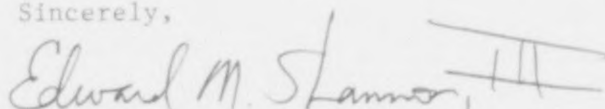
At the September 2, 1987, meeting of the Budget and Control Board, the Board mandated that for the 1987-88 fiscal year the S.C. Tuition Grants Agency establish a 1.5% reserve fund (\$237,179) as protection against a possible mid-year budget reduction in 1987-88. The reserve funds were not to be awarded until such time that the state determines that no mid-year reduction in state funds will occur at the agency level.

Being that we are beyond the mid-year date in the 1987-88 fiscal year, and since no mention of a mid-year state reduction has been made by state officials, I respectfully request that the S.C. Tuition Grants Agency be permitted to release the 1.5% reserve fund and award the funds to eligible students on the waiting list.

There are approximately 1,016 eligible applicants who are anxiously awaiting news on the status of their tuition grant applications. Since classes are beginning on many of the tuition grant college campuses at this time, I would ask your expediency in the consideration of this request for release of the reserve funds.

Please contact me if you have any questions or need further information. I look forward to hearing from you soon.

Sincerely,



Edward M. Shannon, III
Executive Director

ES

11635

EXHIBIT

JAN 26 1988

NO. 7

STATE BUDGET AND CONTROL BOARD
MEETING OF January 26, 1988

REGULAR SESSION
ITEM NUMBER

3

AGENCY: Local Government

SUBJECT: Greenville County Grant Request

The Division of Local Government advises that a large portion of rural northwest Greenville County is not served by a public water system. The County, on behalf of the Northwest Rural Water Company, has requested a grant of \$150,000 to assist in providing water service to approximately 800 families.

The total project cost is \$4,550,400.

\$2,599,000	Greenville Water System
1,606,400	Area residents' cost
195,000	Northwest Rural Water Company
150,000	Local Government Rural Improvement Funds
<u>\$4,550,400</u>	

BOARD ACTION REQUESTED:

Approve a \$150,000 rural improvement funds grant to Greenville County on behalf of the Northwest Rural Water Company.

ATTACHMENTS:

Agenda item worksheet; attachments

11636

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

For meeting scheduled for:

January 26, 1988

Blue Agenda

☒ Regular Session Agenda

☐ Executive Session Agenda

1. Submitted By:

(a) Agency: B&C BD--Local Government

(b) Authorized Official Signature:

M.S. Bullock

2. Subject:

Rural Improvement Fund request by Greenville County

3. Summary Background Information:

A large portion of rural Greenville County (northwest portion) is not served by a public water system. Greenville County has submitted this proposal on behalf of the Northwest Rural Water Company in order to secure \$150,000 in Rural Improvement Funds to assist in providing water service to approximately 800 families. The total cost of the project is \$4,550,400 with financing as follows:

\$ 2,599,000	Greenville Water System
1,606,400	Area residents' cost
195,000	Northwest Rural Water Company
150,000	Rural Improvement Funds-- Local Government
<u>\$ 4,550,400</u>	TOTAL COST

Division between House/Senate funds to be discussed with Board

4. What is Board asked to do?

EXHIBIT

Approve Request

JAN 26 1988

NO. 7

STATE BUDGET & CONTROL BOARD

5. What is recommendation of the Board Division involved?

6. Recommendation of other office (as required)?

(a) Office Name

Authorized

(b) Signature

7. Supporting Documents:

List Those Attached

List Those Not Attached But Available
from Submitter

Attached application

11537

BUDGET AND CONTROL BOARD
DIVISION OF LOCAL GOVERNMENTS

000007
CERTIFIED

APPLICATION FOR RURAL IMPROVEMENT FUNDS

NAME OF APPLICANT Northwest Rural Water Company / Greenville County
STREET ADDRESS c/o Brock Adams, Route #2, Dacusville Highway
CITY OR TOWN Marietta STATE S.C. ZIP 29661

Application must be completed in full. Submit original and one copy.

Description of Project:

A rural water system which will serve a sizeable portion of Greenville County,
not presently served.

EXHIBIT

JAN 26 1988 NO. 7

STATE BUDGET & CONTROL BOARD

Anticipated Results of Projects:

To serve from 700 to 800 families with water and to put in place
pumping stations because of irregularities in terrain and topography.

Source of Funding (Federal, State, Local, Private donations, etc...)

State, local and possible federal and private donations.

11638 AUG 18 1988

Anticipated Expenditures (IN DETAIL)

(Attached Enwright Report)

000007

CERTIFIED

EXHIBIT

JAN 26 1988 NO. 7

STATE BUDGET & CONTROL BOARD

If approved, when will you need the funds? Date: _____ \$ _____

House Funds \$ _____

Senate Funds \$ _____

TOTAL \$ 400,000

General Information

- A. Unencumbered General Fund Balance _____
- B. How often is the applicant audited? Not required presently, but as soon as project begins it will be annually.
- C. What period was covered by the last audit? _____
- D. What audit procedures will apply to Rural Improvement funds? CPA
- E. Name and Title of individual responsible for administration of Grant:
Brock Adams Title President

Approved by:

(Legislative Approval-- Requires signature of both Senate and House member)

Sen. Thelma Smith
Rep. Bill Blackwell

Greenville County
Organization

[Signature] Co. Adm.
Authorized Signature

Organization Northwest Rural Water Company

Authorized Signature [Signature] Title President

Phone 803 - 836-3048 Date August 13, 1987

ALL FUNDS ARE SUBJECT TO RANDOM AUDIT

Mr. Curtis Chastain Mr. R. J. Goyard John L. Pierce Robert S. Goyard Don F. McDaniel

11639

EXHIBIT

JAN 26 1988

NOL 8

STATE BUDGET AND CONTROL BOARD
MEETING OF January 26, 1988

REGULAR SESSION
ITEM NUMBER

4

AGENCY: General Services

SUBJECT: SLED Emergency Funding for Roof Repair

SLED Chief Stewart advises that the built-up roofing system of the agency's Criminal Justice Information and Communications Systems Building has failed. Leaking throughout the building interior has resulted which disrupts the work of 115 employees and which threatens \$8 million of computer equipment and irreplaceable documents. Chief Stewart indicates that the leaking roof could, conceivably, bring the entire Statewide law enforcement communications system to a standstill.

The situation, apparently, was greatly aggravated by the January 7 ice storm but the Insurance Reserve Fund has determined that the storm did not cause the roof failure and no claim will be paid.

Chief Stewart asks that \$101,000 in emergency funding be made available to make the needed repairs (\$62,000 to replace the roof; \$36,000 for repair of interior water damage; \$3,000 for design services).

These monies could be allocated from the Bond Contingency Revolving Fund if the Board and the Bond Committee agree to shift some funds to Group 12. Available now are \$28,000 and \$332,000 are in Priority Group 13 which is scheduled for release in the July-December 1988 period. Of the \$332,000 in Group 13, \$73,000 would have to be shifted to Group 12.

Board staff suggest the possibility of authorizing SLED to pay for the project from its own earmarked operating revenue account (#3035). These revenues are derived from data processing and records search services and they are used to maintain and operate SLED's computer system. An analysis of the account, which shows a balance of \$539,453 at December 31, 1987, is attached.

SLED staff do not agree that funds from the earmarked account can be used for the project.

In view of the emergency situation, the Board might consider authorizing SLED to finance the project temporarily from its earmarked revenue account while this and other possibilities for permanent financing, including an allocation from the Bond Contingency Fund, are examined in more detail.

BOARD ACTION REQUESTED:

Consider.

ATTACHMENTS:

Agenda item worksheet; Stewart January 14 letter to McInnis; Form A13; McInnis January 20 letter to Senator Smith; Appropriation Act Section 5-8; Analysis of SLED subfund 3035

11640

Provided, that the Adjutant General shall transfer all surplus armories to the Division of General Services for disposition in accordance with policies approved by the Budget and Control Board. The proceeds derived by the Division of General Services from the disposal of surplus armories shall be deposited in the General Fund.

Provided, further, that authorization is hereby granted to the Adjutant General's office to finance the Charleston Armory project with \$1,363,000 of federal funds, and the vault doors project with \$187,000 of federal funds.

Provided, further, that the \$385,000 authorized above for Armory Construction supplement shall be used to reimburse the advance of \$385,000 for the construction of the West Columbia Armory, Newberry Armory, Fort Mill Armory and Georgetown Armory.

Provided, further, that the surplus Camden Armory shall be transferred to Kershaw County in exchange for land acquired under an agreement for construction of the new armory and the surplus Newberry Armory shall be transferred to Newberry County in exchange for land acquired under an agreement for construction of the new armory.

2A. BUDGET AND CONTROL BOARD:

1. Contingency Revolving Fund	\$ 500,000
TOTAL, Budget and Control Board	<u>\$ 500,000</u>

Provided, that, in making the above authorization, it is the intent of the General Assembly to provide the funding needed to establish a revolving fund to be used to finance emergency permanent improvement repair and replacement projects. Agency proposals for using these funds shall be submitted to the Budget and Control Board and to the Joint Bond Review Committee simultaneously. The Board shall promptly consider and forward its recommendations on each request to the Joint Bond Review Committee. No request may be recommended for approval by the Board and no request may be approved by the Joint Bond Review Committee unless both the Board and the Committee shall have unanimously determined that the repair and/or replacement project for which funding is requested is a bona fide emergency which the requested funds, together with any other available funds, can address effectively. No institution of higher education, the Department of Mental Health or the Department of Mental Retardation may request funds from this account.

EXHIBIT

8

NO.

JAN 26 1988

STATE BUDGET & CONTROL BOARD

EXTRACT
FROM
ACT 179 OF 1981

EXHIBIT

JAN 26 1988

NOL 8

STATE BUDGET & CONTROL BOARD

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

Meeting Scheduled for:
January 26, 1988

Regular Session Agenda

1. Submitted By:

- (a) Agency: Executive Director's Office
(b) Authorized Official Signature: _____

2. Subject:

Request from SLED for \$101,000 from Bond Contingency Revolving Fund to replace roof and repair interior damage resulting from roof failure.

3. Summary Background Information:

Following the ice storm of January 7, 1988, the roof of the Information and Communications Systems Building has been leaking throughout the building's interior. Several roofing contractors have advised that the batting or insulation covering the entire roof is rotten and must be replaced. The building houses approximately 115 employees, \$8 million in computer equipment, and a significant amount of criminal documents. Chief Stewart says that, conceivably, the leaking roof could force the agency to bring the entire Statewide communications system supporting law enforcement to a standstill. The processing of court information and data compiled and processed for the Department of Parole and Community Corrections and the Insurance Reserve Fund also could be disrupted.

Currently, ~~there is~~ \$28,000 in Bond funds ^{are} available ^{in the Bond Contingency Revolving Fund} from the \$500,000 authorized in Act 179 of 1981. The remaining \$73,000 needed would require an adjustment to the \$332,000 amount scheduled for release in Group 13 (July - December 1988, which represents the balance of the \$667,000 authorized in Act 538 of 1986).

As ~~one~~ alternative, Board staff have raised the possibility that SLED could finance the project with funds from its own earmarked revenue account (#3035). This account includes revenues that are derived from data processing and records search services which are used to maintain and operate SLED's centralized computer system as authorized by Section 5.8 of the 1987-88 Appropriation Act. More than \$539,000 ~~were~~ included in this account as of December 31, 1987. Details are in the attachments.

SLED staff do not agree that the earmarked revenue might be used to finance the roofing project under the terms of Section 5.8.

One possibility would be to authorize SLED to finance the emergency project temporarily from the earmarked revenue account while further study of the appropriateness of this on a permanent basis is undertaken.

11642

EXHIBIT

JAN 26 1988 NO. 8

STATE BUDGET & CONTROL BOARD

4. What is Board asked to do?

Approve the project as an emergency and authorize a funding source for the project.

5. What is recommendation of Board Division involved?

Approve the project as emergency with interim funding source of agency's computer generated revenue pending outcome of further analysis of the appropriateness of the use of these funds versus Bond Contingency Revolving Fund monies.

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

(a) Authorized Signature: _____

(b) Division/Agency Name: _____

7. Supporting Documents:

(a) List Those Attached:

1. Copy of SLED correspondence and project request form (A13)
2. Copy of transmittal letter to JBRC.
3. Proviso in 87-88 Appropriation Act relating to Carry Forward and use of computer/communications center revenue.
4. Analysis of Operating Revenue Subfund from June 30, 1984 to December 31, 1987.

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

1. Photographs of Damage

11643

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

CARROLL A. CAMPBELL, JR.
Governor



J.P. STROM
Chief

4400 Broad River Road (J.P. Strom Boulevard) • Mail: P.O. Box 21398
Columbia, South Carolina 29221-1398 • Phone: 803/737-9000

January 14, 1988

EXHIBIT

JAN 26 1988

NO. 8

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

STATE BUDGET & CONTROL BOARD

Dear Mr. McInnis:

I am writing to request that you overture the Budget and Control Board to provide the South Carolina Law Enforcement Division with the necessary funds on an emergency basis to replace the roof of the Criminal Justice Information and Communications Systems building located at 4400 Broad River Road. The specific amount is set forth on the attached A-13 form along with photographs that graphically reveal the extent of damage thus far.

The Division has called upon several roofing contractors to perform short term repair on the roof and it is their opinion the batting or insulation covering the entire roof is rotten and there simply is no solution except total replacement.

I would take this opportunity to inform you and the members of the Board that the Criminal Justice Information and Communications building is the environment for approximately one hundred, fifteen (115) Division employees. Most importantly, the Division's eight (8) million dollar computer system, as well as, all criminal offender case files and jacket information is maintained in this facility. Irreplaceable criminal fingerprint cards on approximately four hundred seventy thousand (470,000) offenders are extremely vulnerable, as well as, other criminal documents as a result of the damaged roof. The leaks have not been confined to any particular area in the facility. Currently serious leaks are occurring in the computer hardware room, systems and programming areas, the hallways, the criminal records repository section and the uniform crime reporting department. The Division has been forced into taking several computer terminal stations off line and are unable to use them due to the location of the leaks.

11644

Attachment 1

EXHIBIT

JAN 26 1988

NO. 8

STATE BUDGET & CONTROL BOARD

Mr. McInnis
Page #2
January 14, 1988

Division personnel are fearful that additional leaks will occur in the primary computer hardware room. This could conceivably require the Division to bring the entire statewide communications system supporting law enforcement to a standstill. This would also disrupt automated processing of court information, data compiled and processed for the Department of Parole and Community Corrections and the Insurance Reserve Fund. We literally have buckets sitting on top of very expensive equipment catching the water at this time.

Any consideration the Board can provide to alleviate this virtual crisis situation will be greatly appreciated.

Sincerely,



Robert Stewart, Chief
South Carolina Law Enforcement Division

RS:cc

11645

Attachment 1

For Board Use Only

Packet Number

PROJECT PROPOSAL AND JUSTIFICATION STATEMENT

FOR ANNUAL PERMANENT IMPROVEMENT PROGRAM FOR FISCAL YEAR 87/88

1. PROJECT IDENTIFIERS:

- A. Agency: Number D10 Name State Law Enforcement Division
B. Contact Person Gena Crosby Phone: 737-9090
C. Project Name: Emergency Roof - Criminal Justice Building
D. Facility Affected: Name Criminal Justice Building Number

2. PROJECT DESCRIPTION (What does it consist of? Attach supporting documentation):

Emergency replacement of built-up roofing system and repair of other water damage.

Site Description: (Attach a map showing project location)

Location: Richland 40 Columbia, S. C. Broad River Road
county code city site

3. PROJECT JUSTIFICATION (What does it consist of? Attach supporting documentation):

Ice storm of Jan. 7, 1988, caused a catastrophic failure of the roof system causing considerable damage. This request is for a new roof and repairs as needed.

(What specific needs does this project address?):

EXHIBIT

See cover letter and photographs.

JAN 26 1988 NO. 8

STATE BUDGET & CONTROL BOARD

4. ALTERNATIVES CONSIDERED AS A MEANS OF MEETING NEEDS SPECIFIED IN #3:

None

5. PRIORITY: This project is priority number 1 of 1 projects proposed in this program.

6. ADDITIONAL OPERATING COSTS: Will this project require additional annual operating costs?

Yes No X If yes, complete and attach addendum A-49.

7. ESTIMATES OF PROPOSED PROJECT COSTS:

A. Total estimated cost of project \$ 101,000

B. Total estimated cost of project includes the following (1. through 10.= 7A above)

- (1) \$ 3,000 Planning/design services
(2) Site work (including utilities)
(3) Central energy systems repair/replacement
(4) Mechanical systems repair/replacement
(5) 36,000 General renovation/repair of floor space (Gross sq. ft.: 14,490)
(6) 62,000 Roof repair/replacement
(7) Construction of additional floor space: (Gross sq. ft.:)
(8) Equipment/supplies
(9) Purchase of facilities: (Floor space, gross sq. ft.)
(Land, acres:)
(10) Other (Specify)

\$ 101,000

Total (Same as 7 A)

11646

Attachment 1

7. C. Total estimated cost of project by broad purpose: Total cost: \$ 101,000
(equals 1 through 8, below and is same as 7A)

1. Purchase land	\$ _____	5. Restore facility	\$ _____
2. Purchase facility	\$ _____	6. Maintain facility	\$ _____
3. Demolish facility	\$ _____	7. Replace facility	\$ _____
4. Construct additional facility	\$ _____	8. Other: <u>Roof</u>	\$ _____
		<u>Water Damage</u>	\$ <u>101,000</u>

8. PROJECT COMPLETION SCHEDULE AND ESTIMATED EXPENDITURES BY FISCAL YEAR:

A. Estimated expenditures and expenditure purposes, this FY: 86/87 \$ 101,000
(Expenditure purposes (use 7B categories): _____)

B. Estimated expenditures after this FY: \$ -0-

C. Total (Same as 7A, 7B and 7C): \$ 101,000

9. PROPOSED SOURCES OF FUNDS: Type	Amount	Revenue Code	Treasurer ID Number	Sub Fund	Mini Code	Object Code
(0) Capital Improvement Bonds	\$ 101,000					
(1) Dept Capital Imp Bonds						
(2) Inst (tuition) Bonds						
(3) Revenue Bonds						
(4) Excess Debt Service						
(6) Appropriated State						
(7) Federal						
(8) Athletic						
(9) Other						
TOTAL (Same as 7A)	\$ 101,000					

10. Submitted By:

Authorized Official: _____

Typed Name and Title and Signature
Robert M. Stewart, Chief, SLED

Date Submitted 1/14/88

FY Submitted 87/88

11. APPROVED (For Board Use Only):

Typed Name and Title and Signature
PROJECT NUMBER _____
PROJECT NAME: _____

Date
11647

Attachment 1

EXHIBIT

State of South Carolina

JAN 26 1988

NO. 8

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

REMBERT C. DENNIS
CHAIRMAN, SENATE FINANCE COMMITTEE
ROBERT N. McLELLAN
CHAIRMAN, WAYS AND MEANS COMMITTEE

JESSE A. COLES, JR., Ph.D.
EXECUTIVE DIRECTOR

January 20, 1988

The Honorable Horace C. Smith, Chairman
Joint Bond Review Committee
410 Gressette Building
Columbia, South Carolina 29201

Dear Senator Smith:

Emergency Permanent Improvement Request for SLED (State Law Enforcement Division - to be included in Summary 13-88)

SLED Chief Stewart advises that the ice storm of January 7, 1988, caused a catastrophic failure of the built-up roofing system of one of the agency's buildings. We are forwarding Chief Stewart's funding request for emergency consideration by the Joint Bond Review Committee. He is requesting \$101,000 from the Bond Contingency Revolving Fund to finance roofing and other repairs for SLED's Criminal Justice Information and Communications Systems Building. Estimate of project costs include \$62,000 for roof replacement, \$36,000 for general renovations to the building's interior, and \$3,000 for planning and design services. The Building's flat roof is currently leaking throughout the building and several roofing contractors have advised that the batting or insulation covering the entire roof is rotten and must be replaced.

This facility houses approximately 115 employees, an \$8 million computer system and criminal offender case files. Irreplaceable criminal fingerprint cards on approximately 470,000 offenders and other criminal documents are extremely vulnerable as a result of the damaged roof. Chief Stewart says that, conceivably, the leaking roof could force the agency to bring the entire Statewide communications system supporting law enforcement to a standstill. The processing of court information and data compiled and processed for the Department of Parole and Community Corrections and the Insurance Reserve Fund also could be disrupted.

As noted, SLED is requesting capital improvement bond funds from the Bond Contingency Revolving Fund to pay for this project. Currently, approximately \$28,000 are available from the \$500,000 authorized in Act 179 of 1981. In addition, \$332,000 of the \$667,000 authorized in Act 538 of 1986 remain and are scheduled to be released in Priority Group 13 (July - December 1988).

11648

Attachment 2

EXHIBIT

JAN 26 1988 NO. 8

The Honorable Horace C. Smith, Chairman
January 20, 1988
Page Two

STATE BUDGET & CONTROL BOARD

To approve the request will require adjusting the Priority Schedule by shifting \$73,000 from Group 13 to Group 12 and allocating the requested \$101,000 to SLED for this purpose.

As an alternative, Board staff have raised the possibility that SLED could finance the project with funds from its own earmarked operating revenue account (#3035). This account includes revenues that are derived from data processing and records search services which are used to maintain and operate SLED's centralized computer system, as authorized by Section 5.8 of the Appropriation Act. More than \$539,000 were in this account as of December 31, 1987. Details are in attachments.

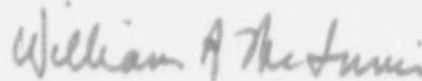
SLED staff do not agree that the earmarked revenue might be used to finance the roofing project under the terms of Section 5.8.

One possibility would be to authorize SLED to finance the emergency project temporarily from the earmarked revenue account while further study of the appropriateness of this on a permanent basis is undertaken.

This entire question is expected to be considered by the Budget and Control Board at its January 26 meeting.

Please let us know if you need additional information on this request.

Sincerely,



William A. McInnis
Deputy Executive Director

WAM:sm

Enclosure

cc: Lib Croft, Scott Inkley, Sue Hooks, Fred Carter, Jay Flanagan, Jerry Branham, Charlie Shaw, Elmer Whitten, Bill Clement, Jack Sprott, Gena Crosby

11649

Attachment 2

EXHIBIT

JAN 26 1988

NO. 8

STATE BUDGET & CONTROL BOARD

1987-88 Appropriation Act

SECTION 5 GOVERNORS OFFICE

5.8. Revenue generated from the operation of the Division's criminal justice computer/communications center and not expended during FY 1986-87 may be carried forward and expended for the same purpose during FY 1987-88.

Note: This proviso was first included in the 1984-85 Appropriation Act, and has been in each Act since.

Attachment 3

11650

EXHIBIT

JAN 26 1988

NO. 8

STATE BUDGET & CONTROL BOARD

D10 - SLED
Analysis of "Operating Revenue" Subfund 3035
June 30, 1984 thru December 31, 1987

	Operating Revenue 3035	Revenue Sources Included	
		D.P. Service Revenue 4524	Records Search 4535
Cash Balance End FY 1983-84	333,893.91		
84-85 Revenue	508,219.46	316,750.72	--
Subtotal	842,113.37		
84-85 Disbursements	(438,906.87)		
Cash Balance End FY 1984-85	403,206.50		
85-86 Revenue	881,166.86	698,288.58	--
Subtotal	1,284,373.36		
85-86 Disbursements	(802,431.30)		
Cash Balance End FY 1985-86	481,942.06		
86-87 Revenue	757,536.95	608,102.32	116,584.49
Subtotal	1,239,479.01		
86-87 Disbursements	(651,656.12)		
Cash Balance End FY 1986-87	587,822.89		
87-88 Half-Year Revenue	364,101.69	236,528.43	109,182.00
Subtotal	951,924.58		
87-88 Half-Year Disbursements	(412,471.26)		
Cash Balance 12/31/87	539,453.32		

Attachment # 4

11651

EXHIBIT

JAN 26 1988

NO. 9

STATE BUDGET AND CONTROL BOARD
MEETING OF January 26, 1988

ITEM NUMBER

5

AGENCY: General Services

SUBJECT: Automobile Insurance Premium

The Division of General Services advises that, as a result of the recent automobile liability reinsurance bid, there is a significant decrease in the cost of the program effective February 1, 1988.

The Division advises, however, that with the loss experience rating formula inherent in the reinsurance contract, fiscal year 1989-90 rates will approach the 1986-87 levels.

In response to the Board's direction at the January 12, 1988, meeting, the Division has provided the following options on capturing the premium savings expected to result from the low bid by the Davis-Garvin Agency:

Option 1: Reduce all rates in accordance with new reinsurance premiums.

Option 2: Collect last year's premium.

- a. Refund all county, municipal, school district dollars above premium amount.
- b. Escrow all State agency dollars above premium amount and allow State agencies to apply for refund where appropriate (i.e., federal fund participation).
- c. Surplus State dollars could be: (1) returned to general fund
(2) used to support one-time nonrecurring expenses
(3) earmarked in separate accounts for special purposes:
 - (a) auto safety program
 - (b) State House renovations
 - (c) program deficiencies (e.g., blood-urine testing)
 - (d) etc.

The Division recommends that the Board select option 2.

BOARD ACTION REQUESTED:

Consider.

ATTACHMENTS:

Agenda item worksheet; attachment

11652

EXHIBIT

JAN 26 1988

NO. 9

BUDGET AND CONTROL BOARD AGENDA ITEM WORKSHEET STATE BUDGET & CONTROL BOARD

Meeting Scheduled for: January 26, 1988

Regular Agenda

1. Submitted By:

(a) Agency: General Services

(b) Authorized Official Signature: Richard W. Kelly

2. Subject: Automobile Liability Insurance Premium Billing

3. Summary Background Information:

As a result of the recent automobile liability reinsurance bid, there is a significant decrease in the cost of the program effective February 1, 1988. However, with the loss experience rating formula inherent in the reinsurance contract, we anticipate a rate increase in FY 89-90 to a level approaching FY 86-87 levels. Options are provided on the attached sheet as to ways in which current funds may be addressed.

4. What is Board asked to do?

Approve rate levels for FY 87-88 and advise which premium rates to use.

5. What is recommendation of Board Division involved?

Insurance Reserve Fund should notify all insureds of impending rate increase for FY 88-89.

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

(a) Authorized Signature: _____

(b) Division/Agency Name: _____

7. Supporting Documents:

(a) List Those Attached:

Copy of draft of proposed letter to accompany 1988 automobile liability insurance invoices.

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

11653

EXHIBIT

JAN 26 1988

NO. 9

STATE BUDGET & CONTROL BOARD

Option 1.

Reduce all rates in accordance with new reinsurance premiums.

Option 2.

Collect last year's premium.

- a) Refund all county, municipal, school district dollars above premium amount.
- b) Escrow all State agency dollars above premium amount and allow State agencies to apply for refund where appropriate (i.e. Federal fund participation).
- c) Surplus State appropriated dollars could:
 - 1. Return to General Fund
 - 2. Use to support one time non-recurring expenses.
 - 3. Earmark identified funds in separate accounts for special purposes.
 - a. Auto safety program
 - b. State House renovations
 - c. Program deficiencies (e.g. blood-urine testing)
 - d. etc.

11654

RESULTS OF PROPOSED AUTOMOBILE LIABILITY RATING PLAN

<u>AGENCY</u>	<u>#Vehicles</u>	<u>DIRECT PREMIUM (87-88)</u>	<u>REINSURANCE PREMIUM PER BID</u>	<u>DIFFERENCE</u>
STATE	12,110 (43%)	4,401,012 (31%)	1,976,048	2,424,964 (TO GENERAL FUND)
COUNTY	5,243 (19%)	4,074,949 (26%)	1,225,720	2,849,229 (DIVIDEND TO INSURED)
SCHOOL DIST	2,087 (8%)	1,385,728 (9%)	333,706	1,052,032 (DIVIDEND TO INSURED)
CITY	5,607 (20%)	4,119,363 (27%)	1,310,905	2,808,458 (DIVIDEND TO INSURED)
POL. SUB.	2,723 (10%)	1,043,132 (7%)	441,938	601,194 (DIVIDEND TO INSURED)
TOTALS	27,770	15,024,194	5,288,317*	9,735,877

*Does not include mass transit vehicles - estimated difference - in premium is \$984,930 which will be passed through to transit authorities.

Total Premium	\$ 4,401,012
Less Highway Department	1,763,370
Adjusted Premium	\$ 2,637,642
Less Reinsurance Premium	1,184,301
Excess Premium	<u>\$ 1,453,341</u>

% General Fund (Estimated)*	58.1
Estimated General Fund Savings	\$ <u>844,391</u>

% Federal Funds (Estimated)*	25.0
Estimated Federal Funds Savings	\$ <u>363,335</u>

% Other Funds (Estimated)*	16.9
Estimated Other Funds Savings	\$ <u>245,614</u>

Highway Department Premium	\$ 1,763,370
Less Reinsurance Premium	844,365
Estimated Savings	\$ <u>919,005</u>

* Based on ratio of General Fund, Federal Funds and other funds
(Less Highway Department Funds) from FY 87-88 Budget.

1. Clemson University	.063	53,196.63
2. Department of Education	.055	46,441.51
3. Division of Motor Vehicle Mgmt.	.126	106,393.27
4. SLED	.047	39,686.38
5. Mental Health Department	.045	37,997.60
6. Forestry Commission	.049	41,375.16
7. Public Service Authority	.092	77,683.97
8. Wildlife	.074	62,484.93
9. Department of Corrections	.086	72,617.63
10. University of S.C.	.064	54,041.02
11. All others	<u>.299</u>	<u>252,472.90</u>
	1.0	\$844,391.00

EXHIBIT

JAN 26 1988

NO. 10

STATE BUDGET AND CONTROL BOARD
MEETING OF January 26, 1988

REGULAR SESSION
ITEM NUMBER

6

AGENCY: General Services

SUBJECT: Automobile Insurance Bid Conditions

At the January 12, 1988, meeting, the Division of General Services was authorized to award the automobile reinsurance contract to the Davis-Garvin Agency on the condition that:

- (a) the Davis-Garvin Agency's national reinsurer provides the Division with written verification of its reinsurance commitment;
- (b) the reinsurer agrees to notify the Division in the event its agreement with the Agency is cancelled;
- (c) the Insurance Commissioner gives written assurance of the Agency's sound condition and status; and
- (d) the Division notifies all entities covered of the strong probability that rates for this coverage will increase substantially above the level provided under this contract for the first year.

A copy of a January 18, 1988, letter from William Van Syckle, Vice President, National Reinsurance Corporation, Stamford, Connecticut, is attached. It apparently responds to the conditions in (a) and (b), above.

Staff indicate that Commissioner Richards is developing a response to (c) and that he is aware of the January 26 meeting date. Staff also point out that the current coverage expires before the next scheduled Board meeting.

BOARD ACTION REQUESTED:

Consider.

ATTACHMENTS:

Agenda item coversheet; referenced Van Syckle letter

11658

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

For meeting scheduled for:

Blue Agenda

☒ Regular Session Agenda

☐ Executive Session Agenda

JANUARY 26, 1988

1. Submitted By:

(a) Agency: DIVISION OF GENERAL SERVICES - INSURANCE RESERVE FUND

(b) Authorized Official Signature: Richard H. Kelly

2. Subject:

AUTOMOBILE LIABILITY REINSURANCE BID

3. Summary Background Information:

At the January 12, 1988 Board meeting, Staff was requested to obtain information from the reinsurer of the apparent bid winner, and also to obtain an opinion from the Department of Insurance on the financial condition of the apparent bid winner.

EXHIBIT

JAN 26 1988

NO. 10

STATE BUDGET & CONTROL BOARD

4. What is Board asked to do?

Receive and evaluate the information requested.

5. What is recommendation of the Board Division involved?

No recommendation at this time as all of the information has not been received. Receipt is expected prior to the Board meeting.

6. Recommendation of other office (as required)?

(a) Office Name _____ (b) Signature _____

7. Supporting Documents:

List Those Attached

List Those Not Attached But Available from Submitter

11659

NR National Reinsurance Corporation

777 Long Ridge Road, P.O. Box 10167, Stamford, CT 06904-2167 203-329-7700 Telex: 965938

EXHIBIT

JAN 26 1988 NO. 10

STATE BUDGET & CONTROL BOARD

William Van Syckle
Vice President

January 18, 1988

Mr. Thomas W. DeLoach
Procurement Specialist
State of South Carolina
Budget and Control Board
Division of General Services
1201 Main Street, Suite 600
Columbia, SC 29201

American Southern Insurance Company
BID #6-793-1107200-12/14/87

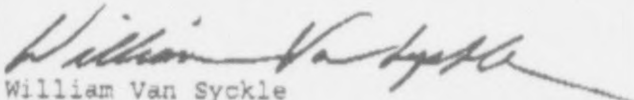
Dear Mr. DeLoach:

Your letter dated January 12, 1988 was received by our office today. This letter will confirm that National Reinsurance Corporation has in effect reinsurance agreements with American Southern Insurance Company providing coverage for automobile liability. Our treaties will provide coverage for \$900,000 each occurrence in excess of \$100,000 each occurrence for automobile liability on the fleet of governmental automobiles in the State of South Carolina in accordance with American Southern's bid.

We agree to notify the State of South Carolina, in advance, of any change, modification, and/or potential cancellation or termination of the contract between American Southern and National Re. If a cut through endorsement is required, National Re will issue one.

Please feel free to contact me if any additional information is required.

Sincerely,


William Van Syckle
Vice President

WVS/se

RECEIVED

11660 JAN 19 1988
INSURANCE
RESERVE FUND

Responsive Reinsurance



STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

1612 MARION STREET
COLUMBIA, SOUTH CAROLINA 29201

JOHN G. RICHARDS
CHIEF INSURANCE COMMISSIONER

MAILING ADDRESS:
P.O. BOX 100105, COLUMBIA, S.C. 29202-3105

EXHIBIT

INSURANCE COMMISSION

SAUNDRA C. ARDREY
PATRICK D. CUNNING
WILLIAM S. JONES
CONNIE R. MORTON
EDWARD K. PRITCHARD, JR.
STONEWALL M. RICHBURG
DAVID BOMAR SMITH

MEMORANDUM

JAN 26 1988

NO. 10

January 21, 1988

STATE BUDGET AND CONTROL BOARD

TO: Members, Budget and Control Board

FROM: John G. Richards
Chief Insurance Commissioner

SUBJECT: Request for Information Regarding Insurance
Reserve Fund Automobile Bid, American
Southern Insurance Company,
BID # 6-793-1107200-12/14/87

RECEIVED

JAN 22 1988

BUDGET AND CONTROL BOARD
OFFICE OF EXECUTIVE DIRECTOR

Last week, two Members of the Budget and Control Board requested that this office review and analyze certain information regarding the above-mentioned bid. Specifically, this office was asked to:

1. Review the financial condition of American Southern Insurance Company and its capacity to undertake the contractual obligations presented by this bid; and
2. Analyze what the future might hold once the contract is consummated.

In order to accomplish this task, I requested that our Chief Casualty Actuary and our Director of the Financial Condition Division review the information independently. We also received the necessary information from the Insurance Reserve Fund and we appreciate that cooperation.

It was obvious that the entire analysis was dependent first, on verification that the necessary reinsurance agreements existed, or would exist, between American Southern and National Reinsurance Corporation during the term of the contract. In response to a letter to National Reinsurance Corporation from Mr. Thomas W. Deloach, Procurement Specialist, the Insurance Reserve Fund received confirmation of such reinsurance agreements from Mr. William Van Syckle, Vice President, National Reinsurance Corporation on January 19, 1988. We note, however, that although National Reinsurance Corporation agrees to "notify the State of South Carolina, in advance, of any change, modification, and/or potential cancellation or termination of the contract between American Southern and National Re" no specified period of notification is included in that correspondence.

11661

EXHIBIT

JAN 26 1988

NO. 10

MEMORANDUM

Page 2

January 21, 1988

STATE BUDGET & CONTROL BOARD

After such confirmation, I was advised by the Director of our Financial Condition Division that, "American Southern has the financial capacity to write the liability coverage on the fleet of governmental automobiles in the state of South Carolina as long as reinsurance remains in force with National Reinsurance Corporation." (Emphasis Added.) I was further advised by the Department's Chief Casualty Actuary that:

"The American Southern Insurance Company currently has a reinsurance agreement with National Re. If this agreement should be cancelled (between the Insurer and the Reinsurer), my concerns relative to the financial capacity of the primary insurer are greatly increased. In addition, the contract may be cancelled by the insurer on 90 days notice. Again, if the reinsurance contract should be cancelled, this 90 day period could place a serious financial burden on the capacity of American Southern. This is a point that we all are better forewarned about, in view of the possible problems that could arise.

"The way the formula itself is established, the premium after the first year is calculated based on the experience. Please realize that the premium after the first year will most likely be higher than the \$5.9 million quoted for that first year. If the experience tracks closely to that which we've seen for the two most recent full fiscal years, the second year premium will be closer to \$8 million. The proposal is still valid, however, based on the annual premium adjustment portion of the bid specs."

I have attached copies of the appropriate memoranda and letters hereto for the Budget and Control Board's review. The financial analysis was based, in part, on the 1985 and 1986 Annual Statements filed with this office. The 1987 Annual Statements are due on March 1, 1988.

I hope that this analysis is responsive to the task requested of us. This office stands ready to assist the Budget and Control Board and the Insurance Reserve Fund in any manner possible. If the Board should consider it appropriate, in the

11662

EXHIBIT

JAN 26 1988

NO. 10

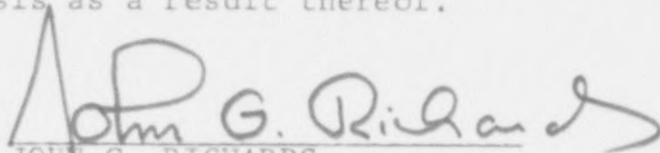
STATE BUDGET & CONTROL BOARD

MEMORANDUM

Page 3

January 21, 1988

future, we will be willing to assist in the formulation of bid specifications and any analysis as a result thereof.


JOHN G. RICHARDS

JGR/jtc

Enclosures

CC: Dr. Jesse A. Coles
Executive Director
Budget and Control Board
CC: James E. Bennett, CPCU
South Carolina Insurance
Reserve Fund

11663

EXHIBIT

JAN 26 1988

NO. 11

STATE BUDGET AND CONTROL BOARD
MEETING OF January 26, 1988

REGULAR SESSION

ITEM NUMBER

7

AGENCY: General Services

SUBJECT: Sale of Board Property in Pineridge, Lexington County

The Division of General Services advises that the Budget and Control Board is the owner of a vacant 116-acre parcel of land that joins the Charwood Golf Club in the Pineridge Section of Lexington County.

The tract is traversed by a 200-foot wide SCE&G power line right-of-way. A recent appraisal values the property at \$1,000 per acre. Property Management is not aware of any past use of the property or of any plans for future use.

The owner of the Charwood Country Club has expressed an interest in obtaining the property.

The Division recommends that the property be declared surplus to the needs of the Board and that it be offered for sale under the standard surplus property procedures with the proceeds from the sale, less 4% to Property Management for appraisal and administrative costs, to be deposited in the general fund.

This item was carried over at the January 12 meeting to allow staff time to determine the origin of ownership.

The Division advises that, in 1913, Mr. Pickens C. Price conveyed to the State a 1,007-acre tract to be used as a camp site and rifle range for the organized Militia for the State. The tract was later abandoned as a camp site and rifle range and the Adjutant General's Office turned the tract over to the Sinking Fund Commission.

In 1950, under Reorganization Plan No. 2, the duties and powers vested in the Sinking Fund Commission were transferred to the Budget and Control Board.

BOARD ACTION REQUESTED:

Declare 116 acres adjacent to the Charwood Golf Club in the Pineridge Section of Lexington County surplus to the needs of the Board and authorize disposition of the tract under the standard surplus property procedures with the proceeds of the sale, less 4% to Property Management to cover appraisal and administrative costs, to be deposited in the general fund.

ATTACHMENTS:

Agenda item worksheet; attachment

11664

BUDGET AND CONTROL BOARD AGENDA ITEM WORKSHEET

For meeting scheduled for:

January 26, 1988

Blue Agenda

☒ Regular Session Agenda

☐ Executive Session Agenda

1. Submitted By:

(a) Agency: Division of General Services

(b) Authorized Official Signature: *Richard W. Kelly*

2. Subject:

Sale of 116 acres in Pineridge, Lexington County

3. Summary Background Information:

The Budget and Control Board is the owner of a vacant parcel of land consisting of 116 acres more or less located in Pineridge section of Lexington County. The owners of Charwood Golf Club have approached the Board concerning their interest in purchasing the property. The Charwood Golf Club joins the State-owned tract. The subject tract is dissected by a 200 foot wide SCE&G power line right-of-way. Property Management is not aware of any plans for future use. A recent appraisal places the value of the property at \$1,000 per acre.

EXHIBIT

JAN 26 1988

NO. 11

STATE BUDGET & CONTROL BOARD

4. What is Board asked to do?

Declare 116 acres in Pineridge as surplus property and authorize its disposition under standard Board procedure.

5. What is recommendation of the Board Division involved?

Property Management recommends that the property be declared surplus to the needs of the Board and offered for sale under standard procedures. Proceeds from the sale, less 4% to Property Management to cover appraisal and administrative costs, will be deposited in the General Fund.

6. Recommendation of other office (as required).

(a) Office Name:

(b) Authorized Signature:

7. Supporting Documents:

List Those Not Attached But Available from Submitter

List Those Attached

1. Map of the property
2. Appraisal
3. Letter from Charwood Golf Club
4. Copy of SC Code Section 1-11-65
5. Copy of Surplus Real Property Procedure
6. Copy of the disposition of the original property.
7. Deed indicating the Grantor to the State.

11665

EXHIBIT

JAN 26 1988

NO. 11

STATE BUDGET & CONTROL BOARD

6.40 AC

12

205.55 AC.

(SC. HWY. 103)

116.7 AC

(S.C.E. & G. R/W)

CHARWOOD

3

10

155.85 AC.

LIMITS

TOWN

11566

§ 11-9-630. Sales of property not in actual public use.

The State Budget and Control Board shall sell and convey, for and on behalf of the State, all such real property, assets and effects belonging to the State as are not in actual public use, such sales to be made from time to time in such manner and upon such terms as it may deem most advantageous to the State. This shall not be construed to authorize the sale by the Board of any property held in trust for a specific purpose by the State or the property of the State in the phosphate rocks or phosphatic deposits in the beds of the navigable streams and waters and marshes of the State.

HISTORY: 1962 Code § 1-793; 1952 Code § 1-793; 1942 Code § 2139; 1931 Code § 2139; Civ. C. '22 § 100; Civ. C. '12 § 95; Civ. C. '02 § 91; G. S. 63 R. 3, 85; 1878 (16) 558, 811; 1887 (19) 863; 1892 (21) 87; 1950 (46) 3605 1981 Act No. 148, § 6.

Related Local Laws—

For a local law approving and ratifying conveyance of real property in Fairfield County under the authority of this section, see Local Law Index.

Cross references—

As to State Budget and Control Board granting easements and rights of way over vacant lands or marshlands, see §§ 1-11-80 and 1-11-90.

Research and Practice References—

72 Am Jur 2d, States, Territories, and Dependencies §§ 67, 68.
81A CJS, States § 149.

CASE NOTES

Land held for State University not to be sold.—This section [Code 1962 § 1-793], which declares that it shall not be construed to authorize the sale by the Board of any property held in trust for a specific purpose by the State, does not authorize the Board to convey lands held by the State for the use of the State University. *Trustees of University v Columbia* (1917) 108 SC 244, 93 SE 934.

Duty of Board.—This section [Code 1962 § 1-793] makes it the duty of the Board to sell and convey, for and on behalf of the State, all such real and personal property of the State as is not

in actual public use, the sales to be made upon such terms as they may deem most advantageous to the State. *Tindal v Wesley* (1897) 167 US 204, 42 L Ed 137, 17 S Ct 770 (overruled on other grounds *Larson v Domestic & Foreign Commerce Corp.*, 337 US 682, 93 L Ed 1628, 69 S Ct 1457, reh den 338 US 840, 94 L Ed 514, 70 S Ct 31) and (superseded by statute as stated in *Block v North Dakota*, 461 US 273, 75 L Ed 2d 840, 103 S Ct 1811, on remand (CA8 ND) 711 F2d 118)) as stated in *Pennhurst State School & Hospital v Halderman*, 465 US 89, 79 L Ed 2d 67, 104 S Ct 900, later proceeding (ED Pa) 610 F Supp 1221.

ATTORNEY GENERAL'S OPINIONS

Sale of tidelands and submerged lands not authorized.—The Budget and Control Board does not have the authority to sell tidelands and submerged lands. 1964-65 Ops. Att'y Gen., No 1855, p 1. 1965-66 Ops. Att'y Gen., No 1963.

But such lands may be leased.—The Budget and Control Board does have the authority to lease areas of tidelands and submerged lands to the Federal government when the lease in no way interferes with the public rights of navigation and fishing and other public purposes. 1964-65 Ops. Att'y Gen., No 1855, p 115.

Disposition of revenues.—In the event revenue from the sale of gravel on lands owned by the South Carolina State Penitentiary is not used for specified purposes, such revenue will become part of the State Sinking Fund. 1964-65 Ops. Att'y Gen., No 1923, p 217.

The Budget and Control Board does not have the authority to lease the tidelands and submerged lands in any way that will interfere with the public rights of navigation and fishing and other public purposes. 1965-66 Ops. Att'y Gen., No 1963, p 9.

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HISTORY: 1962 Code § 1-793; 1952 Code § 1-793; 1942 Code § 2139; 1931 Code § 2139; Civ. C. '22 § 100; Civ. C. '12 § 95; Civ. C. '02 § 91; G. S. 63 R. 3. 85; 1878 (16) 558, 811; 1887 (19) 863; 1892 (21) 87; 1950 (46) 3605 1981 Act No. 148, § 6.

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Cross references—

As to State Budget and Control Board granting easements and rights of way over vacant lands or marshlands, see §§ 1-11-80 and 1-11-90.

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EXHIBIT

JAN 26 1988

NO. 11

STATE BUDGET & CONTROL BOARD

§ 1-11-35 ADMINISTRATION OF THE GOVERNMENT

§ 1-11-35. Procurement of products manufactured or produced in South Carolina or United States: priority over foreign products.

The State Budget and Control Board by regulation shall develop and implement a policy whereby this State, and its agencies, departments, institutions of higher learning, boards, commissions, and committees in procuring necessary products to perform their assigned duties and functions must obtain products made, manufactured, or grown in South Carolina if available or must obtain products made, manufactured, or grown in the United States if similar South Carolina products are not available before any foreign made, manufactured, or grown products may be procured.

HISTORY: 1985 Act No. 201, Part II, § 70.

§ 1-11-65. Approval and recordation of real property transactions involving governmental bodies.

All transactions involving real property, made for or by any governmental bodies, excluding political subdivisions of the State, must be approved by and recorded with the State Budget and Control Board unless a governmental body is expressly exempted by the Budget and Control Board.

HISTORY: 1985 Act No. 201, Part II, § 5.

§ 1-11-70. Lands subject to Board's control.

All vacant lands and lands purchased by the former land commissioners of the State shall be subject to the directions of the State Budget and Control Board.

HISTORY: 1962 Code § 1-357; 1952 Code § 1-357; 1942 Code § 2137; 1932 Code § 2137; Civ. C. '22 § 98; Civ. C. '12 § 93; Civ. C. '02 § 89; G. S. 61; R. S. 83; 1878 (16) 559; 1950 (46) 3605.

Cross references—

As to State Budget and Control Board granting easements and rights of way over vacant lands or marshlands, see §§ 1-11-80 and 1-11-90.

As to lease of gas, oil and certain other mineral interests upon lands and waters under control of State Budget and Control Board, see § 10-9-10.

As to duties and authority of State Budget and Control Board over state's phosphate interests, see §§ 10-9-110 et seq.

Research and Practice References—

63A Am Jur 2d, Public Lands § 113.

73B CJS, Public Lands §§ 178, 180.

§ 1-11-75. Board may charge fee to applicants for permits to engage in construction, alteration, dredging, filling and the like in state's navigable waters.

The State Budget and Control Board may charge a fee to an

STATEWIDE PROCEDURE FOR STATE OWNED SURPLUS REAL PROPERTY
UNDER THE PURVIEW OF THE DIVISION OF GENERAL SERVICES

1. The State Budget and Control Board will review periodic reports addressing real property which the Division of General Services has deemed to be surplus to the State. General Services shall take into account special needs for such property such as its direct or indirect use in establishing a State research park or parks.
2. A listing of properties approved by the Budget and Control Board for surplus dispersement will then be forwarded to all State Agencies. The agency will have 45 days to present their request for possible usage, with justifications to the Division of General Services.
3. The Division of General Services will prepare recommendations concerning agency requests for possible usage of some of these properties. Upon review of this information, the Budget and Control Board may authorize the Division of General Services to assign the property requested by the respective agency.
4. The Division of General Services may authorize leases of up to ten years, to political subdivisions of the State, at below fair market rates provided the leased premises are used for public purposes. Such leases shall be contingent upon the official request of the local political subdivision's governing body or bodies before they can be considered.
5. The Budget and Control Board may then authorize the Division of General Services to lease, sell or swap any remaining unassigned surplus real property. The dispersement of this property will be made at fair market value as determined by an independent appraiser. Prior to any agreement being reached, the Division shall publish in the South Carolina Business Opportunities weekly bulletin (published weekly) its intent to dispose of the property and the method by which disposal shall take place. All parties interested in the property to be disposed shall have a reasonable time to submit bids, provided that the appraised fair market value shall be established as a floor price which all bids must meet or exceed.

Approved July 29, 1981

"5" revised and approved 2/2/82

11670

STATEWIDE PROCEDURE FOR STATE OWNED SURPLUS REAL PROPERTY
UNDER THE PURVIEW OF THE DIVISION OF GENERAL SERVICES

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Approved July 29, 1981

"5" revised and approved 2/2/82

11671

EXHIBIT

JAN 26 1988 NO. 11

STATE BUDGET & CONTROL BOARD

JEFFERY WYMAN & ASSOCIATES
REAL ESTATE APPRAISERS AND CONSULTANTS
17 CALENDAR COURT, SUITE 4
COLUMBIA, SOUTH CAROLINA 29206

TELEPHONE (803) 782-5008

EXHIBIT

JAN 26 1988

NO. 11

October 28, 1987

STATE BUDGET & CONTROL BOARD

Mr. Bruce Taylor
South Carolina Budget and Control Board
1201 Main Street, Suite 401
Columbia, SC 29201

RE: Appraisal of a tract of land containing approximately 116.7 acres located within the city limits of Pine Ridge, Lexington County, South Carolina. Located on Lexington County Tax Map System on Map 07996, Block 3, Parcel 11. Property of the South Carolina Budget and Control Board.

Dear Mr. Taylor:

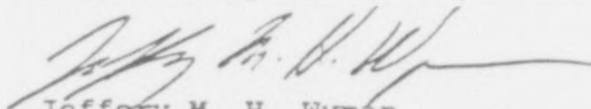
Pursuant to your request, I have inspected and appraised all that piece, parcel or tract of land as referenced above for the purpose of estimating its market value.

It should be noted at this time, 10.79 +/- acres of the property which is the subject of this report is located within a 200' power line right-of-way. Also, access by way of a 30' easement, as explained in the attached report, is assumed.

After applying the methods and techniques recommended by the American Institute of Real Estate Appraisers, the Society of Real Estate Appraisers, the American Society of Farm Managers and Rural Appraisers and after analyzing the data presented, including the attached Assumptions and Limiting Conditions, it is my opinion that the Market Value of the subject property, as of October 28, 1987, is:

ONE HUNDRED SIX THOUSAND DOLLARS
(\$106,000)

Respectfully submitted,



Jeffery M. H. Wyman
Real Estate Appraiser
and Consultant

11672

CHARWOOD COUNTRY CLUB
4082 Bachman Road
West Columbia, South Carolina 29169
(803) 755-2000

EXHIBIT

JAN 26 1988

NO. 11

STATE BUDGET & CONTROL BOARD

July 2, 1987

Mr. Bruce Taylor
State Budget and Control Board
Wade Hampton Building
Columbia, South Carolina 29201

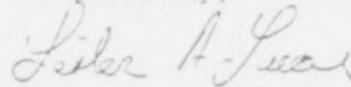
Dear Mr. Taylor:

My intent to purchase the State-owned property adjacent to Charwood Golf Course has gained the support of Senators Joe Wilson and Sturkie, as well as Mayor Marvin Watson of Pine Ridge and the Cayce-West Columbia Chamber of Commerce. These people realize that with the expansion of Charwood to a 27-hole semi-public course it will benefit both the local community as well as attract tourists to the area. A five percent tax on all increased gross revenue will add to the State coffer, not only from the course but also from the development of the surrounding properties.

In order to expedite the release of the subject 116 acres, I would like to make the following proposal to the State Budget and Control Board. I own 153+ acres in Gaston, South Carolina, which has 200 frontage feet on paved county road, as well as rolling hills and several ponds. In order to acquire the 116 acres for the Charwood expansion, I would be willing to exchange the 153+ acres for the 116 acres in Pine Ridge. I would appreciate your serious consideration of this proposal.

In the meantime, I will forward to you letters of support from the individuals and groups mentioned above. If you have any questions regarding the proposal or the support generated, please feel free to contact myself or those mentioned. I look forward to hearing from you.

Respectfully,



Lester A. Lucas
Owner

LAL/bj

11673

EXHIBIT

JAN 26 1988

NO. 1 1

STATE BUDGET & CONTROL BOARD

Attachment

Disposition of 1007 acres more or less of Camp Styx Property In Lexington County

1953	State to Southern Silica Mining Company	39.6
1953	State to Southern Silica Mining Company	7.3
1953	State to Southern Silica Mining Company	100.0
1954	State to Victor John	100.0
1961	State to Pennsylvania Glass Sand Corp.	220.0
1966	State to Lexington School District 2	40.0
1971	State to Town of PineRidge	1.75
1978	State to Lexington County Recreation Comm.	8.6
	Wildlife fish hatchery property in use	290.0
	State owned but not in use	116.0
	State owned but not in use	94.0

11674

mp styx - Camp Styx
CATION Camp Styx area - 7 mi. south
of Columbia
DEED OUT

CITY Lexington
OR State of S.C.
EE 7.3 acres
ED RECORDED: Oct. 23, 1953
TRIBUTIONS

EXHIBIT

JAN 26 1988 No. 11

STATE BUDGET & CONTROL BOARD

SOUTH CAROLINA

Grantor,

TO

TITLE TO REAL ESTATE

SOUTHERN SILICA MINING AND
MANUFACTURING COMPANY,

Grantee.

WHEREAS, on April 1, 1913, Pickens C. Price conveyed to the State of South Carolina a tract of land in Lexington County, South Carolina, containing one thousand seven acres (1,007), more or less, to be used as a camp site and rifle range for the organized Militia for the State of South Carolina; and

WHEREAS, said tract of land was later abandoned as a camp site and rifle range and the custody and care of said tract was turned over by the Adjutant General's Department to The Sinking Fund Commission; and

WHEREAS, under Reorganization Plan No. 2, adopted by the 1950 General Assembly of South Carolina, the duties and powers vested in the State Sinking Fund Commission were transferred to the State Budget and Control Board, effective July 1, 1950;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That the State of South Carolina acting through The Budget and Control Board of the State of South Carolina, successor to the Sinking Fund Commission, for and in consideration of the sum of Eleven Hundred Four and 00/100 (\$1,104.00) Dollars to it in hand paid by the Southern Silica Mining and Manufacturing Company, in the state aforesaid, has granted, bargained, sold and released and by these presents do grant, bargain, sell and

EXHIBIT

JAN 26 1988

NO. 12

STATE BUDGET & CONTROL BOARD

STATE BUDGET AND CONTROL BOARD

REGULAR SESSION

MEETING OF January 26, 1988

ITEM NUMBER

8

AGENCY: General Services

SUBJECT: Easements

The Division of General Services recommends that the Board approve the following easements in accord with Code Section 1-11-80:

1. County Location: Greenville
From: State of South Carolina
To: Commissioners of Public Works, City of Greenville
Description/Purpose: Relocate an underground pipeline on the Greenville Farmers' Market property
Consideration: In kind
2. County Location: Berkeley; Charleston
From: State of SC, Budget and Control Board
To: Berkeley County Electric Cooperative, Inc.
Description/Purpose: Install, operate and maintain subaqueous electrical cables across the Kiawah River and adjacent marsh from Johns Island to Kiawah Island in Charleston County
Consideration: \$2,323

\$2,232
WAm

BOARD ACTION REQUESTED:

In accord with Code Section 1-11-80, approve the following easements:

- (a) To the Commissioners of Public Works, City of Greenville to relocate an underground pipeline on the Greenville Farmers' Market property;
- (b) To Berkeley County Electric Cooperative, Inc. to install, operate and maintain subaqueous electrical cables across the Kiawah River and adjacent marsh from Johns Island to Kiawah Island in Charleston County.

Subject to approval by the Coastal Council

ATTACHMENTS:

Agenda item worksheets; referenced easements

11676

EXHIBIT

JAN 26 1988

NO. 12

STATE BUDGET & CONTROL BOARD

§ 1-11-80. Board authorized to grant easements for public utilities on vacant State lands.

The State Budget and Control Board is authorized to grant easements and rights of way to any person for construction and maintenance of power lines, pipe lines, water and sewer lines and railroad facilities over, on or under such vacant lands or marshland as are owned by the State, upon payment of the reasonable value thereof.

HISTORY: 1962 Code § 1-357.1; 1963 (53) 177.

Cross references—

As to sale or donation of, or rights of way over, public lands, see SC Const, Art 3, § 31.

11677

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

For meeting scheduled for:

January 26, 1988

☒ Blue Agenda
☐ Regular Session Agenda
☐ Executive Session Agenda

1. Submitted By:

(a) Agency: Division of General Services

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

2. Subject: Utility Easement from the State of South Carolina to the Commissioners of Public Works of the City of Greenville.

3. Summary Background Information:

This is a proposed easement from the State to the Commissioners of Public Works of the City of Greenville for the purpose of relocating an underground pipeline on the Greenville Farmers' Market property.

The SC Department of Agriculture advanced \$68,988 to the Commissioners of Public Works for the project. The Department of Agriculture is unable to recoup any monies left over from the project until the easement is granted. Also, once the easement is granted the Public Works department will release the existing rights-of-way on the property. The value in kind received by the Department of Agriculture by virtue of the improved water service being provided constitutes compensation for this grant.

Title to the property rests in the State of South Carolina.

4. What is Board asked to do?

Grant the proposed easement in accordance with §1-11-80 of the Code of Laws of South Carolina, 1976, as amended.

EXHIBIT

JAN 26 1988

NO. 12

5. What is recommendation of the Board Division involved?

That the proposed easement be granted in accordance with §1-11-80 of the Code of Laws of South Carolina, 1976, as amended.

~~STATE BUDGET & CONTROL BOARD~~

6. Recommendation of other office (as required)?

(a) Office Name _____ (b) Signature _____

7. Supporting Documents:

- | List Those Attached | List Those Not Attached But Available from Submitter |
|--|--|
| 1. Easement | |
| 2. Copy of letter dated 10/10/85 addressing cost for construction. | |
| 3. Copy of letter dated 12/01/87 outlining history of project. | |
| 4. Copy of §1-11-80. | |
| 5. Exhibit A (Drawing showing location of pipeline). | |
| 6. Exhibit B (Drawing showing courses and distances of pipeline). | |

List Those Not Attached But Available from Submitter

11578

EXHIBIT
NO. 12
JAN 26 1988
STATE BUDGET & CONTROL BOARD

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

DEED TO RIGHT OF WAY AND RELEASE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, That State of South Carolina

for and in consideration of the premises and the sum of One Dollar and No/100 Dollars to in hand paid by the Commissioners of Public Works of the City of Greenville, S. C., the receipt whereof is hereby acknowledged, do hereby give and grant unto the said Commissioners of Public Works, its successors and assigns, the right, privilege and easement to go in and upon that tract of land situated in _____ Township, in the County and State aforesaid, more particularly described as follows:

All that piece, parcel or tract of land, situate, lying and being on the southeastern side of Rutherford Road in Greenville County, South Carolina, and being more fully described in a certain deed from Greenville County, South Carolina to The State of South Carolina dated November 7, 1979 and recorded on August 25, 1980 in the RMC Office for Greenville County in Deed Book 1132, at Page 356.

and to construct and maintain in, upon and through said premises, in a proper manner, a pipe line, air vents, blow off connections, manholes and other necessary apparatus incident thereto, using the necessary appliances and machinery for such work for the purpose of conveying water through the premises above described, together with the right at all times to enter upon said premises for the purpose of inspecting said line and making necessary repairs and alterations thereon, together with the right to clear the full right of way granted herein and to keep the permanent portion of said right of way cleared of all trees, vegetation and any other obstructions that may, in the opinion of the Grantee, in any way endanger or interfere with the proper operation of, or access to, the same.

It is understood and agreed that:

1. The right of way granted under this agreement is of such dimensions as shown on the plat marked "Pipeline Right of Way Greenville County, Greenville State Farmer's Market" to Commissioners of Public Works of the City of Greenville, S. C., attached hereto and made a part hereof. The damage which the Grantee is to be liable for during construction is to be confined to the construction right of way and nothing beyond. The location of the pipe line to be installed is to be approximately along the line now located and staked out by the engineers, subject to a variation of not exceeding five feet either way, and the location of the pipe line will determine the definite location of the right of way herein granted. The entire right of way shall be cleared and used for the purpose of installing the pipe line. The location of the pipe line within the right of way shall be as indicated on the above referenced plat.

2. All timber cut from the right of way shall be placed at the edge of the right of way on the land of the Grantor(s) and shall be the property of the Grantor(s) unless otherwise mutually agreed upon.

3. Grantor(s) shall have the right to cultivate and use the permanent right of way strip of land, provided such use thereof will not interfere with the proper maintenance and/or free access to the pipe line to be installed under this agreement. No building, septic tank, underground tank, burial ground or any structure shall be placed on the permanent right of way. Existing fences will be restored after construction, including gates to permit Grantee access. Future fences are permissible, subject to written approval by the Grantee, and the Grantor(s) shall provide an approved gate or gates for Grantee access. No other use of the permanent right of way shall be permitted without prior written consent of the Grantee.

4. Grantor(s) grants the Grantee the right of ingress to and egress from said right of way strip over and across the other lands of the Grantor(s) by means of existing roads and lanes thereon, adjacent thereto, or crossing said strip. Grantee will repair any actual damage it may do to Grantor's private roads or lanes and will reimburse Grantor(s) for any actual damage not repaired which is caused by the exercise of the right of ingress and egress.

5. The failure of the Grantee to exercise any of the rights herein granted at any time or from time to time shall not be construed as a waiver or abandonment of such rights.

6. The payment above specified covers compensation for the full right of way and easement, and also covers all claims for damages along said right of way resulting from construction of the pipe line to be laid.

7. In case of future damages to property or crops resulting directly from an accident on the pipe line, the Grantee, shall, at its sole option, either restore the property to its approximate original condition or shall pay the actual damages resulting directly therefrom.

Together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the Grantee and the Grantee's successors and assigns, forever. And, the Grantor(s) do(es) hereby bind the Grantor(s) and the Grantor(s)' heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the Grantee and the Grantee's successors and assigns against the Grantor(s) and the Grantor(s)' heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the Grantor's(e) hand(s) and seal(s) this 27th day of January, 19 88.

SIGNED, sealed and delivered in the presence of

State of South Carolina (SEAL)

By: [Signature] (SEAL)

(SEAL)

(SEAL)

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)

PROBATE (by its duly authorized officer)

Personally appeared the undersigned witness and made oath that (s)he saw the within named Grantor(s) sign, seal and as the Grantor(s)' act and deed deliver the within written deed and that (s)he, with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this 27th day of January, 19 88

[Signature] (SEAL)

[Signature]

Notary Public for South Carolina
My commission expires: 3-21-95

STATE OF SOUTH CAROLINA)
COUNTY OF _____)

RENUNCIATION OF DOWER N/A

I, the undersigned Notary Public, do hereby certify unto all whom it may concern, that the undersigned wife (wives) of the above named Grantor(s) respectively, did this day appear before me, and each, upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person whomsoever, renounce, release and forever relinquish unto the Grantee and the Grantee's successors and assigns, all her interest and estate, and all her right and claim of dower of, in and to all and singular the premises within mentioned and released.

GIVEN under my hand and seal this _____ day of _____, 19 _____

11679

(SEAL)

Notary Public for South Carolina
My commission expires: _____

RECORDED this _____ day of _____, 19 _____ at _____ M., No. _____

MORTGAGE RELEASE

Witness our hand and seal this _____ day of _____, 19____.

$$-(LS)$$

PROBATE

day of _____, 19 ____

 $-(LS)$

DEED TO RIGHT-OF-WAY AND RELEASE AGREEMENT

To

THE COMMISSIONERS OF PUBLIC
WORKS OF THE CITY OF
GREENVILLE, SOUTH CAROLINA

State of South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF Greenville

I hereby certify that the within Deed has been
this _____ day of _____
A. D. 19 _____ recorded _____
in Book _____ of Deeds, page _____
at _____ o'clock _____ M.

Register of Mesne Conveyance
for _____ County.

EXHIBIT

JAN 26 1988 NO. 12

STATE BUDGET & CONTROL BOARD

Pipe Line Right OF WAY

Greenville State Farmers Market
to
Commissioners of Public Works
of the City of Greenville
September 24, 1986

GREENVILLE STATE FARMERS MARKET

SEPT, 1986 BLK. BK. P11-2-12 SCALE 1"=100'

BLK. BK. NO. P11-2-12



11681

EXHIBIT A



EXHIBIT B

EXHIBIT
JAN 26 1988 NO. 12
STATE BUDGET & CONTROL BOARD

Greenville Water System



COMMISSIONERS OF PUBLIC WORKS OF THE CITY OF GREENVILLE, S. C.

COMMISSIONERS

SAM R. ZIMMERMAN, JR.
Chairman

PAUL C. AUGHTRY, JR.
Vice-Chairman

VARDRY D. RAMSEUR III

W. D. WORKMAN III
Mayor/Ex Officio

JAMES W. SNYDER, JR.
Councilman/Ex Officio

OFFICERS

M. C. MOELLER
General Manager

L. B. STOVALL
Assistant Manager
Engineering & Operations

E. DEAN MULLINAX
Assistant Manager
Administration & Finance

October 10, 1985

EXHIBIT

JAN 26 1988

NO. 12

STATE BUDGET & CONTROL BOARD

Mr. Jack Watson, Market Manager
S. C. Dept. of Agriculture
Greenville State Farmers' Market
Route 5, 1354 Rutherford Road
Greenville, South Carolina 29609

Dear Mr. Watson:

Enclosed is our drawing showing replacement of our two 12-inch water lines with a 16-inch main routed so as not to interfere with presently planned new construction. The drawing also indicates right-of-way changes required.

Our estimated cost for this work is \$68,988.00 and we ask that your check for this amount be deposited with us to order material and place this work on our construction schedule.

After the work is completed, we will prepare a bill for the actual cost, and if the amount is less than the deposit, you will receive a refund for the balance. If the actual cost is more than the deposit, you will be billed for the difference.

Sincerely,

GREENVILLE WATER SYSTEM

L. B. Stovall
Assistant Manager
Engineering & Operations

LBS:prl

enclosure

PROTECTING THE QUALITY OF LIFE

11683



D. Leslie Tindal, Commissioner

State of South Carolina
Department of Agriculture

GREENVILLE STATE FARMERS MARKET

EXHIBIT

JAN 26 1988

NO. 12

STATE BUDGET & CONTROL BOARD

1354 Rutherford Rd.
Greenville, S.C. 29609

Telephone: (803) 244-4023

December 1, 1987

Ms. Marcia Szerlip
Assistant Attorney General
Office of Property Management
101 Main St.
Suite 410
Columbia, South Carolina 29201

RECEIVED
DEC 03 1987
DIV. OF GEN. SERVICES
PROPERTY MANAGEMENT

RE: Utility rights-of-way, Greenville State Farmers Market

Ms. Szerlip:

As requested by your secretary Ms. Bigony, I have enclosed copies of the original deed (Greenville County to State of South Carolina) referencing the rights-of-way (see page 2) for installation and maintenance of cement water lines through the properties. A copy of the portion of the recorded plat showing these lines along with a larger revision (attachment 2) as executed in 1980 are also enclosed for your review.

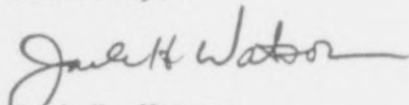
I have written Mr. Lynn Stovall, Assistant Manager for Engineering and Operations of the Greenville Water System, (copy enclosed) with regard to the second request addressing release of these existing rights-of-way. Mr. Stovall indicated by telephone sometime earlier that releases would be granted subsequent to the approval of the proposed right-of-way on the new 16-inch water main. This whole matter is further complicated by the facts that 1) the new water main is in place and has been in service since late 1986, 2) the old cement mains have been removed and the entire site excavated in preparation for a building program, and 3) the consequential result that both parties are placed in the position of being somewhat overly protective of their interests.

Details of this construction were worked out in advance by mutual agreement between the S.C. Department of Agriculture and the Greenville Water System (ref.- October 10, 1985, letter enclosed). All construction has been at the expense of the S.C. Department of Agriculture (under prior approval of the Budget and Control Board) with direct results of efforts to coordinate and expedite yielding savings of thousands of dollars.

11684

I would be pleased to provide further details of this matter either by telephone or in person as may best suit your schedule. Your assistance in this endeavor is greatly appreciated.

Sincerely,



Jack H. Watson

JHW:ss

enclosures: Deed - 1
Plats - 2
Copies of correspondence - 2

11585

BUDGET AND CONTROL BOARD AGENDA ITEM WORKSHEET

For meeting scheduled for:

January 26, 1988

☒ Blue Agenda
☐ Regular Session Agenda
☐ Executive Session Agenda

1. Submitted By:

(a) Agency: Division of General Services

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

2. Subject:

Right-of-Way Easement from the State of South Carolina, Budget and Control Board to Berkeley County Electric Cooperative, Inc.

3. Summary Background Information:

This is an easement from the State to Berkeley County Electric Cooperative, Inc., for the purpose of installing, operating and maintaining subaqueous electrical cables across the Kiawah River and adjacent marsh from Johns Island to Kiawah Island to provide additional electric service to Kiawah Island in Charleston County, South Carolina.

This easement has been reviewed and approved by the Attorney General's Office and has been executed by Mr. E. E. Strickland, Executive Vice President and General Manager, on behalf of the Cooperative.

Consideration in the amount of Two Thousand Two Hundred Thirty-two and NO/100 (\$2,323.00) Dollars has been paid by the Cooperative for the easement area which involves 11.61 acres of State-owned land. Consideration was calculated based upon an assumed value of \$200 per acre.

4. What is Board asked to do?

Grant the proposed easement in accordance with §1-11-80 of the Code of Laws of South Carolina, 1976, as amended.

5. What is recommendation of the Board Division involved?

That the proposed easement be granted in accordance with §1-11-80 of the Code of Laws of South Carolina, 1976, as amended.

6. Recommendation of other office (as required).

(a) Office Name:

(b) Authorized Signature:

7. Supporting Documents:

List Those Attached

List Those Not Attached But Available from Submitter

1. Original Easement (6 Pages).
2. Exhibit A (Plat dated 07/23/86, revised 10/09/86).
3. Copy of statement of resolution authorizing Cooperative to enter into the easement agreement dated 01/04/88.
4. Copy of §1-11-80 of the Code of Laws of South Carolina, 1976, as amended.

11686

EXHIBIT

JAN 26 1988

NO. 12

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

STATE BUDGET & CONTROL BOARD
EASEMENT

THIS EASEMENT, made and entered into this 29th day of December, 1987, by and between the State of South Carolina, Budget and Control Board, as Grantor (hereinafter "STATE"), and Berkeley Electric Cooperative, Inc., as Grantee (hereinafter "COOPERATIVE").

WITNESSETH

WHEREAS, COOPERATIVE is a member-owned, private rural electric cooperative serving consumers in Berkeley, Charleston and Dorchester Counties in South Carolina. COOPERATIVE's mailing address is Post Office Box 1234, Moncks Corner, South Carolina 29461; and

WHEREAS, COOPERATIVE proposes to install, operate and maintain subaqueous electrical cables across the Kiawah River and adjacent marsh from Johns Island to Kiawah Island to provide additional electric service to Kiawah Island in Charleston County, South Carolina. The easement area is more particularly shown and delineated on plat entitled "PLAT OF 60' ELECTRICAL CABLE EASEMENT OWNED BY SOUTH CAROLINA COASTAL COUNCIL," Sheets 1, 2 and 3, dated July 23, 1986, revised October 9, 1986, which is attached hereto and incorporated herein by reference as Exhibit A.

WHEREAS, pursuant to Section 1-11-80 of the South Carolina Code of Laws, 1976, as amended, the STATE is empowered to grant certain rights-of-way or easements through and over riverbeds and marshlands for construction, operation, and maintenance of

11687

electrical cables over, on, or under such land or marshland as are owned by the STATE; and

WHEREAS, COOPERATIVE is desirous of obtaining the hereinafter described easement through and over riverbeds and marshlands in Charleston County, and the STATE considers the granting of such an easement to be in the public interest.

NOW, THEREFORE, the STATE as Grantor, in consideration of the sum of One (\$1.00) Dollar and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant, remise, and release unto COOPERATIVE, its successors and assigns, a right-of-way easement in, to, upon and over the below described portion of riverbed and marshland; such riverbed and marshland situate in Charleston County and lying below the mean high water line.

This Easement of right-of-way shall be used solely for the purposes incidental with the construction, installation, operation and maintenance of said subaqueous electrical cables across the Kiawah River and adjacent marshes in Charleston County, South Carolina. The easement area is more particularly described as follows:

A 60' Electrical Easement involving lowland designated as Parcels "C-1", "C-2" and "C-3" and extending through Kiawah Marsh from Johns Island, beginning at the northwest point of the 60 foot Electrical Easement; thence, South 86 Degrees 19 Minutes East, for a distance of 60.42 feet; thence, South 03 Degrees 12 Minutes East, for a distance of 1653.52 feet; thence, South 06 Degrees 26 Minutes West, for a distance of 5829.96 feet; thence, South 29 Degrees 44 Minutes East, for a distance of 312.99 feet; thence, South 25 Degrees 20 Minutes East, for a distance of 196.93 feet; thence, South 03 Degrees 42 Minutes West, for a distance of 54.33 feet to the highwater line; thence, North 86 Degrees 18 Minutes West, for a distance of 60 feet; thence, North 03 Degrees 42 Minutes East, for a distance of 38.79 feet; thence, North 25 Degrees 20 Minutes West, for a distance of 179.17 feet; thence, North 29 Degrees 44 Minutes West, for a distance of 330.28 feet; thence, North 06 Degrees 26 Minutes East, for a distance of 5844.49 feet; thence, North 03 Degrees 12 Minutes West, for a distance of 1655.70 feet to the point of beginning.

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The subaqueous electrical cables and easement area are more particularly shown and delineated on plats entitled "PLAT OF 60' ELECTRICAL CABLE EASEMENT OWNED BY SOUTH CAROLINA COASTAL COUNCIL," sheets 1, 2 and 3, dated July 23, 1986, revised October 9, 1986, which is attached hereto and incorporated herein by reference as Exhibit A.

This easement of right-of-way is subject to all easements and rights-of-way of record or which may be revealed by inspection of the property and extends only to the STATE's prima facie ownership.

COOPERATIVE hereby agrees and covenants with the STATE that COOPERATIVE, its successors and assigns, shall not block or obstruct navigable waters or cause unreasonable adverse impact on fish, wildlife, or water quality in its use of the easement area. COOPERATIVE shall use the easement area solely for the purposes incidental with the construction, operation, and maintenance of said subaqueous electrical cables, and shall maintain such easement area and electrical cables in good condition.

COOPERATIVE further agrees and covenants that COOPERATIVE shall indemnify and hold harmless the STATE from and against any and all liabilities, claims, causes of action and expenses including, but not limited to, reasonable costs and attorney fees, resulting from bodily injury or death to any person or persons or damage to any property at any time that arises from or is incident to the construction, operation, maintenance, or use of the easement granted herein.

In the event of major maintenance, after construction, affecting the bed of the waterway, the South Carolina Coastal Council and the South Carolina Water Resources Commission shall be notified in writing prior thereto.

EXHIBIT

JAN 26 1988

NO. 12

STATE BUDGET & CONTROL BOARD

COOPERATIVE will comply with and be bound by any and all applicable State statutes, regulations and terms and conditions of any permits or agreements concerning this project and any and all lands and waters involved therewith.

This Easement may be terminated by the STATE, in its discretion and such interests as the STATE may have shall revert to the STATE if COOPERATIVE, its successors and assigns: (1) quits and abandons all use of such electrical cables, in which case this easement of right-of-way shall terminate thirty (30) days after the date of such abandonment; or (2) continues an uncorrected violation or breach of any of the terms and conditions herein.

It is further understood and agreed that this easement is not to be construed as an easement granted to the exclusion of the STATE or to others later granted a similar right. This easement is subject to all easements, permits, restrictions and covenants of record, or of plats of record, or which may be revealed upon inspection of the property.

IN WITNESS WHEREOF, this instrument is being executed in accordance with the action of the South Carolina Budget and Control Board at its meeting held on the 26th day of January, ^{1988.}~~1987.~~

WITNESSES:

Willie J. Cox
Richard E. McLaurin

STATE OF SOUTH CAROLINA
BUDGET & CONTROL BOARD

BY: Carroll A. Campbell, Jr.
Governor Carroll A. Campbell, Jr.
Chairman

(signatures continue)

Henry V. Dupree
John G. Kilgore

BERKELEY ELECTRIC COOPERATIVE, INC.

BY: E. E. Stiller

TITLE: Exec. Vice President and
General Manager

ATTORNEY GENERAL'S OFFICE

Approved: Kenneth P. Worley

EXHIBIT

JAN 26 1988 NO. 12

STATE BUDGET & CONTROL BOARD

11691

EXHIBIT

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

JAN 26 1988 NO. 12

STATE BUDGET & CONTROL BOARD

PERSONALLY appeared before me Willie L. Catoe
and made oath that he/she saw the within named State of South
Carolina, Budget and Control Board, by its Chairman, Governor
Carroll A. Campbell, Jr., sign, seal, and as its act and deed
deliver the within written Easement, and that he/she, along with
Richard E. McLawhorn witnessed the execution thereof.

Willie L. Catoe

SWORN to before me this 27th

day of January, 1987.

Joye Adkins (L.S.)
Notary Public for South Carolina

My Commission Expires: 3-21-95

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

PERSONALLY appeared before me Henry V. Dupree
and made oath that he/she saw the within named Berkeley Electric
Cooperative, Inc., by E. E. Strickland, its
Exec. V. Pres. & Gen. Man., sign, seal, and as its act and deed
deliver the within written Easement, and that he/she, along with
John J. Villeponteaux, witnessed the execution thereof.

Henry V. Dupree
Henry V. Dupree
Manager of Operations and
Engineering

SWORN to before me this 29th

day of December, 1987.

John J. Villeponteaux (L.S.)
Notary Public for South Carolina

My Commission Expires: 5/4/94

11692



BERKELEY
ELECTRIC COOPERATIVE INCORPORATED

EXHIBIT

JAN 26 1988

NO. 12

STATE BUDGET & CONTROL BOARD

P. O. Box 1234 • Moncks Corner, South Carolina 29461 • (803) 761-8200

CERTIFICATION

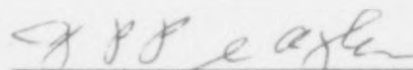
I, J. P. Peagler, do hereby certify that: I am Secretary of Berkeley Electric Cooperative, Inc. (hereinafter called the "Cooperative"); the following is a true and correct copy of a resolution adopted by the Board of Trustees of the Cooperative at a regular meeting held on January 4, 1988, and entered in the minute book of the Cooperative; the meeting was duly and regularly called and due notice thereof given in accordance with the bylaws of the Cooperative; and said resolution has not been rescinded or modified:

WHEREAS, the State of South Carolina has authorized a right-of-way cross the Kiawah River for installation of an electrical cable; and

WHEREAS, the right-of-way requires payment of Two Thousand Two Hundred Thirty-two and 00/100 (\$2,232.00) Dollars from Berkeley Electric Cooperative, Inc. to the State of South Carolina, it is therefore

RESOLVED, that the Executive Vice-President and General Manager is authorized to pay the sum of Two Thousand Two Hundred Thirty-two and 00/100 (\$2,232.00) Dollars to the State of South Carolina and execute the Easement Agreement between Berkeley Electric Cooperative, Inc. and the State of South Carolina regarding said cable crossing easement.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Cooperative this 4th day of January, 1988.


J. P. Peagler, Secretary

DISTRICT OFFICES

P. O. Box 128 • Johns Island, South Carolina 29455 • (803) 559-2458
P. O. Box 969 • Goose Creek, South Carolina 29445 • (803) 553-5020
3745 N. Hwy 17 • Awendaw, South Carolina 29429 • (803) 884-7525

1693