

MINUTES
LEXINGTON COUNTY COUNCIL
FEBRUARY 10, 2004

Lexington County Council held its regular meeting on Tuesday, February 10, 2004 in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Rucker gave the invocation; Mr. Derrick led the Pledge of Allegiance.

Members attending: George H. Smokey Davis William C. Billy Derrick
 Bobby C. Keisler Johnny W. Jeffcoat
 M. Todd Cullum Jacob R. Wilkerson
 John W. Carrigg, Jr. Bruce E. Rucker
 Joseph W. Joe Owens

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

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

Due to inclement weather, the January 27, 2004 Council meeting was cancelled and combined with the February 10, 2004 agenda.

Appointment of Parliamentarian - Mr. Davis appointed Mr. Wilkerson as the Parliamentarian.

Employee Recognition - Art Brooks, County Administrator - Mr. Brooks recognized Ms. Cheryl Huntley, Data Entry Operator, in the Auditor's Office for her excellent customer service while assisting a citizen with a tax notice problem.

Mr. Tom Doubrey, Assistant Deputy Tax Collector, Treasurer's Office was also recognized for his professional and courteous manner when he conducted a follow-up interview at the citizen's residence regarding the tax notice problem. However, while conducting the home interview, the resident experienced a seizure in which Mr. Doubrey was able to keep the resident alert until medical help arrived. Mr. Brooks stated Mr. Doubrey also received a certificate of recognition from the S.C. Senate for his valiant and unselfish efforts.

Employee of the Quarter - Art Brooks, County Administrator - Nominees for the Fourth Quarter - Sharon Willis, Clerk, Community and Economic Development and Employee Committee

Chairperson; Hope Frick, Deputy Clerk/General Sessions, Clerk of Court; Charles Garren, Franchise and Collection Station Supervisor, Solid Waste Management; Mona Rogers, Real Estate Coordinator, Auditor's Office; D. J. Yandle, Chief Court Administrator, Magistrate Court Services; Judy Busbee, Personnel Assistant, Personnel Department.

Ms. Willis was nominated for her leadership with the Lexington County Employees' Committee and her devoted efforts toward employee appreciation.

Ms. Frick was nominated for her patient efforts with a new staff and her willingness to always do more than expected when assisting the public.

Mr. Garren was nominated for his leadership during the transition of the new garbage franchise providers and in creating a database of statistical information that is very valuable for future planning in the franchising areas.

Ms. Rogers was nominated for her steadfast efforts to organize and update the taxable personal property database and her ability to learn and train other functions within the Auditor's office.

Mr. Yandle was nominated for his dedication to Magistrate Court Services. Mr. Brooks stated Mr. Yandle balanced his day-to-day responsibilities with the recent construction/renovation of three magistrates' offices with a positive and upbeat attitude.

Ms. Busbee was nominated for her upbeat attitude and providing "top notch" support on special projects when called upon by the Personnel Department.

Mr. Brooks presented a plaque to Ms. Judy Busbee as the Employee of the Fourth Quarter and Certificates of Excellence were presented to Sharon Willis, Hope Frick, Charles Garren, Mona Rogers. D. J. Yandle was not present during the presentation.

Resolution - Lexington County Emergency Medical Services - A motion was made by Mr. Derrick; seconded by Mr. Cullum that the resolution be adopted.

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

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Cullum	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Appointments - Accommodations Tax Board - Ms. Angela Ecton - A motion was made by Mr. Carrigg; seconded by Mr. Jeffcoat to reappoint Ms. Angela Ecton to the Accommodations Tax Board.

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

In Favor: Mr. Davis Mr. Carrigg
 Mr. Jeffcoat Mr. Rucker
 Mr. Derrick Mr. Wilkerson
 Mr. Keisler Mr. Owens
 Mr. Cullum

Mr. Carrigg stated the standards for the Accommodations Tax Board have become more stringent and he has been diligently searching for a nomination from the hospitality industry and apologized for not having a nomination for this meeting.

Lexington/Richland Alcohol & Drug Abuse Council - Mr. Buddy Wilson - A motion was made by Mr. Jeffcoat; seconded by Mr. Wilkerson to reappoint Mr. Buddy Wilson to the Lexington/Richland Alcohol & Drug Abuse Council.

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

In Favor: Mr. Davis Mr. Jeffcoat
 Mr. Wilkerson Mr. Rucker
 Mr. Derrick Mr. Keisler
 Mr. Carrigg Mr. Owens
 Mr. Cullum

Temporary Sign and Permitting Committee - Mr. Brad Bessent - A motion was made by Mr. Jeffcoat; seconded by Mr. Derrick to appoint Mr. Brad Bessent to the Temporary Sign and Permitting Committee.

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

In Favor: Mr. Davis Mr. Jeffcoat
 Mr. Derrick Mr. Rucker
 Mr. Wilkerson Mr. Keisler
 Mr. Carrigg Mr. Owens
 Mr. Cullum

Temporary Sign and Permitting Committee - Mr. Jim S. Sexton, Jr. - A motion was made by Mr. Cullum; seconded by Mr. Wilkerson to appoint Mr. Jim S. Sexton, Jr. to the Temporary Sign and Permitting Committee.

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

In Favor: Mr. Davis Mr. Cullum

Mr. Wilkerson	Mr. Rucker
Mr. Derrick	Mr. Keisler
Mr. Jeffcoat	Mr. Carrigg
Mr. Owens	

Library Board - Mr. Ray Sharpe - A motion was made by Mr. Cullum; seconded by Mr. Rucker to appoint Mr. Ray Sharpe to the Library Board.

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

In Favor:	Mr. Davis	Mr. Cullum
	Mr. Rucker	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Health Services District Board of Directors - Mr. John R. Caughman - A motion was made by Mr. Derrick; seconded by Mr. Jeffcoat to reappoint Mr. John R. Caughman to the Health Services District Board of Directors.

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

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Jeffcoat	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Temporary Sign and Permitting Committee - Mr. Craig Lemrow - A motion was made by Mr. Derrick; seconded by Mr. Cullum to appoint Mr. Craig Lemrow to the Temporary Sign and Permitting Committee.

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

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Cullum	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Bids/Purchases/RFPs - A motion was made by Mr. Rucker; seconded by Mr. Jeffcoat that the following bids be approved.

Computer Hardware (Disk Storage) - Information Services - Staff recommended the purchase of one (1) 1.5 terabytes of additional disk storage. The additional disk storage will enhance the storage capacity of the County's network attached storage (NAS) device. The computer hardware will be purchased directly from Dell Computer through State Contract Number 03-S5869-A9659. The cost including tax is \$8,232.68.

(2) 750 GPM Tankers and (1) 1500 GPM Pumper - Public Safety/Fire Service - Bids were advertised and solicited for two (2) 750 GPM tankers and one (1) 1500 GPM pumper for Public Safety/Fire Service. Two (2) bids and two (2) no bids were received. The bid document was set up to provide pricing for pumper equipment as an option. A replacement schedule has been established to replace aging tankers as well as increase their water carrying capacity. The new tankers carry 1500 gallons of water instead of 1000 gallons, which in some cases reduces the number of tankers that are needed to obtain needed water supply. The current pumpers in service were purchased in 1975 and have pumping capacities of 750 GPM to 1000 GPM. These pumpers have an anticipated life expectancy of approximately 12-15 years. Based on these facts, a replacement schedule has been developed to replace these older pumpers and increase the pumping capacity to 1500 GPM. Staff recommended to award the contract to Slagle's Fire Equipment Company in the amount of \$666,327.61 including tax and optional equipment.

Motorola Replacement Batteries - Sheriff's Department - Staff recommended the establishment of a blanket purchase order to Motorola for replacement batteries for the Sheriff's Department. A minimum of two (2) batteries per officer are needed annually for the operation of their 800 MHZ radio which is used for communication and to improve officer safety. The unit price of each battery is \$93.45 including tax. The batteries will be purchased directly from Motorola through State Contract Number OIR2002.07. The blanket purchase order in the amount of \$28,035.00 including tax will be for a period of one (1) year.

Omnitrak Latent Station and Color Video Printer - Sheriff's Department - Bids were advertised and solicited from qualified vendors for an Omnitrak latent station and color video printer for the Sheriff's Department. One (1) bid and one (1) no bid were received. The Omnitrak latent station is a system that reads and accesses S.C. Law Enforcement fingerprint records on a statewide basis increasing the success rate on matching suspect latent prints. The color video printer is located at the Omnitrak latent station and allows the printing of a hard photo of the image on the screen which will be used for court, charting purposes, and aiding documentation of crimes. The cost of the Omnitrak latent station is \$131,250.00 and the cost of the color video printer is \$10,080.00. Staff recommended to award the contract to Motorola, Incorporated in the amount of \$141,330.00 including tax and freight.

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

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Jeffcoat	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler

Mr. Carrigg
Mr. Cullum

Mr. Owens

Audit Report and Findings and Presentation of CAFR - Mr. Ken Prince - Brittingham, Dial and Jeffcoat, CPA's - Mr. Prince thanked staff in assisting his firm during the audit process.

Mr. Prince stated that Brittingham, Dial and Jeffcoat, CPA's issued the audit report with no qualifications, no material weaknesses or compliance findings. He said this is about the best you can obtain for an overall audit report. He also stated GASB statement #34 was implemented this year which is a new method in presenting financial statements required by the Governmental Auditing Standards.

Mr. Prince stated Brittingham, Dial and Jeffcoat, CPA's found the County to be fiscally responsible and budgetarily conscious. He stated the General Funds and the Special Revenue Fund reflect a favorable budget actual variance, which shows again the County being fiscally responsible and stayed within budget constraints.

He stated the General Fund revenues exceeded expenditures after transfers by \$3,133,663 resulting in a fund balance of \$36,370,993 of which \$20 million is undesignated and unreserved. He said the fund balance is sufficient to cover approximately ninety days of operation which is important when you consider 60 percent of our revenues are tax revenues which come in the last part of the fiscal year.

Mr. Prince stated the Government Funds expenditures exceeded revenues and the fund balance decreased approximately \$7,617,000 which is primarily the result of the capital projects fund spending down the bond proceeds during the construction process.

He stated the Proprietary Fund reflects revenues over expenditures of \$64,913.00 with ending net assets of \$4,537,565. He said with the implementation of GASB #34 there is a new section in the report, the Management Discussion and Analysis, which goes into a greater detail of financial transactions of the County. He stated the Management Discussion and Analysis combined with the Notes of Financial Statements and the Transmittal Letter gives the reader a greater understanding of the financial statements this year.

Mr. Prince presented an Audit Results to Council which is a management letter that he is required to make. Mr. Prince stated the only section in the Audit Results that has a recommended action is the Solicitor's Office (page 4).

Mr. Prince stated since he issued the Audit Results, the Solicitor's office has contacted him and furnished him with additional information. He stated the Solicitor's office furnished him a copy of the court order transferring funds, over to what we thought was going into one fund and put into a Solicitor's fund. He also said the Solicitor's office has clarified or told him what their position is on disclosing this information to us and making audit reports available. He stated the Solicitor's

position is that the Eleventh Circuit Solicitor's office is responsible for all these items that I have mentioned in here in its entirety and that they come under the State audit, and as a subdivision of the State, they should be examined through their audit or an audit from the State Auditor's office and that none of this information, basically, is subject to my audit. He stated he is not saying that is right or wrong but is stating what their position is on that. He stated he believes that since the County provides substantial funding; office space; and County employees; the County has a vested interest in the operations of that office, and we have not been able to obtain any results of audit findings or audit consideration of their funding or expenditures and possibly have some concerns related to employee fringe benefits and federal reporting of compensation that could possibly be going on there since these are our employees, but if they are doing some paying of those things so I'm not really sure that we have our arms completely around all of the transactions in that office, but, I know we don't and is not sure where our responsibility takes up and someone else's leaves off. He stated it is an unusual arrangement we have with them whereby we furnish these people and they reimburse us for them and we don't really have any audit control or purview to look over what they are basically doing. He said it has been a concern of his to some extent and believes it is something that you (Council) need to look at and see if you are comfortable with, and if you are, then that's your decision to make.

Mr. Carrigg asked Mr. Prince, as he was discussing the findings of the Eleventh Circuit Solicitor's office with some changes of the Audit Results, if the position he has is still the same as it is in the Audit Results.

Mr. Prince stated his position is that there are some transactions going on there that, "I'm not sure, I can't make a legal decision or I can't make a legal conclusion to the fact whether or not any of that might become under our purview as far as being audited by us." He stated their (Solicitor's) position is that we have no audit responsibilities at all. He stated with his conversations with the State Auditor's office that they are woefully undermanned and they are not able to do audits of every entity that comes under their purview throughout the year. He stated they were engaging independent auditors, like myself and I did the S.C. Judicial Department one year, to go out and do some of these audits for them to help them to keep up but with budget cutbacks, they are not able to do them all; so, what I see are some areas that maybe are not getting audited that bear a great relation to the funding that we are providing.

Mr. Jeffcoat stated his understanding from Mr. Prince was that the State cannot afford the manpower to audit the books. Mr. Jeffcoat asked Mr. Prince when he approached the Solicitor's staff if they would not allow him access to the records so he could audit the funds.

Mr. Prince replied right.

Mr. Jeffcoat stated someone else is supposed to do the audit at the State level, according to their position, and asked Mr. Prince if he understood no one is auditing that either.

Mr. Prince replied not to my knowledge. He stated he asked specifically if they (Solicitor's office)

had been audited and he said they have had some in the past.

Mr. Jeffcoat replied in the past.

Mr. Prince also asked if there would be anything on the pretrial. He stated his original understanding was that the pretrial was in our area, but was given additional information that basically says it is the Eleventh Circuit's purview and has nothing to do with us, therefore, cannot make a legal decision if it is or not, but stated there have been some audits to that in the past, too, but said they have not been made available to him at all.

Mr. Jeffcoat stated that Mr. Prince was trying to audit the funds that this Council is responsible for.

Mr. Prince replied yes, correct. He stated there might be other funds involved. He stated if they spend money to pay these employees and then they submit bills to us and then we reimburse them for it and we furnish them office space then it would seem that you (Council) may want to look at some of those records to make sure that seems to be correct. He stated he believes the majority of the payroll part, since we process the payroll and they are our employees, we know that part is correct, but stated he does not know if they are maybe giving stipends, bonuses, supplementary salary and, has no idea, but if they were doing some of that, it could effect a liability for us (the County) since they are our employees for retirement benefits; FICA; federal and state reporting; it could be a wealth of things. He stated he did not know because he has not been given all the information.

Mr. Rucker asked Mr. Prince to explain his findings (page 4) regarding "During the fiscal year audit, drug forfeiture funds were remitted to the Solicitor's office by the Lexington County Sheriff's Department. The Solicitor's office states that these funds, by order of the circuit judge, were put into a special account for drug prosecution. We were unable to obtain any documentation to support the disposition and remaining balances of these funds." Mr. Rucker asked Mr. Prince to explain his recommendation.

Mr. Prince stated a check was cut from the Sheriff's Department to the Solicitor's office and the County has a forfeiture fund set up to handle those type of funds. He stated his belief is that those funds should have been deposited into that banking account that is maintained by the County Treasurer and handled through the County's administrative records. He stated since the time of this letter, and subsequent to that, the Solicitor called and responded to some of this and actually sent me a copy of the court order signed by the Judge saying that went into the Solicitor's office to be used at his discretion in a separate bank account there, which "I'm not sure that is what the intent was, but when they do that, it takes it out of ours."

Mr. Rucker asked Mr. Prince that his recommendation was that all transactions of this program should be administered through a single special revenue fund that is maintained by Lexington County, simply because Lexington County was where it was collected. Is that correct?

Mr. Prince stated since the Lexington County Sheriff wrote the check, he said he would assume that

it was in Lexington County but in talking with the Solicitor's office, their interpretation of this is that when he transferred that to the Solicitor's office, he could spend it anywhere; not just Lexington County.

Mr. Rucker asked Mr. Prince to expand on his findings of "Lexington County has established a special revenue fund to account for "State Solicitor Funds." Only a portion of receipts and disbursements are recorded?

Mr. Prince stated the Solicitor's office called and gave him additional information on this today, too, and what they say there is that McCormick County has been designated as the recipient county for these State funds, so therefore, those funds go to McCormick County, and then as we have expenditures, that those State funds reimburse us for; they in turn pay us, and so in our fund, we record only the things that directly affect our books and records; we do not have any control over what happens to the other State funds and wasn't even sure of that situation until today when they (Solicitor's office) told him that is the case; it is being handled under McCormick County and would be audited by the McCormick County auditors.

Mr. Carrigg asked why would they (McCormick County auditors) audit it?

Mr. Prince stated he (the Solicitor) has designated McCormick County as his "Home County."

Mr. Carrigg stated if it is the Eleventh Judicial Circuit and Lexington County doesn't audit it, why would McCormick County audit it?

Mr. Prince stated that is another situation he does not understand.

Mr. Carrigg stated he understood Mr. Prince to say that the Solicitor's position was that the State auditors would be the only ones with the authority to audit.

Mr. Prince stated that is what he is saying. He stated since they (Solicitor) deposit the money into McCormick with their treasurer, and then they pay them out when you give them a voucher, then he would think they would do an audit on the "in and out" from that standpoint.

Mr. Carrigg stated so you did audit some of the Solicitor's accounts.

Mr. Prince replied, yes. He stated he audited a lot of things. He stated in addition to these items mentioned, he audited State grants which go to the Solicitor's office. He said the County's grants department maintain, control and oversee a lot of that.

Mr. Cullum stated he understood Mr. Prince to say that Lexington County Sheriff's Department obtained funds through a drug forfeiture and the Solicitor has received his part and has deposited the funds into another County. Is that wrong?

Mr. Prince stated they (Solicitor) deposited those funds He stated he saw the court order that said that the money was to be given to the Solicitor for him to put into a separate bank account under his control to be used at his discretion to spend on whatever. It does not necessarily say that it stays in Lexington County.

Mr. Cullum stated the origin of the funds is from an agency of Lexington County.

Mr. Prince replied, yes. He stated the court makes the decision on how to split them up.

Mr. Cullum asked where does the account from McCormick County come into play.

Mr. Prince stated McCormick County gets the State Solicitor's funds; they have been determined to be the Home County, therefore, they do all the handling of his State funds and then he will request funds from there.

Mr. Cullum asked if they (McCormick County) provide him (Solicitor) with office space and a nice new courthouse, etc.

Mr. Prince stated they might provide some things, but was not sure.

Mr. Owens asked we are talking about \$52,000?

Mr. Prince replied only on one transaction, item 2 (page 4).

Mr. Owens stated the \$52,000 was forfeited by the Lexington County Sheriff's Department and a check written to the Solicitor's office and the funds deposited in McCormick County.

Mr. Prince stated, no. "The funds wound up in a separate checking account, I assume, I don't know where it went." He stated it went to the Solicitor's office and he is "suppose" to have deposited it in an account that he can do with as he pleases. He said he has not seen any bank accounts, deposit slips, or anything. He stated what they (Solicitor's office) are saying is that since this is State, it falls under the purview being Eleventh Circuit Solicitor, and has nothing to do with Lexington County and said that is what he was told.

Mr. Carrigg asked what is the total amount of money involved in the three "Action Required" items?

Mr. Prince stated he did not have the total information before him but did know that item #2 was for \$52,000.

Mr. Carrigg asked is Lexington County not designated as the Home County for the Solicitor's office anymore?

Mr. Prince replied, no sir.

Mr. Cullum asked when was that established?

Mr. Prince stated that changed a few years ago when there was some disagreement about possibly the way the County was funding them, etc.

Mr. Prince stated the whole reason for the information he provided in the Audit Results is because "I can't get my arms around everything here to audit" so wanted Council to know he was auditing everything that he can and there are other things that he was not sure if they fell under our purview or not but someone needs to make the determination if it is or not.

Mr. Carrigg asked Mr. Prince if he was provided with something indicating that McCormick County was the Home County for the Eleventh Circuit Solicitor's office.

Mr. Prince stated nothing was given in writing but verbally told me that was the case.

Mr. Owens asked who makes that designation; the Solicitor?

Mr. Prince replied, yes. He states he (Solicitor) makes the decision who will be the Home County.

Mr. Cullum asked who supplied the information stating McCormick County is the Home County.

Mr. Prince replied, the Deputy Solicitor. He stated the Deputy Solicitor gave him that information today.

Mr. Wilkerson asked whether the Solicitor has fully cooperated with the audit in the past years other than this year?

Mr. Prince replied he (Solicitor) did not respond to him last year. He stated he called several times and wrote letters last year trying to obtain some of the same information he requested this year and reported this last year that item #2 was not available.

Mr. Wilkerson stated the majority of the money does come from Lexington County, even though he deposits the funds into McCormick County. Is that correct?

Mr. Prince stated as he understood (from what he has been told) it is that (we) Lexington County provides approximately 80 percent of the operations for the Tri-Counties involved but said all the State Solicitor's money that is received from the State goes to McCormick County.

Mr. Wilkerson stated he understood Mr. Prince to say the Solicitor stated that he would like to be audited by the State not by Lexington County. Is that correct?

Mr. Prince stated the Solicitor is saying that we (Lexington County) have no right to look at any of his stuff because it does not come under our jurisdiction.

Mr. Wilkerson stated he understood Mr. Prince to say that he (Solicitor) has never been audited by the State before. Correct?

Mr. Prince stated he (Solicitor) has told him that he has been audited in the past.

Mr. Wilkerson asked not on a regular basis. Correct?

Mr. Prince replied, I assume.

Mr. Derrick stated he understood Mr. Prince to say that the Solicitor had said he had been audited in the past and asked Mr. Prince if he had seen any of the audits.

Mr. Prince replied, no I have not; I asked for them.

Mr. Derrick asked according to statutes is this information available through the Freedom of Information Act?

Mr. Prince replied, I would think so, but I'm not an expert on the Freedom of Information Act but Council may want to ask the County Attorney.

Mr. Derrick asked if it would be appropriate to ask for the information from the Solicitor's office through the Freedom of Information Act.

Mr. Davis stated he has read the letter previous to this meeting and intends to ask for a legal briefing during the Executive Session and said Council may write the Attorney General explaining the dilemma, since we (Council) cannot fulfill our responsibility in this audit, to make sure whoever is responsible does theirs.

Mr. Jeffcoat asked Mr. Prince whether he audited the Expungement Fund?

Mr. Prince stated the information was not available. He did say that the Solicitor's office did send him something today that basically says "the Solicitor sets up the Pre-trial Intervention" and, it appears from the documents I received, it falls under the Eleventh Circuit and said he may or may not be right on that, but did not know. Mr. Prince said he has tried to get information from their audits previous to this because our feelings in the past were - what goes on in Lexington County in that department probably falls somewhat under our purview.

Mr. Jeffcoat stated that is our feelings too.

Mr. Prince stated he asked if he could get a copy of the audit and was told they would have to see if it was okay; he said in the past the answer has been "no" and stated he did not even know if they have one.

Mr. Rucker asked Mr. Prince in regard to item # 2 page 4 that states “all transactions of this program should be administered through a single special revenue fund that is maintained by Lexington County” is that his recommendation, because it came from a Lexington County agency which are public funds from Lexington County. Correct?

Mr. Prince stated he wrote this (Action Required) before they (Solicitor) sent him a copy of the court order and said once he read the court order, and if that court order is right, then it may change the overall opinion stated. But, still feels that if it comes from an agency in Lexington County that it should stay in Lexington County. He stated the legality factor is if a judge writes a court order and says it goes to Eleventh Circuit and they can do what they want to, then that makes my opinion not too important.

Mr. Rucker stated it bothers him that the Lexington County Sheriff’s Department does all the work and collects funds through the judicial system and then the funds are deposited into an account that he (Solicitor) can use in McCormick, Edgefield, etc. He stated he has a problem with that.

Mr. Cullum asked if it is commonplace that the Lexington County Sheriff’s Department actually issues checks directly to another agency or entity and not transpire through our Treasurer.

Mr. Prince stated you don’t see a lot of that, but when money is forfeited, the funds are prorated by statute.

Mr. Cullum stated his point is that that money is obtained through the services of Lexington County; Lexington County personnel, Lexington County equipment, etc.

Mr. Prince stated he is not 100 percent sure that the money we are talking about might not have been done in a multi-jurisdictional drug bust or not and stated, “I really don’t know.”

Mr. Cullum stated what he is trying to say is, is that commonplace that the Sheriff’s Department would issue a check to another entity and bypass our treasurer altogether.

Mr. Prince stated he had not really thought about the fact that they should have written the check from there (treasurer’s office).

Mr. Carrigg asked Mr. Prince to provide Council with a copy of the documentation provided by the Solicitor’s office.

Mr. Davis stated this was serious, therefore, the floor would remain open as long as Council wanted to discuss.

Mr. Derrick stated he understood Mr. Prince to say that the Solicitor stated he could use the funds for anything he wanted, wherever he wanted to, but according to the statute, drug forfeiture money has to be used for the prosecution of drugs.

Mr. Prince stated within those things. He said he may have said as he wants to, if he wants to pay someone's salary to prosecute, etc. and has a copy of the court order.

Mr. Davis asked Mr. Prince to provide Council a copy of the court order.

Mr. Prince stated the Solicitor's office did call him today and was very forthcoming in trying to resolve as much of the audit they could but, based on the time constraints, was able to obtain only limited amount of information today but it was certainly a lot of stuff on point what we have here but have not been able to completely digest all of it to determine if it is legally, right or wrong.

Mr. Jeffcoat asked Mr. Prince if the Solicitor's office bothered to tell him why they called today rather than when he asked for it.

Mr. Prince replied, no sir.

Mr. Jeffcoat asked what time did the Solicitor's office call today?

Mr. Prince replied after lunch.

Mr. Jeffcoat replied after lunch, and we (Council) started meeting at 12 o'clock today.

Mr. Prince stated he called Solicitor Myers earlier and asked for this information and he basically told me it was under the direct order of the circuit judge that it goes there and did not quite seem as responsive but did call me back the first part of the week (Monday or Friday) when he began giving me some of the information on this and sent me a copy of the court order. He was very responsive at that time.

Mr. Davis asked what is the date on the court order.

Mr. Prince stated October 30, 2002 when it was recorded in the Clerk of Court's office and read a portion of the court order which stated "20 percent or \$52,173.87 U.S. currency will be transferred to the Eleventh Judicial Circuit Solicitor's office and is to be retained by the Eleventh Circuit Solicitor's office and deposited in a separate special account in the name of the Eleventh Judicial Circuit Solicitor's office. This account may be drawn on and used only by the Eleventh Judicial Circuit Solicitor's office for drug prosecution and litigation activities." He stated this is the only part that applied to this whole thing.

Mr. Rucker asked Mr. Prince in eliminating the first three parts of page 4, please give Council an overview of what he found otherwise. Please give us a grade.

Mr. Prince stated an A. He stated Lexington County does an excellent job of financial responsibility, internal controls, has always been responsive to any findings we have and is very conscious of internal controls.

Mr. Cullum thanked Mr. Art Brooks, County Administrator, Mr. Larry Porth, Finance Director; and staff for an outstanding job.

Mr. Prince stated the Audit Results were to communicate serious difficulties but did not cause us (accountant) to qualify our opinion, because in my opinion, I was able to audit the material amount of things, which I think we got materially everything correct but there are some things that I just don't know about.

Mr. Davis stated the Audit Results would be taken up as a legal issue and to hopefully make some decisions on appropriate letters to the appropriate authorities to resolve this issue. He stated in last year's budget \$1,400,000 went to the Solicitor's office from the taxpayers of Lexington County and we must resolve these problems for those individual taxpayers.

Chairman's Report - Mr. Davis appointed Mr. Jeffcoat and Mr. Derrick to co-chair a Communications Study Committee. He asked Mr. Jeffcoat and Mr. Derrick to assemble a committee of citizen experts, Council and staff to review the communications needs for Lexington County for the upcoming budget process.

Mr. Davis reminded everyone of the dedication of the Lexington County Judicial Center and the addition of the Administration Building on February 22.

Administrator's Report - Mr. Brooks discussed the vehicle usage. He stated Mr. John Fachtel, Director of Public Works, has reduced his department's vehicle usage to the superintendent, assistant superintendent, four geographic supervisors, and the on-call supervisor, which will be issued on a weekly basis. He stated by doing so, will reduce the yearly commute mileage by 59,000 and save the purchase of a vehicle every two years.

Mr. Brooks stated the Solicitor's office had written a letter requesting the vehicle commute usage be addressed in the upcoming budget and provided information for the need for the ten vehicles. Mr. Brooks stated staff has an issue regarding two of the vehicles. He stated one vehicle was assigned to an assistant solicitor who has since terminated their employment with Lexington County and one vehicle under the Juvenile Drug Court Program that has been terminated.

Mr. Jeffcoat asked Mr. Brooks if the two vehicles have been turned in.

Mr. Brooks replied, not yet.

Mr. Jeffcoat asked Mr. Brooks how long does it normally take to have a vehicle turned in once the employee has left or the program has been terminated.

Mr. Brooks stated normally it is by the last paycheck with the County.

Mr. Jeffcoat asked Mr. Brooks if he has all the information he had requested from the Solicitor's

office on vehicles.

Mr. Brooks stated staff does not have information on the commute mileage.

Mr. Jeffcoat stated he was reviewing a letter dated June 3, 2003 written to Donald V. Myers and Dayton C. Riddle requesting the commute mileage and justification from Mr. Mike Malone, County's Employment Attorney and asked Mr. Brooks if he had received that yet.

Mr. Brooks replied, no sir.

Mr. Jeffcoat asked Mr. Brooks if he has received any follow-up calls.

Mr. Brooks stated staff had sent out a general request to all the departments when we began the vehicle use study sometime in the fall. Mr. Brooks stated all the departments with the exception of the Solicitor's office have been received.

Mr. Jeffcoat asked Mr. Brooks if there has been any communication at all or have they ignored the letter or responded with such statements as yes/no we're not going to give it to you, or it belongs in McCormick County, etc.

Mr. Brooks stated no, but was not sure if there has been a memo or not.

Mr. Jeffcoat stated it is time that we receive the information that this Council has asked for. He stated the Solicitor's office is not exempt from giving Council this information. He stated the County furnishes the cars and the least we can do is receive the information that we have requested. He stated all the other departments have provided the information. Mr. Jeffcoat stated he has been an advocate of the Solicitor's office since he has been on Council but said it is getting a bit "tough" when we ask for information and we are waiting seven months, and everyone else has turned the information in, and we have cars that we don't have drivers that are being kept by the Solicitor's office. Mr. Jeffcoat stated maybe we are not "communicating well." He stated the Finance Director nor the Personnel Director has a car as they were turned in at the request of Council. He stated he did not know anybody in the Solicitor's office that "holds themselves any further above anybody else in this county" and stated if there is a problem, then we need to communicate; but Council needs the information that has been requested. He stated if Mr. Myers would like to discuss the matter with Council or one-on-one Council would be happy to do so. He stated the Solicitor's office has nine or ten cars, and is not sure if all or any are needed, but the only way to find out is through communication. Mr. Jeffcoat stated he understands a letter was sent requesting not to discuss vehicles during this Council meeting, therefore, would not have a dialogue back and forth but stated this is the feeling of this Council. He stated it is time that we start communicating, working together and get a little better working relationship. He stated he was not sure what we need to do but for the Solicitor's office to decide what we (Council) need to do and Council will be happy to meet you half way.

Mr. Rucker stated the Solicitor's vehicles were purchased with County funds; therefore, Council needed to have the requested information. Mr. Rucker asked by not having the requested information from the Solicitor's office would it affect the County's classification and compensation study.

Mr. Brooks stated the commuting mileage of the Solicitor's vehicles would be part of the individual's salary during the classification and compensation study.

Mr. Rucker stated without the requested information from the Solicitor's office the County would not be able to complete the County's classification and compensation study because those vehicles would be considered part of their salary.

Mr. Derrick stated so everyone would know how serious the requested information is needed from the Solicitor's office made the recommendation to have Fleet Services eliminate the gas cards on the unassigned vehicles. He stated we have vehicles in the Solicitor's office that taxpayers are paying for that are unassigned and we are unable to secure those vehicles.

Mr. Derrick made a motion; seconded by Mr. Cullum to direct Fleet Services to eliminate the gas cards on the two unassigned vehicles in the Solicitor's office.

Mr. Davis opened the meeting for discussion.

Mr. Jeffcoat asked what the normal procedure is for returning unassigned cars.

Mr. Rucker asked to table the motion until a legal briefing.

Mr. Derrick withdrew his motion; Mr. Cullum withdrew his second.

Mr. Cullum asked Mr. Brooks to further explain the commute mileage in an individual's salary of the classification and compensation study who may have similar job classifications but the commuting mileage of one may be greater. Mr. Cullum asked if this would have an impact on how that individual would be compensated.

Mr. Brooks stated the commute mileage would not make any difference. He stated the commute mileage is supposed to be reported on the W-2 and is taxable and has asked the Archer Company to provide the general value of the commute mileage.

Mr. Wilkerson stated there are other issues involving the Solicitor that may be brought up at a later time but would like to talk with one of the State Legislators before discussing.

Budget Timetable - Mr. Davis stated each Councilman would be receiving a budget timetable for the upcoming FY04-05 budget. He stated the budget process would be conducted through the Committee system.

Budget Amendment Resolutions -The following BARs were distributed and signed.

Supplemental appropriation increase of \$10,000.00 for funds received from members of the “Friends of the Courthouse” to be used for technology and furniture in the judicial center.

Supplemental appropriation increase of \$332,635.00 from interest earnings on revenue received from utility companies under the Rural Development Act and to appropriate the revenue received this fiscal year.

Approval of Minutes - Meeting of January 13, 2004 - A motion was made by Mr. Cullum; seconded by Mr. Wilkerson that the January 13, 2004 minutes be approved as submitted.

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

In Favor:	Mr. Davis	Mr. Cullum
	Mr. Wilkerson	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Isle of Pines Special Tax District - Margaret Pope and Eric Shytle - Haynsworth Sinkler Boyd, P.A. - Adoption of Resolution Publishing the Results of the Referendum - Mr. Jeffcoat made a motion; seconded by Mr. Derrick to approve the adoption of the resolution publishing the results of the referendum.

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

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Derrick	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Zoning Amendments - Zoning Map Amendment M04-01 - 6172 Bush River Road - Announcement of 1st Reading - Mr. Jeffcoat stated a unanimous vote was taken on December 09, 2003 to ask the applicant to work with the residents that live in that area and if there was some compromise, then he could come back to Council with another proposal. He stated he was perplexed why a “modified” version of the previous Zoning Map Amendment M03-06 was even being considered.

Mr. Jeffcoat made a motion; seconded by Mr. Cullum to deny first reading of Zoning Map Amendment M04-01 - 6172 Bush River Road.

Mr. Davis opened the meeting for discussion.

Mr. Owens stated Mr. Jeffcoat was correct in his statement as he has not talked with any of the residents who have seen a compromise.

Mr. Jeffcoat stated there may have been some correspondence through the mail but nothing has been accomplished as far as a compromise.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Cullum	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Carrigg	Mr. Owens

Mr. Wilkerson was not present when the vote was taken.

Justice, J. Carrigg, Chairman - Circuit Solicitor - Budgetary Amendment - General Fund/Legal Expenses - Mr. Carrigg reported that during the afternoon meeting, his committee met and discussed a budgetary amendment request from the Solicitor's office. He stated his committee had no recommendation and voted to bring the request before full Council for presentation by the Solicitor's office.

Mr. Dayton Riddle, Deputy Solicitor, stated at this time he would be a "fool" if he did not recognize the serious legitimate concerns that this Council has from the audit report. He stated he understood those concerns; however, is not in the position to address those concerns at this time. He stated he knows Solicitor Myers has addressed that with some Councilmen individually and may need to address them as a body as well. He stated the Solicitor's office has a legitimate need to have a budgetary amendment in the legal expense section but would propose at this time that Council table this request until other issues are addressed and communication is established.

Mr. Rucker made a motion; seconded by Mr. Carrigg to table the budgetary amendment request.

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

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Carrigg	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Mr. Riddle asked if the motion terminated the budgetary amendment request.

Mr. Rucker stated the request would be tabled for the time being.

Public Works, B. Derrick, Chairman - Presentation of Alternative Bid for Repairs to Solid Waste Transfer Station Floors - Mr. Derrick reported during the afternoon meeting his committee met to discuss the Alternative Bid for Repairs to Solid Waste Transfer Station Floors.

A motion was made by Mr. Derrick; seconded by Mr. Wilkerson to approve \$166,000.00 for repairs to the Solid Waste transfer station floors. He stated \$96,300.00 was budgeted and the difference of \$69,700.00 would be provided through a budgetary transfer within the Solid Waste Department.

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

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Wilkerson	Mr. Rucker
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Presentations - Mr. Ray Slaick, Jr., 141 Yachting Circle, Lexington, SC 29072 - Property Taxes - Mr. Slaick discussed the rising cost of property taxes. He stated when he first moved to Lexington County in 1952 his taxes on his \$38,000.00 Lake Murray home were \$104.00. He stated now his taxes are \$4,595.00 and said if taxes continue to rise, he will be forced to move. He stated he feels that his taxes have gotten out of line and would appreciate any help from Council.

Mr. Slaick stated he appreciated the fact that he was able to attend tonight's meeting to hear and see Councilmen who are really interested in Lexington County and their citizens.

Mr. John Henderson, Director of Risk Management Services, South Carolina Association of Counties - SC Counties Worker's Compensation Trust Awards: 2003 Outstanding Safety Achievement Award and 2003 Service Award - Mr. Henderson presented the 2003 Outstanding Safety Achievement Award plaque to Mr. Ed Sayler and Mr. Ron Farr on behalf of Lexington County for work in the development and implementation of an emergency evacuation plan.

Also, Mr. Henderson presented the 2003 Service Award to Mr. Ed Sayler and Mr. Ron Farr of the Risk Management Department. He stated both individuals have undertaken numerous projects to promote risk management within the Association of Counties which have been very useful to other counties.

Ms. Sharon Willis, Chairperson, Lexington County Employees' Committee - Presentations to County Council; Mr. Art Brooks, County Administrator; and Marc H. Westbrook, Judge, Eleventh Judicial Circuit - Ms. Willis presented an inscribed plaque constructed from a piece taken from a 65-year old pecan tree that was removed in order to construct the Judicial Center individually to Council, Mr. Art Brooks, and Judge Marc Westbrook from the Lexington County Employees' Committee.

6:00 P.M. - Public Hearings - Ordinance 03-12 - Conveyance of Real Estate From the County of Lexington to the Town of Lexington (Hendrix Street) - This is an ordinance to convey a portion of property along with a water line and access easement from the County of Lexington to the Town of Lexington for the purpose of locating a water tank for the Town of Lexington.

Mr. Davis opened the public hearing.

No comments, in favor or against, were received.

Mr. Davis closed the public hearing.

Ordinance 03-13 - American Fiber & Finishing, Inc. - Multi-County Park Agreement - This is an ordinance to amend the ordinance to include the property owned by American Fiber & Finishing, Inc. into the Newberry County Multi-County Park.

Mr. Davis opened the public hearing.

No comments, in favor or against, were received.

Mr. Davis closed the public hearing.

Ordinance 03-14 - Project Pet - Bower Parkway - This is an ordinance to lease a portion of land on Bower Parkway for a period of twenty-five (25) years for a sum of one (\$1.00) dollar per year for Project Pet.

Mr. Davis opened the public hearing.

Mr. Stewart Mungo, 160 Blackburn Road, Irmo, SC - Mr. Mungo stated members are real excited about Project Pet and turned any questions over to Ms. Denise Wilkinson.

Ms. Denise Wilkinson, P.O. Box 93, Ballentine, SC 29202 - Board Member of Project Pet - Ms. Wilkinson stated Project Pet has been invited to participate in the final phase of the application process with Maddie's Fund. She stated Maddie's Fund has asked Project Pet to submit a 10-year business plan that will address an adoption campaign with the shelters, a spay-neuter campaign with our community, and a sustainability piece, which is a new piece. She stated when Maddie's Fund pulls their funding out they want to know that this community will continue to run the programs as they are with their funding and stated this was very good news.

Mr. Wilkerson asked when Project Pet will have an answer.

Ms. Wilkinson replied the absolute earliest that Project Pet would have their business plan to present to Maddie's Fund would be six months and an additional six months for Maddie's Fund to review, therefore, approximately twelve months for funding.

Mr. Davis closed the public hearing.

Executive Session/Legal Briefing - A motion was made by Mr. Jeffcoat; seconded by Mr. Owens to go into Executive Session to receive the legal briefing and to discuss contractual matters.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Owens	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Carrigg
	Mr. Cullum	

Mr. Davis reconvened Council in open session.

Matters Requiring a Vote as a Result of Executive Session - Chairman Davis reported Council received the legal briefing and discussed contractual matters during the Executive Session and indicated two motions were to be considered.

Letter to Solicitor Myers - Mr. Cullum made a motion, seconded by Mr. Derrick that a letter be written to the Solicitor requesting his cooperation in completion of the audit.

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

In Favor:	Mr. Davis	Mr. Cullum
	Mr. Derrick	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	

Letter on Behalf of the Lexington County Recreation Commission - Mr. Derrick made a motion; seconded by Mr. Wilkerson to approve a letter on behalf of the Lexington County Recreation Commission requesting grant funds for the Batesburg/Leesville Senior Center.

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

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Wilkerson	Mr. Rucker
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Old Business/New Business - Purchase of Nine (9) Chairs for Council Chambers - Mr. Jeffcoat stated in light of the controversy regarding the price of chairs purchased for Richland County Council versus Lexington County Council, Commercial Office Furniture ran an ad stating they

would sell to Lexington County Council nine (9) chairs at \$286.00 which are much more comfortable than the present chairs. He stated the current chairs could be used in new conference rooms without additional cost to the taxpayers of Lexington County.

Mr. Jeffcoat made a motion; seconded by Mr. Wilkerson to purchase nine (9) chairs for Council Chambers from Commercial Office Furniture at the offered price of \$286.00 at the expense of each Council member.

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

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Wilkerson	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Five (5) Deputies for Judicial Center - Chief Tim James stated since the initial request for nine (9) additional deputies for the Judicial Center, further information has been received. Chief James stated South Carolina Court Administration may not be sending the additional visiting judges as first anticipated as all courtrooms will not be in operation. Chief James asked that five (5) deputies be considered which would provide safety for the Judicial Center. However, as the courts continue to grow he would like the opportunity to come back before Council for reconsideration of additional deputies at that point. Council asked that the request for five (5) deputies be discussed at the February 24, 2004 meeting.

Mr. Derrick asked Chief James how much it would cost, or even be possible, to commission bailiffs to serve in a dual role.

Chief James asked commissioning bailiffs with firearms?

Chief James stated certified law enforcement officers are what the Sheriff's Department is asking for. He stated it would be very tough to find a bailiff who may want to become a law enforcement officer.

Mr. Cullum stated we were perhaps considering a bailiff for the front entrance to assist the law enforcement officer with the magnetometers.

Mr. Wilkerson stated the *State* paper may have misled the citizens of Lexington County that the Judicial Center was not fully staffed and asked Chief James to address.

Chief James assured everyone that the security has not been sacrificed in the Lexington County Judicial Center.

Mr. Owens asked if the personnel running the scanners have to be certified deputies.

Chief James stated, without going into details of the operation, they have taken that into consideration, however, there are a certain amount of deputies throughout the four floors and said one of the three deputies on the bottom floor would be used as a responding deputy to any panic alarms or alarms that would go off.

Mr. Owens as if three officers are needed on the bottom floor at all times.

Chief James replied it is best suited; absolutely. He stated in addition to the three deputies, bailiffs are also there.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman

Diana W. Burnett
Asst. Clerk to Council