



JASPER COUNTY COUNCIL
358 THIRD AVE., RIDGELAND SC. 29936

COUNCIL CHAMBERS
AUGUST 8, 2013
10:00 A.M.
MINUTES

Officials Present: Vice Chairwoman Barbara Clark, Councilman Theodus Drayton, Councilman Thomas Johnson

Officials Absent: Chairman Henry Etheridge, Councilman L. Martin Sauls, IV

Staff Present: Administrator Andrew Fulghum, Atty. Marvin Jones, Clerk to Council Judith Frank, Director of Administrative Services Ronnie Malphrus

In accordance with the freedom of information act the electronic and print media were notified. During periods of discussion and/or presentations minutes are typically condensed and paraphrased.

Call to Order- Vice Chairwoman Clark called the meeting to order at 10:00 a.m.

Pledge of Allegiance – Councilman Drayton led the Pledge of Allegiance.

Invocation- Councilman Johnson gave the invocation.

Resolutions:

Resolution Authorizing the Chairman, Vice Chairman and Administrator to Execute Such Documents as may be Necessary in Order to Secure Annual Letters of Credit as Required by SCDHEC in Connection with the Maintenance of the County's Gasoline Tanks Located at the County's Maintenance Facility:

Mr. Malphrus explained that the resolution was requested and required by SCBT. Mr. Malphrus said the County has been doing the letter of credit for a number of years and the County has to have a letter of credit on file with the bank for clean-up if there is a leak from the underground tanks at public works. Mr. Malphrus said this is the first year that the bank was requiring the resolution. Mr. Malphrus said that the resolution also authorizes the Chairman, Vice Chairman of County Council or the County Administrator to sign the letter of credit. The letter of credit is in the amount of \$25,000. Councilman Drayton asked if the funds would only be used if there was a spillage. Mr. Malphrus responded that was correct. Councilman Johnson said a letter of credit was like a promissory note. Vice Chairwoman Clark said it was not mandatory that the County borrow money. Mr. Malphrus said that if there is a spillage, the County would pay \$25,000 and DHEC would pay the rest. Councilman Johnson motioned and Councilman Drayton seconded the motion to pass the Resolution Authorizing the Chairman, Vice Chairman and Administrator to Execute Such Documents as may be Necessary in Order to Secure Annual Letters of Credit as Required by SCDHEC in Connection with the Maintenance of the County's Gasoline Tanks Located at the County's Maintenance Facility. The motion carried with all members present voting in favor.

Resolution Authorizing the County Attorney to Request the SCAC Provide Legal Support to the position of the County in the Jasper County Board of Education vs. the County of Jasper Council and Jasper County Auditor, Civil Action Number: 2013-CP-27-362: Attorney Jones said that SCAC provided information and said that SCAC will provide legal help in the form of memoranda of law and amicus curiae briefs if the request comes from County Council and it is approved by the Association’s Board. Mr. Jones said that the resolution directs that such a request be made. Councilman Drayton asked what the resolution stated and Councilman Johnson responded that it directed Attorney Jones to ask SCAC for help with this case. Councilman Johnson said the case was for declaratory judgment so each side would know how to proceed in the future. Councilman Johnson asked if the ruling would affect other Counties and School Districts. Mr. Jones said the ruling could affect some of the Counties and School Districts in the future. Mr. Jones said that for two years it has been presented to the Legislature to give the school district autonomy and for two years it has been denied. Councilman Drayton said that in this County the School Board set the budget, but the County sets the amount given. Councilman Drayton asked if SCAC was being asked to help the County from meddling in the School District’s budget. Mr. Jones said the County is not meddling in the School District’s Budget. Councilman Drayton asked if the County prevails, what happens to other Counties and what happens if the School Board wins. Mr. Jones said it depends on what the judge decides and if the School District prevails then no one will have the authority to set the revenue. Councilman Johnson asked if SCAC helped would that help the County save some of the \$10,000 previously approved and Mr. Jones said that it would. Vice Chairwoman Clark said that it is the responsibility of the Council to set the mills for the School District Budget and once the Council approves the mills the School Board can spend the money anyway they want. Vice Chairwoman Clark said that the \$10,000 is nothing compared to the \$100,000 that the School Board approved for legal expenses for this lawsuit. Vice Chairwoman Clark said the School Board must have money if they can afford \$100,000 for this lawsuit. Vice Chairwoman Clark said she is still waiting to see positive results from the School District. Vice Chairwoman Clark pointed out that the County Council is not aware of how much money the School District receives from other sources and grants. Councilman Johnson motioned and Vice Chairman Clark seconded the motion to approve the Resolution Authorizing the County Attorney to Request the SCAC Provide Legal Support to the position of the County in the Jasper County Board of Education vs. the County of Jasper Council and Jasper County Auditor, Civil Action Number: 2013-CP-27-362. The motion carried with Vice Chairwoman Clark and Councilman Johnson voting for; Councilman Drayton voted against.

Adjourn – Councilman Drayton motioned and Councilman Johnson seconded the motion to adjourn the meeting. The motion carried with all members present voting in favor.

The meeting ended at 10:15 a.m.

Respectfully Submitted By:

Approved by:

Judith M. Frank, ccc
Clerk to Council

Barbara B. Clark
Vice Chairwoman

