

BUDGET WORKSESSION  
DARLINGTON COUNTY COUNCIL  
DARLINGTON, SC

May 22, 2014

A Budget Worksession of the County Council of Darlington County was held May 22, 2014, at 5 p.m., at the Darlington County Courthouse Annex/EMS Building, 1625 Harry Byrd Highway, Darlington, South Carolina.

NOTICE OF MEETING

In compliance with the Freedom of Information Act, a copy of the meeting notice, giving the date, time, and place of the meeting was mailed in advance to the local newspapers, persons requesting notification, and posted on the bulletin board at the entrance to the County Administrator's Office and the Courthouse Annex/EMS Building.

COUNCIL MEMBERS PRESENT

Chairman Wesley Blackwell, Vice Chairwoman Ms. Mozella "Pennie" Nicholson (*arrived at 5:40 p.m.*), Chaplain Dannie Douglas, Jr., Mr. Robbin Brock, Mr. Marvin Le Flowers (*arrived at 5:37 p.m.*), Mr. Bobby Hudson, Mrs. Wilhelmina P. Johnson, and Mr. Robert L. Kilgo, Jr.

ALSO PRESENT

County Administrator Dale Surrett, Clerk to Council J. JaNet Bishop, Finance Director Perry Strickland, Accountant Phillip Aycock, Codes Enforcement Director Randy Evans, Prison Farm Director Jonathan McFadden, Corrections Director Mitch Stanley, Sheriff Wayne Byrd, Elections/Voter Registration Director Hoyt Campbell, Historical Commission Director Doris Gandy, Planning Director Doug Reimold, Telecommunications Director David Sessoms, Tax Collector Mae Helen Burch, Fire Chief Kenny Stratton, Tax Assessor Kyle Johnson, Mrs. Kathy McDonald of the Humane Society, and others.

REPORTERS PRESENT

Ms. Samantha Lyles of the News and Press and Mr. Jim Faile of the Hartsville Messenger.

Summary of Work Session

Chairman Blackwell called the worksession to order at 5:03 p.m.

Schedule for Public Hearing. Mr. Surrett reminded Council that a public hearing would have to be held for the budget ordinances, which requires a newspaper notice with particular information/figures. Clerk to Council JaNet Bishop reviewed possible dates for a public hearing and the dates the information must be submitted to the newspapers for publication.

**MOTION** was made by Mr. Kilgo and seconded by Mr. Brock to schedule the public hearing for Monday, June 23, 2014 at 6 p.m.

Mr. Surrett pointed out that the staff would have to submit the information/figures to the newspapers by May 30<sup>th</sup>.

The motion carried unanimously.

Mrs. Johnson pointed out the difference between a workshop and a meeting. That no action or vote could be taken during a workshop. All actions and approvals must be done at a Council meeting with an agenda. She stated that the June 2<sup>nd</sup> Council meeting should be a meeting to approve what Council would like to do with the budget. Until then, what Council has done at the workshops was for information only.

Chairman Blackwell explained that first, second, and third readings of the budgets would take place at a regular Council meeting. However, to work up to the numbers, Council could hold workshops to get the consensus of Council members to help guide the Administrator as to what numbers to include in the budgets. He indicated that the numbers from this worksession would be the numbers for second reading.

Chairman Blackwell pointed out that Council members had received information regarding the impact of overtime from the Sheriff's Department, the Prison Farm, and the Detention Center.

**MOTION** was made by Mr. Kilgo and seconded by Mr. Douglas for Council to receive the reports from the Sheriff's Department, the Prison Farm, and the Detention Center as information.

The motion carried with Mrs. Johnson opposing.

Proposal 1 - Councilman Kilgo. Mr. Kilgo presented a proposal for the General Fund. He proposed to fund the incentive pay, to transfer the seven remaining positions at the Prison Farm to the Detention Center and close the Prison Farm (based upon the requirement of the state and federal governments regarding the Detention Center), to reduce/remove items from the budget associated with the Prison Farm, and to fund a one percent pay raise for all employees. This would leave a balance of about \$123,348.84, no one would lose their job, and everyone would receive an incentive pay and a one percent pay raise.

Mrs. Johnson expressed objections to closing the Prison Farm and continued to talk about how worksessions should be conducted.

Mr. Brock expressed concern about overtime not being added back to the Sheriff's budget. Mr. Kilgo indicated that compensatory time could be used as was being used by other agencies throughout the state.

There being no second, Mr. Kilgo's motion failed.

Chairman Blackwell pointed out that Council was back at what was done at Council's last budget worksession (May 15, 2014). Mrs. Johnson responded that until what was done on May 15<sup>th</sup> is voted on at a regular Council meeting, it was not official. Chairman Blackwell

indicated that Council would approve the figures at the Council meeting on June 2<sup>nd</sup> for second reading.

Mrs. Johnson talked about activities at the Prison Farm and how workshops and meetings should be conducted according to a book entitled *South Carolina County Officials, Rules and Regulations*.

~ Councilman Le Flowers arrived at 5:37 p.m. ~

Proposal 2 - Councilman Kilgo. **MOTION** was made by Mr. Kilgo to accept for second reading everything that was done at the May 15<sup>th</sup> budget worksession and let those numbers stand for the June 2<sup>nd</sup> meeting.

~ Councilwoman Mozella Nicholson arrived at 5:40 p.m. ~

The motion failed for lack of a second

Chairman Blackwell confirmed again that the numbers from the May 15<sup>th</sup> worksession would be the numbers for second reading.

Clarification Regarding Worksessions And Regular Meetings. Mrs. Johnson suggested that Council have a meeting and place everything on the agenda for Council to vote on and then have second reading. Mr. Surratt explained that what Council did in the workshops were not illegal as Mrs. Johnson kept saying. He said Council voted as a group as to what should be prepared for second or third reading of the budget. After much discussion from Mrs. Johnson about rules and guidelines for conducting meetings, Mr. Surratt was able to contact County Attorney Jim Cox via cell phone. Attorney Cox was placed on speakerphone to respond to Mrs. Johnson's concerns.

Chairman Blackwell indicated to Attorney Cox that Mrs. Johnson said anything that Council had voted on in the workshops were illegal. That there has to be an agenda and the matter voted on at a regular Council meeting. Mr. Cox explained that to approve the budget, the budget would be on an agenda and Council would vote on it in open session. Chairman Blackwell confirmed that this would be first, second, and third readings of the budget.

Attorney Cox explained that Council was at the worksession making decisions just to get the figures into the budget. The formal presentation of the budget would be on the agenda for Council to vote on in open session. Again, Chairman Blackwell confirmed that this would be first, second, and third readings of the budget. Mrs. Johnson said she was pleased with what Attorney Cox had said. She read an excerpt from the *Handbook for South Carolina Officials* that stated that worksessions are informal meetings to allow Council to study issues and that no formal actions are taken in a worksession. She felt that Council had three worksessions, but no formal meeting of Council with an agenda listing the items to vote on.

Attorney Cox confirmed that Council was having worksessions and coming to agreements to place things in the budget. The budget is not passed until Council votes in open session; the three readings are the actual passing of the budgets. In conclusion, Attorney Cox reminded Council that it could not spend Accommodations Tax money unless the Accommodations Tax Advisory Committee reviews it.

### Comments

Mr. Flowers stated that he would not vote for second reading of the budget because it does nothing to comply with PREA (Prison Rape Elimination Act) and because of the deletion of overtime for the Sheriff's Department. He suggested freezing the five vacant positions at the Sheriff's Department and placing the remaining seven employees from the Prison Farm to the jail so that the jail would be closer to PREA compliance.

Mr. Hudson questioned why the other departments did not have staffing studies like the Detention Center and the Sheriff's Department.

Proposal - Councilwoman Nicholson. Ms. Nicholson requested a copy of PREA for Council's next meeting. She recommended maintaining the budget that Council approved last year and using funds (about \$1.4 million) from the Capital Fund account to balance the budget. Ms. Nicholson also stated that it seems that there exists an undercurrent to eliminate the Prison Farm, which was headed by the only minority director in the county. Therefore, a lot could be read into this. She also explained that the Prison Farm was separated from the Sheriff's Department because of illegal activities. Ms. Nicholson pointed out that the Prison Farm was now being operated under a South Carolina statute that states that Darlington County Prison Farm could not come under the Sheriff's Department.

After discussion and comments, a **MOTION** was made by Mr. Douglas and seconded by Mr. Kilgo to use \$1.3 million or \$1.4 million to balance the budget and adopt the budget that the county was operating under.

Mrs. Johnson felt that it would be illegal for Council to vote on this motion. That this would be illegal until it is placed on Council's agenda. Mr. Surrett suggested that Mr. Douglas' motion be amendment to include that the figures from Mr. Douglas' proposal would be submitted to the newspapers for publication of the Public Hearing Notice. The amendment was accepted by Mr. Douglas.

Therefore, the **motion** was restated to accept the budget as was last year, to use approximately \$1.4 million from the Fund Balance, and to submit these figures to the newspapers by May 30<sup>th</sup> for the Public Hearing notice. Mr. Kilgo seconded the amendment. This would be on the agenda for second reading.

Those voting in favor of the motion were Mr. Hudson, Mr. Douglas, Ms. Nicholson, and Mrs. Johnson. Opposing were Mr. Brock, Mr. Blackwell, Mr. Flowers, and Mr. Kilgo.

Due to a tie vote, the motion failed.

Adjournment

**MOTION** was made by Mr. Kilgo and seconded by Mr. Hudson to adjourn the worksession. There being no further discussion, the worksession was adjourned at 6:15 p.m.

Respectfully submitted,

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Mrs. J. JaNet Bishop  
Clerk to Council

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Mr. Wesley Blackwell, Chairman  
Darlington County Council

Approved at meeting of June 2, 2014.