

Minutes of Meeting  
Of  
Calhoun County Council

Calhoun County Council held its regular meeting on Monday, October 24, 2011 at 5:30 P.M. in the Council Chambers of the Courthouse Annex.

Present: Chairman David K. Summers, Jr., Vice Chairman James E. Haigler, Councilmembers Cecil M. Thornton, Jr., John Nelson and Councilperson Helen Carson; also Administrator Lee Prickett, Jr. and Clerk Donna Allread.

The following Press was notified of the meeting by Mail or by fax in accordance with the Freedom of information: The Calhoun Times and The Times and Democrat.

Chairman Summers called the meeting to order.

Invocation was offered by Chaplain Helen Carson.

The minutes of the regular meeting of October 10, 2011 were presented for approval. Motion was made by Mr. Nelson and seconded by Mr. Haigler to approve the minutes as presented. The motion passed.

Pamela Felder requested council do something about Whispering Oaks Lane. Residents would like for the road to be paved but if it cannot be paved she expressed a request for it to be graded and use crush and run. After discussing this road, Mr. Nelson made a motion to accept the road subject to obtaining a 60 foot right-of-way. Mr. Haigler seconded the motion. The motion passed.

Motion was made by Mr. Thornton and seconded by Mr. Nelson to approve the extension of the ground maintenance contract for Sandy Run Government Center and continue through April 30, 2012. The motion passed. The contract is with American Landscaping.

After council heard from Lynda Basshim, LSCOG, Mr. Thornton made a motion to approve the cutback for the Cross County Transit System. The bus will run the popular routes.

Motion was made by Mr. Haigler and seconded by Mr. Nelson to approve the resolution to support and join the South Carolina Association of Counties in Filing An Amicus Curie Brief In Support Of The Complaint Filed By Greenville, Spartanburg, Beaufort And Chester Counties In A Civil Action Captioned BEAUFORT COUNTY ET AL, RESPONDENTS. The motion passed and a copy of the resolution is attached to the minutes.

Motion was made by Mr. Thornton and seconded by Mrs. Carson to approve the resolution to establish Flexible Spending Account with Vested Health. The motion passed and a copy of this resolution is attached to the minutes.

Third reading on Ordinance 14-2007 An Ordinance To Amend Calhoun County Codification of Ordinances Section 2-273 Making The Powers And Duties of The Historical Commission As Advisory With Final Powers Being Retained By Calhoun County Council is on hold.

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Third reading on Ordinance 11-2007 An Ordinance To Amend Ordinance 2003-8 To Adopt An Updated Comprehensive Plan For Calhoun County is on hold.

Second reading on Ordinance 23-2010 An Ordinance Authorizing pursuant To Chapter 44 Of Title 12, Code of Laws of South Carolina 1976, As Amended, The Execution And Delivery Of A Fee Agreement Between Calhoun County, South Carolina And Project Columbia; The Application Of A Special Source Revenue Credit To Fee-in-Lieu Of Tax Payment; And Authorizing And Approving Matters Relating Thereto is on hold.

Administrator Prickett said approximately fifteen citizens had a round table discussion concerning the use of John Ford School. Dr. Steve Wilson, representing the school, gave the good news that at the last school board meeting the members voted to fund the money to tear down the old section of the school. Another meeting of the same citizens will meet at the school on November 9, 2011.

Motion was made by Mr. Nelson and seconded by Mr. Haigler to go into executive session in reference to a personnel matter in EMS, an economic update in reference to Project Like and a contractual matter with Lake Marion Regional Water Authority. The motion passed.

Council went into executive session.

Council returned to regular session. No action was taken in executive session.

The meeting adjourned.



David K. Summers, Jr., Chairman



Donna R. Allread, Clerk

RESOLUTION  
CALHOUN COUNTY COUNCIL

Whereas, the County of Calhoun desires to offer employees and elected officials the Vested Health Flexible Spending Account (FSA) Plan and Benny Prepaid Card; and

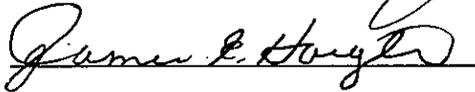
Whereas, in the past the County was covered by the State Plan and the plan was called Money Plus with Fringe Benefits, Inc.; and

NOW, THEREFORE, BE IT RESOLVED, that the County of Calhoun will offer the FSA Plan and Benny Prepaid Card with Vested Health and the plan will be effective January 1, 2012.

Adopted this 24<sup>th</sup> day of October, 2011 by the County of Calhoun



David K. Summers, Jr., Chairman



James E. Haigler, Vice Chairman



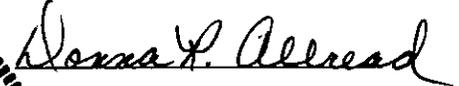
Cecil M. Thornton, Jr.

John Nelson



Helen R. Carson

ATTEST:



Donna R. Allread, Clerk

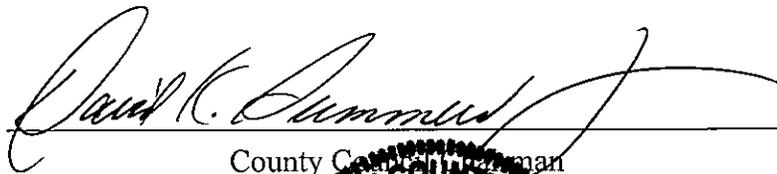


## A RESOLUTION

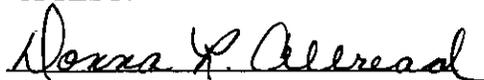
ADOPTED BY THE CALHOUN COUNTY COUNCIL ON OCTOBER 24, 2011, TO SUPPORT AND JOIN THE SOUTH CAROLINA ASSOCIATION OF COUNTIES IN FILING AN AMICUS CURIE BRIEF IN SUPPORT OF THE COMPLAINT FILED BY GREENVILLE, SPARTANBURG, BEAUFORT AND CHESTER COUNTIES IN A CIVIL ACTION CAPTIONED BEAUFORT COUNTY ET AL, PETITIONERS, VS THE SOUTH CAROLINA ELECTION COMMISSION ET AL, RESPONDENTS.

**BE IT RESOLVED**, by the County of CALHOUN, South Carolina, by vote of the County Council duly and lawfully assembled on October 24 , 2011, that the County supports and joins with the South Carolina Association of Counties in filing an Amicus Curie Brief to support the civil action filed by Greenville, Spartanburg, Beaufort and Chester Counties against the South Carolina Election Commission and other named Respondents filed with the South Carolina Supreme Court on October 17, 2011 challenging the legal authority of the South Carolina Election Commission and the State to mandate the County Election Commission to conduct a Presidential Preference Primary;

**BE IT FURTHER RESOLVED**, that the County of CALHOUN opposes such action because it is an illegal unfunded mandate imposed by an Executive Agency of State Government to force a County Legislative Body to use public funds raised through taxes imposed on the residents and citizens of this County to pay for a private entity's function, a political party primary. Such action is a dangerous violation of the Separation of Powers Doctrine which would subject a county government to levy taxes to pay for programs never approved by the local legislative body but imposed by the State. One level of government (the State) cannot and should not force another level of government (a County) to raise taxes to benefit a program adopted by the State. There can be no accountability for the actions of government if this is permitted and people will lose faith in their governmental institutions.

  
County Councilman

ATTEST:



Donna R. Allread, Clerk



**AMERICAN LAWN SERVICE  
161 SOFT BREEZES LANE  
SWANSEA, S C  
(803)794-1087**

**BID FOR GROUND MAINTENANCE**

Bid for Sandy Run Government Center and EMS Substation.

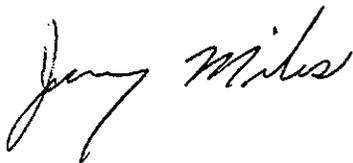
**SCOPE OF SERVICES:**

Cutting and mowing  
Pruning and trimming shrubs and hedges  
Blowing parking lot and walkways  
Weeding and edging of beds  
Picking up trash and debris  
Edging all walkways and curbs

These duties will be performed twice a month for a bid of \$400.00 per month beginning November 1, 2011 thru April 30, 2012.

I am a resident of the Sandy Run community of Calhoun County.

Thank you for your consideration.



Jimmy Miles  
Owner



# South Carolina Association Of Counties

Joseph B. Dill, President  
*Greenville County*

Michael B. Cone  
*Executive Director*

## MEMORANDUM

October 19, 2011

TO: County Council Chairs  
Chief Administrative Officers  
County Attorneys

From: SCAC Staff

RE: Amicus Curie Brief regarding county funding of 2012 Presidential Preference  
Primary

On Monday October 17, 2011 four counties (Beaufort, Chester, Greenville & Spartanburg) filed a lawsuit in the original jurisdiction of the South Carolina Supreme Court asking the court to hold that there is no legal or statutory authority for the South Carolina Election Commission to mandate that the counties conduct and fund the 2012 Presidential preference primary. On September 21, 2011, the Association of Counties' Board of Directors directed the legal staff to assist the plaintiff counties by filing an Amicus Curie brief in support of the plaintiffs' legal position.

Those counties that are not named parties to this suit may still join the Association of Counties as a named party to the Amicus brief, at no cost to the county. Any county interested in joining the Association in the amicus brief will need to pass a resolution before county council approving the joining of this lawsuit. The plaintiffs have requested that the court hear and decide this case, on an emergency basis, before November 21, 2011. This date is important because the counties must make decisions regarding voting machines, polling places, and publish public notice and advertising by this date if a presidential preference primary is to be held, as expected on January 21, 2012. At this time the Court has not accepted this case, nor issued a time line for briefing and oral arguments. However, the court has accepted similar time sensitive cases and fast tracked them to hold arguments within two or three weeks after filing. Therefore, introduction and passage of the resolution in a short time frame is critical if you wish your county to join the Association's amicus brief.

Please fax a copy of the enacted resolution to Bob Lyon, SCAC General Counsel at (803) 252-0379. Should you have any questions please call SCAC staff at (803) 252-7255 or toll free 1-800-922-6081.