



**MINUTES  
WORKSESSION  
JOINT MEETING OF  
FAIRFIELD COUNTY COUNCIL  
AND FAIRFIELD COUNTY SCHOOL BOARD OF TRUSTEES  
OCTOBER 7, 2014**

**Present:**

**County Council:** David L. Ferguson, Dwayne Perry, R. David Brown, Mary Lynn Kinley, Kamau Marcharia, J. Milton Pope, Davis Anderson, Shryll Brown

**School Board:** Beth Reid, Andrea Harrison, Bobby Cunningham, Henry Miller, Paula Hartman, Annie McDaniel, J. R. Green

**In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80 (e), as amended, the following persons and/or organizations have been notified of the time, date, and location of this meeting: The Herald-Independent, The State, and Winnsboro Cablevision, and ninety-six other individuals.**

**1. CALL TO ORDER**

At 6:37 P.M., Chairman Ferguson called the County Council meeting to order.

**2. INVOCATION**

County Council Member Mary Lynn Kinley led in The Invocation.

**3. ITEMS OF DISCUSSION:**

**A. Work Session To Discuss Future Of Fairfield County**

Chairman Ferguson opened the discussion by stating the County is in the process of getting two new reactors at V. C. Summer. He set forth that it has been quite a bit of conversation about the kind of funding that is going to come from the additional reactors. Chairman Ferguson added that the County has tried to set out some protocol in expending those funds in the most fiscally responsible manner and that a plan must be developed to do that. He also stated that the County has met with the Delegation, is meeting with the School Board now, and will meet with the three municipalities; then will come back together to try to put a plan together. The County has already started a plan with the Council of Governments, and they are moving fairly quickly with the proposal for the Council.

**Questions And Comments From The Parties Present:**

- There have been a lot of rumors around the County and Council has been labeled with the fact of not funding the School Board and are not going to fund the School Board with these additional funds.
- The County was asked by the Delegation to come up with a plan to show them why the County needed to be spending, or where the County will spend the funding that comes in from the new reactors.
- The Council has discussed on a couple of occasions where it is and where it needs to be. The consensus was to have a meeting with the School Board to come up with timelines about how long it will take for the School Board to complete its Strategic Plan. Until the plan comes back, will not be able to put dollars and cents to it until the needs are ascertained.
- Is it possible you can give us the history (I know what is done is done), but I think it will be in everybody's best interest to understand how we got to this point and who is involved in getting us to this point as it relates to the fee-in-lieu of, and exactly how much money we are talking about; how long the fee-in-lieu of plan is; is it forever and ever, or is it a five year or ten year agreement. What is the agreement; and whether or not any numbers were crunched to determine the impact that the fee-in-lieu of is going to have on the School District as it relates to funding that we get from the State?
- All information is not channeled through to us. Can you make sure that goes to the Board Clerk, Gervonder Brown. No disrespect to Mr. Green, but just to make sure we get all of the information, if you can make sure the Board Clerk/Superintendent's Secretary, receives that so she can get it to us.

We didn't get the fact that we were going to have this meeting until after our Board meeting. We didn't get the notice until after our School Board meeting, so we didn't have a chance to actually sit down and talk about a plan or prepare how we were going to strategize in coming here. That's not our fault, and I am not saying it is, but just to make sure we get the information and we can get it timely enough to be able to read it.

- To follow back up on the question I asked you about the impact on the School District's current funding, the index of taxpaying ability, which determines how much money we are going to get from the State for under the old Act {whatever the Act is} it takes in consideration the assessed value and the fee-in-lieu of and how it is negotiated plays a part into it. Do we negotiate four percent (I think you said how much), and that was one of the questions I asked, how much money are we talking about? How much are we projecting we are going to be getting? Not percentages; how much of the total. What is the total fee coming to the District? Because in one of the documents I was reading in the State law that we are not supposed to negotiate less than four percent, so I was wondering what is the total amount of money that you guys have negotiated that will be coming to the County as a whole? Is it a flat rate or what is it? How do we know what we are getting?
- How much will the County be getting, not necessarily the School's. If it is a fee-in-lieu of ad valorem taxes, what is the fee? What is the charge now? What is the amount? What calculations do you all use?
- There has been legislation that has been introduced in the General Assembly to participate in cost share with Fairfield County's potential revenue that will be coming on line from the reactors. That is one thing that the County is attempting to being vigilant about because other folk have their eyes set on the revenue and are coming up with reasons and justifications as to why it should be shared with entities outside of this community. As this item is look at long-term, we can't ever lose sight of that is what is going on in our General Assembly that will affect any and everything that we do. The County is taking some precaution in having a monitoring situation of that and potential legislation that comes about.
- Speaking of other fee-in-lieu agreements, that was part of our question as well. Could you share with us the other fee-in-lieu agreements and what your expectations are for sharing with the School District? We know the companies. We don't have to talk only reactors. We have Enor and we know there is a fee-in-lieu. Tell us the details about that and what County Council's intention of sharing that with the School District.
- What is the plan for ensuring that we get a portion of even the previous fee-in-lieu of tax, and (if Mr. Ferguson is saying that...and I don't know what rumors he is talking about, because I haven't said anything about you all not giving us any money), but if the rumor is out there, if may be because there are other fee-in-lieu of's that have been negotiated and the School District has not received a portion of the check that has been written in lieu of them paying taxes. It's not necessarily that anybody is trying to bash County Council, it's just that they don't see where the money is coming to the School District. With the other entities where a check is being written based on a fee that's been negotiated versus the ad valorem tax rate, then is there any intention of the School District getting any of that money?
- One thing that can be acknowledged is that Fairfield County Schools have been funded substantially, so whether we are number five, number one or number twelve, there is no point in debating that. Ms. Reid's question is: for previous fee-in-lieu arrangements with Element, with Enor, with other corporations, has there been a percentage identified to go to the Fairfield County School System?
- In terms of rather the assessed value is greater before Enor or Element located here, the assessed value is located. That's one thing. Another thing is the fee-in-lieu of that was negotiated; that's something totally different. The fee-in-lieu of that was negotiated, is the School District getting a percentage of that fee? Nothing about assessed value. With those current fee-in-lieu arrangements, the School District is not getting a percentage of those fees.
- As the School District enters into a five or ten year plan with capital improvement, technology and infrastructure, the question is does your County Council plan to have the School District submit items for approval, or does the County Council plan to identify a certain percentage that will go to the School District as it relates to those fees? That's the fundamental question--is how we are proceeding forward. There is a lot of ambiguity in terms of how this is going to work. I think that is part of the questions we want to ask now is, are you talking about me submitting a plan to the County Council to say--you are talking about spending \$50 million dollars on renovation all facilities, so you approve or not approve that, or are you talking about giving a percentage of the revenue to the School District, and the School District approves or not approves that. I think that is the fundamental question.

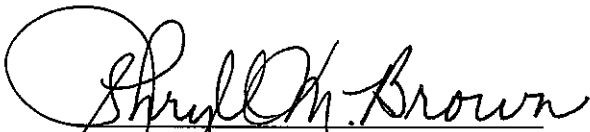
- The reason that we need to come up with a plan is so that if we are going to downplay the ad valorem taxes, if we are going to help the citizens downdraft that part of the taxation, then can we say we are going to give the School District x amount of money to spend, and we don't have any idea of about what that amount of money is going to be spent for? My vote would be no. I don't know of any county in the State of South Carolina that does it that way.
- Ad valorem taxes are dictated by State statute, so if we get a check for \$12 million dollars from the County, it is not as if you come to the District to talk about how we spend that \$12 million dollars. The School District, as an entity, determines those funds are expended. It is no difference to say that you would not give those funds to the School District and let the School District make those decision, that is currently the structure. The current structure is those funds come to the School District, you don't determine rather and how the District expends those funds. The District determines that. They have that kind of fiscal autonomy.
- It was something that was shared with me when I first started partnering with the County, and I don't fully understand, but I will say this. As I understand it, and of course the Council makes the policy decision in the final analysis how that happens, to my understanding from my research, the School District is not fiscally autonomous in Fairfield County. The Council passed several years ago that says something to the effect of if you don't go up and exceed a certain amount on the millage, then you don't have to come back to the County Council for approval. Since this is all on the table and we are discussing that, I would question that from the simple fact of most entities that I am aware of either the School District is fiscally autonomous, which actually gets its own taxing authority and it can levy taxes based upon the Local Government Fiscal Authority Act, or if it is not, then the School Board has to request budget approval through the County Council. Once dollars are appropriated, the elected body, the policy makers of that School Board determines how they operational dollars are spent. That's the two ways I am familiar with, but we have this unique situation about the millage, but to be all fair, that is something we need to get clarified.
- We do not have total autonomy, but the autonomy that we do have is that if we do not exceed (it's either three mills or three percent) of whatever the budget was the previous year, then we do not have to come to County Council to approve our budget. We have not, and if I am wrong, you show me some documentation to prove it, but the School Board has not been going over that amount. That's is why we have not been coming to you asking you for approval of our budget. So we can make sure the community understands how the tax base of the School District works as well as how it works for the County Council, the taxpayers for Fairfield County, on residential property taxes, do not pay operational taxes as a rate for the School District--that comes from sales tax that comes from the State. That's why I was concerned about how would the fee-in-lieu of with an entity as large as V. C. Summer is, how that is going to play into determining what our index of taxpaying ability is.
- The way that we have gone about coming to the County Council or not needs to be clarified. If you are autonomous, I would agree with you. Statutorily, if you are not fiscally autonomous, you have to go to the County to be able to actually have budgets approved.
- All I think the School District needs to know is the intentions of the Council. If what you are saying is you anticipate the way this will work is, we submit proposals to you, and then you determine rather we need to build a new facility or rather we need to renovate a facility, or rather we need one-to-one technology, or whatever our plans are. That is the fundamental question--is who is deciding that?
- We still need to not mix the two. There are two different taxes. The taxes for building buildings is the debt service that the County Council can't issue fee-in-lieu of. That is done based on the 8% valuation of the property. You are talking about fee-in-lieu of operation, which is what the fee-in-lieu of money would be. Just trying to make sure we don't confuse those two issues.
- Santee Cooper does not pay taxes.
- Can we have a list of companies and how much they are paying?
- My expectation of this meeting is a little bit different than how it has gone. My expectation was that we were going to come here and we were going to ask questions and get answers. Somewhere, I feel like we have gotten sidetracked. I think personalities are coming to the forefront; some folks are a little bit upset. I think we are getting off track of what the real focus is. There is an air here that we are trying to take money or don't want to help the School District out. My intent is to find out what the concerns are and how we can help.
- Are we partners? I feel County Council puts itself on a pedestal. I'm one of the ones that feel that you feel that we have to come to you and beg. If we are partners, we can work this out. We are all elected officials--same district--elected by the same people. The only thing I am saying let's sit down, if you all are going to give the School District 25% or 35%, we will handle that, but to say you all have to come to us every year, that is not going to work.

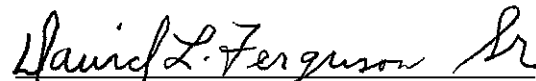
- I want to make sure we are giving you all your due and what belongs to you, and you manage that. You run the School District; you have a Board that works with you, making sure we are doing what's right by statute. I think it was about a year ago, I think we asked to meet with the School Board, and I don't think we have ever had that meeting.
- It was more than a year ago. The question was to talk about the structure of we were planning the Career Center. I said I didn't think it was necessary to have all parties at the table to talk about how that was structured. There was some disagreement about rather we need to have all the School Board members and all the County Council members to talk about that.
- The County Council asked on three occasions to ask the School Board for a meeting.
- The School Board and the County Council ought to be very conscientious. The Urban Land Institute is doing projections for the next twenty five years in the Midlands of South Carolina.
- The School System may need some improvement, but one of the things that deterred people from coming into Fairfield County is property tax. Property taxes makes a big impact on us not being able to bring other people into this County.
- Although we are saying there is a partnership, there is no partnership. One of the things that outrages the citizens in this County is no one is willing to release their egos to do what is best for the entire County.
- The Council, the School Board, the Towns, not just pieces--the whole thing needs to be a part of the whole thing. It does consist of the School Board driving the School system; it does consist of what he brought up, the taxes, and also consist of recreation and all these things to help the community to grow.
- Sometimes you have to talk about the big elephant in the room, and I think that is part of what we did tonight and I feel good about it. I think it led to some things being said and some eye-opening things that I don't think some of us were aware of. I thank you, and if I did or said anything to offend you, I do apologize for that. We haven't even had a chance to even talk as a School Board about our plan and what our plan should consist of. If we could develop some kind of timeline as to how we are going to move forward, that would help a lot.
- In the end, that's probably a good way to go, but I think starting off, the School Board is going to have to sit down, just like the Council is doing now, and say what direction--what buildings do we need; what buildings do we need to be remodeled; what the cost of remodeling? That is what has to come to see where the needs are. We all need to head in the same direction at the same time.
- The County Plan is supposed to be inclusive of the entities within the County. When I refer to the County Plan, that doesn't mean just Fairfield County Government, that's entities within it.
- Tell me how that process works. When you say the County Plan encompasses the strategic plan of the District. I have not had an opportunity, from an administrative perspective, to sit down with the Board to talk about how their vision marries with the Administration vision. In terms of rather we have a long-term plan for capital improvement, infrastructure, or technology initiative, the Administration does. There are multiple things that we would like to see occur. I think what was unknown was how would that proceed once a plan was developed. I have learned something here today--are we developing a plan that we are going to initiate as an entity, or are we submitting a plan to you that you incorporate in your plan and determine how it is being funded. That's a huge question that was answered here today, because up until now, I was not aware that the plan was for us to develop a plan, and then submit the plan to you, and you determine what aspects of the plan we move forward with or not. I will meet with the School Board and let them know what the Administration's thoughts are in terms of a five or ten year plan, and see how that corresponds with the District Board Members' vision and it sounds as if that is something we need to forward to you.
- We hope that we would have a plan that is parallel with everything on the wish list that everybody is talking about--is how to address the taxation part as well. I can conceivably see, collectively there being a percentage of something that is cultivated and worked out and also as other things come on line, that can be funded as well. I will share the Urban Land Institute information with the Superintendent.
- No matter how much planning we do, once infrastructure starts going in, we are going to get more and more growth.
- What kind of time span do you see your folks would need to share your vision and come up with some kind of plan
- If you would stay in touch with Mr. Pope, and when you get close to that let us know. What do you think the time span is as far as our COG?

- Even though the School District has something that was created, it is outdated. There are a lot of things we are trying to incorporate in the current vision that was not incorporated in the past. We need to sit down with the Board and get some consensus before we move forward with forwarding you any kind of document to that affect.
- Once we come up with our plan, and we can bring people from the outside and they can tell us what we need for our district all day long, or our County, but nobody really knows what our community is going to take advantage of to help make our County grow anymore than our people here to know what they are missing and what we don't have. We know more what we need which can feed into and along with whatever recommendation will be coming from the experts.
- Since everything will be all inclusive, we need to reach out to the municipalities to ask for their vision.
- Next group to have a discussion with is the municipalities. After which, we should be able to come back as a group.
- You talked about the other people who are trying to tap into the Fairfield County's money, is there any consideration to hiring a lobbyist? Would that not be a shared responsibility?
- One thing we can do is keep you abreast of that. I can communicate with the Superintendent to keep the School Board abreast.

### 3. ADJOURN

The meeting was adjourned at 8:07 P.M., upon unanimous approval of County Council.

  
SHRYLL M. BROWN  
CLERK TO COUNCIL

  
DAVID L. FERGUSON, SR.  
CHAIRMAN