



**MINUTES
WORKSESSION
FAIRFIELD COUNTY COUNCIL
SEPTEMBER 5, 2012**

Present:

County Council

David L. Ferguson
R. David Brown
Mary Lynn Kinley
Dwayne Perry
Carolyn B. Robinson
Philip L. Hinely
Davis Anderson
Tiffany Harrison
Ron Stowers

Pope Zeigler

Margaret Pope

Santee Cooper

Sam Bennett

Town of Winnsboro

Roger Gaddy
Clyde Sanders
Jackie Wilkes
Bill Haslett
Don Wood

Parker Poe

Michael Kozlarek
Ray Jones

Mid County Water

Herb Rentz
Robert Davis
Kenneth Sanders
Debra Matthews
William Turner

Mitford Water

Mike Good

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 sixty-two other individuals.

1. CALL TO ORDER

Chairman Ferguson called the meeting to order at approximately 6:05 P.M.

2. INVOCATION

Council Member Robinson led in the invocation.

3. ITEMS FOR DISCUSSION

A. Report From Mrs. Margaret Pope Re: Formation Of Water Authority For Fairfield County

After introductions around the table, Chairman Ferguson asked Mrs. Margaret Pope to make a presentation concerning the formation of a Water Authority for Fairfield County. A summation of her presentation is as follows:

- Chapter 25 of Title 6 is the statute that allows public subdivisions/political subdivisions to come together to form joint water agencies. The statute is very flexible in the provisions which it allows one to work with. The purpose for which one would form a water authority must be understood, and it is either to provide water or to provide sewer or to provide both. The entity must be a political subdivision, which would require one that is not - to change to the status of a special purpose district. There is a statute that allows water companies to convert to that status.

- Generally, a group of people decide that this is the best thing for a particular area. They come together and decide that a joint agency will allow you to enter into contracts, bill projects and do things that otherwise you would not be able to do.
 - The law is pretty straight forward in telling how to create one. Some sort of committee is formed. The Mayor sent a letter to at least two entities who had decided positively that they wanted to be part of this and suggested that each appoint two representatives. We come together as a charter committee, to decide, after discussion and consideration of whatever people feel like they need to know before they make that decision. It will take formal action by each of the members to decide to join. The statute is clear, that everybody who is a member, has a representative on the commission board. You can have more than one, which is up to the commission. It is that commission that would establish the bylaws, the governing documents, how the meetings would be conducted, how quorums are established, what matters have to be voted on other than by majority, etc. The statute is very clear, that before bonds can be issued that would pay for a project, each member would go to its governing body and approve the project; the board of the joint agency must vote (by two-thirds vote) to issue the bond. The statute is extraordinarily replete with the requirement that a certain number of meetings must be held, meetings to establish officers, etc. It operates completely apart from the individual members; but their representatives would go back and keep very close contact with the member that it represents.
 - {The way it was done in Anderson County}: Each member has a right to a certain percentage of the water that is pumped—which is translated into gallons. You can sell your water to others. The contract that was done for them was they could sell water to others who are members fairly freely; however, if you want to sell it to someone outside the membership, you have to offer it to the membership first.
 - Each of you should have your own lawyer to represent your interest at the table. How much you want that lawyer to be involved is up to every single individual entity. There are some negotiating points; there are some differences of opinion.
 - Setting up the joint agency is not a difficult task. All it takes is a Resolution or Ordinance of the governing body. A certificate of charter is received from the Secretary of State's office. The harder part comes when the decision is made about what the joint agency is going to own.
 - {Hampton County example}: Small entities came together. They are more interested in the joint agency doing it all (the intake, the water, transmission lines, distribution lines, etc). A lot of this will call for an engineer to be by your side—as a lot has to be driven by what makes sense. It has to be a partnering of consultants with the legal team.
 - It is a great way for people to become invested in a project that is going to benefit many people beyond one entity. Have been very involved with Lake Marion. They are slowly gaining popularity and they can be as restricted-purposed as you want to make it; it can be wide open. Want to try to do what makes sense because no one has a bottomless pit of money.
- At this point, Mrs. Pope answered specific questions that were posed to her, and the group engaged in open discussion as well. Mr. Sam Bennett also answered questions that were asked of him.

{The meeting was recessed for approximately thirty minutes}.

- When the group reconvened, Mrs. Pope asked if there were any final questions of her before the meeting adjourned. She stated that she met with a few individuals during the recess, and offered to continue the discussions at any later time. She concluded by saying when the joint agency is formed, it gives the structure for discussion to begin and to talk about it from an engineering and policy viewpoint.
- Mrs. Pope set forth that she believed the people who had decided to join were asked to contribute \$5,000 each, which was to cover the initial cost of getting it moving and off the ground. She set forth that once everyone decides they want to join; they contact the city that began the process; pay the contribution amount; come up with two representatives each; begin to have a meeting. She added that the COG was willing to send someone to serve as mediator or facilitator and she was asked to be there to answer questions and give guidance of the steps that have to be taken. Mrs. Pope indicated that the meeting can be set up as quickly as everyone decides they want to be a part of this; pays their money, etc. Was hopeful that the first meeting of the charter committee could be held this month.
- Mr. Hinely commented on the Corps of Engineers' schedule for the site visit.

4. ADJOURN

The meeting was adjourned at approximately 8:11 P.M., upon unanimous approval of County Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN