

**MINUTES
REGULAR MEETING
FAIRFIELD JOINT WATER SEWER SERVICE
SEPTEMBER 29, 2021**

Present: John McMeekin, Jason Taylor, Tim Roseborough, Brad Caulder, Kyle Crager, Commissioners.

Others Present: C.D. Rhodes, Patti L. Davis, Scott Elliott, Ty Davenport, Chris Clauson, Bill Bingham, Charles Boykin.

The Fairfield Joint Water Sewer Service met in regular session on September 29, 2021, at 6:00 p.m. at the Fairfield County Government Complex Building. 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 Independent Voice of Blythewood and Fairfield, The Country Chronicle and four hundred ninety-two other individuals.

1. CALL TO ORDER

Chairman McMeekin called the Regular Meeting to order at 6:00 p.m.

2. APPROVAL OF AGENDA

Motion made by Commissioner Crager, seconded by Commissioner Taylor, to approve the agenda. ***The motion carried unanimously 5-0.***

3. APPROVAL OF MINUTES

Motion made by Commissioner Crager, seconded by Commissioner Taylor, to approve the Regular Meeting minutes of August 4, 2021. ***The motion carried unanimously 5-0.***

4. ESTABLISHMENT OF TECHNICAL COMMITTEE

Mr. Rhodes stated as we move forward with the planning for the plant construction, there will be matters coming before the Commission to be decided. Therefore, it makes sense to establish a committee to be able to study some of these issues and bring recommendations back to the Commission. Item #6 on tonight's agenda is just such an issue. Mr. Rhodes proposed the Commission create a Technical Committee, which will be charged with considering matters related to the design and construction of the plant and then make recommendations back to the Commission. Mr. Rhodes feels we are fortunate to have the expertise and knowledge that Mr. Crager brings to the table, and it would be good if he could be given more of a formal role in the planning and design of the plant. Therefore, Mr. Rhodes proposes for consideration that Mr. Crager be appointed Chairman of the Technical Committee. The other membership should be made up of the folks who are

more involved in the nuts and bolts of the planning process. He, therefore, recommends the County Administrator (Mr. Caulder) and the Town Manager (Mr. Taylor) complete the Technical Committee membership. Chairman McMeekin restated that Mr. Crager would be the Chair of the Technical Committee, with Mr. Taylor and Mr. Caulder rounding out the membership for the Committee. He then opened the floor for a motion. Motion made by Commission Taylor, seconded by Commissioner Caulder, to appoint Mr. Crager as Chair along with Mr. Taylor and Mr. Caulder, to the Technical Committee. Fairfield County Attorney Charles Boykin raised a question, for consideration, concerning making a sub-committee of a quorum of the governing body. Mr. Boykin further stated that in doing this, the decisions that will be brought back to the Commission will, by-and-large, already be decided. This will be subject to FOIA and also raises a couple of other issues. Mr. Boykin stated he is not objecting but is just raising this question for consideration. Chairman McMeekin stated this is a good point; however, this group would be in an advisory role with no power to make decisions. Mr. Rhodes states this indeed would be the role of any committee appointed by the Commission. The Commission is authorized to create committees, and those committees are given the powers that the Commission bestows upon them. The committee would include a quorum, and as a committee of the Commission, whether it includes a quorum or not, its meetings would have to be public and held in accordance with FOIA. Committees of public bodies are considered public bodies under FOIA. The committee is only empowered to make recommendations back to the Commission, so the committee certainly does not have the power based on the motion that was just adopted to take any action on behalf of the Commission. Meetings of the committee are meetings of the committee and not meetings of the Commission. What should be given consideration is the fact that ultimately there are three individuals who are going to be making recommendations back to the Commission, and those three individuals will then vote. There is no assurance that a recommendation to the Commission will be approved by a 3-0 vote as it could also be approved by a 2-1 vote. Mr. Rhodes does not think this is prohibitive by law and is a policy consideration. The disadvantages are outweighed by the fact that there is a need for this committee to be formed with those who are involved in the day-to-day decision making and who can study the issues, report back to the governing bodies of their particular members and actually do some work. Chairman McMeekin stated this was a consideration at the Town, and it reduced its committee members to two. Commissioner Roseborough inquired if we should wait until Ridgeway is represented before creating committees. Commissioner Taylor stated this is a good point, and a quorum will not be created once Ridgeway comes on. Mr. Rhodes stated this is correct, and it may be decided at that time that it would make sense to include them in the

process. They can be added to the committee at that time if needed. Mr. Rhodes further stated there can be a motion for reconsideration to amend the motion in order to be a little more specific about the fact that the committee is only authorized to make recommendations to the Commission and is not authorized to take action. There is a real need to move forward and create this committee to have a group that is capable of studying things like the project delivery method. Mr. Rhodes feels Mr. Taylor, Mr. Crager and Mr. Caulder need to be involved in this process. Further, if these members are together outside of a committee, this would be in effect an illegal meeting of the Commission, which we certainly do not want to do. It would be better off to have a committee composed of a quorum of the Commission provided they are only allowed to make recommendations rather than having to have discussions in a piecemeal manner. Commissioner Roseborough stated if Ridgeway brings in two members, then a three member committee would not create a quorum. Mr. Rhodes agreed unless it was decided to add an individual from Ridgeway to the committee. Once again, the same policy considerations would be at play. Motion for reconsideration of the prior item made by Commissioner Taylor, seconded by Commissioner Crager. ***The motion carried 4-1 with Commissioner Roseborough voting nay.*** Motion then made by Commissioner Taylor, seconded by Commissioner Crager to approve the creation of a Technical Committee comprised of Kyle Crager as Chairman along with Jason Taylor and Brad Caulder, with this Committee being charged with studying matters concerning the planning, designing and construction of the plant, and they are only empowered to study those matters that are referred to it by the Commission to make recommendations to the Commission. Under no circumstances will the committee act on the behalf of the Commission. ***The motion carried 4-1 with Commissioner Roseborough voting nay.***

5. **RESOLUTION APPROVING AMERICAN ENGINEERING SCOPE OF WORK**
Motion made by Commissioner Crager, seconded by Commissioner Taylor, to approve the Resolution as read into the record. ***The motion carried unanimously 5-0.***

6. **DISCUSSION OF PROJECT DELIVERY METHOD FOR PLANT DESIGN RFP**
Mr. Rhodes stated this item is what prompted the recommendation of establishing the Technical Committee. As the plant is designed and constructed, there are a number of options as far as the project delivery method that will ultimately be used to secure the contract for the design and construction. Design/build and design/bid/build are the types of project delivery methods referred to, and there are pros and cons for all of them. Mr. Rhodes stated it is very important to get the experts involved and speaking

with other experts to make a good decision. He would, therefore, recommend the Commission refer this matter to the Technical Committee for study and to make a recommendation back to the Commission as far as the particular project delivery method to choose which will ultimately be incorporated into the request of qualifications for the design of the plant and ultimately the construction. Motion made by Commissioner Caulder, seconded by Commissioner Taylor to refer this item to the Technical Committee. ***The motion carried 4-1 with Commissioner Roseborough voting nay.***

7. UPDATE CONCERNING TOWN OF RIDGEWAY MEMBERSHIP

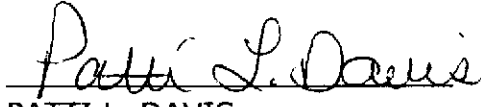
Per Mr. Rhodes, as discussed in the last meeting, the Commission approved the proposal to the Town of Ridgeway for membership on the Commission. Mr. Davenport and Mr. Rhodes met with the Town of Ridgeway and then attended a Ridgeway City Council meeting. There were two items on the agenda concerning the Joint System, one being a resolution by the Town of Ridgeway to request membership and the other being a resolution approving or supporting the 208 amendments that have been discussed. The determination was made to table both of these matters in order to seek legal advice, which is not unreasonable, and they are in the process of doing this. Mr. Rhodes and Mr. Davenport have been in contact with the Town and told them nothing has changed from the perspective that everyone still wants them to join. We are ready to take them in whenever they are ready to reconsider the resolution. There is the matter of the 208 amendments and what they will look like, and it is important that some of these be worked through on our end before asking them to support something that may change. In fact, there have been some changes since Ridgeway adopted a resolution back in 2020 supporting the original 208 amendments. There is some work to do on our side, and we are actively engaged in this work. Ridgeway is not the cause of any delay as we are all working on all fronts to resolve some of the current issues. From a 208 perspective, there is no particular rush for them to move forward. Everything is certainly moving forward, and any changes will be brought back to the Commission. Chairman McMeekin stated this will be taken as information only. We are all joined at the hip and united we stand but divided we fall. It will take all of us to move in the right direction.

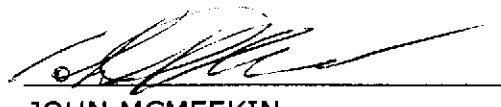
8. EXECUTIVE SESSION: (The following statement is provided in compliance with the South Carolina Freedom of Information Act: Subsequent to Executive Session, the Commission may take action on matters discussed in Executive Session.)

Executive session was not needed at this meeting.

9. ADJOURN

At 7:11 p.m., it was moved by Commissioner Crager, seconded by Commissioner Taylor, to adjourn. ***The motion carried unanimously 5-0.***


PATTI L. DAVIS
SECRETARY


JOHN MCMEEKIN
CHAIRMAN