

**MINUTES**  
**Spartanburg County**  
**Legislative Delegation**  
**Monday, February 23, 2009**  
**7:00 p.m.**

A public meeting of the Spartanburg County Legislative Delegation was held on Monday, February 23, 2009 at 7:00 p.m. in County Council Chambers of the Spartanburg County Administrative Office Building. In compliance with applicable law, notices of this meeting were mailed in advance to all members of the Delegation, the local news media, and other interested parties at the addresses on file with the Delegation secretary. A notice of the meeting was posted at the place of meeting.

The following members were present or absent as indicated:

Senator Glenn Reese – Present  
Senator Lee Bright – Present  
Senator Shane Martin – Present  
Senator Harvey Peeler – Absent  
Representative Harold Mitchell – Absent  
Representative J. Derham Cole, Jr. – Absent  
Representative Lanny Littlejohn – Present  
Representative P. Mike Forrester – Absent  
Representative R. Keith Kelly – Present  
Representative Merita Allison – Absent  
Representative Steve Parker – Absent  
Representative Joey Millwood – Present  
Representative Mike Anthony – Absent

**1. PRAYER**

Representative Joey Millwood opened the meeting with Senator Martin delivering the Invocation.

**2. PLEDGE OF ALLEGIANCE**

Representative Millwood led in the Pledge of Allegiance.

### **3. APPROVAL OF JANUARY 8, 2009 MINUTES**

Representative Millwood called for approval of the January 8, 2009 minutes.

Representative Kelly raised a point of order that a quorum was not present to conduct business of the Delegation.

Chairman Millwood overturned Representative Kelly's point of order as over fifty percent weighted vote of the county was represented.

Chairman Millwood again called for approval of the January 8, 2009 minutes.

Representative Kelly raised a point of order for the entire Delegation join into binding arbitration with E. C. Burnett, retired justice of the South Carolina Supreme Court at no expenses to the taxpayers.

Senator Bright rejected Representative Kelly's request for the entire Delegation members to arbitrate.

Chairman Millwood stated that he would take the request under consideration and discuss it later.

Representatives Littlejohn and Kelly left the meeting.

Chairman Millwood moved that the minutes be approved by acclamation. The minutes were approved.

### **4. ADOPT DELEGATION RULES**

Senator Martin sent out an e-mail of the Rules adopted. The delegation is not a continuing body therefore every election year, rules are to be established. Senator Martin moved to adopt the Rules as e-mailed.

Chairman Millwood moved to adopt the Rules by acclamation. Senator Reese noted the delegation had not previously adopted any Rules.

### **5. PRESENTATIONS**

#### **a. Mrs. Patricia L. Harrison – December 2008 SC LAC audit of SC Dept. of Disabilities and Special Needs**

Ms. Harrison, an advocate for people with disabilities, distributed a packet of information to the delegation members. There has been a recent audit of the Department of Disabilities and Special Needs (DDSN). The audit discussed tens of millions of dollars of appropriated funds, intended to be used for services, which were used to purchase real estate. Basically the audit did not explain where the money went. Ms. Harrison requested members give attention to future legislation addressing

these problems and to restructure how money is spent.

The distributed informational chart explained how money is forwarded to Spartanburg County. The Federal Medicaid money comes from CMS with 70% of the Medicaid dollars going to the Department of Health and Human Services. The other 30% is allocated to the Department of Disabilities and Special Needs. In Spartanburg County, there is a DSN statutory board that in many counties is appointed by the Delegation, but in Spartanburg it is appointed by County Council. In Spartanburg, instead of the money flowing through the county board, the money bypasses the county board and goes to the Charles Lea Center.

Ms. Harrison brought to the delegation attention the number of lawsuits that have been brought against the Charles Lea Center for abuse and neglect in recent years to the superfund sight that tax dollars were spent to purchase from Tyco Corporation. There is a tremendous need for choice and quality assurance in the County. In Spartanburg County, the only services offered in many areas are from the Charles Lea Center. Ms. Harrison feels the system is broken.

Ms. Harrison hopes to get some consistency across the state and some competition in services for the quality to improve.

**b. Mr. Rick Beltram, Spartanburg County GOP Chairman – pending bills related to changes in voting procedures and precinct reorganization efforts.**

Mrs. Maryanne Riley spoke on behalf of Mr. Rick Beltram who is out of town.

Mrs. Riley has been the Precinct A Captain in Boiling Springs for twenty-two years and knows that many problems arise due to being one of the largest precincts. Mrs. Riley has pictures to show how the lines were on general election day.

In past years, part of the alphabet voted in the morning, and part of the alphabet voted in the evening. But this year was a little unique. People were sent out to inform those waiting in line that the first part of the alphabet should be waiting in another line. In years past, role books were able to be moved to accommodate. However, this year laptops were used and this could not be accomplished. The laptops were not programmed to accommodate, therefore, the last part of the alphabet people were in line much longer. This was one of the major problems. The precincts have grown and were split and grown again to over 6500 registered voters.

Many voters felt they could vote early, but early voting is not available in South Carolina. Many voters used the absentee voting as a means of early voting. Even some media was calling absentee voting early voting. In many cases, voters stood in long lines for absentee voting where they could have voted faster at their own precinct.

Mrs. Riley feels there is a need to register by party. Everybody can vote in a general election, but the primary elections are for voting for particular party candidates.

Also, there is a need for voter photo identification cards. Mrs. Riley feels these issues need to be addressed.

**c. Ms. Jeanine Thomas, Area Supervisor, SC Vocational Rehabilitation - Services and Impact**

There have been many successes in the South Carolina Vocational Rehabilitation (SCVR). Annually, they have helped over 8500 individuals with significant disabilities to go to work. This is accomplished with services in work training centers and through relationships with local businesses. Vocational Rehabilitation believes it is their local relationships with large and small businesses that have helped them continually, even in the toughest of economic hard times. SCVR provides vocational instruction, training, counseling, along with job placement to ensure success. Across the state, they have relationships with over 400 businesses and industries that help with their mission. Their results have been successful competitive employment for over 750 clients with disabilities in the area annually. Today, since July 1 there have been 480 individuals with disabilities able to go to work after receiving such help.

The rate of return is strong. By becoming competitively employed, clients lessen their dependence on public assistance. They become taxpayers. Those rehabilitated into employment pays back more than \$3.00 in taxes for every dollar spent on rehabilitation usually within five years.

The agency uses their \$12M state allotment responsibly, consistently at or near the top of the nations VR program. Currently, SCVR rehabilitates about 201 individuals per 100,000. That puts them second in the nation and the highest in the Southeast. The cost per client serves about \$1500 and the nation's average is about \$2,200.

The Department's basic service program is from a federal match, which is \$4 of federal funding for each dollar of state funding. The funding is from the US Department of Education Rehabilitation Services Administration. The match is critical for SCVR. For example, \$500,000 deficit in state funds could mean the loss of \$2M in federal funds that will go away from South Carolina. It is a goal that some state funds be restored. The total budget cuts this past year was 21%, with the last round at 7% which dropped VR below the federal match.

SCVR remains optimistic and enthusiastic about delivering their end results which is to employ clients with disabilities.

#### **d. Mr. Phil Clarkson – Traumatic Brain Injury and Spinal Cord Injury Post-Acute Rehabilitation Funding**

Mr. Clarkson is speaking on behalf of Brain Injury Alliance of South Carolina. Mr. Clarkson is requesting continued funding for individuals who have had traumatic head or spinal cord injuries who can not afford to pay for rehabilitation.

In South Carolina more than one in every seventy individuals is affected by such injuries. Most of these individuals are less than forty-four years of age. Disability often results in the inability to perform daily activities as well as holding a job.

Two years ago, the General Assembly appropriated \$2.1M recurring for this particular type of rehabilitation. Mr. Clarkson is asking that members place this funding as a high budget priority or the state would be advocating job loss, social failure, and more individuals would be living off the state whether they want to or not. Both the Governor's budget and DDSNs budget are showing monies for the rehab clinic. If monies are able to be appropriated, Mr. Clarkson is asking members

to attach a proviso to it to ensure that monies are spent for the intended purposes.

**e. Mr. Mike Raney, Director Glenn Springs Academy – Institutional Mental Disease (IMD) \$26M transition grant**

Mr. Raney is representing all the children in Foster Care in the fifty-five agencies across the State of South Carolina. Four agencies in Spartanburg County are affected by what is called the IMD transition, which means that agencies such as Glenn Springs Academy, the Children's Shelter, the Girls Home, and Ellen Hines Smith Girls Home are ineligible for Medicaid funds to pay for what they have previously paid for which is placement for children. These are children in Foster care in the custody of the State of South Carolina. These are children, for the most part whose parental rights have been terminated. In fact, the state is the parent.

The federal government has said they cannot use Medicaid funds to place children. A plan was developed within Health and Human Services Chair, Mr. Robbie Curb, to replace those federal funds with state funds. The first year funding started at \$13M, the second year at \$26M, going into the third year with \$39M.

Mr. Raney is not requesting money, but requesting the legislature to enforce the allocations of those funds to be used for the purpose for which they were allocated. Mr. Raney is asking the legislators to meet with DSS to say we have found \$26M – Fix this problem. Let's make sure that the money goes to pay for the problem, not replace money that may be lost from theft or from the \$13M fine that DSS is paying every year for the lack of a Child Support Enforcement System that meets federal standards. The money has been appropriated through the House. We are not confident that DSS is going to use those funds for the purpose for which it was intended.

DSS is saying that we can put kids in the highest level of care, which is in a psychiatric hospital for Foster Care, because the federal government will pay for that. They are taking children out of lower levels of care, moderate and high level like Glenn Springs Academy, low level management like The Children's Shelter or Ellen Hines Smith and moving them back home at a place they should not be, or sending them to the highest level of care because that doesn't take state dollars. That issue has caused the Glenn Springs Academy agency to go from thirty-two kids and more referrals than can be handled to now twenty-six kids in custody. This hurts the agency, hurts the employees, and, most of all it hurts the kids.

Mr. Raney is asking for help to ensure those funds are used for the specific purpose. We don't want to think the legislature has taking care of the problem and helped out the agencies of these kids, only for DSS to undermine the purpose for which the monies were allocated.

**f. Mr. Jim Herzog, citizen – House Bill 3107 regarding \$200 tax credit for private school**

All parents have the intrinsic right to home school or send their children to private school

without expectation or reimbursement of cost or reduction of tax liability. Mr. Herzog feels that any kind of tax credit can lead to vouchers and respectfully request members not support the bill.

**g. Mr. Henry Laye – Overview of Election Day opportunities for improvement**

Mr. Laye shared information that was seen and heard regarding issues of the past general election. The voter participation in the November 2008 election was historical in nature, both in the county and the state. There were 110,265 ballots cast which was about a 64% turnout. About 13,000 of those votes were cast as absentee voters, which was about twice or three times the numbers experienced before. Mrs. Riley has indicated to all about early voting, and the need for that. We have early voting in South Carolina, it is just called absentee. So many people came out to vote and were forced to choose one of the seventeen reasons required to vote absentee. Some people, because of the media attention from the neighboring states, talk about early voting. They confused absentee voting with early voting. What is needed is no excuse absentee voting.

Mr. Laye has provided each delegation member a copy of the official results from the November, 2008 general election, the demographic breakdown of voters by precinct, the number of all voters by precinct, the senate and house district, and the current list of county elections for 2009. Between now and November, there are thirteen elections scheduled.

Some of the factors that influenced the long lines and the long wait times were obviously, precinct size, staffing, alphabetizing the lines, precinct district lines, the number of ballots, special purpose district referendums on the same agenda as the presidential primaries. Many were first time voters. Many voters went to the wrong precinct and others needed address changes. People need to be properly prepared when they arrive at the polls.

Spartanburg County is fortunate to have experienced the growth throughout the years. But what has happened is some of the precincts were allowed to grow to sizes that basically need reduction. There are 92 precincts in Spartanburg County. The smallest precinct is the Una precinct with 459 total voters, and the largest precinct is Boiling Springs A precinct with 6549 voters. State law states that when precincts get to be 1500 voters or more, the precinct size needs to be reduced. Each odd numbered year, the General Assembly receives a listing of those precincts in each county where voters exceed 1500. If the General Assembly fails to act by April 1<sup>st</sup> of each year, then the responsibility falls on the respective county Voter Registration and Election Boards to take it in their hands to reduce that precinct size. Tomorrow, Mr. Don Watson, who chairs, the Voter Registration Board and Mr. Laye will be going down to Mr. Bobby Bowers office, which is the state Budget and Control Board operations research to begin some preliminary work on how to reduce the precinct size which will ultimately reduce the time that people wait in line.

Mr. Laye knows that the press reported insufficient poll managers on hand. Staffing precincts in Spartanburg County, according to the guidelines, would calculate to 1,020 poll managers. There were only 500 poll managers available which also created delays. People worked long, hard hours, and received no thanks for it, but did get a check for \$120 for all worked time. Mr. Laye challenged each person in the audience to sign up to be a poll manager. A goal was set to have

250 new poll managers this year, and 250 for next year to bring them up to that thousand.

The voter registration laptops created some issues with the alphabetizing of lines. Each of those laptops could have easily handled A to Z. In fact, they had the entire county database at each of the precincts. But the State Election Commission did not permit each laptop to contain the complete alphabet because they were not linked. At the end of the election, the Election Commission of Spartanburg County exercised its due diligence to refute all the absentee votes with each sign-in list of the precincts. We found two individuals that potentially looked like they voted twice. We reported those names to Mr. Trey Gowdy who forwarded them on to the Attorney General. Mr. Laye is happy to report they have been cleared by SLED which basically renews faith in the folks of Spartanburg County.

To make laptops work functionally, they need to be linked. The estimate from Spartanburg County is \$37,000, which does not include the hardware. If we are going to continue to move into the computer age to make our life easier, the computers will have to be linked. Those precincts that did not get computers, the State Election Commission was asked at Mr. Laye's suggestion to give a written list at each poll to summarize the number of people by last name alphabet to show how we can break the books down easier. We hope that improvement will work.

Another issue is bar coding with e-scanable voter registration cards. Machines have been tried in the primary that will allow drivers license to be scanned. Those machines are about \$3500 each, and with today's budgets, Mr. Laye feels that is not an option. However, at some point, electronics will have to be tackled to make things easier. Bar coded registration cards with identifications on them are all under consideration in the General Assembly this year.

Mr. Laye has been appointed to legislative committee of the South Carolina Association of Registration and Election. It will be Mr. Laye's pleasure to answer any questions about legislation when it comes up to share opinions on to help make a more educated vote or ask questions that you need to be tweaked to better serve the voting public of South Carolina.

#### **h. Mr. Chris Story, Assistant County Administrator – Legislative agenda for 2009**

Mr. Story delivered some thoughts on the current legislative session from Spartanburg County Council. The headline of Spartanburg County Council's message is a desire to work in partnership with Delegation members and to facilitate active and routine communication about issues of state and local government. There are ten issues that constitute the County's legislative agenda for the current legislative session.

The first is one is to overhaul comprehensive tax reform. The County has had more questions this year that did not relate to any policy decisions made by local government, did not relate to any spending decisions made by local government, but simply from well-intentioned, well-informed citizens that are having difficulty reconciling why their tax bill was so dramatically different than their neighbors and how things fit together. The County would elect for more transparent and more straight forward, easier to understand system of taxation on local government.

Second is to re-iterate the common refrain from local governments that spending caps are unnecessary and counterproductive. The smaller the jurisdiction the greater the rate of change and

circumstances in regard to service level, desire, activities that become necessary or cease to be necessary, meaning that tying last years decisions to next years decisions has adverse consequences that restrain the hands of the people who are elected by the same electorate of the delegation members.

The third is that local governments need greater flexibility regarding Special Purpose Districts. This is not because the county has problems working with them, in fact, many of the Special Purpose Districts is on the cutting edge of looking at ways to do things differently, more efficiently with shared resources, etc. But when an SPD that is created by the state, and located next to it is a Fire Service area under the county authority, it becomes difficult structurally to be as flexible as it might be in taxpayer interest.

Number four is to echo the notion that state roads can benefit from delegation members attention and investment. Many of the 1700 miles of county roads under the county responsibility are part of the network of about that same number of miles under state responsibility and increasing more of the complaints that the county is hearing is the county has made some headway in addressing its maintenance deficit is related to state road maintenance. The County encourages state cooperation as much as possible.

Number five is the County needs state help and strong state leadership on air quality. It is not an issue that has gotten the level of public attention that it deserves, but there are serious public health and economic impacts that could revolving to the state if we are not able to clean the air and meet federal air quality standards. In fact, the highest reading monitor for ground level ozone in the state is in Spartanburg County. The County needs delegation engagement in Columbia on air quality issues so that we can not only avoid the respiratory health issues because of air quality but also avoid the sanctions that come from the federal government for failing to meet attainment.

Number six is to encourage the delegation on the hot topic of federal stimulus funding. Mr. Story encouraged the delegation to be as aggressive as possibly can on behalf of local and upstate needs in regard to any federal stimulus funds that might apply. The County would like to support the delegation in any way possible now that Congress has acted to our philosophical and ideological perspective and recognize those funds would go somewhere.

Number seven is to consider working with the County to streamline the magisterial court locations and functions. The magistrate court system is one that the community as a whole is relying on but when the district magistrate structure hasn't been revisited in quite some time, some district magistrates seeing very high level of activity and other not seen as many citizens for whatever practice might drive that. Together the county and senatorial delegation might be able to look at some data and in a time when they are looking to be as lean as possible, offer those resources to help to serve more people better.

Number eight relates to the notion of transparency and the publics ability to see and be aware of the activity of local government. County Council strongly supports the notion of transparency and openness, but the County needs a workable system to truly inform and work with what is available. The County would love to be able to with a simple click open the County's financial information up for anyone to see, but would like to be in a system that allows the county to actually connect not just

the fact that we spent x number of dollars to ABC Corporation on x date, but connect that information to the why and the how to support those dollars were spent.

Number nine is to consider working with the County to enable multi-year planning of C Funds. The delegation appoints a first-rate County Transportation Committee and the folks are very knowledgeable and they do great work. The County works with the committee very well. The County does their best to leverage County Road Fee money with C Fund money and any other pockets available with great communications and dialogue. But it might be to everyone's interest if changes were looked at that might free those dollars up to be programmed years in advance and maybe even use some financing structure when we have some timing may be of the essence. Opening up the administration of C Funds might be an area where the County can help and encourage success.

The last is to ask delegation help to provide counties with more efficient tools to address nuisance properties and encourage redevelopment. The County has an increasing public support in addressing blight, overgrown properties, rundown properties, damaged properties, anything that might fall into the area of nuisance, because that is the most cost effective way we can encourage re-development/reinvestments of those sights to grow the tax base, and to serve our existing neighborhoods and help them be strong and stable in a challenging economy. However, sometimes the county runs into some long procedural red tape to clarify our ability to take action on those properties and to recover the cost from irresponsible property owners and not allow the responsible property to be burdened by this cost as well.

In closing, the County knows there are many challenges at the state level and they appreciate your dedicated services to that and your efforts to responsibly address those issues. The County wants great dialogue with the delegation and look forward to working with you.

**i. Dr. Karry L. Guillory, Ph. D., Deputy Director for Community Services DJJ – 2009 Report on Progress**

Dr. Guillory had a commitment in Charleston but the meeting went into overtime, therefore he was not able to commute back to Spartanburg to present.

**6. Committee Assignments**

Committee assignments were made and should not be any disruption.

Ms. Linda Dogan was recognized to speak.

Ms. Dogan expressed her disapproval of the delegation discernment.

**7. Old Business**

**a. Election Commission Appointment from 01/08/09**

Mr. Bob Hamilton was appointed to the Election Commission back on January 8. A point of order was made that the Senatorial delegation plus at least one half of the House delegation was necessary. All thirteen members of the delegation signed off on the appointment. Paperwork has been turned into the Governor's office for confirmation.

**8. New Business**

**a. Glendale Fire District Commission**

**Term of Ed Brown. Application received: Edward E. Brown**

Senator Martin nominated Mr. Edward Brown for re-appointment. Senator Bright seconded the motion. The motion carried by acclamation.

**b. Spartanburg County Commission for Higher Education**

**Terms of Milton Smith, Jr., Audrey T. Grant, C. Dan Adams, Albert Smith, William R. Cobb, James R. Smith, John Bernard Travers (Cherokee County), and L. Andrew Westbrook, III (Greenville County). Applications received: John Bernard Travers (Cherokee County), James R. (Jim) Smith, Albert V. Smith, William R. Cobb, Milton A. Smith, Jr., Carey Daniel Adams (Greenville County), and Jane Golightly Bottsford.**

Senator Martin moved to nominate Mr. John Travers for Cherokee County, Mr. James Smith, Mr. Albert Smith, Mr. William Cobb, Mr. Milton Smith, for Spartanburg County, Mr. C. Dan Adams for Greenville County, and Ms. Jane Bottsford and Mr. Harold McClain for Spartanburg County to serve on the Spartanburg County Commission for Higher Education.

Senator Reese seconded the motion. The motion carried by acclamation.

**c. Spartanburg Area Mental Health Board**

**Term of Kathleen Baechle. Application received: none**

A point of order was made regarding an application being received on Friday within seven days of the rules. Rules state the delegation is required to vote unanimously as long as the weighted majority is present to approve to accept the application for the vote. Senator Martin made a motion to accept the application for Mr. Michael Raney. All present were in favor of accepting the application.

Senator Martin made a motion to nominate Michael Raney to serve on the Spartanburg Area Mental Health Board. Senator Reese seconded the motion. The motion carried by acclamation.

**d. Spartanburg County Commission for Technical and Community Education**

**Terms of John Edwards, F. Gary Towery, and William G. Sarratt. Applications received: F. Gary Towery, and William Sarratt.**

Senator Martin made a motion to accept Mr. Towery and Mr. Sarratt and carry over Mr. Edwards's appointment as he has not submitted an application. Senator Reese seconded the motion. The motion was approved by acclamation.

**e. Inman Campobello Water District Commission  
Term of David E. Gibson. Application received: David E. Gibson**

Senator Reese moved to nominate David E. Gibson. Senator Martin seconded the motion. The motion carried by acclamation.

**f. Glenn Springs – Pauline Rural Fire District Commission  
Term of Edward B. Peeler. Application received: Edward B. Peeler**

Senator Martin moved to nominate Mr. Edward Peeler. Senator Bright seconded the motion. The motion carried by acclamation.

**g. Holly Springs Fire-Rescue District Commission**

Senator Bright moved to nominate Kenneth Roscoe Kyle, Jr. and Clarence Gibbs. Senator Martin seconded the motion. The motion carried by acclamation.

**h. Westview-Fairforest Fire District Commission  
New information – Commissioner resignation. Terms of Jerry Lee Walker and Dr. Charles (Chuck) Bagwell. Applications received: Jerry Lee Walker, Jeff Knight, Todd Gilmore, Stacy Thompson, Rich Simmons, Jay Erick Hammett, Dr. Charles F. Bagwell, and Herbert Roy Hayes.**

The delegation is searching for a slate of commissioners and the SLED investigation has not been completed. There is a possibility of a called special meeting to appoint the commissioners.

Senator Martin made a nomination to appoint Gorden Cooper as Spartanburg County Master-In-Equity. The motion was carried by acclamation.

**9. Executive session**

The delegation went into executive session to discuss a personnel matter.

**10. Remarks/Adjournment**

Senator Reese discussed past employment of Ms. Crowe and what a wonderful job she has done for the delegation over the years. Previously, there have been several other staff people, but the delegation just wanted to affirm that that she is the staff person and the job that she does in dealing with the situation until the delegation hopefully settles down and meet an earlier hour.

**WITH NO FURTHER BUSINESS, THE MEETING ADJOURNED.**

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Joey Millwood, Delegation Chairman