COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX 100 RIBAUT ROAD POST OFFICE DRAWER 1228 BEAUFORT, SOUTH CAROLINA 29901-1228 TELEPHONE: (843) 255-2180

www.bcgov.net

AGENDA

GARY T. KUBIC COUNTY ADMINISTRATOR

JOSHUA A. GRUBER DEPUTY COUNTY ADMINISTRATOR

> THOMAS J. KEAVENY, II COUNTY ATTORNEY

ASHLEY M. BENNETT CLERK TO COUNCIL

JOINT MEETING FINANCE COMMITTEE AND EXECUTIVE COMMITTEE Monday, June 26, 2017 1:00 p.m. Executive Conference Room, Administration Building

Beaufort County Government Robert Smalls Complex 100 Ribaut Road, Beaufort

Staff Support:

Suzanne Gregory, Employee Services Director Alicia Holland, CPA, Assistant County Administrator, Finance Chanel Lewis, CGFO, Controller

D. PAUL SOMMERVILLE CHAIRMAN

GERALD W. STEWART VICE CHAIRMAN

COUNCIL MEMBERS

RICK CAPORALE MICHAEL E. COVERT GERALD DAWSON BRIAN E. FLEWELLING STEVEN G. FOBES YORK GLOVER, SR. ALICE G. HOWARD STEWART H. RODMAN ROBERTS "TABOR" VAUX

> Finance Committee Members: Jerry Stewart, Chairman Michael Covert, Vice Chairman Rick Caporale Gerald Dawson Brian Flewelling Steven Fobes Stu Rodman

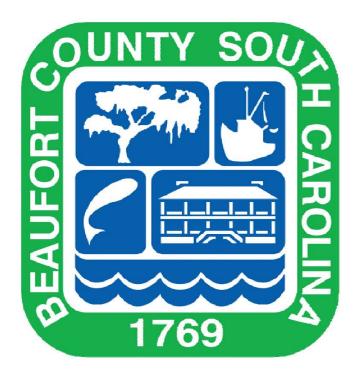
Executive Committee Members: Jerry Stewart, Chairman Gerald Dawson Brian Flewelling Alice Howard Stu Rodman

- 1. CALL TO ORDER 1:00 P.M.
- 2. EXECUTIVE SESSION A. Receipt of legal advice relating to potential litigation
- 3. UPDATE / \$35 MILLION GENERAL OBLIGATION BOND ANTICIPATION NOTE(S) (backup)
- 4. DISCUSSION / SCHOOL DISTRICT IMPACT FEES
- 5. DISCUSSION / ENABLING LEGISLATION FOR BEAUFORT COUNTY TRANSPORTATION COMMITTEE (ADVISORY COMMITTEE) (backup)
- 6. DISCUSSION / MAGISTRATE OFFICE / STATUTORY AUTHORITY / BEAUFORT COUNTY CODE OF ORDINANCES (backup)
- 7. DISCUSSION / BOARDS AND COMMISSIONS APPOINTMENT PROCESS (backup)
- 8. DISCUSSION / ORDINANCE APPROVAL PROCESS (backup)
- 9. ADJOURNMENT









Beaufort County TREASURER

Maria Walls, CPA

Cash Flows

- Bank balances versus General Ledger balances
- Equity in Pooled Cash
- Special Purpose Transactions

The Beaufort County Treasurer's Office, professionals serving with innovation and enthusiasm.

DIVISION 4. - BEAUFORT COUNTY TRANSPORTATION COMMITTEE

Sec. 2-271. - Title.

The name of the organization shall be known as the Beaufort County Transportation Committee.

(<u>Ord. No. 2015/31, § 1, 10-26-2015</u>)

Sec. 2-272. - Composition.

The committee shall be comprised of 11 members, including one resident member of each of the county council districts.

(<u>Ord. No. 2015/31, § 2, 10-26-2015</u>)

Sec. 2-273. - Form of governing.

The board [committee] shall be governed by the laws as set forth in division 1, sections 2-191 through 2-198 of the Beaufort County Code of Ordinances.

(<u>Ord. No. 2015/31, § 3, 10-26-2015</u>)

Sec. 2-274. - Chairman.

The members shall elect a chairman from its membership.

(Ord. No. 2015/31, § 4, 10-26-2015)

Sec. 2-275. - Purpose.

The purpose of the committee is to formulate a county transportation plan, provide program management, approve expenditure of "C" fund in compliance with S.C. Code Ann. § 12-28-2740, and make annual reports to the SCDOT of expenditures in accordance with S.C. Code Ann. § 12-28-2740 (D).

(<u>Ord. No. 2015/31, § 5, 10-26-2015</u>)

Secs. 2-276—2-280. - Reserved.

ORDINANCE NO. 2017/____

AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE NUMBER 2015/31 SO AS TO AMEND SECTION 2-275 OF THE BEAUFORT COUNTY CODE OF ORDINANCES SO AS TO ESTABLISH THAT THE BEAUFORT COUNTY TRANSPORTATION COMMITTEE SHALL SERVE AS AN ADVISORY BODY TO BEAUFORT COUNTY COUNCIL

WHEREAS, Beaufort County Council by Resolution dated April 13, 2015 requested the Beaufort County Legislative Delegation adopt a Resolution to abolish the County Transportation Committee ("CTC") and devolve its powers and duties to Beaufort County Council; and

WHEREAS, pursuant to S.C. Code Ann. § 12-28-2740(O), the legislative delegation of a county may by resolution abolish the county transportation committee and devolve its powers and duties to the governing body of the county; and

WHEREAS, on June 29, 2015 the Beaufort County Legislative Delegation adopted a Resolution dissolving the Beaufort County Transportation Committee and devolving its powers and responsibilities to Beaufort County Council; and

WHEREAS, Beaufort County Council subsequently adopted Ordinance Number 2015/31 creating the new Beaufort County Transportation Committee and outlining its membership, roles, and operations; and

WHEREAS, Beaufort County Council desires to amend Ordinance Number 2015/31 and Section 2-275 of the Beaufort County Code of Ordinance so as to identify the County Transportation Committee as an advisory body to Beaufort County Council; and

WHEREAS, upon adoption of the Ordinance, Beaufort County Council shall be vested with the decision-making authority contemplated in Section 12-28-2740 of the South Carolina Code of Laws upon receiving the advice and recommendations of the Beaufort County Transportation Committee.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that Beaufort County Ordinance Number 2015/31 and Section 2-275 of the Beaufort County Code of Ordinances are hereby amended as follows:

Sec. 2-275. - Purpose.

The purpose of the committee is to <u>provide advice and <u>recommends</u> on the formulate formulation of a county transportation plan, provide program management, approve expenditure of "C" funds in compliance with S.C. Code Ann. § 12-28-2740, and make annual reports to the SCDOT of expenditures in accordance with S.C. Code Ann. § 12-28-2740(D) for the review and approval of Beaufort County Council.</u>

This Ordinance shall become effective upon its adoption.

Adopted this _____ day of May, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: ______ D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: Second Reading: Public Hearing: Third and Final Reading:

DIVISION 3. - ELECTED AND APPOINTED OFFICIALS

Sec. 2-346. - Salary administration program created.

There is created a salary administration program for compensating elected and appointed officials, other than members of the council, and to establish entry level salaries for each elected and appointed position.

- (1) Auditor.
- (2) Clerk of court.
- (3) Coroner.
- (4) Probate judge.
- (5) Sheriff.
- (6) Treasurer.
- (7) Master-in-equity.
- (8) Magistrate.

(Code 1982, § 2-66; Ord. No. 98-20, § 1(A), 10-12-1998; Ord. No. 2004/36, § 1(A), 10-25-2004; Ord. No. 2007/32, § 1(A), 8-13-2007; Ord. No. 2015/7, 4-13-2015.)

Sec. 2-347. - Entry level salary.

- (a) Salary. The entry level salary for each elected and appointed official is established as follows:
 - (1) Auditor: \$59,915.00, which excludes any other stipend paid by the county and/or state.
 - (2) *Clerk of court:* \$79,837.00, which excludes any other stipend paid by the county and/or state.
 - (3) Coroner: \$70,367.00, which excludes any other stipend paid by the county and/or state.
 - (4) *Probate judge:* \$100,067.00, which excludes any other stipend paid by the county and/or state.
 - (5) Sheriff: \$102,380.00, which excludes any other stipend paid by the county and/or state.
 - (6) *Treasurer:* \$64,327.00, which excludes any other stipend paid by the county and/or state.
 - (7) *Master-in-equity:* Set pursuant to S.C. Code Ann. § 14-11-30, which excludes any other stipend paid by the county and/or state.
 - (8) *Magistrate:* Set pursuant to S.C. Code Ann. § 22-8-40(b)(2), which excludes any other stipend paid by the county and/or state.

The above entry level salaries were established using the average salaries of peer counties in the tier 1 classification as determined by population in the South Carolina Association of Counties Annual Salary Survey for each position, or the current Beaufort County salary, whichever is greater.

(b) *Cost of living.* At each instance of a cost of living allowance (COLA) pay increase awarded by the Beaufort County Council, after the enactment date of this ordinance [September 2007], the entry level salary of each elected or appointed office listed in subsection (a) above will be increased accordingly.

(Code 1982, § 2-69; Ord. No. 98-20, § 1(B), 10-12-1998; Res. of 7-26-1999; Ord. No. 2004/36, § 1(D), 10-25-2004; Ord. No. 2007/32, § 1(D, E), 8-13-2007; Ord. No. 2015/7, 4-13-2015)

Sec. 2-348. - Incorporation of state payments.

Any salary and/or stipend received from the state by any elected and appointed official will be incorporated into the overall compensation plan as an addition to the county-paid salary.

(Code 1982, § 2-70; Ord. No. 98-20, § 1(C), 10-12-1998; Ord. No. 2004/36, § 1(E), 10-25-2004; Ord. No. 2007/32, § 1(F), 8-13-2007; Ord. No. 2015/7, 4-13-2015)

Sec. 2-349. - County and/or state salary adjustments.

- (a) Each elected and appointed official shall receive the county's annual cost of living adjustment.
- (b) Elected or appointed officials will receive mandated state salary adjustments or council-approved salary adjustments, whichever is the greater of the two.

(Code 1982, § 2-71; Ord. No. 98-20, § 1(D), (F), 10-12-1998; Ord. No. 2004/36, § 1(F), 10-25-2004; Ord. No. 2007/32, § 1(G), 8-13-2007; Ord. No. 2015/7, 4-13-2015)

Sec. 2-350. - Reelection or reappointment.

An elected or appointed official, who is reelected and/or reappointed to his/her same office, without a break in service, will receive a five percent increase at the beginning of his/her new term of office.

(Code 1982, § 2-67; Ord. No. 98-20, § 1(E), 10-12-1998; Ord. No. 2004/36, § 1(B), 10-25-2004; Ord. No. 2007/32, § 1(B), 8-13-2007; Ord. No. 2015/7, 4-13-2015.)

Sec. 2-351. - Pay for performance program.

Elected and/or appointed officials will not be eligible for the county pay for performance program.

(Code 1982, § 2-72; Ord. No. 98-20, § 1(G), 10-12-1998)

Sec. 2-352. - Appointment to unexpired term.

A person who is appointed to fill an unexpired term of an official will, in accordance with state law, be compensated at the same salary of the person who was holding the office for the remainder of that unexpired term of office. If the appointee is subsequently elected or reappointed to the same office, his/her salary will revert to the entry-level salary of that particular office shown in section 2-347, when his/her elected term of office becomes effective, plus a five-percent election increase.

(Code 1982, § 2-68; Ord. No. 98-20, § 1(H), 10-12-1998; Ord. No. 2004/36, § 1(C), 10-25-2004; Ord. No. 2007/32, § 1(C), 8-13-2007; Ord. No. 2015/7, 4-13-2015)

Secs. 2-353—2-400. - Reserved.

CHAPTER 8 Magistrates' Compensation

SECTION 22-8-10. Definitions.

As used in this chapter:

(1) "Chief magistrate" means the magistrate in each county who is designated by the Chief Justice of the South Carolina Supreme Court as the chief magistrate for administrative purposes for the county which he serves.

(2) "Full-time magistrate" means a magistrate who regularly works forty hours a week performing official duties required of a magistrate as a judicial officer.

(3) "Part-time magistrate" means a magistrate who regularly works less than forty hours a week performing official duties required of a magistrate as a judicial officer.

HISTORY: 1988 Act No. 678, Part I, Section 7.

SECTION 22-8-20. Judicial functions.

Magistrates are judicial officers, and the hours they spend in the performance of their official duties are hours spent in the exercise of their judicial function. The exercise of the judicial function involves the examination of facts leading to findings, the application of law to those findings, and the ascertainment of the appropriate remedy. Time spent in the performance of judicial functions also includes time spent performing ministerial duties necessary for the exercise of the magistrates' judicial powers, as well as necessary travel and training time. In the case of chief magistrates, the judicial function includes time necessary to perform the administrative and other duties required of a chief magistrate for administrative purposes. The classification or reclassification of magistrates as full time or part time must be made in consideration of these factors.

HISTORY: 1988 Act No. 678, Part I, Section 7.

SECTION 22-8-30. Facilities and personnel; compensation of constables.

(A) Each county shall provide sufficient facilities and personnel for the necessary and proper operation of the magistrates' courts in that county.

(B) Other personnel determined to be necessary by the county for magistrates in a county must be provided by the governing body of the county and must be county employees and be paid by the county.

(C) The compensation of constables may vary, and salaries and perquisites must be determined by the governing board of the county and funded by the county.

HISTORY: 1988 Act No. 678, Part I, Section 7.

SECTION 22-8-40. Full-time and part-time magistrates; salaries.

(A) A county is not required to have a full-time magistrate and may have only part-time magistrates.

(B) Each magistrate in this State must be paid as follows by the county which he serves:

(1) The following salary schedule shall be used to determine a magistrate's annual compensation prior to the completion of his fourth year in office:

(a) upon being appointed a magistrate, a magistrate shall be paid seventy- five percent of the base salary for his county's population category as provided in item (2);

(b) upon completing the requirements of Sections 22-1-10(C) and 22-1-16, a magistrate shall be paid eighty percent of the base salary for his county's population category as provided in item (2);

(c) upon the magistrate's completion of his second year in office, a magistrate shall be paid eighty-five percent of the lowest salary rate for his county's population category as provided in item (2);

(d) upon the magistrate's completion of his third year in office, a magistrate shall be paid ninety percent of the lowest salary rate for his county's population category as provided in item (2);

(e) upon the magistrate's completion of his fourth year in office, a magistrate shall be paid one hundred percent of the lowest salary rate for his county's population category as provided in item (2).

(2) There is established a base salary for each population category as follows:

(a) for those counties with a population of one hundred fifty thousand and above, according to the latest official United States Decennial Census, the base salary is fifty-five percent of a circuit judge's salary for the state's previous fiscal year;

(b) for those counties with a population of at least fifty thousand but not more than one hundred forty-nine thousand, nine hundred ninety-nine, according to the latest official United States Decennial Census, the base salary is forty-five percent of a circuit judge's salary for the state's previous fiscal year;

(c) for those counties with a population of less than fifty thousand, according to the latest official United States Decennial Census, the base salary is thirty-five percent of a circuit court judge's salary for the state's previous fiscal year.

(3) The provisions of this subsection are effective July 1, 2000.

(C) The number of magistrates shall be determined using the following factors:

(1) There is established a ratio of one magistrate for every twenty-eight thousand persons in each county of the State based on the latest official United States Decennial Census.

(2) There is established a ratio of one magistrate for every one hundred fifty square miles of area in each county of the State as a factor to be used in determining the base salary as provided in this section.

(3) Notwithstanding the provisions of subsection (D), the maximum number of magistrates in each county is the greater of that number determined by taking one magistrate for every twenty-eight thousand persons in each county or that number determined by taking the average of the ratio of one magistrate for every twenty-eight thousand persons in each county as provided by item (1) of this subsection and the ratio of one magistrate for every one hundred fifty square miles of area in each county as provided in item (2) of this subsection. However, no county is required to have fewer than the equivalent of one full-time magistrate and one part-time magistrate . If a fraction of a magistrate results, the county must round off the fraction, establishing an additional part-time magistrate. No additional magistrates may be added until a county has less than the ratio.

(D) In addition to the maximum number of magistrates prescribed in subsection (C), additional magistrates may be appointed as determined using the following formula:

(1) for counties which collect accommodations tax revenues of five hundred thousand to nine hundred ninety-nine thousand, nine hundred ninety-nine dollars, one additional magistrate may be appointed;

(2) for counties which collect accommodations tax revenues of one million to two million, nine hundred ninety-nine thousand, nine hundred ninety-nine dollars, two additional magistrates may be appointed;

(3) for counties which collect accommodations tax revenues of three million to four million, nine hundred ninety-nine thousand, nine hundred ninety-nine dollars, three additional magistrates may be appointed; and

(4) for counties which collect accommodations tax revenues of five million dollars and above, four additional magistrates may be appointed.

(E) Part-time magistrates are to be computed at a ratio of four part-time magistrates equals one full-time magistrate.

(F) Part-time magistrates are entitled to a proportionate percentage of the salary provided for full-time magistrates. This percentage is computed by dividing by forty the number of hours a week the part-time magistrate spends in the performance of his duties. The number of hours a week that a part-time magistrate spends in the exercise of the judicial function, and scheduled to be spent on call, must be the average number of hours worked and is fixed by the county governing body upon the recommendation of the chief magistrate. However, a part-time magistrate must not work more than forty hours a week, unless directed to do so on a limited and intermittent basis by the chief magistrate.

(G) A full-time chief magistrate must be paid a yearly supplement of three thousand dollars and reimbursed for travel expenses as provided by law while in the actual performance of his duties. A part-time

chief magistrate must be paid a yearly supplement of fifteen hundred dollars and reimbursed for travel expenses as provided by law while in the actual performance of his duties.

(H) Magistrates in a county are entitled to the same perquisites as those employees of the county of similar position and salary.

(I) A ministerial magistrate is entitled to the same compensation as a part-time magistrate.

(J) A magistrate who is receiving a salary greater than provided for his position under the provisions of this chapter must not be reduced in salary during his tenure in office, and must be paid the same percentage annual increase in salary as other magistrates. Tenure in office continues at the expiration of a term if the incumbent magistrate is reappointed.

(K) No county may pay a magistrate a salary lower than the base salary established for that county by the provisions of subsection (B) of this section.

(L) Nothing in this section may be interpreted as prohibiting a county from paying a magistrate more than the salary established for that county or from paying a magistrate a merit raise in addition to the salary established for that county.

(M) The South Carolina Court Administration shall monitor compliance with this section. Nothing contained in this section may be construed as prohibiting a county from paying salaries in excess of the minimum salaries provided for in this section.

(N) For purposes of the salary phase-in provided in subsection (B)(1) of this section, a magistrate with prior service as a magistrate who after a break in service is again appointed magistrate, is allowed credit for the prior service.

HISTORY: 1988 Act No. 678, Part I, Section 7; 2000 Act No. 226, Section 14; 2000 Act No. 387, Part II, Section 94, eff July 1, 2000; 2000 Act No. 409, Section 2.

SECTION 22-8-50. Redress of classification, reclassification or compensation actions by county governing body.

(A) A magistrate aggrieved by a ruling or action taken by a county or the governing body of the county concerning classification, reclassification, or compensation of magistrates based upon this chapter, or with respect to the operation of the magistrates' court system within the county, may petition the county governing body, in writing, for redress.

(B) The county governing body of each county shall hear and determine contested cases arising within the county in connection with classification, reclassification, and compensation of magistrates, or with respect to the operation of the magistrates' court system within its county, in accordance with the provisions of Article 3, Chapter 23 of Title 1, and subject to judicial review as provided in Section 1-23-380.

HISTORY: 1988 Act No. 678, Part I, Section 7.

Board & Commission Appointment Process Proposal

2 Procedures:

- 1. REGULAR (106) Current w/ 8,10, & 11 for reappointment
- 2. COURTESY (83) Revised templet ordinance

COURTESY Process (skipping Committee):

- 1. Nomination Directly to Consent Agenda upon notifying Clerk
- 2. Appointment At the next Council Meeting unless disputed

COURTESY Nominations:

- 1. DISTRICT SPECIFIC (51) Council defers to the District Member
 - R&C, Library, Transportation, & 2 Fire Districts
- 2. GEOGRAPHIC SPECIFIC (27) Council defers to a Member group
 - Solid Waste, Stormwater, & 3 Fire Districts
- 3. ORGANIZATION SPECIFIC (5) Council defers to an outside body
 - Beaufort Chamber, 2 Bluffton TC, & 2 HHI Town Council

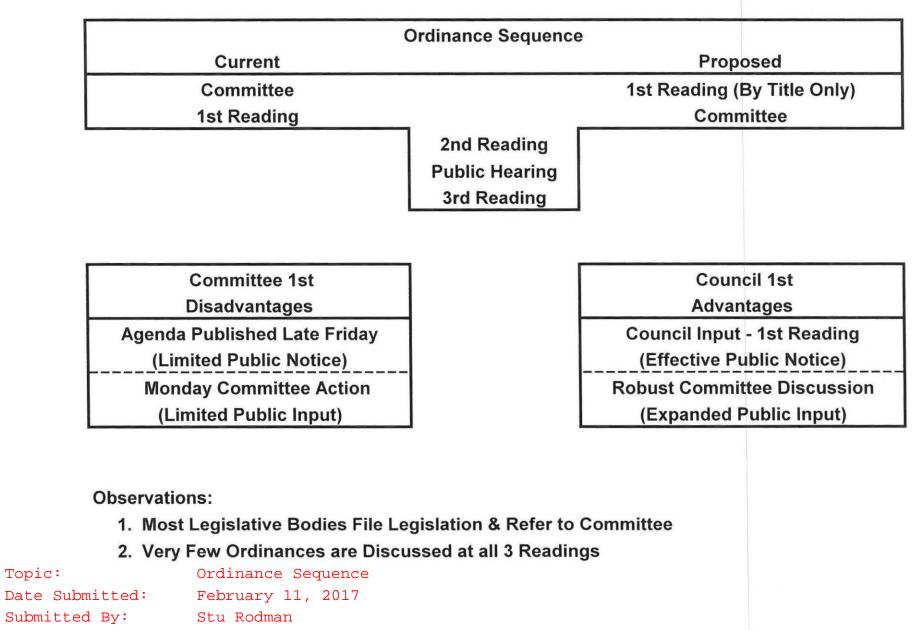
COURTESY Features:

- 1. Denial of Disputed Nominations to require 8 votes
- 2. Positions vacant for 45 days to be filed using the current procedure
- 3. Right to nominate to include the right to withdraw by notifying the Chairman & Clerk

Topic:	Board and Commission Appointment Process	
Date Submitted:	February 11, 2017	
Submitted By:	Stu Rodman	
Venue:	2017 Leadership and Strategic Planning Session (Day 2 of 2)	

Boards and Commissions Appoi	ntment Process	
Class I - Courtesy	Class II - Regular	
Definition: Nominations to fill positions that are:	Definition: Non-Privileged / all others	
District specific - Council defers, as a courtesy, to the Council member from the District.	Process: Nominations would follow the current practice	
Organization specific - Council, by ordinance, has invited organizations to select representative		
Fire Districts - Council defers, as a courtesy, to the Council members from the area covered		
Process:	Regular / All Others	
Nominations received by Clerk to Council	7 Accommodations Tax (2% State) Board	
Noticed on Administrative Consent Agenda as nominated	9 Airports Board	
Lie of the table until the next Council meeting	7 Alcohol and Drug Abuse Board	
	9 Assesement Appeals	
	1 Beaufort / Jasper Economic Opportunity Authority	
	3 Beaufort / Jasper Water and Sewer Authority	
	9 Beaufort Memorial Hospital Board	
Council District Specific	7 Construction Adjustments and Appeals Board	
11 County Transportation Committee	7 Design Review Board	
5 Daufuskie Island Fire District Board (Council District 9)	11 Disabilities and Special Needs Board	
11 Library Board	7 Historic Preservation Review Board	
11 Rural and Critical Lands Board	2 Lowcountry Council of Governments	
7 Sheldon Township Fire District Board (Council District 1)	3 Lowcountry Regional Transportation Authority	
7 Southern Corridor Beautification Board (Council Districts 5, 6, 7, 8, 9, 10, 11)	7 Parks and Leisure Services Board	
51 Total Appointments	9 Planning Commission	
	1 Stormwater Board	
	7 Zoning Board of Appeals	
Geographic Specific	106 Total Appointments	
6 Bluffton Township Fire District Board (Council Districts 5, 6, 7, 8, 9)		
5 Burton Fire District Commission (Council Districts 4, 5)		
5 Lady's Is/St. Helena Is Fire District Commission (Council Districts 2, 3)		
5 Solid Waste Recycling Board (Solid Waste Districts 5, 6, 7, 8, 9)		
6 Stormwater Management Utility Board (Storm District 5, 6, 7, 8, 9)		
27 Total Appointments		
	Class III - Inactive	
	Definition: Inactive	
Organization Specific		
2 Airports Board	1 Coastal Zone Management	
Beaufort Regional Chamber of Commerce	5 Forestry Commission	
Hilton Head Island Town Council	5 Social Services Board	
1 Bluffton Township Fire District Board	11 Total Appointments	
Bluffton Town Council		
2 Southern Corridor Beautification Board		
Bluffton Town Council		
Hilton Head Island Town Council 5 Total Appointments		
5 Total Appointments		

Beafort County Council Ordinances



Venue: 2017 Leadership and Strategic Planning Session (Day 2 of 2)



The document(s) herein were provided to Council for information and/or discussion after release of the official agenda and backup items. Topic: Date Submitted: Submitted By: Venue: Cash Floq June 26, 2017 Maria Walls Finance Committee

