

**MINUTES
SPECIAL CALLED MEETING
FAIRFIELD JOINT WATER SEWER SYSTEM
MAY 9, 2023**

Present: John McMeekin, Chairman; Doug Pauley, Vice Chairman; Jason Taylor, Treasurer; Laura Johnson, Kyle Crager, Commissioners.

Absent: Donald Prioleau, Robert Arndt.

Others Present: C.D. Rhodes, Patti L. Davis, Scott Elliott, Tommy Morgan.

The Fairfield Joint Water Sewer Service met in special called meeting on May 9, 2023, at 6:00 p.m. at the Midlands Technical College Fairfield Campus. 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 other individuals associated with distribution lists for the Town of Winnsboro, Fairfield County and the Town of Ridgeway.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

Motion made by Vice Chair Pauley, seconded by Commissioner Crager, to approve the agenda. ***The motion carried 5-0.***

3. APPROVAL OF AMENDMENTS TO BYLAWS

Chairman McMeekin asked for Mr. Rhodes to discuss this item further. Per Mr. Rhodes, this is a special called meeting which is necessary for three amendments to the Bylaws, and the Commission has received a notice of these amendments as required pursuant to Article 11. The first two amendments are contained in Article 3 Sections 3 and 4. This will reduce the notice requirement for meetings from 48 hours to 24 hours, which is consistent with the requirements of the Freedom of Information Act. This will apply to both regular meetings and special called meetings. The third amendment is in Article 10 Section 1. There was a desire among the Commissioners to change the fiscal year of the Joint System from an October to September fiscal year to a July to June fiscal year. The plan at this point is to adopt a budget for the upcoming 2023-2024 fiscal year at the June meeting. Motion made by Vice Chair Pauley, seconded by Commissioner Taylor, to approve the amendments to the Bylaws. Mr. Elliott inquired if Section 4 of Article 3 is amended as his copy did not show the change. Mr. Rhodes stated this section is being amended. ***Motion carried 5-0.***

4. 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.)

Chairman McMeekin stated no action will be taken in executive session. Mr. Rhodes stated the Commission is going to discuss a preliminary draft of the Alternatives Analysis being prepared by American Engineering. The original scope of work, which was authorized by the Commission, asked that American Engineering also consider litigation risks and permitting risks with respect to both possible locations. This is not a theoretical risk. Although no demand letter has been received, the Commission is aware that there are various groups who oppose both locations, and the risk of litigation is very real. The Commission must make sure that the information included in the final version of the report is based on accurate facts and that the report itself does not include information that is better presented to the Commission as legal advice by its attorney which would be subject perpetually to attorney/client privilege. Mr. Rhodes believes the intent of this Commission is to make it public, to the extent that the information can be made public and should not be privileged, and to make it public as quickly as possible. However, in order to make it public, the Commission has to have the opportunity to review it and make sure the information to be presented to the public is factually accurate and does not include any information which could be prejudicial to the Joint System if it were subject to litigation. The ultimate purpose of this executive session is for the Commission to receive Mr. Rhodes' advice based on the information in the report. Mr. Rhodes has had the opportunity to review the report; however, the Commission has not received or reviewed the report. Once it has been finalized and sanitized of privileged information, the Commission will receive the report. At that point in time, it will become subject to FOIA. It must be assured that the report is in final form before this happens. Chairman McMeekin stated the Commission has heard Mr. Rhodes, and it is his advice to go into executive session for receipt of legal advice concerning the draft Wastewater Plant Alternatives Analysis pursuant to S.C. Code § 30-4-70(a)(2). Motion made by Vice Chair Pauley, seconded by Commissioner Johnson, to enter into executive session. (At this point in the meeting, a member of the audience asked to speak, and Chairman McMeekin stated this was not allowed during a business meeting.) ***The motion carried 5-0.***

At the prerogative of the Commission, the following individuals were asked to join executive session: Clarence Gilbert, Shirley Green, Neil Robinson, Dan Ruff, Peggy Swearingen and Tim Roseborough, Fairfield County Council Members, and Ridgeway Mayor Heath Cookendorfer.

Chairman McMeekin stated the Commission has been in executive session to receive legal advice concerning the draft Wastewater Plant Alternatives Analysis from Mr. Rhodes. At 10:00 p.m., it was moved by Vice Chair Pauley, seconded by Commissioner Johnson, to come out of executive session and return to regular session. ***The motion carried 5-0.*** Chairman McMeekin stated there is nothing to come out of executive session, and all was received as information.

5. ADJOURN

At 10:01 p.m., it was moved by Commissioner Crager, seconded by Commissioner Taylor, to adjourn. ***The motion carried 5-0.***



PATTI L. DAVIS
SECRETARY



JOHN MCMEEKIN
CHAIRMAN