



**County Council of  
Beaufort County  
Caucus Meeting**

**Chairman**

Joseph F. Passiment, JR.

**Vice Chairman**

D. Paul Sommerville

**Council Members**

Michael E. Covert

Gerald Dawson

Brian E. Flewelling

York Glover, SR.

Chris Hervochon

Alice G. Howard

Mark Lawson

Lawrence P. McElynn

Stu Rodman

**County Administrator**

Ashley M. Jacobs

**Clerk to Council**

Sarah W. Brock

**Administration Building**

Robert Smalls Complex

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# Caucus Minutes

## County Council of Beaufort County

Monday, June 08, 2020 at 5:00 PM

VIRTUAL MEETING

### PRESENT

Chairman Passiment

Vice Chairman Sommerville

Council Member Covert

Council Member Dawson

Council Member Flewelling

Council Member Glover

Council Member Hervochon

Council Member Howard

Council Member Lawson

Council Member McElynn

Council Member Rodman

### CALL TO ORDER

Chairman Passiment called the meeting to order at 4:30 p.m.

### PLEDGE OF ALLEGIANCE

Council Member Larry McElynn led the Pledge.

### APPROVAL OF AGENDA

**Motion:** Made by Council Member Hervochon, seconded by Council Member McElynn to approve agenda. Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling. Motion Passed 11:0

### ADMINISTRATOR'S REPORT

Ashley Jacobs, County Administrator: I would like to address the three articles that the Island Packet printed on May 24, May 26, and May 27 regarding County Council salaries.

The articles state that County Council members were overpaid in the amount of \$70,000 due to Cost of Living Adjustments, stipend payments, and holiday pay. That is incorrect, and I would like to explain how it is incorrect. We ran reports comparing Council member paychecks for weeks with holidays and weeks without, and there is no difference in the amount of pay. Part of the confusion with this portion of the story is that John DeLoache, an attorney with the SC Association of Counties was quoted, but he made statements without any context of what has happened in Beaufort County. It is not illegal for Council members to give themselves a pay adjustment. They can receive

the COLA (Cost of living adjustments), but the issue is with the timing. State law says that the increase may be applied only after two or more members are elected in a general election. The COLA was incorrectly applied in July 2012, July 2013, July 2015, and July 2019. The County Attorney made everyone aware of the error, and it has been corrected in payroll for FY20. Council salaries have been adjusted to essentially “repay” what was paid starting in July 2019, and the COLA will not be applied until January of 2021.

We are still in the process of auditing the numbers for 2012, 2013, and 2015, but when the audit is complete, we will release that information. I would like to point out that we have not calculated that information, and so we did not provide that to the Island Packet, and I don't know how they calculated any overpayment of COLA.

Council Member Sommerville stated in the five years prior he attended more than 144 meetings, but was not paid for them. When he would hit the limit, he would receive something in the mail from finance notifying him of this, so he wasn't paid for meetings attended after that point, but he would still turn in a report of meetings attended for the record. With this process in place for many years, he made a legitimate assumption for 2019 that he would receive a notice if he were going over the limit.

In summary, the articles were incorrect, and Administrator Jacobs is asking the Island Packet for a retraction, here in this meeting, and I will also submit a request in writing.

Council Member McElynn: There was an ordinance that was issued previously about COLA payment for council members. What was the purpose of this ordinance?

Administrator Jacobs : The purpose was for the Council Members Salaries and what type of reimbursement the council would receive.

Council Member McElynn: I believe the language states that the members could receive a COLA

Administrator Jacobs: It is establishing that you can receive it.

Council Member McElynn: A cost of living adjustment can only be addressed every 2 years right before an election with the passing of an ordinance to allow the COLA to be implemented. Am I correct ?

Administrator Jacobs: That is correct.

Council Member McElynn: If this has already been approved can we receive a COLA or do a special action need to take place.

Administrator Jacobs: No, it just needs to be applied at the right time.

Council Member McElynn: Is the issue with the pasted COLA's is the timeframe on which they were given? What happens if a COLA is given and there is no election?

Administrator Jacobs: The COLA will be implemented the January after an election

Council Member McElynn: A year and 1/2 after the COLA would be given. Is this what happened?

Administrator Jacobs: No, the COLA was incorrectly applied in 2012, 2013, 2015. We will calculate after we finish audit.

Council Member McElynn: I do not believe it was applied incorrectly. Any COLA came within an odd year , wouldn't have been effect until the odd year after the election after 2 people was elected. Was it ever paid at the correct time.

Administrator Jacobs: Not in recent years since the ordinance in 2011.

Council Member McElynn: The COLA applied during the odd years should have been applied during the next election. This will be a very complicated but should also make sure the it was applied correctly.

Vice Chairman Sommerville: When the Island Packet contacted me and asked about my stipends and I told them I don't believe I was incorrectly paid but will check my W2's to verify. They published the article with incorrect information. The article is stating an over payment of \$23,500 and administration is showing overpayment of \$3,700. However, I looked at my W2 for 2019 and I am only showing \$ 17,992. Where is the over payment that I supposedly received?

Administrator Jacobs: Information presented is from Finance.

Vice Chairman Sommerville: My W2 states something different, this is what is given to the IRS. I don't know who gave this information to the Island Packet but it was incorrect information. Which is still a big amount of money. The most I ever made in the last 5 years was \$18,000. We should be able to verify this information before it is given to anyone or the press.

Administrator Jacobs: The information I gave is from the finance department. We can sit down with the finance director , myself and you and discuss it and figure out what is going on.

Vice Chairman Sommerville: How can people report what is not on my W2? If this is incorrect then someone has reported it wrong to the IRS and I have as well based on my W2. I want to know why this happened?

Council Member Flewelling: I ask that when the conclusion of misapplied COLA amounts and let the individuals know with a personal note. Rather than have it take out.

Council Member Rodman: Cost of living adjustment are not increases to me but are adjustments for the living expenses. Would like a second opinion on this matter?

Vice Chairman Sommerville: The first time I heard of this was May 26, 2020 however the information was given in February, 2020. What took so long for us to get this information? It was wrong and should have been handled correctly.

Council Member McElynn: I would like to get from legal where it states county council is not employees of the county.

Council Member Flewelling: I wonder if the same cost of living was applied to elected officials as well.

Chairman Passiment: The county COLA was based from section 49100 in the codes section 2-28. Council shall be granted by ordinance. Based on salary and compensation. I agree in fact the COLA was not started at proper dates. The meeting has been capped at 144 however there are 25 additional meetings which comes with 168 meetings. I feel we need to talk to county attorney about this.

Monica Spells, Assistant Administrator Comm and Accountability : There are 42 FOIA request in process.

**Status:** Informational purposes only

## **DISCUSSION ITEMS**

### **AGENDA REVIEW**

Chairman Passiment made some remarks regarding the agenda.

### **NEW BUSINESS ITEMS**

Chairman Passiment: Review of county council agenda by taking action without having rollcall. We will look at #2 as action item. #18 it is on backup information on agenda.

Council Member Dawson: Would like to have a moment of silence during the regular council meeting for George Floyd.

Council Member Howard: A lot of things cancelled in July. Will there be any meeting to have during this time?

Chairman Passiment: July is for people who will be using for vacation time.

## **EXECUTIVE SESSION**

**UNDER SC CODE SECTION 30-4-70(A)(2) FOR THE RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO A PENDING, THREATENED, OR POTENTIAL CLAIM OR OTHER MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE, REGARDING CERTAIN COUNTY RETIREES.**

**Motion:** Made by Council Member Rodman, seconded by Council Member Flewelling to go into executive session. The Vote: Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling: Motion Passed 11:0

**ADJOURNMENT**

Meeting adjourned @ 5:05 p.m.

Ratified: July 13, 2020