

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
ETHICS COMMISSION

F. Xavier Starkes, Appellate Panel Chair

Complaint Nos.: C2021-078
C2023-129

Appellate Case No.: 2025-002308

RECEIVED

AUG 31 2026

SC Court of Appeals

South Carolina State Ethics Commission

Respondent

v.

Lancer Shull

Appellant.

APPENDIX TO RECORD ON APPEAL

Respectfully submitted,
DAVIS FRAWLEY, LLC

/s/ James Randall Davis

James Randall Davis, Esquire

SC Bar No.: 1580

Post Office Box 489

Lexington, SC 29071

Tel: 803-359-2512

ATTORNEY FOR APPELLANT

Other Counsel of Record:
Courtney M. Laster, Esquire
General Counsel
South Carolina Ethics Commission
201 Executive Center Drive, Suite 150
Columbia, SC 29210
Email: claster@ethics.sc.gov

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STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

2021 SEP -8 AM 11:54

STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:

CASE NUMBER

c 2021-078

COMPLAINANT: Shirley Etheredge Mitchell
ADDRESS: 339 Line Street Batesburg, SC 29006
TELEPHONE NUMBER: 803-504-7393
TITLE: Batesburg-Leesville Town Councilmember

RESPONDENT: Lancer Shull
ADDRESS: 533 E Columbia Ave Batesburg, SC 29006
TELEPHONE NUMBER: 310-493-3056
TITLE: Batesburg-Leesville Mayor

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

This is an official request for an investigation. Batesburg-Leesville Mayor Lancer Shull is paid by the Town of Batesburg-Leesville and he is also a paid Board-member of the Joint Municipal Water and Sewer Commission. Mayor Shull has voted and steered a \$20,000,000+ infrastructure contract from Batesburg-Leesville to the Joint Municipal Water and Sewer Commission [on which he serves] and to Hazen & Sawyer. His voting and steering places Mayor Shull in violation of SC Section 8-13-700 and SC Section 8-1-80.

The Batesburg-Leesville Town Council minutes (attached) show that Mayor Shull was removed from the Joint Municipal Water and Sewer Commission Board by a 5-4 vote of Council on January 13, 2020. Instead of recusing, Mayor Shull voted "No"; after the vote, he was so angry and distraught that he pressured Council members Cynthia Etheredge and Bob Hall, [who were new to council at the time] to reverse their vote in a hastily scheduled special council meeting 8 days later on January 21, 2020. Mayor Shull consented to the special council meeting and presided over the meeting, he voted to reverse the appointment of the new appointee and then he voted for his own reappointment to the Joint Municipal Water and Sewer Commission. After being voted back on the Commission's Board, Mayor Shull met with Hazen and Sewer engineers, consultants, citizens advocating for decommissioning our water plant. On March 9, 2020 Mayor Shull presided over a meeting where the BL Town Council voted 6-0 to purchase water and/or capacity from the Joint Municipal Water and Sewer Commission; Mayor Shull vote in "Yes".

CONT SEE ATTACHED

All investigations, inquiries, hearings, and accompanying documents must remain confidential unless respondent waives the right to confidentiality. If there is a finding of probable cause, the following documents become public record: the complaint, the response (if any) by respondent, and the notice of hearing. If a hearing is to be held, the final order and all exhibits become public record. If no hearing is held following a finding of probable cause, the final disposition of the matter becomes public record. The willful release of confidential information is a misdemeanor, and any person releasing such confidential information, upon conviction, must be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one year. Section 8-13-320(10)(g).

STATE OF SOUTH CAROLINA
COUNTY OF ~~Richland~~ Lexington

Personally appeared before me SHIRLEY MITCHELL, who, first being duly sworn, says that he/she has read and knows the contents of the above complaint and that the allegations contained therein, are true and correct to the best of his/her own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this
3RD day of SEPTEMBER 2021

Notary Public for South Carolina
My Commission expires JANUARY 14, 2031


Complainant Signature

SEC-7 (Revised 8/2019)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192
FAXED COPIES WILL NOT BE ACCEPTED

C102form

LOGGED

My Mailing Address
is: Post Office Box 3085

Batesburg Leesville

TOWN COUNCIL

Come & sample the South

COUNCILWOMAN SHIRLEY ETHEREDGE MITCHELL
PO Box 3085 STREET BATESBURG-LEESVILLE, SC
29006 (803)504-7393

South Carolina State Ethics Commission
201 Executive Center Drive, Suite 150
Columbia, South Carolina 29210
September 3, 2021

Dear Courtney Laster:

This is an official request for an investigation. Batesburg-Leesville Mayor Lancer Shull is paid by the Town of Batesburg-Leesville and he is also a paid Board-member of the Joint Municipal Water and Sewer Commission. Mayor Shull has voted and steered a \$20,000,000 + infrastructure contract from Batesburg-Leesville to the Joint Municipal Water and Sewer Commission [on which he serves] and to Hazen & Sawyer. His voting and steering places Mayor Shull in violation of SC Section 8-13-700 and SC Section 8-1-80.

As a Board-member of Joint Municipal Water and Sewer Commission, Mayor Shull is required by S.C law to recuse himself from voting on matters that involve the Commission that come before the BL Town Council and from advocating on business matters concerning the Commission. Mayor Shull has consistently presided over meetings with business involving the Commission and he has consistently voted in his own interest and in the interest of the Commission. This behavior violates State Ethic Laws and is tantamount misconduct in office.

Mayor Shull's behavior is curious because Batesburg-Leesville has it's own reliable water plant and sewer plant. With the available federal infrastructure funds, Batesburg-Leesville is positioned to repair, replace and expand its plants. We have completed engineering drawings that can easily be used to build a new state-of-the-art water plant at the site of the current water plant. It makes no rational sense that we would decommission our plant to become a customer of the Joint Municipal Water and Sewer Commission, especially considering the fact that the Joint Municipal Water and Sewer Commission is itself a water customer of West Columbia's water system. We should be negotiating for new customers not being steered by Mayor Shull into becoming a customer.

The Mayor has voted several times and has been an outspoken advocate in favor of the Joint Municipal Water and Sewer Commission to the disadvantage of Batesburg-Leesville citizens and according to SC Ethics Commission General Counsel, Ms. Courtney Laster, this is a clear violation of Section 8-13-700. This section of SC law would require Mayor Shull to recuse himself from any official business involving the Joint Municipal Water and Sewer Commission, to include discussions leading up to any formal votes. The attached exhibits of official Batesburg-Leesville meeting minutes and emails, detail votes taken and some bullying tactics.

The Batesburg-Leesville Town Council minutes show that Mayor Shull was removed from the Joint Municipal Water and Sewer Commission Board by a 5-4 vote of Council on January 13, 2020. Instead of recusing, Mayor Shull voted "No"; after the vote, he was so angry and distraught that he pressured Council members Cynthia Etheredge and Bob Hall, [who were new to council at the time] to reverse their vote in a hastily scheduled special council meeting 8 days later on January 21, 2020. Mayor Shull consented to the special council meeting and presided over the meeting, he voted to reverse the appointment of the new appointee and then he voted for his own reappointment to the Joint Municipal Water and Sewer Commission. After being voted back on the Commission's Board, Mayor Shull met with Hazen and Sewer engineers, consultants, citizens advocating for decommissioning our water plant. On March 9, 2020 Mayor Shull presided over a meeting where the BL Town Council voted 6-0 to purchase water and/or capacity from the Joint Municipal Water and Sewer Commission; Mayor Shull vote in "Yes".

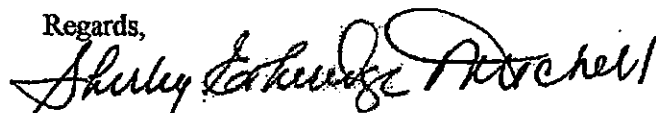
Mayor Shull's votes and his behavior clearly violates SC Law and warrants a grand jury investigation and adjudication. Also, the motion and vote that Mayor Shull helped craft names Hazen & Sewer as the engineering firm for the project. In most similar cases, staff would bid engineering services to get the best price possible for the citizens. I understand that Hazen & Sawyer and its associates are engaged in business ventures with the Joint Municipal Water and Sewer Commission so the Mayor's steering council to sole-source a contract to Hazen & Sewer Commission is also a violation of SC law.

Normally the potential of a \$40 million grant would prompt a politician to act in the best interest of his community and rally Council towards plans to repair/replace and expand our plants and to sell water to surrounding communities with water needs. Here, Mayor Shull has done the exact opposite by pushing a curious plan to handover \$20 Million to the Joint Municipal Water and Sewer Commission and making Batesburg-Leesville a customer of the Commission he fought to serve on?

This matter requires an immediate investigation. The public has to be able to trust that Mayor Shull and others are acting in the citizen's best interest and not their own best financial and political interest. I am asking for an investigation into this matter. Mayor Shull is clearly in violation of SC law, but there are other bad actors who have participated in steering Batesburg-Leesville into doing business with the Joint Municipal Water and Sewer Commission and Hazen & Sawyer even when a lay observer could easily reason that this arrangement disadvantages Batesburg-Leesville and favors the Joint Municipal Water and Sewer Commission and others.

I look forward to your response,

Regards,



Shirley Etheredge Mitchell

Batesburg-Leesville Council District 5

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Attachment Exhibit One

2021 SEP -8 AM 11:55

STATE ETHICS
COMMISSION

**Council voted 5-4 to replace Mayor Shull on the
Joint Municipal Water & Sewer Commission.**

Mayor Shull voted against this motion.

Regular Council Meeting
January 13, 2020
Page 7

POSSIBLE ACTIONS BY COUNCIL CONT'D.

**C. Possible action on Council Appointments for
a. Central Midlands Council of Governments**

A motion was made by Council Member Mitchell with a second by Council Member Prouse to appoint Council Member Hall. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

b. Environmental Planning Advisory Committee

A motion was made by Council Member Lemmon with a second by Council Member Gambrell for Council Member Prouse to remain on this committee. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

c. Joint Municipal Water & Sewer Commission

A motion was made by Council Member Cain with a second by Council Member Mitchell to place Council Member Cain on the Commission. After discussion, a vote was taken.

VOTE: 5 Approved 4 Denied - Mayor Shull, Council Member Gambrell, Wise, Prouse

**D. Possible Action Regarding the Selection of Council Members to Serve on the
Town Manager's Evaluation Committee**

A motion was made by Council Member Cain with a second by Council Member Mitchell that Council Member Mitchell, Council Member Hall, and Council Member Cain serve on this committee along with Mayor Shull by default. After discussion, a vote was taken.

VOTE: 4 Approved 5 Denied - Mayor Shull, Council Member Gambrell, Wise, Prouse, Hall

Attachment Exhibit Two

Emails from Town Manager Ted Luckadoo informing that Councilman Hall and Councilmember Etheredge have requested a special Council meeting to reconsider their vote to replace Mayor Shull on the Joint Municipal Water & Sewer Commission.

FW: Request for support of a special meeting of Town Council

From: Ted Luckadoo (tluckadoo@batesburg-leesville.org)

clavessh_2000@yahoo.com

Date: Friday, January 17, 2020, 10:24 AM EST

Councilman Cain,

Below is the email that was sent by Mr. Hall to me wanting to have the Special Meeting. As for Ms. Ethoredgo, her request came by phone that she wished to meet about the appointment. With regards to those listed that Mr. Hall emailed the request to, they also called me and expressed that they wished to meet, based on Mr. Hall's email, about the appointment.

Mr. Hall did express to me after this email that his intent was also to move forward with the Town Attorney and Town Judge contracts. Mr. Hall further communicated that with all the parties involved and they all further expressed to me that they wanted those items on the agenda as well.

As another note, in his initial request, he stated Monday, January 20th. During a discussion with Mr. Hall, I did note that this was Mr. Luther King Jr. holiday and he changed his request to Tuesday, January 21st.

Ted Luckadoo | Town Manager

Town of Batesburg-Leesville

P.O. Box 2320 Batesburg-Leesville, SC 29003

Office: (803) 532-4601 | Cell: (803) 582-8685

Email: tluckadoo@batesburg-leesville.org

Website: www.batesburg-leesville.org



IMPORTANT WARNING: This email (and any attachments) is only intended for the use of the person or entity to which it is addressed, and may contain information that is privileged and confidential. You, the recipient, are

https://mail.yahoo.com/d/search/name=Ted%20Luckadoo&emailAddress=ville.org&listFilter=FROM&contactIds=0100,04b07reason=invalid_cred

Page 1 of 2

obligated to maintain it in a safe, secure and confidential manner. Unauthorized redisclosure or failure to maintain confidentiality may subject you to federal and state penalties. If you are not the intended recipient, please immediately notify us by return email, and delete this message from your computer.

From: Bob Hall <district8@batesburg-leesville.org>

Sent: Tuesday, January 14, 2020 1:07 PM

To: Olin Gambrell <district2@batesburg-leesville.org>; Jason Prouse <district7@batesburg-leesville.org>; Paul Wico <district6@batesburg-leesville.org>

Cc: Chris Spradley <chris@mlk4w.com>; Ted Luckadoo <tluckadoo@batesburg-leesville.org>

Subject: Request for support of a special meeting of Town Council

I would like to have a meeting of Town Council on Monday January 20th for the purpose of revisiting the issue of the appointment of a representative to Lexington County Municipal Water and Sewer Commission as well as the contract with the Lexington County Magistrate for services

The urgency is due to possible damages which may be done, if we delay. to the Town's relationship with the Municipal Water Commission because of my vote on the Issue of an appointment.

My vote was influenced by incorrect information from a party or parties on this and related issues.

I would appreciate your help in reversing this error by notifying the Town Manager of your support for the meeting. If you have questions I will attempt to answer them.

Thank you

Bob Hall

Fw: Special Council Meeting Tuesday January 21st 6:00pm

From: Steve Cain (stevecain_2000@yahoo.com)

stevecain_2000@yahoo.com

Friday, January 17, 2020, 08:57 AM EST

FYI ... this has never been done in my memory and it sets the precedent that NO vote of Council is ever final ...

----- Forwarded Message -----

From: Ted Luckadoo <tluckadoo@batesburg-leeaville.org>

To: Bob Hall <dlot10@batesburg-leeaville.org>; Cynthia Etheredge <dlot11@batesburg-leeaville.org>; Jason Prouse <jasonprouse@hotmail.com>; Johnnie Mae Lemon <dlot14@batesburg-leeaville.org>; Lancer Shull <mayer@batesburg-leeaville.org>; Olin Gambrell <ogambrell@eo.m.com>; Paul Wise <dlot10@batesburg-leeaville.org>; Shirley Mitchell <thotablot803@gmail.com>; Steve Cain <stevecain_2000@yahoo.com>

Cor Judy Edwards <jedwards@batesburg-leeaville.org>; Jay Hendrix <jhendrix@batesburg-leeaville.org>; Chris Spradley <chris@mtlaw.com>; Wallace Oswald <wooswald@batesburg-leeaville.org>

Sent: Thursday, January 16, 2020, 09:18:57 PM EST

Subject: Special Council Meeting Tuesday January 21st 6:00pm

To All.

I received a request from Councilman Hall and Councilwoman Etheredge yesterday, along with support from 3 other members of Council, to have a Special Called Meeting of Council next Tuesday, January 21, 2020 at 6:00pm.

According to our Town Code of Ordinances Section 1-3-1 (b), it states "Special meetings of the council may be held on the call of the town manager or by four council members presenting a signed request to the town manager detailing the need. Notice of a special meeting shall be given immediately to all available members and the news media by the municipal clerk. Calls for special meetings of the council shall set forth the object or purpose for which the meeting is called and no other business shall be transacted at special meetings."

The stated purpose of the meeting is to address the following topics:

1. Motion to Reconsider Council Appointment to Joint Municipal Water and Sewer Commission
2. Contractual Matters relating to the Town Judge
3. Contractual Matters relating to the Town Attorney

Please find attached the agenda for the Special Council Meeting on Tuesday.

Thanks,

Ted Luckadoo | Town Manager

Town of Batesburg-Leesville

P.O. Box 2520 Batesburg-Leesville, SC 29006

Office: (803) 692-4001 | Cell: (803) 562-0605

Email: tluckadoo@batesburg-leesville.org

Website: www.batesburg-leesville.org



Town of Batesburg-Leesville logo



Agenda 01 21 20.pdf
67 KB

Ted Luckadoo | Town Manager

Town of Batesburg-Leesville

P.O. Box 2329 Batesburg-Leesville, SC 29006

Office: (803) 502-4001 | Cell: (803) 502-0505

Email: tluckadoo@batesburg-leesville.org

Website: www.batesburg-leesville.org



Agenda 01 21 20.pdf
97.5kB

Attachment Exhibit Three

January 21, 2020 Special Council meeting

Mayor Shull presided and voted to approve the meeting agenda

Mayor Shull voted to reconsider Council's appointment to Joint Municipal Water & Sewer Commission.

Mayor Shull voted to retain his previous position on Joint Municipal Water & Sewer Commission.

TOWN OF BATESBURG-LEESVILLE
AGENDA
SPECIAL COUNCIL MEETING
January 21, 2020 6:00 P. M.
TOWN HALL COMPLEX
120 West Church Street (Bldg. B)

- I CALL TO ORDER**
- II INVOCATION**
- III PLEDGE OF ALLEGIANCE**
- IV APPROVAL OF AGENDA**
- V NEW BUSINESS**
 - A. Motion to Reconsider Council Appointment to Joint Municipal Water and Sewer Commission**
- VI EXECUTIVE SESSION**
 - A. Discussion of Contractual Matters Between the Town of Batesburg-Leesville and Town Judge**
 - B. Discussion of Contractual Matters Between the Town of Batesburg-Leesville and Town Attorney**
- VII POSSIBLE ACTIONS BY COUNCIL IN FOLLOW UP TO EXECUTIVE SESSION**
 - A. Possible Action Regarding Contractual Matters Between the Town of Batesburg-Leesville and Town Judge**
 - B. Possible Action Regarding Contractual Matters Between the Town of Batesburg-Leesville and Town Attorney**
- VII ADJOURNMENT**

In compliance with the Freedom of Information Act, the news media and the public were notified of the time, date, and place along with a copy of the agenda of this meeting and a notice was posted on the outdoor bulletin board at the Batesburg-Leesville Town Hall and the Town's website no later than twenty-four hours prior to the meeting.

SPECIAL COUNCIL MEETING

JANUARY 21, 2020

The Special Council Meeting for the Town of Batesburg-Leesville, held in Building B of the Town Hall Complex, was called to order by Mayor Shull at 6:00 P. M. Members present were Mayor Shull, Council Member Etheredge, Gambrell, Cain, Speech-Lemon, Mitchell, Wise, Prouse, and Hall.

INVOCATION

The invocation was given by Rev. Kent Suits.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Council Member Gambrell. Council Member Gambrell asked everyone to stand and place their hand over their heart.

APPROVAL OF AGENDA

A motion was made by Council Member Prouse with a second by Council Member Hall to approve the agenda. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

NEW BUSINESS

A. Motion to Reconsider Council Appointment to Joint Water & Sewer Commission

Mayor Shull gave Council Member Hall the floor. Council Member Hall made a motion that we reconsider our previous appointment to the Joint Water & Sewer Commission with a second by Council Member Etheredge. After discussion, a vote was taken.

VOTE: 7 Approved 2 Denied – Council Member Cain
 Council Member Mitchell

Special Council Meeting
January 21, 2020
Page 2

Joint Water & Sewer Commission Conf'd.

A motion was made by Council Member Prouse that we nominate Mayor Shull to retain his previous position on the Joint Water & Sewer Commission with a second by Council Member Hall. With no discussion, a vote was taken.

VOTE: 7 Approved 2 Denied - Council Member Cain, Mitchell

EXECUTIVE SESSION

- A. Discussion of Contractual Matters Between the Town of Batesburg-Leesville and The Town Judge**
- B. Discussion of Contractual Matters Between the Town of Batesburg-Leesville and The Town Attorney**

A motion was made by Council Member Prouse with a second by Council Member Etheredge to go into Executive Session at 6:07 P. M. Council Member Cain asked to be excused at this time because he had to go to work. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

Return to Special Council Meeting

A motion was made by Council Member Hall with a second by Council Member Gambrell to return to the Special Council Meeting at 6:24 P. M. With no discussion, a vote was taken.

VOTE: 8 Approved 0 Denied

POSSIBLE ACTIONS BY COUNCIL IN FOLLOW-UP TO EXECUTIVE SESSION

- A. Possible Action Regarding Contractual Matters Between the Town of Batesburg-Leesville and the Town Judge**

A motion was made by Council Member Gambrell with a second by Council Member Etheredge to approve the contract as presented in Executive Session. With no discussion, a vote was taken.

VOTE: 8 Approved 0 Denied

Attachment Exhibit Four

March 9, 2020 Regular BL Council meeting

Mayor Shull presided and voted to approve the meeting agenda

Mayor Shull voted to move forward with purchasing water and/or water capacity from Joint Municipal Water & Sewer Commission and that Hazen and Sawyer remain the engineers for the duration of the project.

In compliance with the Freedom of Information Act, the news media and the public were notified of the time, date, and place along with a copy of the agenda of this meeting and a notice was posted on the outdoor bulletin board at the Batesburg-Leesville Town Hall and the Town's website no later than twenty-four hours prior to the meeting.

REGULAR COUNCIL MEETING

MARCH 9, 2020

The Regular Council Meeting for the Town of Batesburg-Leesville, held in Building B of the Town Hall Complex, was called to order by Mayor Shull at 7:00 P. M. Members present were Mayor Shull, Council Member Gambrell, Speech-Lemon, Wise, Prouse, and Hall. Council Members Etheredge, Cain, and Mitchell were absent.

INVOCATION

The invocation was given by Rev. Kent Suits, Christ Community Church

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Council Member Gambrell.

APPROVAL OF AGENDA

A motion was made by Council Member Prouse with a second by Council Member Gambrell to approve. With no discussion, a vote was taken.

VOTE: 6 Approved 0 Denied

ADOPTION OF MINUTES

A motion was made by Council Member Prouse with a second by Council Member Speech-Lemon to adopt the minutes of the February 10, 2020 Regular Council Meeting. With no discussion, a vote was taken.

VOTE: 6 Approved 0 Denied

A motion was made by Council Member Gambrell with a second by Council Member Prouse to adopt the minutes of the February 24, 2020 Council Work Session. With no discussion, a vote was taken.

VOTE: 6 Approved 0 Denied

Regular Council Meeting

March 9, 2020

Page 4

PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA - None

UNFINISHED BUSINESS - None

NEW BUSINESS

A. Council Approval of Excused Absence for Council Member Cain Who is Attending the National League of Cities Conference

For public information, Mayor Shull stated an attendance requirement was put into place by Council at the regular meeting and it is up to the Council Member who is absent to request to be placed on the next agenda to have that approved by Council, basically an excused absence. A motion was made by Council Member Speech-Lemon with a second by Council Member Prouse to approve the excused absence of Council Member Cain. With no discussion, a vote was taken.

VOTE: 6 Approved 0 Denied

B. First Reading on an Ordinance to Amend Title 5 Chapter 2 of the Town's General Code of Ordinances Relating to Building Regulations and Code Enforcement

Manager Luckadoo summarized the Ordinance after which a motion was made by Council Member Gambrell with a second by Council Prouse to approve First Reading of the Ordinance as presented. With no discussion, a vote was taken.

VOTE: 6 Approved 0 Denied

C. Approval to Purchase a Used Vehicle with Palmetto Pride Grant Funds From State Surplus to be Utilized for Litter Control

Manager Luckadoo gave the background for this request after which a motion was made by Council Member Gambrell with a second by Council Member Wise that the Town purchase this vehicle for litter control. Manager Luckadoo stated the cost of the vehicle is approximately \$5,000 and additional costs of \$800 is needed to equip the vehicle with warning lights, logos, and the prorated cost of insurance. An amendment to this motion for the additional costs was made by Council Member Gambrell with a second by Council Member Wise as presented by Manager Luckadoo. With no discussion, a vote was taken.

VOTE: 6 Approved 0 Denied

Regular Council Meeting
March 9, 2020
Page 7

D. Possible Action Relating to Water Alternative Options

A motion was made by Council Member Prouse with a second by Council Member Gambrell to direct the Town Manager and Town Attorney to do all things necessary to move forward with purchasing water and/or water capacity from Joint Municipal Water and Sewer Commission and to contract with the Town of Ridge Spring to supply water to them. Further included in this motion, "I would like to state that Hazen and Sawyer, the engineering firm, remain the engineers for the duration of this project". With no discussion, a vote was taken.

VOTE: 6 Approved 0 Denied

POTENTIAL AGENDA ITEMS FOR NEXT MONTH'S MEETING - APRIL 13, 2020

ADJOURNMENT

A motion was made by Council Member Gambrell with a second by Council Member Prouse to adjourn at 9:35 P. M. With no discussion, a vote was taken.

VOTE: 6 Approved 0 Denied

Approved this 13th day of April 2020.

Lenser D. Shull, Mayor

ATTEST

Judy E. Edwards
Town Clerk

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER

C 2023-129

COMPLAINANT: Stephen D Cain

ADDRESS: 135 S Oak Street, Batesburg-Leesville, SC
29006

TELEPHONE NUMBER: (803)807-1593

TITLE: Council member

RESPONDENT: Lancer Shull

ADDRESS:

TELEPHONE NUMBER: TITLE: BL Mayor

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed; clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

It is my understanding that BL mayor Lancer Shull, who sits on the Joint Municipal Water & Sewer Commission Board - needs to recuse when contracts and financial policy issues that requires Town Batesburg-Leesville's participation and also involves Joint Municipal financially. Tonight the mayor voted on a project for BL sewer expansion and the same project would give Joint Municipal water contracts that actually bypasses BL and encroaches on BL's water district. Batesburg-Leesville has the capacity to service this project with water and sewer independent of the Joint Municipal Water and Sewer, though Joint Municipal Water & Sewer cannot service that contract without Batesburg-Leesville.

Our town attorney's opinion is that a Per Diem is not a thing of value ergo the mayor can vote on the project as a member of both boards?

If there is a finding of probable cause, the following documents become public record: the complaint, the response (if any) by respondent, and the notice of hearing. If a hearing is to be held, the final order and all exhibits become public record. If no hearing is held following a finding of probable cause, the final disposition of the matter becomes public record.

STATE OF SOUTH CAROLINA

COUNTY OF Columbia

Personally appeared before me Stephen D. Cain who, first being duly sworn, says that he/she has read and knows the contents of the above complaint and that the allegations contained therein, are true and correct to the best of his/her own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this

17th day of Oct, 2023

Notary Public for South Carolina
My Commission expires Aug 07 2024

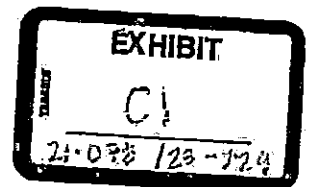
Complainant Signature

SEC-7 (Revised 3/2022)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192

ELECTRONIC COPIES WILL NOT BE ACCEPTED

C102form



☐ VOID ☐ CORRECTED

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. Joint Municipal Water & Sewer PO Box 2555 Lexington SC 29071-2555 (803) 359-8373 Ext. 0000			1 Rents \$	OMB No. 1545-0115 2018	Miscellaneous Income
PAYER'S TIN 57-0979179			2 Royalties \$	Form 1099-MISC	
RECIPIENT'S TIN [REDACTED] 8348			3 Other income \$	4 Federal income tax withheld \$	Copy C For Payer or State Copy or Copy 2
RECIPIENT'S name, street address, city or town, state or province, country, and ZIP or foreign postal code Lancer Shull PO Box 2329 Batesburg-Leesville SC 29070			5 Fishing boat proceeds \$	6 Medical and health care payments \$	
Account number (see instructions) FATCA filing requirement ☐ 2nd TIN not ☐			7 Nonemployee compensation \$ 3000.00	8 Substitute payments in lieu of dividends or interest \$	
			9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale ☐	10 Crop insurance proceeds \$	
11			12	For Privacy Act and Paperwork Reduction Act Notice, see the 2018 General Instructions for Certain Information Returns.	
13 Excess golden parachute payments \$			14 Gross proceeds paid to an attorney \$		
15a Section 409A deferrals \$			15b Section 409A Income \$		
17 State/Payer's state no. \$			18 State income \$		

☐ VOID ☐ CORRECTED

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. Joint Municipal Water & Sewer PO Box 2553 Lexington SC 29071-2553 (803) 359-8373 Ext. 0000				1 Rents \$	DMB No. 1545-0115 2019 Form 1099-MISC	Miscellaneous Income Copy C For Payer or State Copy or Copy 2 For Privacy Act and Paperwork Reduction Act Notice, see the 2019 General Instructions for Certain Information Returns.
2 Royalties \$						
3 Other Income \$				4 Federal income tax withheld \$		
5 Fishing boat proceeds \$				6 Medical and health care payments \$		
PAYER'S TIN 57-0979179	RECIPIENT'S TIN 8348		7 Nonemployee compensation \$ 3000.00		8 Substitute payments in lieu of dividends or interest \$	
RECIPIENT'S name, street address, city or town, state or province, country, and ZIP or foreign postal code Lancer Shull PO Box 2329 Batesburg-Leesville SC 29070		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale ☐		10 Crop insurance proceeds \$		
Account number (see instructions) FATCA filing requirement ☐ 2nd TIN not ☐		11 \$		12 \$		
13 Excess golden parachute payments \$		14 Gross proceeds paid to an attorney \$				
15a Section 409A deferrals \$	15b Section 409A income \$		16 State tax withheld \$	17 State/Payer's state no. \$	18 State income \$	

☐ CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. Joint Municipal Water & Sewer. PO Box 2555 Lexington SC 29071-2555 (803) 359-8373 Ext. 0000		OMB No. 1545-0118 2020 Form 1099-NEC	Nonemployee Compensation Copy B For Recipient This is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
PAYER'S TIN 57-0979179	RECIPIENT'S TIN [REDACTED] 8348	1 Nonemployee compensation \$ 3000.00	
RECIPIENT'S name, street address, city or town, state or province, country, and ZIP or foreign postal code Lancer Shull PO Box 2329 Batesburg-Leesville SC 29070		2 [REDACTED]	
FATCA filing requirement ☐		3 [REDACTED]	
Account number (see instructions)		4 Federal income tax withheld \$	
5 State tax withheld \$		6 State/Payer's state no.	7 State income \$

☐ CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. Joint Municipal Water & Sewer PO Box 2555 Lexington SC 29071-2555 (803) 359-8373 Ext. 0000		OMB No. 1545-0116 2021 Form 1099-NEC		Nonemployee Compensation Copy B For Recipient This is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
PAYER'S TIN 57-0979179	RECIPIENT'S TIN 6348	1 Nonemployee compensation \$ 3000.00		
RECIPIENT'S name, street address, city or town, state or province, country, and ZIP or foreign postal code Lancer Shull PO Box 2329 Batesburg-Leesville SC 29070 Account number (see instructions)		2 Payer made direct sales totaling \$5,000 or more of consumer products to recipient for resale ☐ 3 4 Federal income tax withheld \$		
		5 State tax withheld \$	6 State/Payer's state no. 025	7 State income \$

☐ VOID ☐ CORRECTED

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. Joint Municipal Water & Sewer PO Box 2555 Lexington SC 29071-2555 (803) 359-8373 Ext. 0000		OMB No. 1545-0116 Form 1099-NEC (Rev. January 2022) For calendar year 2022		Nonemployee Compensation Copy C For Payer and/or State Copy 1 or Copy 2 For Privacy Act and Paperwork Reduction Act Notice, see the current General Instructions for Certain Information Returns.
PAYER'S TIN 57-0979179	RECIPIENT'S TIN XXXXXXXXXX 8348	1 Nonemployee compensation \$ 3000.00		
RECIPIENT'S name, street address, city or town, state or province, country, and ZIP or foreign postal code. Lander Shull PO Box 2329 Batesburg-Leesville SC 29070		2 Payer made direct sales totaling \$5,000 or more of consumer products to recipient for resale ☐ 3 4 Federal income tax withheld \$		
Account number (see instructions)		End TIN not ☐	5 State tax withheld: \$ 6 State/Payer's state no. 7 State income \$	

Form 1099-NEC (Rev. 1-2022)

www.irs.gov/Form1099NEC

Department of the Treasury - Internal Revenue Service

☐ CORRECTED (if checked)

Nonemployee Compensation

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no Joint Municipal Water & Sewer Commissio PO Box 2555 Lexington SC 29071-2555 (803) 359-8373 Ext. 0000		OMB No. 1545-0116 Form 1099-NEC (Rev. January 2022) For calendar year 2023
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PAYER'S TIN 57-0979179	RECIPIENT'S TIN 496-74-8348	1 Nonemployee compensation \$ 3000.00
RECIPIENT'S name Lancer Shull		2 Payer made direct sales totaling \$5,000 or more of consumer products to recipient for resale ☐
Street address (including apt. no.) PO Box 2329		3
City or town, state or province, country, and ZIP or foreign postal code Batesburg-Leesville SC 29070		4 Federal income tax withheld \$
Account number (see instructions)		5 State tax withheld \$
		6 State/Payer's state no. \$

Copy B For Recipient

This is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.

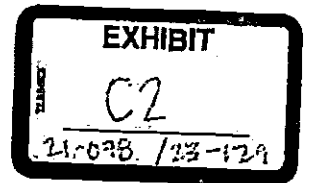
7 State Income \$

Form 1099-NEC (Rev. 1-2022)

(keep for your records)

www.irs.gov/Form1099NEC

Department of the Treasury - Internal Revenue Service



In compliance with the Freedom of Information Act, the news media and the public was notified of the time, date, and place along with a copy of the agenda of this meeting and a notice was posted on the outdoor bulletin board at the Batesburg-Leesville Town Hall and the Town's website no later than twenty-four hours prior to the meeting.

PUBLIC HEARING

JANUARY 13, 2020

Mayor Shull opened the Public Hearing at 7:00 P. M. to receive citizen input on *an Ordinance Rezoning Property Located NW of West Columbia Avenue, NE of North Bethlehem Road and SW of Russell Street from I-1 "Industrial District" to C-2 Transitional Commercial."* Lexington County TMS#00-7000-06-005. Since no one appeared before Council, Mayor Shull closed the Public Hearing at 7:01 P.M.

REGULAR COUNCIL MEETING

The Regular Council Meeting for the Town of Batesburg-Leesville, held in Building B of the Town Hall Complex, was called to order by Mayor Shull at 7:02 P. M. Members present were Mayor Shull, Council Member Etheredge, Gambrell, Cain, Lemon, Mitchell, Wise, Prouse, and Hall.

INVOCATION - John Yoria (Samaria Baptist Church)

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Council Member Gambrell.

APPROVAL OF AGENDA

A motion was made by Council Member Gambrell with a second by Council Member Prouse to approve the agenda. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

ADOPTION OF MINUTES

A motion was made by Council Member Prouse with a second by Council Member Etheredge to adopt the minutes of the December 9, 2019 Regular Council Meeting. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

ADOPTION OF MINUTES CONT'D.

A motion was made by Council Member Lemon with a second by Council Member Prouse to adopt the minutes of December 11, 2019 Special Council Meeting. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

MAYOR'S REPORT

Mayor Shull reported the next Regular Council Meeting will be February 10, 2020.

CENTRAL MIDLANDS - Council Member Gambrell

Council Member Gambrell reported COG had a meeting on December 12, 2019.

- The COG staff requested approval to amend the 2016 - 2022 TIP to transfer \$292,000 in transportation funds from the Guideshare Program to the Transportation Alternatives Program for the Kitty Hawk Sidewalk Project. The purpose of this project was to install approximately 1,600 ft. of sidewalk along Kitty Hawk Drive in the Town of Springfield.
- Adopted a *Resolution Authorizing the Filing of Grant Applications with the United States Department of Transportation and the South Carolina Department of Transportation* to aid in the financing of projects.
- They have a draft of the FY 2019 Annual Listing of Obligated Projects, which shows how COG spends money.
- COG has presented an overall FY 2020-2022 Disadvantaged Business Enterprise goal of 5% for federal funds that will be expended in DOT assisted contracts. Are going to spend money on identifying areas that are disadvantaged and bringing them up to date. All you have to do is apply.
- Paid close attention to Adaptive Computerized Signalization System for the Town of Lexington which has two phases. Phase 1 includes 19 of the 35 signal locations and Phase 2 includes 16 of the 35 signal locations. The white paper had Phase 1 and Phase 2 intersections listed and lists the operations and benefits of the system.
- The United States Census Bureau is fixing to gear up and urged everyone to fill out their census and return it. If you don't want to fill out the census, just return it so they will know someone is living at that particular residence.

Regular Council Meeting

January 13, 2020

Page 3

ENVIRONMENTAL PLANNING ADVISORY COMMITTEE

Council Member Prouse

Council Member Prouse reported that EPAC did not meet in December, however, there is a scheduled meeting for this Wednesday, January 15th and hopefully will have something to report next month.

JOINT MUNICIPAL WATER/SEWER COMMISSION - Mayor Shull

Mayor Shull reported the Commission met on Wednesday night, January 8th.

- The complaints on the taste/smell of the water inside their coverage area is basically gone.
- Highway #378 and Calks Ferry tank was chemically cleaned and inspected
- Wastewater work continues on Lydia Drive near Pelion Middle School
- Continuing to grow at a 4.31% rate with 17,563 water customers as the population continues to move in this direction
- Presentation by the revenue bond company on the recap of that loan
- Received an increase in their bond rating and are now a AA; saving interest of \$331,000 on the bonds they have with them
- Audit was presented and for their fiscal year ending June 30, 2019 operating revenues continued to increase
- Held Executive Session but no action was taken

CHAMBER OF COMMERCE - Mike Taylor

Mayor Shull reported that Mr. Taylor sent him a quick email advising that he is unavailable tonight. Reported Arts on the Ridge presented an Evening of Holiday Spirit at Southern Occasions December 13th. The performances were by Sam Phillips who was accompanied by Becky Hughes and narration by Rev. Lisa Isenhower was enjoyed by all. The Chamber received a Legislative update from the SC Chamber of Commerce on Friday, January 10th.

PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA - None

Regular Council Meeting

January 13, 2020

Page 4

UNFINISHED BUSINESS

Second reading on an *Ordinance Rezoning Property Located NW of West Columbia Avenue, NE of North Bethlehem Road and SW of Russell Street from I-1 "Industrial District" to C-2 "Transitional Commercial."* Lexington County TMS#007000-06-005 was held. A motion was made by Council Member Frouse with a second by Council Member Gambrell to accept the second reading. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

NEW BUSINESS

A. Presentation of Fiscal Year 2018/2019 Financial Audit by Dooley & Company

Manager Luckadoo introduced Ms. Amy Ely with Dooley & Company to present the presentation.

- Ms. Ely stated she was presenting the annual audit for year ending June 30, 2019.
- Reported the Town received an unqualified opinion which is the best opinion that a town can receive. This means that in our opinion the financial statements of the Town are fairly presented in all material respects.
- The Town did not issue any new bonds or become obligated for any new leases for audit year ending 06/30/2019. However, payments did continue on the capital equipment lease from 2016 and 2015 bonds.
- General revenues of the Town, which includes property taxes, state revenue and licenses and permits, account for around \$3.8 million in revenue. This is about 47% of the revenue of the Town. Program revenue, which includes grants and payment for services, account for around \$4.2 million in revenue. This is about 53% of the revenue of the Town. The total revenue of the Town and DPW was approximately \$8 million.
- The Town and DPW had total expenses of approximately \$7.4 million. As you can see, revenues were adequate to cover expenses.
- As of June 30, 2019, the Town had assets of \$19 million and liabilities of \$7.5 million. Included in the total liabilities is an item that is required by governmental accounting standards...net pension liability. This accounts for \$5.3 million of the Town's liabilities. The net pension liability is basically the Town's proportionate share of the State & Police Retirement System's pension

AUDIT PRESENTATION CONT'D.

liability.

- The net position of the Town was approximately \$12.4 million. The net position is, over time, a useful indicator of a government's financial position. The Town's financial position is the product of several financial transactions including revenue and expenses, issuance and payment of debt and acquisition and disposal of capital assets. The net position of the Town and Public Works Department increased by \$676,000. This is about 6% increase from fiscal year 2018 to fiscal year 2019. That is an indicator that financially the Town is in a better position as of June 30, 2019 than it was at that time the previous year.
- Ms. Ely encouraged Council to review all the various financial reports included in the audit report and to review the notes as they provide valuable information concerning the numbers included in the statements.

A question and answer period was held after the presentation. A motion was made by Council Member Gambrell with a second by Council Member Etheredge to accept the audit as presented. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

B. FIRST READING - Ordinance Setting Council Compensation

Mayor Skull read the Ordinance Setting Council Compensation after which a motion was made by Council Member Prouse with a second by Council Member Hall to approve. With no discussion, a vote was taken.

VOTE: 5 Approved 4 Denied - Council Member Etheredge, Cain, Lemion, Mitchell

MANAGER'S REPORT - Ted Luckadoo

A. - F. Due to the length of the Manager's Report, the attached is an official part of the minutes for September.

EXECUTIVE SESSION

- A. Discussion of Contractual Matters Relating to the Town Attorney
- B. Discussion of Contractual Matters Relating to the Town Judge
- C. Discussion of Council Appointments for:
 - a. Central Midlands Council of Governments
 - b. Environmental Planning Advisory Committee
 - c. Joint Municipal Water & Sewer Commission
- D. Discussion Regarding the Selection of Council Members to Serve on Town Manager's Evaluation Committee

A motion was made by Council Member Gambrell with a second by Council Member Prouse to go into Executive Session at 7:45 P. M. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

***Return to Regular Council Meeting - A motion was made by Council Member Prouse with a second by Council Member Etheredge to return to Regular Session at 8:17 P. M. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

POSSIBLE ACTIONS BY COUNCIL IN FOLLOW UP TO EXECUTIVE SESSION

A. Possible Action on Contractual Matters Relating to the Town Attorney

A motion was made by Council Member Hall with a second by Council Member Gambrell to amend the Town Attorney's current contract to a 2-year contract ending January 31, 2021 with the current rates. The amended contract is to be brought back to Council to vote on. After discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

B. Possible Action on Contractual Matters Relating to the Town Judge

A motion was made by Council Member Gambrell with a second by Council Member Cain to amend the Town Judge's current contract to a 2-year contract ending January 31, 2021 with the current rates. The amended contract is to be brought back to Council to vote on. After discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

POSSIBLE ACTIONS BY COUNCIL CONT'D.

**C. Possible action on Council Appointments for:
a. Central Midlands Council of Governments**

A motion was made by Council Member Mitchell with a second by Council Member Prouse to appoint Council Member Hall. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

b. Environmental Planning Advisory Committee

A motion was made by Council Member Lemon with a second by Council Member Gambrell for Council Member Prouse to remain on this committee. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

c. Joint Municipal Water & Sewer Commission

A motion was made by Council Member Cain with a second by Council Member Mitchell to place Council Member Cain on the Commission. After discussion, a vote was taken.

VOTE: 5 Approved 4 Denied - Mayor Shull, Council Member Gambrell, Wise, Prouse

**D. Possible Action Regarding the Selection of Council Members to Serve on the
Town Manager's Evaluation Committee**

A motion was made by Council Member Cain with a second by Council Member Mitchell that Council Member Mitchell, Council Member Hall, and Council Member Cain serve on this committee along with Mayor Shull by default. After discussion, a vote was taken.

VOTE: 4 Approved 5 Denied - Mayor Shull, Council Member Gambrell, Wise, Prouse, Hall

Regular Council Meeting

January 13, 2020

Page 8

Selection of Council Members to Serve on the Town Manager's Evaluation Committee Cont'd.

A motion was made by Council Member Prouse with a second by Council Member Gambrell that in addition to the Mayor by default we include on that committee Council Member Gambrell, Council Member Mitchell, and Council Member Prouse. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

POTENTIAL AGENDA ITEMS FOR NEXT MONTH'S MEETING - FEBRUARY 10, 2020

A motion was made by Council Member Cain with a second by Council Member Gambrell that we have a report from the Hospitality Committee on the agenda. With no discussion, a vote was taken.

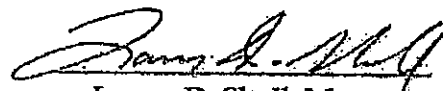
VOTE: 9 Approved 0 Denied

ADJOURNMENT

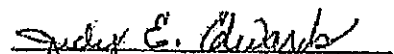
A motion was made by Council Member Gambrell with a second by Council Member Prouse to adjourn at 8:34 P. M. With no discussion, a vote was taken.

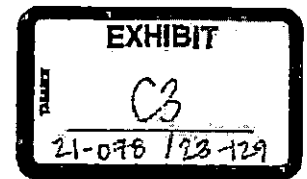
VOTE: 9 Approved 0 Denied

Approved this 10th day of February 2020.


Lancer D. Skull, Mayor

ATTEST:


Judy E. Edwards, Town Clerk



In compliance with the Freedom of Information Act, the news media and the public were notified of the time, date, and place along with a copy of the agenda of this meeting and a notice was posted on the outdoor bulletin board at the Batesburg-Leesville Town Hall and the Town's website no later than twenty-four hours prior to the meeting.

SPECIAL COUNCIL MEETING

JANUARY 21, 2020

The Special Council Meeting for the Town of Batesburg-Leesville, held in Building B of the Town Hall Complex, was called to order by Mayor Shull at 6:00 P. M. Members present were Mayor Shull, Council Member Etheredge, Gambrell, Cain, Speech-Lemon, Mitchell, Wise, Prouse, and Hall.

INVOCATION

The invocation was given by Rev. Kent Suits.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Council Member Gambrell. Council Member Gambrell asked everyone to stand and place their hand over their heart.

APPROVAL OF AGENDA

A motion was made by Council Member Prouse with a second by Council Member Hall to approve the agenda. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied.

NEW BUSINESS

A. Motion to Reconsider Council Appointment to Joint Water & Sewer Commission

Mayor Shull gave Council Member Hall the floor. Council Member Hall made a motion that we reconsider our previous appointment to the Joint Water & Sewer Commission with a second by Council Member Etheredge. After discussion, a vote was taken.

VOTE: 7 Approved 2 Denied – Council Member Cain
 Council Member Mitchell

Special Council Meeting
January 21, 2020
Page 2

Joint Water & Sewer Commission Cont'd.

A motion was made by Council Member Prouse that we nominate Mayor Shull to retain his previous position on the Joint Water & Sewer Commission with a second by Council Member Hall. With no discussion, a vote was taken.

VOTE: 7 Approved 2 Denied – Council Member Cain, Mitchell

EXECUTIVE SESSION

- A. Discussion of Contractual Matters Between the Town of Batesburg-Leesville and The Town Judge
- B. Discussion of Contractual Matters Between the Town of Batesburg-Leesville and The Town Attorney

A motion was made by Council Member Prouse with a second by Council Member Etheredge to go into Executive Session at 6:07 P. M. Council Member Cain asked to be excused at this time because he had to go to work. With no discussion, a vote was taken.

VOTE: 9 Approved 0 Denied

Return to Special Council Meeting

A motion was made by Council Member Hall with a second by Council Member Gambrell to return to the Special Council Meeting at 6:24 P. M. With no discussion, a vote was taken.

VOTE: 8 Approved 0 Denied

POSSIBLE ACTIONS BY COUNCIL IN FOLLOW-UP TO EXECUTIVE SESSION

- A. Possible Action Regarding Contractual Matters Between the Town of Batesburg-Leesville and the Town Judge

Special Council Meeting

January 21, 2020

Page 3

A motion was made by Council Member Gambrell with a second by Council Member Etheredge to approve the contract as presented in Executive Session. With no discussion, a vote was taken.

VOTE: 8 Approved 0 Denied

B. Possible Action Regarding Contractual Matters Between the Town of Batesburg-Leesville and the Town Attorney

A motion was made by Council Member Gambrell with a second by Council Member Prouse to approve the contract as presented in Executive Session. With no discussion, a vote was taken.

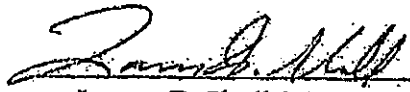
VOTE: 8 Approved 0 Denied

ADJOURNMENT

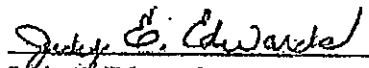
A motion was made by Council Member Prouse with a second by Council Member Etheredge to adjourn at 6:26 P. M. With no discussion, a vote was taken.

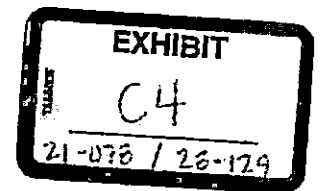
VOTE: 8 Approved 0 Denied

Approved this 10th day of February 2020.


Lancer D. Shull, Mayor

ATTEST:


Judy H. Edwards, Town Clerk



In compliance with the Freedom of Information Act, the news media was notified of the time, date, and place along with a copy of the agenda of this meeting and a notice was posted in the information box of the Batesburg-Leesville Town Hall no later than twenty-four hours prior to the meeting.

REGULAR COUNCIL MEETING

DECEMBER 11, 2023

The Regular Council Meeting for the Town of Batesburg-Leesville, held in Building B of the Town Hall Complex, was called to order by Mayor Shull at 7:00 P. M. Members present were Council Member Brown, Bouknight, Cain, Hartley, Wise, Prouse, and Hall. Council Member Mitchell was absent.

INVOCATION

The invocation was given by Shanez Padgett, Director of Worship and Media Arts at the Christ Community Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Council Member Brown.

APPROVAL OF AGENDA

A motion was made by Council Member Prouse with a second by Council Member Bouknight to approve. After discussion a vote was taken.

VOTE: 6 Approved 2 Denied – Council Members Cain, Hartley

Council Member Hall stated that on the Agenda under New Business Item F. (a) that's a contractual situation which should be discussed in Executive Session. Stated he did not have a copy of the new contract but there is an existing contract. Council Member Hall made a motion with a second by Council Member Cain that this item be removed from tonight's Agenda and placed on the January 8th Agenda. After discussion, a vote was taken.

VOTE: 4 Approved 4 Denied -- Council Members Bouknight, Wise
Prouse, Mayor Shull

ADOPTION OF MINUTES

A motion was made by Council Prouse with a second by Council Member Hall to approve the minutes of the November 13, 2023 Regular Council Meeting. With no discussion, a vote was taken.

VOTE: 8 Approved 0 Denied

MAYOR'S REPORT

Mayor Shull reported the next Regular Council Meeting will be January 8, 2024.

CENTRAL MIDLANDS – Council Member Hall

Council Member Hall reported Central Midlands did not meet in November and the next meeting is this Thursday at the Harbison Boulevard.

ENVIRONMENTAL PLANNING ADVISORY COMMITTEE – Council Member Prouse

Council Member Prouse reported there was no meeting.

THE COMET ADVISORY COMMITTEE – Council Member Cain

Council Member Cain reported he had no report.

JOINT MUNICIPAL WATER/SEWER COMMISSION - Mayor Shull

Mayor Shull reported the Capital Improvements Projects on the water side finalizing the last remaining easement for the water project coming to Batesburg-Leesville. The Town of Swansea is finalizing the waterline replacement project in Pelion. The water plant expansion is continuing at the West Columbia Plant with additional capacity of 13.5 mg and 6 of that would be Joint Municipals and will include ozone upgrades, TNO and GHC for the plastics they are finding across the country that is from the 3M Corporation. On the sewer side there are several projects in the Red Bank area and currently 10 sewer projects in the Capital Improvement Plan. On the technology side staff is working on the project portal which continues to expand which tracks their projects they have going on. There is a new Engineer, GSI Analyst on board. The financial position remains very strong.

Regular Council Meeting
December 11, 2023
Page 3

B-L CHAMBER OF COMMERCE – Mike Taylor, President

President Taylor reported:

- The 2023 Annual Chamber Banquet was November 16th at T&S Farm. Ron Harvey was guest speaker. Tonya Rodgers of the Twin City News received the Chairman's Award, Michael Kneece the President's Award and Tidwell Jewelers the Small Business of the Year Award
- The Christmas Parade took place December 3rd. The Grand Marshall was the B-L Coaches Pitch All-Star Team. 1st Place winners were Arts on the Ridge; 2nd Place was B-L Branch Library and 3rd Place was Denegar Kennel.
- December 9th the Chamber had a Ribbon Cutting for Beulah Roasting Company located at 532 Lexington Street. The roasting process was observed by those in attendance and coffee was enjoyed by all.
- Last night Arts on the Ridge hosted "Deck the Halls with the Arts" at the Davis Pond facility. Those in attendance enjoyed heavy hors d'oeuvres, beverages, and Christmas music by the Carolina Trio and Emma Grayce Rodgers.

PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA – None

NEW BUSINESS

A. Approval of Regular Council Meeting Dates for 2024

A motion was made by Council Member Hall with a second by Council Member Bouknight to approve. With no discussion, a vote was taken.

VOTE: 8 Approved 0 Denied

B. First Reading – Ordinance Rezoning Property Located at 114 East Columbia Avenue, Consisting of 0.19 Acres, from C-1, General Commercial, to C-2, Office and Institutional Commercial (TMS# 007100-07-013)

There was no motion so the First Reading failed

Regular Council Meeting
December 11, 2023
Page 4

NEW BUSINESS CONT'D.

C. Council Discussion Regarding the Proposed Woodard Unity Park

This property was previously purchased for this proposed park and engineering and design is underway. Lengthy discussion was held on this subject.

D. Council Approval of Council Appointments to Planning Commission and Board of Zoning Appeals

PLANNING COMMISSION

District 1 Rachel Taylor

District 2 Shawn Bryant

District 4 Larjonar Williams

District 6 Riley Adams

District 7 Dave Shopp

BOARD OF APPEAL

Burch Antley

Lillie Gives

Mayor Shull said the candidates will be voted on as a batch.

A motion was made by Council Member Bouknight with a second by Council Member Hall to approve. After discussion, a vote was taken.

VOTE: 8 Approved 0 Denied

E. Council Election of Mayor Pro Tem

Mayor Shull stated that state law requires that Council elect from its members a Mayor Pro Tem for a term not to exceed two years.

Council Member Cain made a motion that this be tabled with a second by Council Member Hartley. With no discussion, a vote was taken.

VOTE: 2 Approved – Council Member Cain 6 Denied
Council Member Hartley

NEW BUSINESS CONT'D.

E. Mayor Pro Tem

To table was lost.

A motion was made by Council Member Brown with a second by Council Member Wise that the appointment be Council Member Prouse for Mayor Pro Tem. After discussion, a vote was taken.

VOTE: 5 Approved 3 Denied – Council Member Cain, Hartley, Hall

F. Council Appointments for Town Attorney, Central Midlands Council of Governments, Environmental Planning Advisory Committee (EPAC), Joint Municipal Water & Sewer Commission, and The Comet

a. Town Attorney

Council Member Cain made a motion to table this election with a second by Council Member Hartley. With no discussion, a vote was taken.

VOTE: 3 Approved 5 Denied – Council Member Brown, Bouknight, Wise
Prouse, Mayor

To table was lost.

A motion was made by Council Member Prouse with a second by Council Member Bouknicht that we approve the established contract for an additional two years based on the existing structure of the contract that has been in place several years for the current attorney. After discussion, a vote was taken.

VOTE: 5 Approved 1 Denied – Council Member Hall
2 Abstain – Council Member Cain, Hartley

b. Central Midlands Council of Governments

A motion was made by Council Member Wise with a second by Council Member Brown to appoint Council Member Bouknight. After discussion a vote was taken.

VOTE: 5 Approved 3 Abstain – Council Member Cain, Hartley, Council Member Hall

Regular Council Meeting

December 11, 2023

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NEW BUSINESS CONT'

c. Environmental Planning Advisory Committee (EPAC)

A motion was made by Council Member Hall with a second by Council Member Prouse to appoint Council Member Hartley. Council Member Hartley declined the appointment. Council Member Hall withdrew his motion and Council Member Prouse withdrew his second. A motion was made by Council Member Brown with a second by Council Member Hall to appoint Council Member Prouse. With no discussion, a vote was taken.

VOTE: 6 Approved 2 Abstained – Council Member Cain, Hartley

d. Joint Municipal Water & Sewer Commission

A motion was made by Council Member Prouse with a second by Council Member Bouknight to reappoint Mayor Shull to that position. With no discussion, a vote was taken.

VOTE: 6 Approved 2 Abstained – Council Member Cain, Hartley

e. The Comet

A motion was made by Council Member Prouse with a second by Council Wise to reappoint Council Member Cain to that position. With no discussion, a vote was taken.

VOTE: 6 Approved 2 Abstained – Council Member Cain, Hartley

MANAGER'S REPORT

Before I begin, I would like to express the Town's condolences on the loss of Ms. Kathy Mingo, former Councilwoman for District 6. She passed away on Friday afternoon. Please keep her family in your thoughts and prayers.

UPCOMING TOWN HOLIDAYS AND EVENTS

- Just wanted to start out by reminding everyone of our upcoming holiday office closures. Town offices will be closed Monday, December 25th through Wednesday, December 27th for the Christmas Holidays and Monday, January 1st for New Year's. Next Monday, December 18th, we will be closed from 12:00 until 2:00pm for our Town Employee Christmas Luncheon and End of the Year Awards.
- The LMA Christmas in Leesville event was a success, the parade and after event in the park were greatly attended. We had our largest turnout yet for the event in the park

PROJECT UPDATES

- Since last month's update, we still have not received final word from RIA regarding our request to use an additional \$2.9 million dollars towards our line connection to our Lake system. Once they give the final word, SRF will be able to send us the Resolution they require to be passed for funding. Although we are not likely to have financial obligation towards the connection with JMWSC, we are still required to pass the resolution. Also, once we have final word from RIA, this will put us in a position to move forward with bidding the line to the Lake system and seeing what financial obligation we have for construction of that line, which is projected at \$1.6 million. Our hope was to have funding resolution for JMWSC portion of project on this month's agenda, but we are still awaiting word from RIA.
- The contractor for the C Fund sidewalk project continues to make great progress. He has poured new sidewalks behind Kwik Karry along Pine Street, he has finalized the work at Saluda Avenue/Ruby Street, and he is now working along Highway 23 from Kwik Karry to Saluda Avenue. We should be submitting our request for 2024 C Funds within the next month to Lexington County. If you know of any additional sidewalks in Town that are broken and need repair, please let us know as soon as possible.

TOWN FINANCIAL/BUDGET UPDATE

Monthly Account Balances for Fiscal Year 2023/2024

	Nov-23	Oct-23	Sep-23	Aug-23	Jul-23
General Fund Checking	\$ 294,942.50	\$ 230,134.03	\$ 466,787.34	\$ 793,486.65	\$ 1,023,649.49
General Fund Savings	\$ -	\$ -	\$ -	\$ -	\$ -
General Fund LGIP Account	\$ 1,128,264.50	\$ 1,123,021.84	\$ 1,117,669.50	\$ 1,112,543.76	\$ 1,107,287.18
Police Donations	\$ 24,750.39	\$ 18,997.15	\$ 19,347.17	\$ 17,227.96	\$ 17,227.36
Fire Department 1%	\$ 43,466.54	\$ 44,466.87	\$ 44,490.87	\$ 33,175.12	\$ 29,756.31
Municipal Court	\$ 51,826.57	\$ 46,377.36	\$ 43,933.82	\$ 44,007.11	\$ 41,687.69
Victims Assistance	\$ 12,644.27	\$ 12,856.83	\$ 12,984.44	\$ 13,012.11	\$ 12,590.62
Total (Non-Utility Funds)	\$1,555,894.77	\$1,475,834.08	\$1,705,213.14	\$2,013,452.11	\$2,232,198.65
Utility Fund Checking	\$ 279,403.34	\$ 288,787.71	\$ 715,455.54	\$ 372,641.40	\$ 243,135.94
Utility Fund Reserve	\$ -	\$ -	\$ -	\$ -	\$ -
Utility Fund LGIP Account	\$ 2,958,850.15	\$ 2,955,054.93	\$ 2,616,418.54	\$ 2,604,419.46	\$ 2,592,074.66
Capital Improvement Project/Impact Fee	\$ 548,792.53	\$ 623,774.18	\$ 472,553.60	\$ 472,553.60	\$ 503,160.06
USDA Debt Service Reserve	\$ -	\$ -	\$ -	\$ -	\$ -
American Rescue Plan Funds	\$ 172,516.52	\$ 492,582.20	\$ 960,869.12	\$ 1,214,947.62	\$ 1,328,959.37
2021 Infrastructure Revenue Bond	\$ 61,116.39	\$ 301,691.77	\$ 595,119.26	\$ 595,119.26	\$ 595,119.26
Total (All Utility Funds)	\$3,797,048.02	\$3,867,616.82	\$3,804,427.68	\$3,449,614.46	\$3,338,370.68
Hospitality Tax Checking	\$ 176,927.70	\$ 206,150.70	\$ 272,160.42	\$ 210,982.06	\$ 177,823.58
Hospitality Tax LGIP Account	\$ 1,044,205.28	\$ 1,039,353.22	\$ 914,564.83	\$ 910,370.61	\$ 906,069.31
Total (H-Tax Funds)	\$1,221,132.98	\$1,245,503.92	\$1,186,725.25	\$1,121,352.67	\$1,083,892.89
Total All Funds	\$6,574,073.77	\$6,588,974.82	\$6,696,366.07	\$6,584,419.24	\$6,654,462.20

Monthly Account Balances for November Since 2014

	Nov-23	Nov-22	Nov-21	Nov-20	Nov-19	Nov-18	Nov-17	Nov-16	Nov-15	Nov-14
General Fund Checking	\$ 294,942.50	\$ 1,072,932.64	\$ 1,764,095.95	\$ 936,076.96	\$ 738,830.01	\$ 654,156.86	\$ 559,181.73	\$ 811,316.83	\$ 733,072.09	\$ 701,089.00
General Fund Savings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 37,351.55	\$ 37,351.55	\$ 43,401.55	\$ 49,401.55	\$ 169,643.07
General Fund LGIP Account	\$ 1,128,264.50									
Police Donations	\$ 24,750.39	\$ 22,650.60	\$ 9,917.03	\$ 5,155.06	\$ 11,937.47	\$ 10,615.07	\$ 8,055.09	\$ 20,246.96	\$ 13,585.37	\$ 9,613.92
Fire Department 1%	\$ 48,466.54	\$ 32,668.10	\$ 22,297.79	\$ 26,185.07	\$ 21,545.26	\$ 21,545.58	\$ 18,687.24	\$ 21,989.57	\$ 19,684.39	\$ 16,644.49
Municipal Court	\$ 51,826.57	\$ 38,235.99	\$ 34,242.60	\$ 51,247.14	\$ 39,896.72	\$ 30,257.84	\$ 15,356.52	\$ 33,807.43	\$ 29,722.52	\$ 31,645.94
Victims Assistance	\$ 12,644.27	\$ 7,886.52	\$ 554.10	\$ 1,240.47	\$ 500.10	\$ 94.08	\$ 406.65	\$ 152.94	\$ 313.97	\$ 175.19
Total (Bio-Utility Funds)	\$ 1,535,094.77	\$ 1,174,374.83	\$ 1,330,508.48	\$ 999,634.70	\$ 818,082.81	\$ 684,011.88	\$ 1,058,968.25	\$ 836,915.20	\$ 812,780.28	\$ 827,812.68
Utility Fund Checking	\$ 279,403.34	\$ 335,406.30	\$ 336,684.69	\$ 330,021.79	\$ 249,905.83	\$ 422,150.50	\$ 363,493.56	\$ 579,807.94	\$ 210,337.28	\$ 82,013.94
Utility Fund Reserve	\$ -	\$ 767,888.35	\$ 767,888.85	\$ 767,814.76	\$ 765,195.75	\$ 759,036.14	\$ 773,738.31	\$ 794,173.91	\$ 574,559.71	\$ 584,832.47
Utility Fund LGIP Account	\$ 2,968,850.15									
Capital Improvement Project/Impact Fee	\$ 548,787.53	\$ 2,054,549.86	\$ 1,682,591.86	\$ 1,544,929.45	\$ 1,470,606.67	\$ 995,117.72	\$ 418,065.93	\$ 35,961.72	\$ 13,049.72	\$ 4,451.72
USDA Debt Service Reserve	\$ -	\$ 384,831.44	\$ 364,851.44	\$ 564,797.36	\$ 662,671.12	\$ 579,385.76	\$ 555,700.00	\$ 231,081.00	\$ 231,080.00	\$ 231,080.00
American Rescue Plan Funds	\$ 172,515.52	\$ 1,965,053.07	\$ 1,347,914.52	\$ 1.00	\$ 8.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ -	\$ -
2021 Infrastructure Revenue Bond	\$ 61,116.39	\$ 973,976.55	\$ 2,808,179.06	\$ 2.00	\$ 2.00	\$ 1,006.07	\$ 2,916.69	\$ 94.72	\$ 1,232.05	\$ 2,865.41
Total (All Utility Funds)	\$ 2,797,046.02	\$ 6,782,094.89	\$ 5,301,316.34	\$ 6,219,563.80	\$ 2,997,584.39	\$ 2,735,042.39	\$ 2,124,566.80	\$ 1,641,119.69	\$ 1,054,208.76	\$ 997,279.53
Hospitality Tax Checking	\$ 176,927.70	\$ 727,019.08	\$ 640,405.82	\$ 850,521.68	\$ 422,043.84					
Hospitality Tax LGIP Account	\$ 1,044,105.28									
Total (H-Tax Funds)	\$ 1,221,032.98									
Total All Funds	\$ 6,574,073.77	\$ 14,964,089.76	\$ 11,279,510.68	\$ 13,065,049.74	\$ 84,262,731.04	\$ 8,409,106.57	\$ 8,184,335.64	\$ 7,570,034.87	\$ 1,804,030.03	\$ 1,891,016.16

General Fund

Revenues/Expenses thru November 2023	Actual	Budget	% Budget
Operating Revenues	\$ 1,795,229.49	\$ 5,680,651.00	32%
Operating Expenses	\$ 2,176,030.11	\$ 5,680,651.00	38%

Utility Fund

Revenues/Expenses thru November 2023	Actual	Budget	% Budget
Operating Revenues	\$ 2,175,406.68	\$ 9,241,200.00	24%
Operating Expenses	\$ 1,457,245.43	\$ 9,241,200.00	16%

Victim's Assistance Fund

Revenues/Expenses thru November 2023	Actual	Budget	% Budget
Operating Revenues	\$ 2,116.20	\$ 9,500.00	22%
Operating Expenses	\$ 3,790.78	\$ 9,500.00	40%

Hospitality Tax Fund

Revenues/Expenses thru November 2023	Actual	Budget	% Budget
Operating Revenues	\$ 343,498.74	\$ 710,000.00	48%
Operating Expenses	\$ 182,383.68	\$ 710,000.00	26%

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EXECUTIVE SESSION

- A. Discussion and Legal Advice Regarding Contractual Matters Related to Residential Development Regulations Involving Lexington County**
B. Discussion and Legal Advice Regarding Contractual Matters Between The Town of Batesburg-Leesville and the Town of Ridge Spring Relati8ng to Water

A motion was made by Council Member Hall with a second by Council Member Prouse to go into Executive Session at 8:04 P. M. After discussion, a vote was taken.

VOTE:

6 Approved	1 Denied – Council Member Cain
	1 Abstained – Council Member Hartley

Return to Regular Session

A motion was made by Council Member Bouknight with a second by Council Member Hartley to return to Regular Session at 8:47 P. M. With no discussion, a vote was taken

VOTE: 8 Approved 0 Denied

POSSIBLE ACTIONS BY COUNCIL TO FOLLOW-UP TO EXECUTIVE SESSION

- ### **A. Possible Action Regarding Contractual Matters Related to Residential Development Regulations Involving Lexington County**

No action taken.

- ### B. Possible Action Relating to Contractual Matters with Ridge Spring Water

No action taken.

POTENTIAL AGENDA ITEMS FOR NEXT MONTH'S MEETING – January 8, 2023

A motion was made by Council Member Hall with a second by Council Member Cain to include on next month's agenda the issue of redistricting. After discussion, a vote was taken.

VOTE: 8 Approved 0 Denied

Regular Council Meeting

December 11, 2023

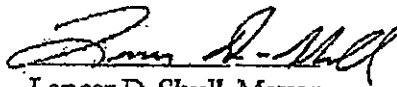
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ADJOURNMENT

A motion was made by Council Member Prouse with a second by Council Member Wise to adjourn at 8:49 P. M. With no discussion, a vote was taken.

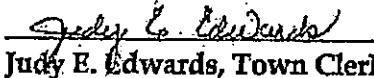
VOTE: 8 Approved 0 Denied

Approved this 8th day of January 2024.



Lancer D. Shull, Mayor

ATTEST:

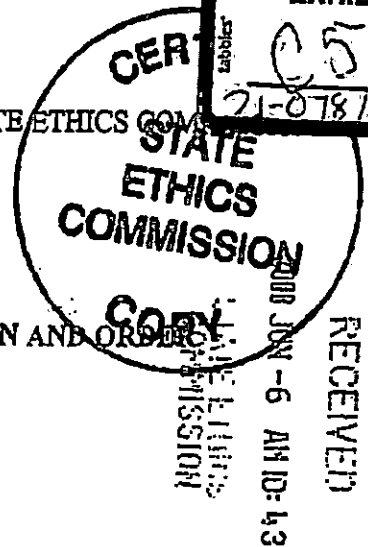


Judy E. Edwards, Town Clerk

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2008-112)
State Ethics Commission,)
Complainant;)
vs.)
Lexington County Joint Municipal)
Water and Sewer Commission,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER



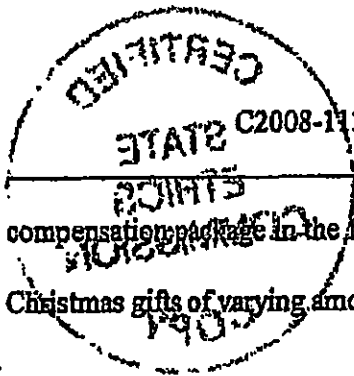
Pursuant to Section 8-13-320(10)(i), Code of Laws for South Carolina, 1976, as amended, the State Ethics Commission reviewed the above captioned complaint on May 21, 2008, charging the Respondent, Lexington County Joint Municipal Water and Sewer Commission Members, with violations of 8-13-700 (B), Code of Laws for South Carolina, 1976, as amended.

Present at the meeting were Commission Members Susan P. McWilliams, Chair, Marvin D. Infinger, Vice-Chair, Priscilla L. Tanner, Robert A. Bruce, G. Carlton Manley, E. Kay Biermann Brohl, Philip Florence, Jr and J. B. Holeman. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff.

The following allegations were considered:

ALLEGATIONS

On April 22, 2008 the State Ethics Commission filed a complaint against Lexington County Joint Municipal Water and Sewer Commission (LCJMWSC), Lexington, SC. The complaint alleged that, according to information received, the LCJMWSC Commissioners voted themselves a



compensation package in the form of monthly payments of \$100, Christmas bonuses of \$250 and Christmas gifts of varying amounts all in violation of Section 8-13-700 (A).

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact:

The LSJMWSC is made up of 11 municipalities. Commissioners are appointed by the governing bodies of its members and are, therefore, "public members" as defined in Section 8-13-100 (26).

The Commissioners of LSJMWSC receive \$100 a month for each of the monthly meetings they attend and an additional \$250 adjustment amount at the end of the year to cover expenses not covered by other payments. This practice was instituted by the former General Manager of LSJMWSC. During the Christmas season the Commission does provide a party for the Commissioners and gift baskets are given to the Commissioners.

5PM-
pg. 2
A review of the minutes of meetings of LSJMWSC from 1993 to the present indicates that the above expense payments to the Commissioners were never discussed or voted upon by the Commissioners. There was no evidence presented to indicate that the Commissioners voted to provide expense payments to themselves.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. The Commissioners of LSJMWSC are "public members" as defined in Section 8-13-100 (26) and are, therefore, within the jurisdiction of the State Ethics Commission.

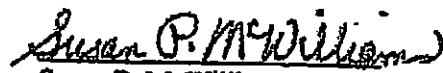
2. Section 8-13-700 (B) states no public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated has an economic interest.

DECISION

Lacking any evidence to indicate that the Commissioners participated in any action to provide monies to themselves, the Commission finds no violations in this matter. Therefore, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Lexington County Joint Municipal Water and Sewer Commission, violated Section 8-13-700 (B), S.C. Code Ann., 1976, as amended. The Commission has therefore dismissed the charges in accordance with Section 8-13-320(10)(i), Code of Laws for South Carolina, 1976, as amended, and the rules and regulations promulgated thereunder.

IT IS SO ORDERED THIS 6th DAY OF June, 2008.

STATE ETHICS COMMISSION


Susan P. McWilliams,
Chair

COLUMBIA, SOUTH CAROLINA

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
ETHICS COMMISSION

F. Xavier Starkes, Appellate Panel Chair

Complaint Nos.: C2021-078
C2023-129

Appellate Case No.: 2025-002308

RECEIVED

AUG 31 2026

SC Court of Appeals

South Carolina State Ethics Commission

Respondent

v.

Lancer Shull

Appellant.

CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g), SCACR, I certify that the record on appeal and appendix contains all material proposed to be included by any of the parties and not any other material.

DAVIS | FRAWLEY, LLC
140 East Main Street, P.O. Box 489
Lexington, South Carolina 29071
(803) 359-2512

BY: /s/ James Randall Davis
James Randall Davis, SC Bar No. 1580
ATTORNEYS FOR APPELLANT

August 31, 2026
Lexington, South Carolina