

ORIGINAL

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-10-04969

RECEIVED

FEB 24 2014

SC Court of Appeals

South Carolina Public Interest Foundation and Waring S. Howe, Jr., individually, and on behalf of all others similarly situated, ... Appellants,

v.

Robert W. Harrell, Jr., in his official capacity as Speaker of the South Carolina House of Representatives, Glenn McConnell, in his official capacity as President of the South Carolina Senate, Representative Harry B. "Chip" Limehouse III, Senator George E. "Chip" Campsen, and the State of South Carolina, ... Respondents.

RECORD ON APPEAL VOL. I

February 21, 2014

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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2012CP4001589

South Carolina Public Interest Foundation

Robert W Harrell Jr

Waring S Hose Jr

Speaker of The House of Representatives

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for: ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Motion to transfer venue is under advisement. Parties to submit proposed orders within 15 days.

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge [Signature] Judge Code 2061 Date 7/11/12

For Clerk of Court Office Use Only

This judgment was entered on _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 12 day of July, 2012 to attorneys of record or to parties (when appearing pro se) as follows:

James G. Carpenter

Robert E. Tyson Jr.
Charles Mitchell Brown
Michael Robert Hitchcock

J. Emory Smith Jr.
John Potter Hazzard V
Michael J. Anzelmo

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Clerk of Court, Jeanette McBride

FORM 4

JUDGMENT IN A CIVIL CASE

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

CASE NUMBER: 2012CP4001589

South Carolina Public Interest Foundation

Robert W Harrell Jr

Waring S Hose Jr

Speaker of The House of Representatives

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____ Attorney for: ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Non suit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20 _____ and a copy mailed first class or placed in the appropriate attorney's box on this 27 July 2012 to attorneys of record or to parties (when appearing pro se) as follows:

James G. Carpenter

Robert E. Tyson Jr.
Charles Mitchell Brown
Michael Robert Hitchcock

J. Emory Smith Jr.
John Potter Hazzard V
Michael J. Anzelmo

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____

Jeanette W. McBride

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT

South Carolina Public Interest) Civil Action No. 2012-CP-40-1589
Foundation and Waring S. Howe, Jr.,)
individually, and on behalf of all others)
similarly situated,)

Plaintiff,)

vs.)

Robert W. Harrell, Jr., in his official)
capacity as Speaker of the South)
Carolina House of Representatives, Ken)
Ard, in his official capacity as President)
of the South Carolina Senate,)
Representative Harry B. "Chip")
Limehouse III, Senator Glenn)
McConnell, and the State of South)
Carolina,)

Defendants.)

Order Granting
Motion to Transfer Venue

JANETTE W. MCBRIDE
C.C.P. & G.S.

2012 JUL 26 AM 10:58

RICHLAND COUNTY
FILED

BEFORE THE COURT is the motion to transfer this matter from Richland County to Charleston County, pursuant to Section 15-7-100 of the South Carolina Code, filed by Defendant Representative Harry B. "Chip" Limehouse III ("Representative Limehouse"). After careful consideration of the arguments of the parties and consideration of the written submissions, the Court grants the Motion to Transfer Venue as follows.

The right of a plaintiff to choose the forum is subject to the court's power to change venue. Under Section 15-7-100 of the South Carolina Code, this power may be exercised where a change in the venue of an action would promote (1) the convenience of witnesses; and (2) the ends of justice. S.C. Code § 15-7-100 (A)(3)

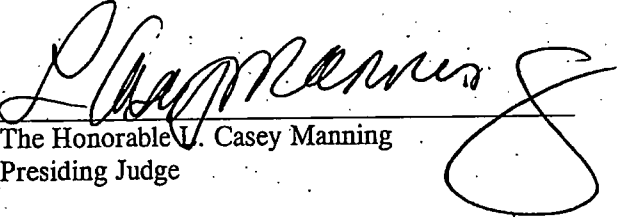
(1976); *Whaley v. CSX Transp.*, 362 S.C. 456, 476, 609 S.E.2d 286, 296 (2005) (reversing trial judge order refusing to transfer venue where party established that convenience of witnesses and ends of justice demanded it). Where the moving party establishes that the convenience of witnesses would be promoted by a change of venue, this constitutes a *prima facie* showing that the ends of justice would also be promoted. *Beard v. Billups Petroleum Co.*, 228 S.C. 481, 483, 90 S.E.2d 685, 686 (1956); *see also Whaley*, 362 S.C. at 478, 609 S.E.2d at 297. Additionally, the ends of justice are promoted by having a jury of the vicinage, that is, a jury of the county where the witnesses reside, pass upon the credibility of the witnesses. *Beard*, 228 S.C. at 482, 90 S.E.2d at 686.

I find that Defendants have established that a change in venue would promote the convenience of the witnesses and, accordingly, the ends of justice. Neither the Plaintiffs nor the Defendants reside in Richland County. The witnesses related to the Charleston County Aviation Authority Commission reside and work in Charleston County or nearby. All of the witnesses (and parties) would have to travel a greater distance from their home and places of work to attend a trial in Richland County rather than Charleston County.

Additionally, I find that Charleston County is better suited to judge the credibility of witnesses from Charleston County and to resolve a dispute between Charleston County citizens and elected public officials than Richland County jurors. Charleston County has an inherent interest in resolving litigation involving the Charleston County Aviation Authority Commission. Richland County jurors have no interest or stake in this litigation as it does not impact their community in any way

NOW, THEREFORE, this Court hereby **ORDERS** that this matter, and all related filings, be immediately transferred to the Court of Common Pleas in the Ninth Judicial Circuit for Charleston County.

By:


The Honorable V. Casey Manning
Presiding Judge

Columbia, South Carolina

July 26, 2012

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2012- CP-10-4969

SOUTH CAROLINA PUBLIC INTEREST
FOUNDATION, ET AL
PLAINTIFF(S)

ROBERT W. HARRELL AS SPEAKER OF SC
HOUSE OF REPRESENTATIVES, JR, ET AL
DEFENDANT(S)

Submitted by:	Attorney for : ☐ Plaintiff ☐ Defendant
	or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41, SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ Bankruptcy ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE. ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: Motion to Dismiss was denied on the pleadings only. Motion for Summary Judgment was continued.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
n/a	n/a	\$n/a
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

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SCRCP Form 4C (12/2011)

2060

10/22/2012

Page 1

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or
placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or
to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

South Carolina Public Interest Foundation
and Waring S. Howe, Jr., individually, and
on behalf of all others similarly situated,
Plaintiffs,

v.

Robert W. Harrell, Jr., in his official
capacity as Speaker of the S.C. House of
Representatives, Ken Ard in his official
capacity as President of the S.C. Senate,
Representative Harry B. "Chip" Lime-
house III, Senator Glenn McConnell, and
The State of South Carolina,
Defendants.

IN THE CIRCUIT COURT

CASE NO: 2012-CP-10-04969

MOTION AND
CONSENT ORDER
SUBSTITUTING PARTIES
DEFENDANT

FILED
2012 OCT 30 AM 9:43
JULIE J. ARMSTRONG
CLERK OF COURT

NOW COME the Plaintiffs South Carolina Public Interest Foundation and Waring S. Howe, Jr., by their undersigned attorney, and move the Court, with the consent of Attorney Michael Hitchcock, for an Order substituting two parties Defendant, both represented by Mr. Hitchcock. In support of the Motion and Consent Order, Plaintiffs would show to the Court the following:

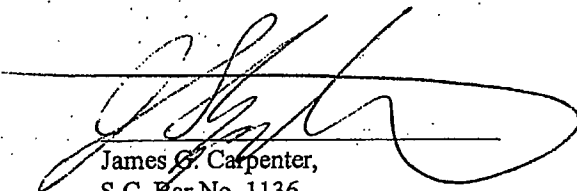
1. In this action, Plaintiffs sued Ken Ard in his official capacity as President of the South Carolina Senate and Glen McConnell, as senator from Charleston County, who served as vice chairman of the Charleston County Delegation, and by virtue of that office, served on the Charleston County Aviation Authority.
2. Since the filing of this lawsuit, Glen McConnell has become the Lieutenant Governor and President of the South Carolina Senate, and George "Chip" Campsen has taken McConnell's place as vice chairman of the delegation.

3. Mr. Hitchcock filed an Answer on behalf of Ard and McConnell in their official capacities and agrees to the substitution requested herein.

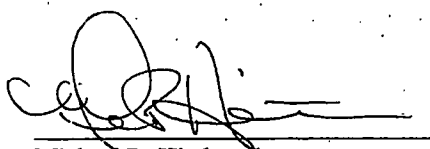
WHEREFORE, Plaintiffs move the Court, with the consent of opposing counsel, to substitute Glen McConnell as President of the South Carolina Senate, and George "Chip" Campsen as vice chairman of the Charleston delegation.

Respectfully submitted,
THE CARPENTER LAW FIRM, P.C.

We Consent,



James G. Carpenter,
S.C. Bar No. 1136
819 East North Street
Greenville, SC 29601
Tel. (864) 235-1269
Fax (864) 331-3083
Attorney for the Plaintiffs



Michael R. Hitchcock,
S.C. Bar No. 12158
P.O. Box 142
Columbia, SC 29202
Tel. (803) 212-6200
Attorney for McConnell and Campsen

SO ORDERED, this 30th day of OCT, 2012

S. H. G. Jefferson
Circuit Judge Presiding

ATTORNEY A TRUE COPY.
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By [Signature]
DEPUTY CLERK

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

South Carolina Public Interest Foundation
and Waring S. Howe, Jr., individually, and
on behalf of all others similarly situated,
Plaintiffs,

v.

Robert W. Harrell, Jr., in his official capacity as Speaker of the S.C. House of Representatives, Ken Ard in his official capacity as President of the S.C. Senate, Representative Harry B. "Chip" Limehouse III, Senator Glenn McConnell, and The State of South Carolina,
Defendants.

IN THE CIRCUIT COURT
CASE NO: 2012-CP-10-04969

Certificate of Service

By _____

FILED
2012 OCT 30 AM 9:43
JULIE J. ARMSTRONG
CLERK OF COURT

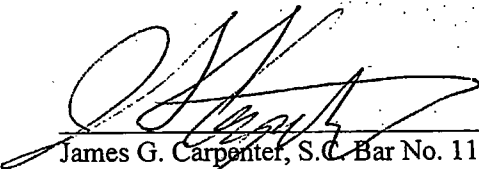
The undersigned attorney hereby certifies that he has served a copy of the foregoing Motion and Consent Order to Substitute Defendants, by first class mail, postage prepaid, on October 22, 2012 to the following persons:

Robert E. Tyson, Jr.
PO Box 11449
Columbia, SC 29211

C. Mitchell Brown
Michael J. Anzelmo
P.O. Box 11070
Columbia, SC 29211

Michael R. Hitchcock
John P. Hazzard V
P.O. Box 142
Columbia, SC 29202

J. Emery Smith, Jr.
PO Box 11549
Columbia, SC 29211


James G. Carpenter, S.C. Bar No. 1136
THE CARPENTER LAW FIRM, P.C.
819 E. North Street
Greenville, South Carolina 29601
Tel. (864) 235-1269
Fax (864) 331-3083
Attorneys for Plaintiffs

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2012 CP-10-4969

South Carolina Public Interest Foundation, et al.

Robert W. Harrell, Jr., in his official capacity
as Speaker of the S.C. House of
Representatives, et al.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : ☐ Plaintiff	☐ Defendant
	or	
	☐ Self-Represented Litigant	

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41 SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: Defendant's Motion for Judgment is granted based on lack of Plaintiffs' standing only and this Court is not ruling on any other matters raised in Defendant's motion. As a result of this ruling, Plaintiffs' Motion for Summary Judgment is now moot and the Complaint is dismissed in entirety. Formal order to follow.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk :

Defendant Harrell's Motion for Summary Judgment was initially filed as Motion for Judgment on the pleadings. Court denied that Motion (see Court's order filed on October 24, 2012), and the issues came back before the Court on the Motion for Summary Judgment on February 14, 2013, which this Court is ultimately granting.

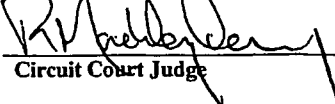
INFORMATION FOR THE JUDGMENT INDEX

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Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$

		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.


Circuit Court Judge

2060
Judge Code

3/01/2013
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

South Carolina Public Interest
Foundation and Waring S. Howe, Jr.,
individually, and on behalf of all others
similarly situated,

Plaintiffs,

vs.

Robert W. Harrell, Jr., in his official
capacity as Speaker of the South
Carolina House of Representatives, Ken
Ard, in his official capacity as President
of the South Carolina Senate,
Representative Harry B. "Chip"
Limehouse III, Senator Glenn
McConnell, and the State of South
Carolina,

Defendants.

Civil Action No. 2012-CP-10-04969

**Order Granting Speaker Harrell's
Motion for Summary Judgment
and Dismissing Plaintiffs' Action
in its Entirety**

FILED
2013 MAY 13 PM 12:41
JULIE J. ARMSTRONG
CLERK OF COURT
BY 

BEFORE THE COURT is the Motion for Summary Judgment of Defendant Robert W. Harrell, Jr., in his official capacity as Speaker of the South Carolina House of Representatives ("Speaker Harrell"), asserting that Plaintiffs lack the standing to maintain this action against all Defendants. This Court held a hearing on this matter on February 14, 2013, at which Michael J. Anzelmo, Esquire, appeared on behalf of Speaker Harrell; Rob Tyson, Esquire, appeared on behalf of Representative Harry B. "Chip" Limehouse III; Emory Smith, Esquire, appeared on behalf of the State of South Carolina; and Michael Hitchcock, Esquire, appeared on behalf of Defendants Glen McConnell, in his official capacity as President of the South Carolina Senate, and

RM-2/1/14

Senator George E. Campsen, III.¹ Jim Carpenter, Esquire, appeared on behalf of the Plaintiffs. At the hearing, counsel for Defendant Limehouse and counsel for Defendants Glen McConnell and Senator George E. Campsen, III, supported and joined in Speaker Harrell's Motion for Summary Judgment. Counsel for the State concurred in the Motion.

After consideration of the pleadings, the parties' written submissions, and oral argument of counsel, the Court finds no issues of material fact exist and Defendants are entitled to judgment as a matter of law. Therefore, this Court grants the Motion for Summary Judgment and dismisses this action in its entirety as more fully set forth below.

Factual Background

The issues in this case relate to the General Assembly's passage of Act 130 in 2007 ("the Act" or "Act 130"). In 2008, the Foundation launched an initial action challenging the constitutionality of Act 130. See *S.C. Pub. Interest Found. v. Harrell*, 378 S.C. 441, 445, 663 S.E.2d 52, 54 (2008) (overruled on other grounds, *Am. Petroleum Inst. v. SC Dept. of Rev.*, 382 S.C. 572, 677 S.E.2d 16 (2009)).² In that action, Speaker Harrell defended the constitutional challenge to Act 130 on the ground

¹ Plaintiffs originally sued former Lieutenant Governor Ken Ard, in his official capacity as President of the South Carolina Senate, and then Senator Glen McConnell due to his position as vice-chairman of the Charleston County Delegation, and by virtue of that office, as a member of the Charleston County Aviation Authority. Since that time, Senator McConnell became Lieutenant Governor of South Carolina and President of the South Carolina Senate. As a result of that action, Senator Campsen replaced Lieutenant Governor McConnell as vice-chairman of the Charleston County Delegation, and by virtue of that office, as a member of the Charleston County Aviation Authority. This Court granted the substitutions via order dated October 30, 2012.

² The Supreme Court's holding in *American Petroleum* does not affect the 2008 holding that the Foundation lacked standing to challenge the constitutionality of the Act.

Rm 7/12

that the Foundation lacked the standing to challenge Act 130. *Harrell*, 378 S.C. at 445, 663 S.E.2d at 54. The Supreme Court fully weighed that defense, analyzed the Foundation's contrary position, and ultimately ruled on that exact issue. *Id.* Specifically, the court held that:

We decline to address Petitioners' contention that 2007 Act Nos. 130 . . . violat[es] the South Carolina Constitution . . . Petitioners lack standing to challenge those acts. *Sloan v. Sanford*, 357 S.C. 431, 593 S.E.2d 470 (2004) (as a general rule; a litigant must have a personal stake in the subject matter of the litigation to have standing); *Blandon v. Coleman*, 285 S.C. 472, 330 S.E.2d 298 (1985) (private person may not invoke the judicial power to determine the validity of executive or legislative action unless he has sustained, or is in immediate danger, of sustaining prejudice therefrom).

Harrell, 378 S.C. at 445 n.1, 663 S.E.2d at 54 n.1 (emphasis added).³

Thereafter, on November 1, 2011, the Plaintiffs, the South Carolina Public Interest Foundation ("the Foundation") and Waring S. Howe, Jr. ("Plaintiff Howe"), filed a petition for original jurisdiction of the Supreme Court again alleging that Act 130 and the manner in which it was passed violated several constitutional provisions. The Supreme Court denied that request. Plaintiffs thereafter filed this action in the circuit court.⁴ In the Complaint, Plaintiffs rely on Plaintiff Howe's status as a taxpayer of Charleston County as the basis for standing. Plaintiffs did not plead any proper basis for statutory standing or standing under the public importance exception.

³ The Foundation was a petitioner in that action along with Edward D. Sloan, Jr. As petitioners, the Foundation challenged the constitutionality of Act 130 of 2007 along with other acts from that legislative year. Speaker Harrell also challenged the standing of Petitioner Sloan. The Supreme Court found Petitioner Sloan also lacked standing to challenge Act 130. Petitioner Sloan is not a party to the present action.

⁴ This matter was transferred from Richland County to Charleston County Court of Common Pleas by order dated July 16, 2012.

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Summary Judgment Standard

A motion for summary judgment should be granted where the Court is satisfied that "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 56(c), SCRCP. A party opposing a motion for summary judgment must "do more than simply show that there is some metaphysical doubt as to the material facts but must come forward with specific facts showing that there is a *genuine issue for trial*." *Hedgepath v. AT&T Co.*, 348 S.C. 340, 354, 559 S.E.2d 327, 335 (Ct. App. 2001) (quoting *Baughman v. AT&T Co.*, 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991)) (internal quotes omitted and emphasis in original). Reliance on the allegations in a pleading is insufficient to overcome a motion for summary judgment. Rule 56(e), SCRCP. "Instead [the] response to the motion must set forth specific facts, admissible in evidence" *Moody v. McLellan*, 295 S.C. 157, 367 S.E.2d 449 (Ct. App. 1988) (citing Rule 56(e), SCRCP). "Plaintiff's own self-serving statements, without more, are insufficient to create a genuine dispute of fact." *Rogers v. Cotton*, No. 4:09-cv-1290-RBH-TER, 2012 U.S. Dist. LEXIS 14371, at *22-23 (D.S.C. Jan. 18, 2012) (collecting cases). "[W]hen plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted." *Hedgepath*, 348 S.C. at 355, 559 S.E.2d at 336. (citing *Pye v. Aycock*, 325 S.C. 426, 480 S.E.2d 455 (Ct. App. 1997)).

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Conclusions of Law

Both Plaintiffs lack the standing necessary to challenge the constitutionality of Act 130 of 2007 ("the Act" or "Act 130"). First, this Court holds that the Foundation is collaterally estopped from asserting it has standing to maintain this current challenge Act 130. Second, this Court holds that Plaintiff Howe also fails to establish the necessary standing to maintain this action. Thus, summary judgment is proper and this action should be dismissed in its entirety.

I. The Foundation lacks standing to challenge the constitutionality of Act 130.

Collateral estoppel bars the Foundation from maintaining any challenge to the constitutionality of Act 130. This Court holds that our Supreme Court adjudicated this very standing issue in 2008 and unequivocally held that the Foundation lacked the standing to challenge Act 130. As a result, this Court concludes that the Foundation is estopped from relitigating the issue of its standing to challenge the Act in this case. Therefore, summary judgment is proper as a matter of law.

Collateral estoppel prevents a party from relitigating an issue that was decided in a previous action. *Aaron v. Mahl*, 381 S.C. 585, 592, 674 S.E.2d 482, 486 (2009); *S.C. Prop. & Cas. Ins. Guar. Assoc. v. Wal-Mart Stores, Inc.*, 304 S.C. 210, 213, 403 S.E.2d 625, 627 (1991). Collateral estoppel applies regardless of whether the claims in the first action and subsequent action are the same. *Carolina Renewal, Inc. v. S.C. Dept. of Transp.*, 385 S.C. 550, 554, 684 S.E.2d 779, 782 (Ct. App. 2009) (cert. denied January 6, 2011). "The party asserting collateral estoppel must demonstrate that the issue in the present lawsuit was: (1) actually litigated in the prior action; (2) directly determined in the prior action; and (3) necessary to support the prior judgment." *Id.*

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This Court concludes that all three elements are satisfied and that the Foundation is collaterally estopped from maintaining a challenge to Act 130 in this action.

First, the issue of whether the Foundation had standing to challenge the constitutionality of Act 130 was actually litigated in the 2008 *SCPIF v. Harrell* action. The Foundation brought the action challenging the constitutionality of Act 130. Speaker Harrell specifically defended on the grounds that the Foundation lacked standing. Thus, the standing issue was litigated in 2008. Accordingly, this Court holds that the first element of collateral estoppel is satisfied.

Second, the Supreme Court directly and finally determined this standing issue in the prior 2008 action. After considering the merits of the Foundation's numerous other constitutional challenges, the court specifically ruled that "[the Foundation] lack[ed] standing to challenge [Act 130]." *Harrell*, 378 S.C. at 445 n.1, 663 S.E.2d at 54 n.1. Therefore, the Supreme Court directly determined in the 2008 action that the Foundation lacked standing to challenge Act 130 on constitutional grounds. Accordingly, this Court concludes the second element of collateral estoppel is satisfied.

Third, the Supreme Court's standing ruling was necessary to support the prior judgment and dispose of all the issues raised in the 2008 action. The Foundation raised challenges to several acts of 2007, including Act 130. The court ruled on all challenges brought by the Foundation in that action. The standing ruling on Act 130 was necessary to support the Supreme Court's ruling and dispose of all the issues raised by the Foundation. Accordingly, this Court concludes Speaker Harrell established the third element of collateral estoppel as a matter of law.

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Lastly, this Court rejects the Foundation's claim that collateral estoppel does not apply because the constitutional challenges to Act 130 are rooted in different claims than were asserted in the 2008 action. *Carolina Renewal*, 385 S.C. at 556, 684 S.E.2d at 783 (holding "[c]ollateral estoppel applies to specific *issues*, regardless of whether the claims in the first and subsequent suits are the same") (citations omitted, emphasis added). The issue in the 2008 action is the same as in this action—whether the Foundation had standing to challenge the constitutionality of Act 130. The basis asserted to challenge the constitutionality of Act 130 is immaterial. Because the Supreme Court decided this standing issue in the 2008 action, the Foundation is collaterally estopped from relitigating this issue in this case.

Based on the above, this Court holds collateral estoppel bars the Foundation from asserting it possesses the standing necessary to maintain this action. Because the Foundation lacks standing to maintain a constitutional challenge to Act 130, this Court grants Speaker Harrell's motion for summary judgment and dismisses the Foundation's claims against all defendants with prejudice.

II. Plaintiff Howe also lacks standing to challenge Act 130.

This Court finds that no genuine issues of material fact exist and concludes that Plaintiff Howe lacks standing as matter of law under any of the recognized tenets of standing. "[S]tanding cannot be granted to every individual who is disgruntled by a governmental decision or policy; otherwise, the government would be forced to defend a constant barrage of lawsuits questioning its every move." *Newman v. Richland Cnty. Historic Preservation Com'n*, 325 S.C. 79, 480 S.E.2d 72 (1997). Accordingly, standing may only be acquired in three ways. *Freemantle v. Preston*, 398 S.C. 186,

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192, 728 S.E.2d 40, 43 (2012). First, a plaintiff may assert standing via a statute. *Preston*, 398 S.C. at 192, 728 S.E.2d at 43 (internal quotations omitted). Second, a party may acquire standing “through the rubric of constitutional standing.” *Id.* Third, a plaintiff may acquire standing “under the public importance exception.” *Id.* This Court holds that Plaintiff Howe cannot establish standing under any of the three tenets of standing.

- a. **Plaintiff Howe did not plead any proper basis for standing under the tenets of statutory standing or standing under the public importance exception.**

Here, the Complaint relies solely on Plaintiff Howe’s status as a taxpayer as the basis for standing. As discussed below, however, Plaintiff Howe’s taxpayer status does not establish standing in this case. It is well-settled that a plaintiff must *plead in the complaint* and prove his grounds for standing in order to maintain his action. *Preston*, 398 S.C. at 192, 728 S.E.2d at 43; *see also Beaufort Cnty. v. Trask*, 349 S.C. 522, 529 n.14, 563 S.E.2d 660, 663 (Ct. App. 2002) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992)). Because Plaintiff Howe did not plead any proper basis for statutory standing or standing under the public importance exception, his claim is barred as a matter of law.⁵

- b. **Plaintiff Howe cannot establish statutory standing.**

This Court holds that Plaintiff Howe cannot establish any statutory basis for standing. First, Plaintiff Howe failed to plead this basis for standing, and therefore, South Carolina law precludes him from establishing standing on this basis. *Preston*,

⁵ The Foundation failed to plead any basis for standing. Therefore, even if the Foundation was not barred to argue standing by collateral estoppel, this Court holds that summary judgment would be proper as to the Foundation on this basis as well. *See Preston*, 398 S.C. at 192, 728 S.E.2d at 43.

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398 S.C. at 192, 728 S.E.2d at 43; *Trask*, 349 S.C. at 529 n.1, 563 S.E.2d at 663 (holding that a plaintiff must *plead in the complaint* one of these grounds for standing in order to maintain his action).

Second, Act 130 contains no provision that would provide a basis for Plaintiff Howe to acquire the standing needed to maintain this action. Therefore, no statutory basis for standing exists as a matter of law.

Moreover, Plaintiff Howe's decision to bring this action pursuant to the South Carolina Uniform Declaratory Judgments Act, section 15-53-10, *et seq.*, is insufficient to give him statutory standing in this action. In *Trask*, a plaintiff taxpayer brought an action challenging governmental activity by a city. *Beaufort Cnty. v. Trask*, 349 S.C. 522, 523, 563 S.E.2d 660, 661 (Ct. App. 2002). The trial court held plaintiff could not acquire standing. *Id.* at 525, 563 S.E.2d at 662. On appeal, the plaintiff taxpayer argued she had standing to pursue the action by virtue of bringing her action under the South Carolina Uniform Declaratory Judgments Act. *Id.* at 529, 563 S.E.2d at 664. The Court of Appeals disagreed and held that "the presence of a justiciable controversy, however, does not by itself give a litigant standing to sue." *Id.* Thus, the Court of Appeal rejected Plaintiff Howe's argument that the Declaratory Judgments Act confers statutory standing on a plaintiff. Accordingly, this Court holds that Plaintiff Howe cannot acquire standing by seeking relief pursuant the South Carolina Uniform Declaratory Judgments Act.

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- c. **Plaintiff Howe cannot establish standing under the rubric of constitutional standing.**

This Court finds that Plaintiff Howe cannot establish any concrete or particularized injury in fact needed to establish constitutional standing. Instead, he claims that his status as a taxpayer gives him the standing to pursue this challenge to Act 130. Our Supreme Court has held, however, that such an allegation is insufficient to vest a plaintiff with constitutional standing.

To establish constitutional standing, the plaintiff must demonstrate two elements. First, the plaintiff must prove he suffered “an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical.” *ATC South, Inc. v. Charleston Cnty.*, 380 S.C. 191, 195, 669 S.E.2d 337, 339 (2008). Second, a plaintiff must also show a causal connection between the injury and the conduct complained of, and it must be likely, as opposed to speculative, that the injury will be redressed by a favorable decision. *ATC South*, 380 S.C. at 195, 669 S.E.2d at 339. This Court finds that Plaintiff Howe cannot establish this test. Plaintiff Howe has failed to articulate any legally protected interest that was injured by the passage of the Act.

Plaintiff Howe only claims his status as a taxpayer in Charleston County is sufficient to provide the constitutional standing needed to maintain this action. Plaintiff Howe’s status as a taxpayer, standing alone, is insufficient to establish constitutional standing. In *Preston*, the Supreme Court addressed whether status as a taxpayer could satisfy the elements of constitutional standing. 398 S.C. at 192, 728 S.E.2d at 43. In that matter, the plaintiff argued his status as a taxpayer was sufficient to confer standing

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to maintain the action. 398 S.C. at 192, 728 S.E.2d at 43. The Supreme Court rejected this contention. *Id.* The Court held:

In our judgment, the injury, if any, to Appellant as a taxpayer is common to all citizens and taxpayers of Anderson County. Thus, this feature of commonality defeats the constitutional requirement of a concrete and particularized injury. We therefore affirm the trial court in rejecting [plaintiff's] claim of taxpayer standing under constitutional standing principles.

Id. at 193, 728 S.E.2d at 44. Therefore, the Supreme Court unequivocally held that a plaintiff's status as a taxpayer cannot establish constitutional standing.

Preston reaffirmed the Supreme Court's previous holding in *ATC* on this issue.

In that matter, the court rejected a plaintiff's contention that status as a taxpayer establishes constitutional standing. The court held:

[Plaintiff] further relies on its status as a taxpayer to acquire standing. The injury to [plaintiff], however, as a taxpayer is common to all property owners in Charleston County. This feature of commonality defeats the constitutional requirement of a concrete and particularized injury. As the United States Supreme Court observed, a taxpayer lacks standing when he 'suffers in some indefinite way in common with people generally.'

ATC, 380 S.C. at 198, 669 S.E.2d at 340-41 (citing *Frothingham v. Mellon*, 262 U.S. 447, 488 (1923)). Thus, Plaintiff Howe's claim that his status as a taxpayer is sufficient to provide a basis for standing fails.

Moreover, Plaintiff Howe failed to provide any evidence that would create an issue of fact. His reliance on his subjective, personal beliefs to establish a basis for standing is insufficient. This Court finds that such a claim of a perceived difference in degree of interest claimed by Plaintiff Howe cannot be used to establish constitutional standing, regardless of his status as a taxpayer.

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Our appellate courts have rejected this argument, noting that:

[T]axpayers are not authorized to maintain a suit . . . simply because they are taxpayers It is not sufficient that they maintain the proceeding merely as a citizen to protect abstract rights. Nor does mere difference in degree of interest of one taxpayer from that of another in itself entitle the former to maintain a suit to test the validity of the ordinance.

Trask, 349 S.C. at 529 n.20, 563 S.E.2d at 664. It is undisputed that Plaintiff Howe's purported injury is common to all taxpayers in Charleston County. In his deposition, Plaintiff Howe testified as to his injury resulting from the passage of the Act. He testified that:

Q: How specifically were you injured or damaged by the passage of Act 130 of 2007?

A: It severely injures my sense of right and wrong, fairness, the concept of everybody going by the same rules, the proper reverence to something that would be denoted as a, quote, constitution. So yeah, in my life's desire to promote good government

He continued:

Q: How have you been harmed? Let me make sure.

A: The convictions I hold personally in terms of my views and ideals of right and wrong have been damaged.

It is undisputed that Plaintiff Howe's purported injury is common to all taxpayers in Charleston County:

Q: The individual harm to you, as I understand your answer, is you believe it's constitutionally suspect, and there are two members that are serving on there that shouldn't be. And that's your answer to how you've been harmed?

A: Yes, sir.

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This Court finds these claimed injuries are nothing more than an attempt to use this action to protect abstract rights and are insufficient to confer standing on Plaintiff Howe. *See Trask*, 349 S.C. at 529 ("It is not sufficient that they maintain the proceeding merely as a citizen to protect abstract rights."). These abstract claims of injuries are common to all taxpayers in Charleston County. Moreover, Plaintiff Howe's subjective heightened injury cannot form the basis for standing. The Supreme Court's established and well-reasoned precedent establishes that Plaintiff Howe cannot establish the rubric of constitutional standing on this basis.

Additionally, this Court finds that Plaintiff Howe is nothing more than a sham plaintiff named solely to remedy the fact that the Foundation lacked the standing needed to bring this action. Plaintiff Howe was aware the Supreme Court held in 2008 that the Foundation lacked standing to challenge the Act, testifying that:

Q: [D]id you also understand that the court reached a decision, denying – as part of their decision in that case, they denied standing to the Public Interest Foundation, that decision was in June – rendered in June of 2008?

A: I believe that was brought to my attention.

Notably, this Court finds that the Foundation sought an individual to rectify the "legal reasons" that the Foundation could not bring the action on its own. Plaintiff Howe admitted that he was brought into this action to alleviate this standing issue of the Foundation:

Q: How did you become involved in the lawsuit? How did you and Mr. Sloan get together on the same page, is what I am trying to ask.

A: It became known to me that his foundation was intending to bring this lawsuit, and it was desired that in addition to them as a plaintiff, that for certain legal

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reasons it perhaps would be helpful for a citizen of Charleston County also be a plaintiff in this lawsuit to possibly satisfy certain legal considerations.

Moreover, it is undisputed that Plaintiffs have admitted that the Foundation, and the Foundation alone, is paying the legal fees incurred by Plaintiff Howe in this action.

Based on the above, this Court finds that Plaintiff Howe has not suffered an individual injury from the passage of the Act and is merely in this lawsuit to circumvent the Foundation's lack of standing. No issues of fact exist, and summary judgment is proper.

d. Plaintiff Howe cannot establish standing under the public importance exception.

This Court finds that Plaintiff Howe cannot acquire standing under the public importance exception. He failed to plead or allege any overriding public interest or an extricable connection to the need for future guidance as required by our Supreme Court.

"The general rule is that a taxpayer may not maintain a suit based on the action of state officers when he has no special interest, and his only standing is the exceedingly small interest of a general taxpayer." *Crews v. Beattie*, 197 S.C. 32, 14 S.E.2d 351 (1941). The mere fact that the issue is one of public importance does not confer upon any citizen or taxpayer the right to invoke a judicial determination of the issue. *Id.* Rather, the party must demonstrate some overriding public purpose or concern to confer standing to sue on behalf of his fellow taxpayers. *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999). Our Supreme Court mandates that the public importance exception to these standing rules should apply

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"only where a resolution is needed for future guidance." *Preston*, 398 S.C. at 193, 728 S.E.2d at 44. "Thus, for a court to relax general standing rules, the matter of importance must, in the context of the case, be extricably connected to the public need for court resolution for future guidance." *Id.*; *ATC South*, 380 S.C. at 199, 669 S.E.2d at 341 (internal quotations omitted). Plaintiff Howe cannot establish this rubric of standing in this action.

First, this Court finds that Plaintiff Howe failed to plead this basis for standing. The Complaint does not allege this is a matter of overriding public importance or that future guidance is needed from our courts. Therefore, this failure to plead the public importance exception precludes Plaintiff Howe from establishing standing on this basis. *See Preston*, 398 S.C. at 192, 728 S.E.2d at 43; *Trask*, 349 S.C. at 529 n.1, 563 S.E.2d at 663 (holding that a plaintiff must *plead in the complaint* one of these grounds for standing in order to maintain his action).

Second, this Court finds that Plaintiffs' actions establish that this matter contains no overriding public importance. It is undisputed that Plaintiffs were aware of the passage of Act 130, as well as the fact that the members of the Charleston Legislative Delegation were placed on the Charleston Aviation Authority, very shortly after Act 130 became effective. Plaintiff Howe testified that:

Q. ...When did you first learn that Representative Limehouse, in his capacity as chairman of the Charleston delegation, had been placed on the Aviation Commission?

A. You know, that's really hard. Probably very soon after the, what was it, '08 legislation was passed. And then, of course, he would have to get on there as being chairman of the Charleston County legislative delegation. So it would have been -I pay attention, and it would have

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been not that long after he actually took that position that I would have been aware of it. Because again, I pay attention.

Q. So were you aware, given the fact that you pay attention that Act 130 of 2007, when it was passed?

A. When it was passed?

Q. Not specifically the date it was passed, but did you have awareness that they had passed Act 130 of 2007?

A. Yeah.

He continued:

Q: I think you answered that you became aware of the act . . . sometime after it was passed"

A: I don't know exactly.

Q: But soon thereafter?

A: I'm thinking it was probably soon thereafter just because my usual way of keeping abreast.

Moreover, the Foundation first challenged the constitutionality of Act 130 in 2008.

Despite this knowledge, Plaintiffs chose to not launch this second action contesting the constitutionality of Act 130 for nearly five years after the first challenge, noting that:

Q: So did you take any action from when the act was passed in 2007 before you became a good citizen of Charleston County and signed up in 2012?

A: Did I take any action?

Q: That's right.

A: No.

Q: Okay. Why not, if this issue bothered you?

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A: As I understood it these same issues were already being or just had been brought to the judicial system of South Carolina.

Also, Plaintiff Howe testified that:

Q. Okay. Is there any reason why you haven't challenged or brought a suit to challenge Act 130 of 2007 since that decision?

A. The opportunity didn't really present itself. I didn't receive the -- you know, the personal motivation until it was brought earlier this year. I'm a pretty busy guy, Mr. Hitchcock, and undertakings like this can only be done at certain times.

Q. Okay. But, I mean -- and that would be -- you were -- you were too busy to bring -- you're saying that you were too busy to bring the lawsuit for the past four years since that decision was rendered?

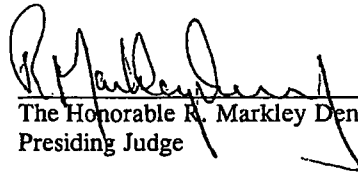
A. Among, I'm sure, other reason.

This Court finds that this rationale and delay in taking action establishes that Plaintiffs cannot reasonably assert that this matter presents a matter of overriding public importance or some immediate need for future guidance. Therefore, this Court finds that standing cannot be acquired on this basis, and summary judgment is proper.

Conclusion

Based on the forgoing, the Plaintiffs lack the standing necessary to maintain this action. This Court declines to rule on any other issues presented in this action. Now, therefore, the Court hereby **GRANTS** Speaker Harrell's Motion for Summary Judgment, and Plaintiffs' complaint is **DISMISSED** with prejudice **IN ITS ENTIRETY**.

AND IT IS SO ORDERED.


The Honorable R. Markley Dennis, Jr.
Presiding Judge

Moncks Corner
Charleston, South Carolina

April 29, 2013

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

COURT OF COMMON PLEAS

South Carolina Public)
Interest Foundation, et al.,)
PLAINTIFF,)

Hearing Transcript
C/A#: 2012-CP-40-01589

vs.)

Robert W. Harrell, Jr., in)
his official capacity as)
Speaker of the S.C. House of)
Representatives, et al.,)
DEFENDANT.)

Charleston County Courthouse
Charleston, South Carolina
February 14, 2013

BEFORE:

HONORABLE R. MARKLEY DENNIS, PRESIDING JUDGE.

APPEARANCES:

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TAKEN BY MELISSA R. SINGLETARY
CERTIFIED VERBATIM REPORTER

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1 The Court: The next one. Are the parties here?

2 Mr. Anzelmo: I'm Michael Anzelmo. I'm here on
3 behalf of Speaker Harrell.

4 The Court: Okay.

5 Mr. Anzelmo: Your Honor, as we have just mentioned,
6 we have converted my motion for judgment on the pleadings
7 based on the Plaintiffs lack of standing to one for
8 summary judgment and to do a memorandum. I'll rely
9 predominantly on the Motion. So I'm just going to hit
10 the high points.

11 The Court: Sure.

12 Mr. Anzelmo: If Your Honor recalls, we have argued
13 two things primarily. First, is that the Foundation is
14 estopped from arguing they have standing in this action.
15 The Foundation was a party to a lawsuit, the South
16 Carolina Public Interest Foundation versus Harrell that
17 was original jurisdiction action in 2008. In that action,
18 Speaker Harrell specifically challenged the Foundations
19 ability to have standing to the challenge Act 130 of
20 2007, the very Act we are fighting about here. He spent
21 seven pages of our briefing arguing that issue, the
22 Supreme Court agreed with us. They said we decline to
23 address the foundation claim that it violates the
24 Constitution. The Petitioners lack of standing to
25 challenge these acts. Your Honor is aware collateral

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1 estoppel is three issues. They satisfy all three, it was
2 actually litigated, it was briefed. The Court directly,
3 unequivocally ruled on standing. And the merits of
4 standing were addressed. Mr. Carpenter, in his reply,
5 suggested that because the merits constitutional issues
6 were not addressed collateral estoppel is improper. But
7 as Your Honor is aware it is the merits of the issue,
8 that's the Mull case on the standing issue. The second
9 argument, Your Honor, is that Plaintiff Harrell himself
10 lack standing for two primary reasons. The first is he
11 pled no basis for standing. His complaint at best says
12 he's a tax payer of Charleston County. And taxpayer
13 alleged taxpayer standing are not enough, you still have
14 to allege a specific, concrete, particularized injury.
15 The Fremantle Case, the ATC South Case most make that
16 perfectly clear. Also, in his deposition transcript which
17 we have included in our memorandum argued some heightened
18 subjective beliefs as to why he was injured more than
19 other people. That has been flat out rejected as well in
20 the Trask case. It doesn't matter that you're
21 subjectively injured more than the other party. Also,
22 Your Honor, he appears to be a bit of a sham plaintiff,
23 if you will, in his deposition, Mr. Harrell admitted, he
24 said he became aware that an individual citizen might be
25 needed in this case for a certain legal reasons. Later in

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1 his deposition, he admitted he was aware that this action
2 was brought and dismissed on standing purposes. So the
3 legal reason he was brought in is to circumvent the fact
4 the Foundation has already been adjudicated and lacks
5 standing and challenges. In addition, discovery that we
6 have included in their reveals that the Foundation is
7 paying all of Mr. Harrell's legal fees that he's
8 incurring. They have a joint account only the Foundation
9 has paid into it. Mr. Harrell has not participated at
10 all in paying those fees at this time. Yesterday in the
11 reply that Mr. Carpenter filed he alluded to public
12 importance, the exception of standing. Whereby he said
13 they had ample opportunity, if you recall, Your Honor,
14 you allowed us to do discovery. It's never been raised
15 at all, the only claims of standing are what we set forth
16 in our memorandum. It was not public importance. Also he
17 alleges something called ultra vires standing. I've cited
18 two cases; one is a Richland County Commission case.
19 Another is a case called Evans. Whereby the Courts
20 appear to indicate on an initial glance that if an Act is
21 ultra vires the Court will consider without any
22 allegation of standing. However, it's important to note
23 two things. In the Richland County case it was a former
24 commissioner, much like Mr. Harrell is a former member of
25 the Aviation Authority. The distinction is the former

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1 commissioner in a Richland County case was removed from
2 the commission by the very act that was ultra vires and
3 he was challenging it. So, he had concrete particularized
4 injuries. Mr. Harrell has been off the Commission for
5 thirteen years, I believe, the record reflects. He's
6 just a regular citizen in Charleston County at this
7 point. Also, if you read those two cases, they're not
8 applying ultra vires to legislative or general assembly
9 actions. It's statutorily empowered, whatever it might be
10 of commission and that distinction is key, because if you
11 had seen the statutory authority, by definition were
12 granted to you, you could immediately see it's ultra
13 vires. Whereas the General Assembly has plenary powers
14 of any type of legislation it wants. If it's later found
15 constitutional, that's a separate issue from no authority
16 to act in the first place. The constitution grants
17 plenary authority. So, that's our argument in a nutshell
18 as to the standing issue, but I'll rest on my brief for
19 the rest.

20 The Court: Thank you so much. Any further argument?

21 Mr. Tyson: Yes sir, good afternoon, Your Honor. My
22 name is Rob Tyson on behalf of Representative Limehouse.
23 I haven't read Michael's brief that we just got too, but
24 I would assume that we would join in on that. We did in
25 our Memo in Opposition to Mr. Sloan's motion for summary

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1 judgment. We did highlight a section on standing. Just
2 briefly, I want to, Michael did a good job, but I want to
3 go back and make sure we're clear. The first Plaintiff in
4 this case is the South Carolina, I always get it
5 backwards, Public Interest Foundation. They were the
6 plaintiff in the other case, in the Supreme Court case.
7 Clearly they don't have standing. What Mr. Carpenter
8 wants to argue is that we took that case, we
9 argued it, as he said, the Speaker had all kinds of
10 issues on the standing in that case they raised it on
11 constitutionality issues alleging this specific Act was
12 unconstitutional on A, B and C. Okay. The Court came
13 back and said no, you don't have standing. And so Mr.
14 Carpenter's argument now is well, we can come back with
15 the same group and we want to argue D, E and F, but if
16 you don't have standing the first time, you don't get to
17 come back and have another bite of the apple. So as to,
18 and there's plenty of case law that supports that as is
19 outlined in our brief. So that's as to that Plaintiff
20 and then we get to the next Plaintiff Mr. Harrell, as
21 Michael said, I don't think you get to kind of use him to
22 boot strap your way into obtain standing. As Your Honor
23 is well aware there is a whole body of case law
24 concerning what standing means and how to get there. The
25 test is pretty simple if it's just a single individual.

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1 You got to have an injury in fact, the injury must be
2 actually connected to the causes of action and it must be
3 likely that the injury will be addressed by a favorable
4 decision. I don't know how in the world Mr. Harrell has
5 any injury in fact concerning the constitutionality of
6 this Act that allows two additional members to sit on
7 this authority. So I don't think there's any way that he
8 can meet that standing. Secondly, they try to argue or
9 raise this point about taxpayer standing in such that Mr.
10 Harrell might meet that threshold since he doesn't meet
11 the first one. And as mentioned in the brief, for a
12 plaintiff to have taxpayer standing, the party must
13 demonstrate some overriding public purpose or concern to
14 confer standing to sue on behalf of his fellow taxpayers.
15 We argue there is no overriding concern. In the, the
16 underling Act, the authorizing Act was created in
17 Charleston County Aviation Party. It dates back to 1970.
18 Mr. Harrell went on, I think in 1989, onto the Aviation
19 Authority and then he served until 2001. One of the
20 things that he raised, one of the issues that they are
21 complaining about is a single county. It violates the
22 single county constitutional prohibition. Well, it's
23 been that way since 1970. Yes, the 2007 Act amended that
24 Act that went back to 1970, but my point is if Mr.
25 Harrell did feel like it met that standard of sort of

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1 overriding public purpose somewhere in the thirteen years
2 when he was serving on that authority or even as chairman
3 of that authority he might have raised that point.
4 Further, we don't think he meets that threshold. This Act
5 was passed in 2007, nobody else is worried about it. Mr.
6 Sloan was really worried about it, he's taken the second
7 try to try to sue the General Assembly to stop that.
8 Nobody else has complained about it and in Mr. Harrell's
9 testimony we asked how is the Authority doing, what is,
10 how is, how would you perceive it to do, how would you,
11 is it meeting its mission. And he agreed we've got
12 better economic development with Boeing and other people
13 there. We've got more airlines there and we've got more
14 suppliers there. So by his own deposition testimony,
15 which is attached to our response, it's clear that he
16 doesn't think that there's anything that wrong with the
17 way that the Authority is being run right now and so we
18 don't think he meets this second standard. If that is
19 what he is arguing and it's unclear to us whether he has
20 this overriding purpose. He argues that, we also asked
21 him in the deposition, do you, how is the Authority
22 funded? Do you pay taxes to that and he says no. He
23 doesn't pay taxes any property taxes, or whatever.
24 Charleston County doesn't fund that airport. And so for
25 that simply proposition clearly we don't believe he meets

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1 the taxpayer standard. So I would support the Speaker's
2 motion and just add those few points to it. Thank you.

3 The Court: Are there any other additional arguments
4 in favor of dismissing? Okay. Mr. Carpenter.

5 Mr. Carpenter: Thank you, Your Honor. It seems to
6 me that my colleagues are misinformed. We brought this
7 action, both the Plaintiffs, the South Carolina Public
8 Interest Foundation and Mr. Harrell and we alleged in the
9 Complaint that the Court possess jurisdiction and we
10 listed about eight or ten cases. Those are all public
11 importance jurisdiction standing cases. We clearly
12 alleged that we were bringing this under public
13 importance standing. We also alleged that Mr. Harrell is
14 a citizen, resident, taxpayer and registered collector of
15 Charleston County. So we allege taxpayer standing on his
16 behalf as well. Both of them, I think are sufficient,
17 either one is sufficient for standing. If you look back
18 at the Harrell case, the Supreme Court took that case in
19 its original jurisdiction and the original jurisdiction
20 standard is a little bit different, I think, from
21 standing of the Brim case in the trial court. And
22 initially the Court took original jurisdiction to our
23 challenge to all eight Acts. Three of them were acts
24 alleging illegal bobtails we won on those. The other five
25 acts were single county special legislation acts from

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1 around the state. The difference between the 2007 case
2 and this one here, there's several differences; one, in
3 2008 case, we did not have a taxpayer from those five
4 different counties and even though the Court took them in
5 the original jurisdiction initially, and by briefing oral
6 argument it wasn't until after the Court had heard all
7 the argument and wrote the opinion that it decided that
8 it was not going to extend jurisdiction to us on those
9 cases. Now on the merits, when the Attorney General
10 responded to our brief, he agreed that all five of them
11 were unconstitutional. The Governor had vetoed them
12 because they were unconstitutional. So his comment that
13 nobody else was upset about this, is flatly wrong.
14 They're unconstitutional. They're unconstitutional for
15 five different reasons we've alleged in this case. I
16 think we've given good case law authority to support
17 each of those five different bases for the constitutional
18 violations. But we specifically pled taxpayer standing,
19 specifically on behalf of Mr. Harrell, who is a taxpayer,
20 and we specifically both plead public importance
21 standing. And Mr. Tyson has alleged in argument that no
22 taxpayer funds support the airport district. Well, the
23 Supreme Court in Torgansen versus Carver several years
24 ago, specifically ruled that there were taxpayer funds
25 being used to support the airport poor district, so there

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1 are taxpayer funds being used to support it and to
2 provide for its operation. They were issuing bonds and
3 the bonds were going to be repaid with taxes out of
4 people who lived in the airport district, public
5 importance standing, one of the criteria they look at,
6 one of the factors that the Court looks at in whether to
7 grant public important standing is the need for guidance.
8 If ever a case called for judicial guidance, I think it
9 is this one. They violated the constitution five
10 different ways and they seem happy to continue violating
11 the constitution and they resent our bringing up the fact
12 that they violated it five different ways. Not all of
13 them; the Senator who has since been appointed to the
14 Airport District because he became vice chairman of the
15 Authority has taken the public position that this
16 violates dual office holding and separation of powers and
17 in the, the Senators, Senator and Lieutenant Governor,
18 filed today and amended answer that admits we cannot
19 bring any factual legal argument to draw a connection
20 between service in the senate and service on the Airport
21 Authority, thereby basically admitting on the facts in
22 the law, this is a violation of dual office holding. And
23 because the Senate is in the legislature, and this is an
24 executive branch agency, then you've got separation of
25 powers issues as well. But, we think that the Court

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1 certainly has jurisdiction to grant public importance
2 standing, as it has done on many occasions. In our brief,
3 that we submitted to the Court by email yesterday, we
4 referenced a hand full of cases that I think are of
5 particular importance to this case. Several times the
6 Supreme Court has granted public importance standing to
7 Mr. Sloan and The South Carolina Public Interest
8 Foundation on cases that arose in Charleston County; One
9 of them was the Friends of the Hundley case, which is a
10 Charleston County organization. One was the case where we
11 sued over the Arthur Ravenel Bridge, the improper
12 procurement of the Arthur Ravenel Bridge. One of them was
13 improper use of the emergency exception to repair Ladson
14 Road which is Charleston County and the fourth one was
15 when we sued over the DOT commissioners serving more than
16 one consecutive term, one of those commissioners from
17 Charleston County. In those four times the Court granted
18 public importance standing, Mr. Sloan and the Foundation
19 when we had nobody from Charleston to help us out. On
20 several other cases the Supreme Court has granted public
21 importance standing to the Foundation, along with
22 somebody from the county where the action arose and we
23 cited a handful of those cases in our recent brief. The
24 McSherry case in Spartanburg, the Jim Herring case in
25 Hilton Head Island. A Colleton County case. There may

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1 have been one other one but there is a handful of cases
2 which where the Foundation has been granted public
3 importance standing along side of somebody from the
4 county that is effected. I think for the court to rule
5 that the Foundation of Mr. Harrell doesn't have standing
6 would be, I would respectfully suggest in the face of all
7 these South Carolina Supreme Court cases, which have
8 granted Mr. Sloan or the foundation standing in all these
9 other cases. And if ever a case called for public
10 importance standing, I think it's this one. Of course
11 I'll be happy to address any questions the Court has, but
12 that pretty much sums up our argument.

13 The Court: Thank you, Mr. Carpenter. Do you wish to
14 reply?

15 Mr. Anzelmo: I will be brief with this Your Honor.
16 Mr. Carpenter cites these old or previous cases where the
17 Foundation or some other entity was given standing or
18 standing wasn't at issue in the case. Seeming to argue
19 that because someone else once got standing, he's
20 entitled to it without establishing it in this case. It's
21 akin to somebody having a negligence action saying I'm
22 sorry, you can't get a 12(b)(6) dismissal because
23 seventeen other people want to get a verdict on the same
24 causes of action. That's just not how it works. He needs
25 to establish in this record the overriding importance

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1 that establishes public importance. As you'll see in our
2 memo there just isn't any. The Plaintiff, Mr. Harrell,
3 in his own deposition, said he was aware of the passing
4 of this Act shortly thereafter in '07, because he keeps
5 abreast of these things. They did nothing for five years,
6 sitting on it and now, all of a sudden, they want to
7 convert this into an issue of public importance just
8 because of their allegation that this is
9 unconstitutional. That's point number one. Also, Your
10 Honor, he says that he believes that there is a different
11 standard for original jurisdiction standing and circuit
12 court standings. I'm not aware of any case in South
13 Carolina or anywhere that has such a holding. I just
14 point that out to Your Honor. Also, again he says that
15 they pled taxpayer standing and that's Fremantle, ATC
16 South. There's a litany of cases that say taxpayers
17 status simply isn't sufficient, so Your Honor should
18 grant our motion and dismiss this on summary judgment.
19 Thank you.

20 The Court: Thank you. Anything further.

21 Mr. Tyson: Just briefly Your Honor. I was trying to
22 look at Mr. Carpenter's brief, in his earlier brief that
23 he filed, not the one that he filed yesterday at three,
24 but he uses the 2008 case where he challenged this Act as
25 justification to have jurisdiction, not standing but

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1 jurisdiction. I think there's, you know, with all due
2 respect to our courts, I think we kind of morph
3 jurisdiction, the Supreme Court original jurisdiction.
4 Mr. Sloan brought a lot of these cases and the court has
5 taken notice. In this case he tried to get to the
6 Supreme Court and we raise a argument there that we
7 didn't believe it was public importance. I don't know why
8 the Supreme Court didn't take it in it's original
9 jurisdiction, they didn't. They brought suit in
10 Charleston, I mean they brought the suit in Richland, we
11 argued there that that's not it but they've got facts
12 that are here. Now we're back in Charleston County where
13 we should have been to start with and so our whole point
14 is, if we, if there was standing we would have, I just
15 believe that the standing should be front and center in
16 this trial court of how you get to have a case, how you
17 get to argue in front of this case. You don't get the
18 same jurisdiction from all of these other cases and
19 original jurisdiction or I don't know whether anybody
20 took up standing. I don't know whether it was raised or
21 not. In this specific case, we know the Foundation
22 doesn't have it because he's estopped from that because
23 the Supreme Court told us that and then secondly we know
24 that Mr. Harrell doesn't have it because he hasn't met
25 the standards for an individual. Thank you.

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1 The Court: Okay, thank you very much. Thank you for your
2 briefs and we'll advise you shortly. Thank you.

3 Mr. Carpenter: Your Honor, are we going to hear the
4 merits of the case? We've got several motions. I thought
5 the disposition motions were going to be argued today,
6 not just standing.

7 The Court: Whatever motions you have when you say
8 the merits of the case, you talking about summary
9 judgment?

10 Mr. Carpenter: Yes.

11 The Court: I mean, don't you think --- suppose I
12 grant the standing issue and then we've wasted your time
13 have we not?

14 Mr. Carpenter: Well, Your Honor, I drove from
15 Greenville. This is the second time I've driven from
16 Greenville.

17 The Court: You've submitted memorandums. I'll be
18 happy to hear from you.

19 Mr. Carpenter: Alright. Your Honor, there are, if
20 I could hand up, there are several cases that I think
21 relate to the issues on the merits if I may hand those
22 up?

23 The Court: Sure, sure.

24 Mr. Carpenter: I've passed them out to counsel
25 already.

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1 The Court: Okay.

2 Mr. Smith: Excuse me Your Honor, before Mr.
3 Carpenter gets into his argument, let me just explain why
4 I'm here. I represent the State of South Carolina. I'm
5 Emory Smith from the Attorney General's office. We did
6 not file a dispositive motion or a memoranda in response
7 to one. We defer to Speaker Harrell and Representative
8 Limehouse on the standing issue and I'll have a few brief
9 comments to make when Mr. Carpenter argues the merits of
10 his motion.

11 The Court: Very well, thank you. Mr. Smith, I
12 certainly will be delighted to hear from you, sir at that
13 time. Yes sir.

14 Mr. Hitchcock: Your Honor, I'd like to explain my
15 presence also. I'm Michael Hitchcock. I'm here on behalf
16 of Lt. Governor McConnell and Senator ---. In
17 regards to the standing issue, I would also like to
18 explain. We concur with Speaker and Representative
19 Limehouse in their arguments that they have made in
20 regards to standing. We might, as Mr. Smith said, we
21 might have a few ...

22 The Court: It will be interesting because it's
23 something contributed to both of you, something
24 concerning the merits.

25 Mr. Hitchcock: That's correct, Your Honor, and we

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1 might have a few comments when it comes to the actual
2 merits of the motions.

3 The Court: I look forward to hearing from you.

4 Mr. Hitchcock: Yes sir.

5 The Court: Alright, thank you sir.

6 Mr. Carpenter: Your Honor, the first case I'd like
7 to invite the Court's attention to is the Fairfield
8 county case. This is a 2011 case. Opposing counsel made
9 some allusions to the fact that maybe we should have
10 moved a little faster on this. The Fairfield County case
11 is a key case for one of our positions in this case and
12 it was decided in 2011. The Supreme Court took the case
13 in Fairfield County which involved a veto override. Your
14 Honor, this case, the one that we're today on involves a
15 veto override. Act 130 was vetoed by the Governor because
16 he issued a veto letter that said this is an
17 unconstitutional Act it was a single county Act. There is
18 special legislation when you have general legislation
19 that applies to the issue and for those reasons I'm
20 vetoing this because it's unconstitutional. The General
21 Assembly purported to override the veto and in the Senate
22 they did it with, we've alleged specifically in our
23 pleadings forty something votes to one and in the House
24 the vote was something like thirteen to nothing. In the
25 Fairfield County case, there was a veto and the vote in

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1 the Fairfield County case, in the Senate, I think, was
2 one to nothing. The Supreme Court had the opportunity to
3 take up this case to address whether a vote of less than
4 two-thirds of a quorum would be challenged is sufficient
5 to override a veto. In 2011, they issued this opinion in
6 Fairfield County. They ruled that in order to override a
7 veto, there must be two-thirds vote of a quorum of each
8 of the two houses of the General Assembly. Now the
9 members of the General Assembly argued, well there's been
10 kind of a practice, we've been doing this for some time
11 now and present at the argument of this case were Mr.
12 Smith from the Attorney General's office, Mr. Tyson and
13 Mr. Hitchcock; that's just kind of a curious footnote.

14 The Court: What's that got to do with this?

15 Mr. Carpenter: Well ...

16 The Court: That they were present?

17 Mr. Carpenter: Well, I just ...

18 The Court: Mr. Carpenter listen, you've cited your
19 cases. You don't need to go over these. I'm going to
20 read them if they are pertinent. Tell me what your
21 issues are. Why should I grant you summary judgment? I
22 don't need you to go through the cases.

23 Mr. Carpenter: Alright.

24 The Court: You don't need to be talking about that.
25 That doesn't serve any useful purpose to the Court.

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1 Thank you sir. I'm capable of reading.

2 Mr. Carpenter: Alright. To me the importance of the
3 Fairfield County case is the Supreme Court said that for
4 more than a hundred years it required a two-thirds vote
5 ...

6 The Court: Again, what's that got to do with your
7 issues that I should grant summary judgment and award and
8 declare this matter resolved in your favor? On what
9 basis? Why? Why is it a case that should be tried? You
10 saying I should decide it on summary judgment summarily,
11 without having witnesses come forward and testify,
12 assuming we get to that point?

13 Mr. Carpenter: Your Honor, I would respectfully
14 suggest the overwhelming issues are legal and not
15 factual.

16 The Court: Well, I appreciate that. Tell me why
17 there's no factual issue.

18 Mr. Carpenter: Alright, on the veto override it is
19 public record. We've attached these documents to our
20 pleadings. It shows that in the House the veto, the vote
21 to override the veto was clearly well short of any two-
22 thirds of the quorum standard.

23 The Court: Okay. Alright. That's fine.

24 Mr. Carpenter: The Fairfield county case said ...

25 The Court: It says what it says, alright.

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1 Mr. Carpenter: So if the, if the Act was not, if
2 the veto is not properly overridden, then the Act is
3 vetoed and the two members of the General Assembly are
4 improperly serving on the, on the, on the aviation
5 authority. The second case that I would invite the
6 Court's attention to is called Jorgensen vs. Craven.

7 The Court: Okay.

8 Mr. Carpenter: The Supreme Court case, 1976 and
9 that addressed this same Charleston County Airport
10 District governed by the Charleston County Aviation
11 Authority. That case involved a challenge to a bond
12 issue. The Supreme Court found that the Airport
13 Authority was, was supported by taxation, it was a
14 taxpayer case and the Court found that when the General
15 Assembly passed an Act related to the Airport District
16 and the Airport Authority then that was a single county
17 act because the Airport District, the boundaries of it
18 are co-terminus with Charleston County. The Supreme
19 Court ruled, this district is the boundaries of co-
20 terminus of Charleston County, any legislation related to
21 this district is single county, well it doesn't say any
22 but this legislation related to this district is single
23 county legislation and therefore unconstitutional.

24 The Court: Okay.

25 Mr. Carpenter: And I would suggest that case had a

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1 strong influence on the Court' analysis here. A similar
2 case, a recent case, 2011, which is the third case in the
3 package, a Charleston County School District versus
4 Harrell. The school district boundaries were like the
5 district boundaries, the same basically as the county and
6 the Supreme Court ruled that when a person is challenging
7 an act related to the School District in Charleston
8 County then that was a single county special legislation
9 act and they had stated a valid cause of action. It came
10 to the court on a motion to dismiss and the Supreme
11 Court, the trial court had dismissed it, the Supreme
12 Court reversed saying no, that states a valid
13 constitutional complaint. So that, we think, would be
14 something that the Court should consider in our two
15 claims that say this is special legislation and a single
16 county legislation.

17 The Court: Alright.

18 Mr. Carpenter: Another claim we have brought is the
19 claim that this set up, where two members of the General
20 Assembly serve on the board, violates the separation of
21 powers and we've submitted the Ashmore vs. Greenville
22 School District case where the members of the legislature
23 were put on the board to govern the building of an
24 auditorium and the governing of an auditorium and the
25 Supreme Court said they can't serve there, that violates

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1 both separation of powers and dual office holding. But
2 that was in 1947, but recently, 2010, the Supreme Court
3 reaffirmed the holding from the Ashmore case in the
4 Segars-Andrews case which is the fifth case I have
5 submitted to the Court and the Court said that the court
6 was dealing with the exception where the duties of one
7 office arise out of the duties of another office. The
8 ex-officio exception and the Supreme Court said that for
9 a member of the judiciary or the executive branch to
10 serve on the judiciary selection commission, would be a
11 violation of the separation of powers and dual office
12 holders. In order to be ex-officio it can't be in
13 another branch of the government. That's what we have
14 here. Members of the legislature attempting to work and
15 serve in the executive branch. So those cases would be
16 the ones that we cite for the merits of our case and the
17 five constitutional violations.

18 The Court: Okay.

19 Mr. Carpenter: And we ask the Court for declaratory
20 judgment on those basis.

21 The Court: Thank you sir.

22 Mr. Anzelmo: Thank you Your Honor. I'm going to
23 refer to my briefings on the constitutional ...

24 The Court: Okay.

25 Mr. Anzelmo: I have two points to make in regard to

1 Fairfield.

2 The Court: Sure.

3 Mr. Anzelmo: One it applies retroactive. The Court
4 created a new substitute right. What it did was analyze
5 historical context of the veto override and for the first
6 time determined it to two-thirds of a quorum to override
7 a veto per the constitution. I apologize prospectively,
8 that would be a mistake to make to agree with Mr.
9 Carpenter at this stage of the game and I appreciate co-
10 counsel for pointing that out. It relies prospectively
11 for the reason I just stated. The Court recognized, the
12 majority, recognized that the holding altered the current
13 position of the House. The House had argued it had been
14 doing it for a hundred years; the courts said actually no
15 you've only been doing it for twenty five years. Either
16 way, it altered a precedent in some fashion. So under our
17 well set of rules it applies prospectively to this
18 action. Also, the House is taking the position, I have
19 briefed this issue in our memorandum in opposition that
20 we have actually complied with Fairfield. Mr. Carpenter
21 asked you to read Fairfield in isolation. That's not
22 actually what you need to do, Your Honor. The
23 Constitution, section 21 says two-thirds of the House
24 shall agree. In Fairfield the issue was what does that
25 shall agree mean? And the Court did say two-thirds of a

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1 quorum. Notably what they said was that the two third
2 mandate in the Constitution requires two-thirds of a
3 quorum; that means forty-two representatives, they don't
4 use the term vote. And that's noticeable because this
5 Constitutional provision is the only one in the
6 Constitution that discusses legislative actions that
7 doesn't use the word vote. It uses agree implicit in
8 that is there some recognition they should look to cases
9 construing what agreement of the members of the House of
10 Representatives what that means. There's a case directly
11 on point. It's Moore v. Wilson Your Honor. In that case,
12 the Court said, there's an issue about whether a vote
13 carries, three votes for, zero against and thirteen had
14 extensions. The questions was, was the commissioner
15 elected by the delegation. The answer was yes, because
16 by operation of law, extensions are acquiesce in or
17 performance of the vote cast. The Court consider saying
18 that the extensions are virtual acquiesce in the election
19 made by those who knew and it affirms the vote cast, this
20 Moore. So really what the Court is saying is extensions
21 are agreements with the action taken by those who act.
22 The only evidence in the record and we have attached it
23 to our motion is that a hundred and sixteen members of
24 the House were present on the day the veto override Act
25 130 of the 2007 was taken. All twelve people voted. A

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1 hundred and four were present and abstained therefore it
2 actually was agreed upon by the House by a hundred and
3 sixteen members, zero opposed it; therefore it meets the
4 Constitutional provision requirement in the Fairfield
5 test. If more than forty-two representatives agree. So
6 our point is, even if it doesn't, if it doesn't apply to
7 this case. Fairfield has been complied.

8 The Court: Thank you sir. Alright?

9 Mr. Tyson: Yes Your Honor. Just a brief comment
10 again on Fairfield County. If that applies in this case
11 then we believe that you need to look at it
12 prospectively. That opinion came out in 2011 and if we
13 start going backwards and we look at all the cases that
14 didn't meet that standard it creates, it opens up a can
15 of worms. There's law that says if the Court intended to
16 do that, it would say that in an opinion and we believe
17 it doesn't say that. So we ask that as you look at that,
18 if you do believe that it applies, that it should apply
19 prospectively. As to what point if you get to that point
20 and you want to look at those issues, that almost should
21 be treated along. Because if you believe Fairfield
22 county rules and this Act as local law is
23 unconstitutional, then we think you have to ... I'm
24 stating the obvious, but we're going to make this
25 argument assuming that you will see that it was

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1 constitutional, but if you don't, you don't ... you asked
2 the perfect question obviously and we believe the case
3 isn't right for summary judgment right now. Let me just
4 go quickly through the constitutional issues. He raises
5 the one on the single county legislation. Mr. Harrell, in
6 his deposition, we attached this to our memo, admitted
7 that the airport serves Charleston, Berkeley and
8 Dorchester counties. Clearly we believe that's a fact
9 issue right there. Whether it's a single county or
10 whether it serves them. You can go to the airport
11 website. It says that it's a regional airport. You can
12 go to Sue Stevens, the affidavit that we provided
13 executor director then. She acknowledges that the
14 airport is more than Charleston County. You can go to my
15 clients, Mr. Limehouse, who also submitted a Affidavit we
16 believe all of those create factual issues that get you
17 over the Constitutional issue. Just briefly, Mr.
18 Carpenter raises a question, this case, is Charleston
19 County School case versus ...

20 The Court: Yes.

21 Mr. Tyson: The Court found, I'm not exactly sure
22 how to say it. I will just say that was on a motion to
23 dismiss and the court said we seat it back. There is
24 nothing to read from that. In fact, I think the language
25 says. I had it written down a second ago. We don't raise

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1 any, we don't make any assumptions, we express no opinion
2 regarding the ultimately constitutionality of Act 189.
3 Those have no relevance to the determination here. The
4 second Constitutional violation is this Article 3,
5 section 34 and this is where the general law, where local
6 laws in conflict with general law, where general law can
7 be made applicable. The relevant section of the general
8 law as alleged in the complaint is 55, section 55-1-90
9 and Your Honor I just say that that law has been repealed
10 and so there is no general law. So clearly there's no way
11 that the, oh 55-1-80 not 90, 80, excuse me, so there's no
12 way there can be a constitutional violation of that
13 general law, if there is no general law. So we would
14 argue that, the alleged Constitutional defect is not
15 ready for that and probably should be throw out
16 altogether right now if we had a motion before you on
17 that. The separation of powers. There's two cases we've
18 cited in our briefs. The Edwards case that and the Tall
19 Tower case that we believe are the controlling cases and
20 what they say and it's very clear and of course we've
21 followed it for many years. That if you have Legislative
22 members under authority they have to be in a numerical
23 minority and in this case there are two out of thirteen
24 so that's the first prong. That's a factual question
25 right there, I guess. I don't think it's in dispute.

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1 That one. Then the second part of the prong is it's got
2 to be reasonably incidental to the legislative duties.
3 Meaning that their services on that commission and
4 authority must be incidental to the legislative duties.
5 The Tall Tower test goes on a little bit further. It
6 says we say that because it's to provide this cooperative
7 effort between the executive branch, to make available to
8 the executive departments the special knowledge and
9 expertise of designated legislators in matters related to
10 their functions as legislators. So briefly, the factual
11 issues on that and obviously survived this would be one,
12 two out of thirteen, so it meets the first one and then
13 are there functions that the board members serve, the
14 legislative board members that would be akin to their
15 legislative function and we say they are. One of the
16 first duties is, in Representative Limehouse's Affidavit,
17 he focuses efforts on attracting airlines and jobs to the
18 Charleston area which is directly tied to his services as
19 legislator. Mr. Harrell agreed with that when I asked
20 him about that in his deposition. The second one was his
21 role on the authority. Representative Limehouse's role
22 on authority is to focus on economic development as
23 opposed to actual transportation in the more executive
24 aspects of authority. But his role for economic
25 development is akin to what he does as a legislator. I

S.C. Public Interest Foundation vs. Robert Harrell, Jr. 31

1 asked that of Mr. Harrell and he too agreed. There's a
2 list of them that I could go on through but we believe
3 that there's enough of a factual issue that survives the
4 motion for summary judgment here. The dual office holding
5 is his last alleged constitutional defect and in the
6 Segars-Andrews case is the operative case on that and it
7 allows a legislator to serve on a committee, on an
8 airport authority on a board in a ex-officio capacity and
9 again as long as his service is related or akin to what
10 he's doing as a legislator. The language of the statute
11 provides that Mr. Limehouse, the Representative, serves
12 as a ex-officio member and for the reasons I just that is
13 mentioned a second ago we believe they are akin to his
14 legislative functions. Those two apply to dual office
15 holding. So we think it creates a factual issue there.
16 And just quickly, one case that's cited frequently by Mr.
17 Carpenter is this Ashmore case. In that case, there were
18 legislators and the Supreme Court threw it out. The body
19 was an entire county delegation, I mean, a county
20 council. So there clearly was no, it didn't meet the ...
21 so we don't believe it's applicable here. So for those
22 reasons we believe that there are enough factual issues
23 that we have survived summary judgment in this case. It
24 ought to be denied. Thank you.

25 Mr. Smith: Your Honor, Emory Smith again for the

S.C. Public Interest Foundation vs. Robert Harrell, Jr. 32

1 State. Just to clarify our position on these issues.
2 Regarding the standing, as I think everybody recognizes,
3 SCPIF was previously found a lack of standing in the
4 earlier action brought challenging this Act and Mr.
5 Harrell may lack standing for the same reasons found with
6 regard to SCPIF in that action. Beyond those positions
7 we defer to the legislature, to Speaker Harrell and
8 Representative Limehouse on those issues. We also defer
9 to them on the substantive issue of veto override. I
10 believe that we defer to the legislature in the previous
11 Fairfield suit regarding that law. That's their issue, we
12 will leave that up to them to argue. On the home rule and
13 special legislation, our brief in that earlier case did
14 take the position that this Act was unconstitutional on
15 those grounds. We don't deny or take back that position
16 at all. The Supreme Court did not reach the issue
17 because they found lack of standing and absence some fact
18 showing that was a facial challenge in that suit. I don't
19 believe any facts presented with the Court absence some
20 fact showing that would show something that would lead to
21 a different result we stand by our position in that
22 brief. And, then finally, on the issue of whether it's
23 dual office holding or a separation of powers violation,
24 we don't believe the state needs to reach that issue or
25 respectfully this Court if it gets past the standing

S.C. Public Interest Foundation vs. Robert Harrell, Jr. 33

1 issue, there'll be the separation of powers and home rule
2 issue that appears to be more substantial.

3 The Court: Thank you sir, I appreciate it. Yes sir,
4 Mr. Hitchcock?

5 Mr. Hitchcock: Your Honor, our position briefly. In
6 regards to the standing issue we would concur with the
7 arguments by Mr. Tyson and Mr. Azelmo. In regards to the
8 veto issue, under, I think under any interpretation
9 whether it be Fairfield County or any of the cases in
10 that line. The vote of the senate was sufficient. I
11 believe the vote of the senate was forty-two to nothing.
12 So we would defer to the House to make the arguments as
13 to why they are, as to the validity of their ability to
14 override. In regards to the special legislation
15 provision we would concur with Mr. Anzelmo in regards to
16 special legislation and also specifically in regards to
17 the article 3 section 34, challenge that Mr. Tyson
18 addressed, just reemphasize that the general law Section
19 55-1-80 was repealed by Act 270 at 2012 and I think that
20 that evidences an intent and previously that section
21 provided how additional members will be appointed to
22 local aviation commissions. I think that the general
23 assembly or it could be taken, the legislative intent,
24 that the general law couldn't be made applicable in
25 regards to how additional members are appointed to

S.C. Public Interest Foundation vs. Robert Harrell, Jr. 34

1 aviation commissions. Basically every major airport in
2 South Carolina has a different manner according to
3 aviation commissions and they all have different
4 membership, powers, duties, responsibilities whether
5 Spartanburg, Richland/Lexington, Florence/Dillon and all
6 of those are also addressed and were reconstituted in Act
7 270 of 2012, of last year. In regards to, in regard to
8 the separation of powers challenge and the dual office
9 holding, I think my client has made his position pretty
10 clear and I believe in what he put in The Post and
11 Courier and his position basically is he can't, which is
12 also the position of Lieutenant Governor, we really can't
13 come up with an argument to, I believe if you'll look at
14 the Ashmore case and the Tall Tower case and Edwards case
15 and you read all of those cases together, there has to be
16 some constitutional nexus between service as a member of
17 the General Assembly and service on a board of commission
18 and we just can't, we just get there. Now whether or not
19 that's something that would have to be factually
20 developed or it could be decided on the record before
21 you, we would defer to your judgment on that. It may be
22 necessary to develop the facts as to what the powers of
23 the Aviation Authority are but we're not providing a
24 defense to that, to that cause of action.

25 The Court: Okay. Thank you. Anything in response

1 Mr. Carpenter?

2 Mr. Carpenter: I will be very brief Your Honor.

3 The Court: Thank you, sir.

4 Mr. Carpenter: I guess the first question is, it's
5 almost rhetorical how many different ways does it have to
6 be unconstitutional.

7 The Court: I understand that. That's why I say just
8 as Mr. Smith said all these other things, there may be
9 some factual issues in some there may not be in some. So
10 if it's unconstitutional in one, it really doesn't make
11 any difference to the rest of them. So, I really... I
12 think this is a matter, based on y'all's argument, it's
13 almost a matter that I think it could be, but we don't
14 have that luxury as they do up in Columbia, but I believe
15 this is one where it certainly could be. So thank you
16 all. I appreciate it. We'll be in touch.

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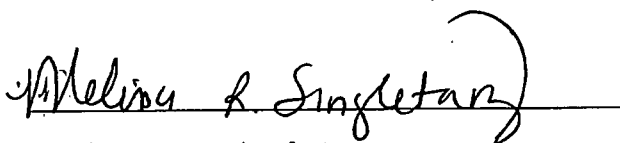
25

CERTIFICATE

This is to certify that the transcript in the matter of South Carolina Public Interest Foundation, et al. vs. Robert W. Harrell, Jr., in his official capacity as Speaker of the S.C. House of Representatives, et al., consisting of Thirty-five (35) pages is a true and correct transcript; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 26th day of July, 2013.

A handwritten signature in cursive script, reading "Melissa R. Singletary", is written over a horizontal line.

Melissa R. Singletary
Certified Court Reporter

Notary Public for South Carolina
My Commission Expires: 3-5-2014

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

South Carolina Public Interest Foundation
and Waring S. Howe, Jr., individually, and
on behalf of all others similarly situated,
Plaintiffs,

v.

Robert W. Harrell, Jr., in his official capacity as Speaker of the S.C. House of Representatives, Ken Ard in his official capacity as President of the S.C. Senate, Representative Harry B. "Chip" Limehouse III, Senator Glenn McConnell, and The State of South Carolina,
Defendants.

IN THE CIRCUIT COURT

CASE NO: 2012-CP-40-_____

COMPLAINT

JEANETTE W. MCBRIDE
C.G.P. & G.S.

2012 FEB 27 AM 11:17

RICHLAND COUNTY
FILED

NOW COME the Plaintiffs, by their undersigned attorney, and as a Complaint against the Defendants, would show unto the Court:

1. South Carolina Public Interest Foundation is a not for profit corporation organized and existing under the laws of the State of South Carolina and dedicated to the public interest, including the proper application and enforcement of the South Carolina Constitution.
2. Waring S. Howe, Jr. is a citizen, resident, taxpayer, and registered elector of Charleston County, who has used the Charleston County Airport and paid fees and taxes to the Charleston County Airport District. He served as a member of the Charleston County Aviation Authority 1989-2001, and as Chairman 1996-1999. He brings this action individually on his behalf and on behalf of all others similarly situated.

3. Defendants Harrell and Ard are the leaders of the S.C. General Assembly and are named in their official capacities.
4. Defendant Representative Harry B. "Chip" Limehouse III has held office since 1995 as a member of the South Carolina General Assembly from Charleston County. Since 2007, he has simultaneously held office as a member of the Charleston County Aviation Authority. Recently he has held office as the Chairman of the Charleston County Aviation Authority. He is named as a Defendant in his official capacity as to *all three* named offices.
5. Defendant Senator Glenn McConnell has held office since 1980 as a member of the South Carolina Senate from Charleston County. Since 2007, he has simultaneously held office as a member of the Charleston County Aviation Authority. He is named as a Defendant in his official capacity as to *both* named offices.
6. This Court possesses jurisdiction under the following provisions of the South Carolina Constitution: Art. I, § 8, Art. III, § 24, Art. III § 34, Art. IV, § 21, Art. VI, § 3, Art. VIII § 7; and Art. XVII, § 1A; and the following decisions: *American Petroleum Institute v. S.C. Dep't of Revenue*, 382 S.C. 572, 677 S.E.2d 16 (2009), *South Carolina Public Interest Foundation v. Harrell*, 378 S.C. 441, 663 S.E.2d 52 (2008), *Sloan v. Department of Transportation*, 379 S.C. 160, 666 S.E.2d 236 (2008), *Sloan v. Hardee*, 357 S.C. 495, 640 S.E.2d 457 (2007); *Cornelius v Oconee County*, 369 S.C. 531, 633 S.E.2d 492 (2006); *Sloan v. Department of Transportation*, 365 S.C. 299, 618 S.E.2d 876 (2005), *Sloan v. Wilkins*, 362 S.C. 430, 608 S.E.2d 579 (2005); *Sloan v. Sanford*, 357 S.C. 431, 593 S.E.2d 470 (2004); *Sloan v. Greenville County*, 356 S.C. 531, 590 S.E.2d 338 (Ct. App.

2003), *Sloan v. School District of Greenville County*, 342 S.C. 515, 537 S.E.2d 299 (Ct. App. 2000), *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999), *Newman v. Richland County Historic Preservation Commission*, 325 S.C. 79, 480 S.E.2d 72 (1997). and S.C. Code Ann. §15-53-10 *et seq.*, known as the Uniform Declaratory Judgment Act.

7. The Charleston County Aviation Authority governs the Charleston County Aviation District, a political subdivision created by Act 1235 of 1970. The District's geographic boundaries are the same as Charleston County.
8. From 1984 to 1993, the General Assembly enacted and amended SC Code Ann. § 55-1-80, which governs the membership of the Charleston County Aviation Authority, as well as similar aviation authorities across the State.
9. The General Assembly enacted Act 130 of 2007, modifying the membership of the Charleston County Aviation Authority. Act 130 reads, "The Charleston County Aviation Authority shall be increased by two members who shall be the Chairman and Vice Chairman of the Charleston County Legislative Delegation, or their designees." Act 130 applies *only* to Charleston County.
10. The Governor vetoed Act 130, citing Article III, § 34 and Article VIII § 7 of the Constitution. In his veto message, the Governor wrote,

This bill mandates that two members be added to the Charleston County Aviation Authority and that those two members be the Chair and Vice-Chair of the Charleston County Legislative Delegation. The state Constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." S.C. Const. Art. III, Section 34(IX). The General Assembly has established a general statute addressing the appointment of additional members to county aviation commissions. *See* S.C. Code § 55-1-80, as amended. It is unconstitutional for the General Assembly to

pass special legislation, like H. 3409, R-69, in contravention of a general law. Each county's aviation board or commission should be subject to the same general law, whether that includes the Chair and Vice-Chair of the legislative delegation as additional members or not.

Additionally, this bill affects only Charleston County and is, therefore, clearly an act for a specific county. Such acts are in violation of Article VIII, Section 7 of the Constitution of the State of South Carolina, which provides that "[n]o laws for a specific county shall be enacted."

For these reasons, I am vetoing H. 3409, R-69.

11. The General Assembly purported to override the veto of Act 130 with a vote of 12 to 0 in the House and 43 to 1 in the Senate.
12. Since 2007, Defendant Limehouse has not only held office as a member of the General Assembly, but also simultaneously held office as a member of the Charleston County Aviation Authority, pursuant to Act 130. Recently, he has also simultaneously held the office of Chairman of the Authority.
13. Since 2007, Defendant McConnell has not only held office as a member of the General Assembly, but also simultaneously held office as a member of the Charleston County Aviation Authority, pursuant to Act 130.

FIRST CAUSE OF ACTION

14. Plaintiffs incorporate by reference all the foregoing paragraphs.
15. The Governor vetoed Act 130, and the General Assembly overrode the veto with a vote of 12 to 0 in the House and 43 to 1 in the Senate, the vote was insufficient of override the veto, and Act 130 was vetoed legally. South Carolina Constitution, Art. IV, § 21; *Board of Trustees of School District of Fairfield County v. State*, 395 S.C. 276, 718 S.E.2d 210 (2011).

16. All offices and officers thereby created are null and void, and should be declared null and void by this Court

SECOND CAUSE OF ACTION

17. Plaintiffs incorporate by reference all the foregoing paragraphs.
18. South Carolina Constitution, Article III § 34 states, "The General Assembly . . . shall not enact local or special laws. . . . IX. . . . Where a general law can be made applicable, no special law shall be enacted"
19. South Carolina Constitution Article VIII § 7 states in part, "No laws for a specific county shall be enacted and no county shall be exempted from the general laws."
20. Act 130 applies only to Charleston County, and thereby violates S.C. Constitution Article III § 34 and Article VIII § 7. *Charleston County School District v. Harrell*, 393 S.C. 552, 713 S.E.2d 604 (2011).

THIRD CAUSE OF ACTION

21. Plaintiffs incorporate by reference all the foregoing paragraphs.
22. Article I, § 8 of the South Carolina Constitution states,

In the government of this State, the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.
23. The Charleston County Aviation Authority is an executive body, charged with executive duties and functions.
24. The General Assembly may not consistently with Article I, § 8 undertake both to pass laws and to execute them by setting its own members to the task of discharg-

ing such functions by virtue of their office as legislators. Representative Limehouse and Senator McConnell were elected for the purpose of making laws, not administering them. *See Ashmore v. Greater Greenville Sewer District*, 211 S.C. 77, 89, 44 S.E.2d 88, 93-94 (1947); *Segars-Andrews, v. Judicial Merit Selection Commission*, 387 S.C. 109, 127, 691 S.E.2d 453, 463 (2010).

25. Holding office as a member of the Charleston County Aviation Authority by Defendants Limehouse and McConnell, while they also hold office in the General Assembly, violates the separation of powers provision of S.C. Constitution Article I, § 8.

FOURTH CAUSE OF ACTION

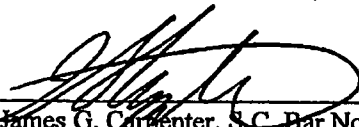
26. Plaintiffs incorporate by reference all the foregoing paragraphs.
27. The South Carolina Constitution, Art. III, § 24, Art. VI, § 3, and Art. XVII, § 1A prohibit dual office holding. *See also, Ashmore; Segars-Andrews.*
28. Since 2007, Defendants Limehouse and McConnell have been in violation of the foregoing Constitutional provisions.

WHEREFORE, Plaintiffs pray the Court:

1. To declare that when Act 130 of 2007 was vetoed, the General Assembly did not properly override the veto in accord with South Carolina Constitution, Article IV, § 21;
2. To declare that Act 130, if validly enacted, violates S.C. Constitution Article III § 34 and Article VIII § 7, and is therefore invalid;

3. To declare that the holding office as a member of the Charleston County Aviation Authority by Defendants Limehouse and McConnell violates the Separation of Powers provision of S.C. Constitution Article I, § 8
4. To declare that Defendant Limehouse and McConnell are and have been since 2007 in violation of the Constitutional provisions prohibiting dual office holding;
5. To grant Plaintiffs their costs and attorneys fees under S.C. Code Ann. § 15-77-300 ff.; and
6. To grant such other and further relief as the Court deems just and proper.

Respectfully submitted,
THE CARPENTER LAW FIRM, P.C.



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Attorney for the Plaintiffs

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE CIRCUIT COURT

South Carolina Public Interest)
Foundation and Waring S. Howe, Jr.,)
individually, and on behalf of all others)
similarly situated,)

Civil Action No.: 2012-CP-40-1589

Plaintiffs,)

**ANSWER OF
REPRESENTATIVE HARRY B.
"CHIP" LIMEHOUSE III**

vs.)

Robert W. Harrell, Jr., in his official)
capacity as Speaker of the S.C. House)
of Representatives, Ken Ard in his)
official capacity as President of the)
S.C. Senate, Representative Harry B.)
"Chip" Limehouse III, Senator Glenn)
McConnell, and The State of South)
Carolina,)

Defendants.)

Representative Harry B. "Chip" Limehouse III (hereinafter "Representative Limehouse") hereby responds to the Complaint of the South Carolina Public Interest Foundation and Waring S. Howe, Jr., individually, and on behalf of all others similarly situated (hereinafter "Plaintiffs") and denies each and every allegation not hereinafter specifically admitted and further alleges as follows:

FOR A FIRST DEFENSE

1. Responding to the allegations of Paragraph 1, Representative Limehouse lacks information sufficient to form a belief as to the truth or falsity of the allegations and therefore denies them.

2. Responding to the allegations of Paragraph 2, Representative Limehouse lacks information sufficient to form a belief as to the truth or falsity of the allegations and therefore denies them.

3. Responding to the allegations of Paragraph 3, Representative Limehouse admits that Defendant Robert Harrell is the Speaker of the South Carolina House of Representatives. Representative Limehouse denies the remaining allegations of Paragraph 3.

4. Responding to the allegations of Paragraph 4, Representative Limehouse admits the allegations.

5. Responding to the allegations of Paragraph 5, Representative Limehouse lacks information sufficient to form a belief as to the truth or falsity of the allegations and therefore denies them.

6. Responding to the allegations of Paragraph 6, Representative Limehouse admits that jurisdiction is proper in the Circuit Courts of South Carolina. However, Representative Limehouse maintains venue is improper in Richland County; rather, venue is proper in Charleston County. Representative Limehouse craves reference to the Constitutional provisions and cases for a complete and accurate statement of their terms and language.

7. Responding to the allegations of Paragraph 7, Representative Limehouse admits.

8. Responding to the allegations of Paragraph 8, Representative Limehouse admits and craves reference to the South Carolina Code amendments to the law.

9. Responding to the allegations of Paragraph 9, Representative Limehouse admits General Assembly has modified the membership of the Charleston County Aviation Authority. Representative Limehouse craves reference to the South Carolina code for a complete and accurate statement of its terms. The remaining allegations constitute conclusions of law that Representative Limehouse neither admits nor denies.

10. Responding to the allegations of Paragraph 10, Representative Limehouse admits the Governor vetoed Act 130. Representative Limehouse craves reference to the Governor's veto statement in its entirety for an accurate and complete statement of its contents.

11. The allegations of Paragraph 11 constitute conclusions of law that Representative Limehouse neither admits nor denies.

12. Responding to the allegations of Paragraph 12, Representative Limehouse admits he is a member of the South Carolina House of Representatives and a member of the Charleston County Aviation Authority.

13. Responding to the allegations of Paragraph 13, Representative Limehouse lacks information sufficient to form a belief as to the truth or falsity of the allegations and therefore denies them.

14. Responding to the allegations of Paragraph 14, each allegation above is realleged and incorporated by reference.

15. The allegations of Paragraph 15 constitute conclusions of law that Representative Limehouse neither admits nor denies.

16. The allegations of Paragraph 16 constitute conclusions of law that Representative Limehouse neither admits nor denies.

17. Responding to the allegations of Paragraph 17, each allegation above is realleged and incorporated by reference.

18. Responding to the allegations of Paragraph 18, Representative Limehouse admits Article III § 34 pertains to special laws; however, Representative Limehouse craves reference to the Constitution in its entirety for an accurate and complete statement of its contents.

19. Responding to the allegations of Paragraph 19, Representative Limehouse admits Article VIII § 7 pertains to "exemption of counties from the general laws"; however, Representative Limehouse craves reference to the Constitution and the referenced cases in their entirety for an accurate and complete statement of their contents.

20. The allegations of Paragraph 20 constitute conclusions of law that Representative Limehouse neither admits nor denies.

21. Responding to the allegations of Paragraph 21, each allegation above is realleged and incorporated by reference.

22. The allegations of Paragraph 22 do not warrant a response; however, to the extent a response is warranted, Representative Limehouse craves reference to the Constitution for a complete and accurate statement of its provisions.

23. The allegations of Paragraph 23 constitute conclusions of law, which Representative Limehouse neither admits nor denies. To the extent that these allegations are deemed to be allegations of fact, Representative Limehouse denies them.

24. The allegations of Paragraph 24 constitute conclusions of law that Representative Limehouse neither admits nor denies. Representative Limehouse craves

reference to the referenced cases for a complete and accurate statement of their provisions.

25. The allegations of Paragraph 25 constitute conclusions of law that Representative Limehouse neither admits nor denies.

26. Responding to the allegations of Paragraph 26, each allegation above is realleged and incorporated by reference.

27. The allegations of Paragraph 27 constitute conclusions of law that Representative Limehouse neither admits nor denies.

28. The allegations of Paragraph 28 constitute conclusions of law that Representative Limehouse neither admits nor denies.

FOR A SECOND DEFENSE
(Failure to State a Claim)

29. Representative Limehouse repeats, reiterates, and realleges each and every response to the Complaint contained in Paragraphs 1 through 28 above, as fully as if repeated herein.

30. The Complaint fails to state facts sufficient to constitute a cause of action.

FOR A THIRD DEFENSE
(Standing)

31. Representative Limehouse repeats, reiterates, and realleges each and every response to the Complaint contained in Paragraphs 1 through 30 above, as fully as if repeated herein.

32. Plaintiffs do not have standing to assert the claims alleged in the Complaint.

FOR A FOURTH DEFENSE
(Improper Venue)

33. Representative Limehouse repeats, reiterates, and realleges each and every response to the Complaint contained in Paragraphs 1 through 32 above, as fully as if repeated herein.

34. Plaintiffs' claims are barred by the doctrine of improper venue. Charleston County is the proper venue for this matter.

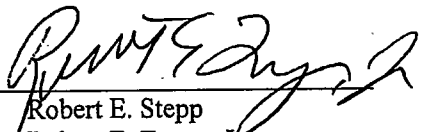
FOR A FIFTH DEFENSE
(Waiver)

35. Representative Limehouse repeats, reiterates, and realleges each and every response to the Complaint contained in Paragraphs 1 through 34 above, as fully as if repeated herein.

36. Plaintiffs' claims are barred by the doctrine of waiver.

WHEREFORE having fully answered the Complaint, Representative Limehouse prays that all relief sought by the Plaintiffs be denied and that the Complaint be dismissed with prejudice.

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

By: 
Robert E. Stepp
Robert E. Tyson, Jr.
Alexis K. Lindsay
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211

**Attorneys for Defendant Representative Harry
B. "Chip" Limehouse III**

Columbia, South Carolina
March 21, 2012

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
	)	
South Carolina Public Interest Foundation,	)	
and Waring S. Howe, Jr. individually, and	)	
on behalf of all others similarly situated,	)	C/A No. 2012-CP-40-1589
	)	
Plaintiffs,	)	
	)	
v.	)	ANSWER
	)	
Robert W. Harrell, in his official capacity	)	
as Speaker of the S. C. House of	)	
Representatives, Ken Ard in his	)	
official capacity as President of the S. C.	)	
Senate ¹ , Representative Harry B. "Chip"	)	
Limehouse III, Senator Glenn McConnell	)	
and the State of South Carolina,	)	
	)	
Defendants.	)	

Defendant State of South Carolina, answering the Complaint herein, alleges the following:

FOR A FIRST DEFENSE

1. The State denies each and every allegation of the Complaint not hereinafter specifically admitted.

2. The State is without knowledge or information sufficient to form a belief as to Paragraph 1 of the Complaint and therefore denies that paragraph except that the State admits, on information and belief, only that the Foundation is a not for profit organized and existing under State law.

¹ Senator McConnell is now President of the Senate and Lieutenant Governor.

3. The State admits the first two sentences of Paragraph 2 on information and belief, and admits that Plaintiff brings this action individually. The State is without knowledge or information sufficient to form a belief as to the remainder of Paragraph 2 and therefore denies that remainder.

4. As to Paragraph 3, the State admits only that the Defendant Harrell is the Speaker of the House. Senator McConnell is now President of the Senate rather than the Defendant Ard who is no longer in public office.

5. The State admits Paragraph 4.

6. The State admits the first sentence of Paragraph 5 on information and belief except that the State alleges on information and belief that 1981 was the year in which Senator McConnell commenced his service in the Senate. The State is without knowledge or information sufficient to form a belief as to the second sentence of Paragraph 5 and therefore denies that sentence. As to the third sentence, the State admits only that the Complaint names the Defendant in the referenced capacities, but the State is without knowledge or information sufficient to form a belief as to the whether Plaintiffs are entitled to any relief and therefore denies that they are entitled to relief.

7. As to Paragraph 6, the State admits only that this Court possesses jurisdiction. The State craves reference to the cited Constitutional provisions and cases for a complete statement of their wording.

8. The State admits Paragraphs 7, 8 and 9 of the Complaint but craves reference to the cited statutes and denies any part of these paragraphs inconsistent with that authority.

9. As to Paragraph 10, the State craves reference to the referenced veto message and denies any allegations inconsistent with it.

10. As to Paragraph 11, the State craves reference to the legislative history or journal regarding Act 130, 2007 S.C. Acts, and denies any allegations inconsistent with it.

11. The State admits Paragraph 12 on information and belief except that the State does not make any admissions whatsoever as to whether the service on the Aviation Authority constitutes dual office holding.

12. The State is without knowledge or information sufficient to form a belief as to Paragraph 13 and therefore denies that Paragraph. The State does not make any admissions whatsoever as to whether the service on the Aviation Authority constitutes dual office holding.

13. Paragraph 14 is a cumulative paragraph to which no response is necessary. To the extent that, *arguendo*, a response is necessary, the State incorporates by reference its answers to the previous allegations and paragraphs of the Complaint and reasserts them.

14. As to Paragraph 15, the State craves reference to the legislative history or journal regarding this Act and denies any allegations inconsistent with it. As to whether the vote to override was sufficient, the State craves reference to the cited case and any other pertinent case law. The State is without sufficient knowledge or information to admit or deny the constitutionality of the override, and therefore, denies that Paragraph. The State reserves its right to take any position as to sufficiency of the override as this Paragraph merely alleges conclusions of law regarding the vote.

15. The State is without sufficient knowledge or information to admit or deny Paragraph 16, and therefore, denies that paragraph. The State reserves its right to take any position as to sufficiency of the allegations as this Paragraph merely alleges conclusions of law regarding the vote.

16. Paragraph 17 is a cumulative paragraph to which no response is necessary. To the extent that, *arguendo*, a response is necessary, the State incorporates by reference its answers to the previous allegations and paragraphs of the Complaint and reasserts them.

17. As to Paragraphs 18 and 19, the State craves reference to the cited Constitutional provisions for a complete statement of their contents and denies any allegations inconsistent therewith.

18. As to Paragraph 20, the State is without sufficient knowledge or information to admit or deny the constitutionality of Act 130, and therefore, denies that paragraph. The State reserves its right to take any position as to the Constitutionality of Act 130 as this Paragraph merely alleges a conclusion of law. The State craves reference to Act 130 and the cited Constitutional provisions and denies any allegations inconsistent therewith.

19. Paragraph 21 is a cumulative paragraph to which no response is necessary. To the extent that, *arguendo*, a response is necessary, the State incorporates by reference its answers to the previous allegations and paragraphs of the Complaint and reasserts them.

20. As to Paragraph 22, the State craves reference to S.C. Const. art. I, §8 for a complete statement of its contents and denies any allegations inconsistent therewith.

21. As to Paragraph 23, the State craves reference to the laws for the Authority and applicable case law, and denies any allegations inconsistent therewith. The State reserves its rights to take any position as to whether the Authority is an executive body as this Paragraph merely alleges a conclusion of law.

22. As to the first sentence of Paragraph 24, the State craves reference to S.C. Const. art. I, §8 for a complete statement of its contents and denies any allegations inconsistent therewith. As to the second sentence of this Paragraph, the State craves reference to the

Constitutional provisions and statutes and case law, regarding the positions to which Representative Limehouse and Senator McConnell were elected, and Act 130 as to their service on that body, and denies any allegations inconsistent with this authority. The State reserves its rights to take any position as the second sentence of this Paragraph as it merely alleges a conclusion of law.

23. As to Paragraph 25, the State is without sufficient knowledge or information to admit or deny whether service on the Authority is consistent with art. I §8 and therefore, denies that paragraph. The State reserves its right to take any position as to constitutionality as this Paragraph merely alleges a conclusion of law.

24. Paragraph 26 is a cumulative paragraph to which no response is necessary. To the extent that, *arguendo*, a response is necessary, the State incorporates by reference its answers to the previous allegations and paragraphs of the Complaint and reasserts them.

25. As to Paragraph 27, the State craves reference to the cited Constitutional provisions for a complete statement of their contents and denies any allegations inconsistent therewith.

26. As to Paragraph 28, the State is without sufficient knowledge or information to admit or deny whether service on the Authority is consistent with the referenced Constitutional provisions and therefore, denies that paragraph. The State reserves its right to take any position as to constitutionality as this Paragraph merely alleges a conclusion of law.

27. As to the Prayer for Relief, the State is without sufficient knowledge or information to admit or deny whether Plaintiffs are entitled to relief and therefore, denies the Prayer, but the State expressly denies that Plaintiffs are entitled to costs and attorneys fees. The

State reserves its rights to take any position as to the Prayer as it merely alleges conclusions of law.

WHEREFORE, having fully answered the Complaint herein, the State prays that this Court take such action as it deems appropriate and grant judgment to the State in accordance with its position in this Answer and any motions, memoranda or other documents that the State files.

ALAN WILSON
Attorney General

ROBERT D. COOK
Deputy Attorney General

J. EMORY SMITH, JR.
Assistant Deputy Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3680
S.C. Bar No. 5262

BY: 

ATTORNEYS FOR THE DEFENDANT STATE OF
SOUTH CAROLINA

April 26, 2012

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE CIRCUIT COURT

Case No.: 2012-CP-40-1589

South Carolina Public Interest Foundation and)
Waring S. Howe, Jr., individually and on behalf)
of all others similarly situated,)
Plaintiffs,)

V.)

Robert W. Harrell, Jr., in his official capacity as)
Speaker of the South Carolina House of)
Representatives, Ken Ard, in his official capacity)
as President of the South Carolina Senate,)
Representative Harry B. "Chip" Limehouse,)
Senator Glenn F. McConnell, and the State of)
South Carolina,)
Defendants.)

**ANSWER OF DEFENDANTS KEN ARD
AND GLENN F. MCCONNELL**

NOW COME the Defendants Ard and McConnell (hereinafter referred to as "Defendants"), by and through their undersigned attorney, as an Answer to the Plaintiffs' complaint in this matter:

1. Defendants Ken Ard and Glenn F. McConnell, deny each and every allegation of the Complaint not hereinafter specifically admitted.

2. As to Paragraph 1 of the Complaint, Defendants, upon information and belief, admit the not for profit corporate status of the Plaintiff, South Carolina Public Interest Foundation, but lack sufficient information to respond to the remaining allegations of the Paragraph.

3. As to Paragraph 2 of the Complaint, Defendants, upon information and belief, admit the allegations contained in the first sentence concerning Defendant Howe's status as a citizen, resident, taxpayer, and registered elector of Charleston County. As to the remaining allegations in the first sentence of Paragraph 2 of the Complaint, Defendants lack sufficient information to respond as to whether Defendant Howe has used the Charleston County Airport and paid fees and taxes to the Charleston County Airport District. As to the second sentence of Paragraph 2 of the Complaint, Defendants, upon information and belief, admit the allegations concerning Defendant Howe's service on the Charleston County Aviation Authority. As to the allegations contained in the third sentence, Defendants lack sufficient information to respond as to whether he brings this action on behalf of others similarly situated.

4. As to Paragraph 3 of the Complaint, Defendant Robert W. Harrell, Jr. is

represented by separate counsel and Defendants defer to the response to Paragraph 3 provided by his counsel in their Answer to the Plaintiff's Complaint. As to the remaining allegations in Paragraph 3, Defendants deny that Ken Ard is a leader of the South Carolina General Assembly. Mr. Ard resigned from the office of Lieutenant Governor on March 9, 2012, and is therefore no longer the President of the South Carolina Senate.

5. As to Paragraph 4 of the Complaint, Defendant Limehouse is represented by separate counsel and Defendants defer to the response to Paragraph 4 provided by his counsel in their Answer to the Plaintiff's Complaint.

6. As to Paragraph 5 of the Complaint, Defendants deny the allegation contained in the first sentence that Defendant McConnell is a member of the South Carolina Senate but note that Defendant McConnell served in the South Carolina Senate from 1981 until March 13, 2012, when he succeeded Defendant Ard as Lieutenant Governor upon Defendant Ard's resignation. Defendants note that Defendant McConnell is now the Lieutenant Governor of South Carolina and serves as the President of the South Carolina Senate. The remaining allegations in Paragraph 5 state legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner at the appropriate time. However, to the extent that a response is required, Defendants deny the allegations.

7. As to Paragraph 6 of the Complaint, the Defendants admit that this Court possesses jurisdiction over this matter.

8. The Defendants admit the allegations contained in Paragraph 7 of the Complaint.

9. The Defendants deny the allegations contained in Paragraph 8 of the Complaint.

10. The Defendants admit the allegations contained in Paragraph 9 of the Complaint.

11. As to Paragraph 10, the Defendants admit that the Governor vetoed Act 130 of 2007 and that the Governor's veto was accompanied by a veto message. To the extent that the veto message is incorporated into and made part of the complaint as allegations made by the Plaintiffs, the allegations state legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner at the appropriate time. However, to the extent that a response is required, Defendants deny the allegations.

12. As to Paragraph 11 of the Complaint, the Defendants admit the allegation in the Paragraph to the extent that the allegation is that the General Assembly overrode the Governor's veto, but deny the allegation to the extent that it calls into question the validity of the veto.

13. As to Paragraph 12 of the Complaint, Defendant Limehouse is represented by separate counsel and Defendants defer to the response to Paragraph 12 provided by his counsel in their Answer to the Plaintiff's Complaint.

14. As to Paragraph 13 of the Complaint, the Defendants admit that Defendant McConnell was a member of the South Carolina Senate from and before 2007 until March 13, 2012, when he succeeded Defendant Ard as Lieutenant Governor upon Defendant Ard's resignation. The remaining allegations state legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner at the appropriate time. However, to the extent that a response is required, Defendants deny the allegations.

FOR A FIRST DEFENSE

15. Paragraph 14 of the Complaint is cumulative, and to the extent that a response is required, Defendants incorporate by reference their responses to Paragraphs 1 through 14.

16. As to Paragraph 15 of the Complaint, the Defendants admit that the Governor vetoed Act 130 of 2007 and admit that Act 130 of 2007 was vetoed legally. Defendants admit the vote tallies in the Complaint related to the override of the Governor's veto but the remaining allegations state legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner at the appropriate time. However, to the extent that a response is required, Defendants deny the allegations.

17. Paragraph 16 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required, Defendants deny the allegations.

FOR A SECOND DEFENSE

18. Paragraph 17 of the Complaint is cumulative, and to the extent that a response is required, Defendants incorporate by reference their responses to Paragraphs 1 through 16.

19. As to Paragraph 18 of the Complaint, Defendants admit that this Paragraph contains an appropriate citation to the cited state constitutional provision, but crave reference to the decisions of the courts of this State as to how this provision should be applied in the present matter.

20. As to Paragraph 19 of the Complaint, Defendants admit that this Paragraph contains an appropriate citation to the cited state constitutional provision, but crave reference to the decisions of the courts of this State as to how this provision should be

applied in the present matter.

21. Paragraph 20 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required, Defendants deny the allegations.

FOR A THIRD DEFENSE

22. Paragraph 21 of the Complaint is cumulative, and to the extent that a response is required, Defendants incorporate by reference their responses to Paragraphs 1 through 20.

23. As to Paragraph 22 of the Complaint, Defendants admit that this Paragraph contains an appropriate citation to the cited state constitutional provision, but crave reference to the decisions of the courts of this State as to how this provision should be applied in the present matter.

24. Paragraph 23 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required, Defendants deny the allegations.

25. Paragraph 24 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required, Defendants deny the allegations.

26. Paragraph 25 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required, Defendants deny the allegations.

FOR A FOURTH DEFENSE

27. Paragraph 26 of the Complaint is cumulative, and to the extent that a response is required, Defendants incorporate by reference their responses to Paragraphs 1 through 25.

28. As to Paragraph 27 of the Complaint, Defendants admit that this Paragraph contains an appropriate citation to the cited state constitutional provision, but crave reference to the decisions of the courts of this State as to how this provision should be

applied in the present matter.

29. Paragraph 28 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required, Defendants deny the allegations.

Wherefore, having fully answered the Plaintiffs' Complaint, Defendants pray that the same be dismissed and for such other and further relief as the Court deems just and proper.

Respectfully submitted this, the 27th day of April, 2012,

BY: 

Michael R. Hitchcock
South Carolina Bar No. 12158
P.O. Box 142
Columbia, South Carolina 29202
(803) 212-6200
Attorney for Defendant
Mr. Ken Ard and
The Honorable Glenn F. McConnell
Lt. Governor of South Carolina and
President of the South Carolina Senate

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

South Carolina Public Interest) Civil Action No. 2012-CP-40-1589
Foundation and Waring S. Howe, Jr.,)
individually, and on behalf of all others)
similarly situated,)

Plaintiff,) Answer of Robert W. Harrell, Jr.,
) in his official capacity as Speaker of
) the South Carolina House of
) Representatives
vs.)

Robert W. Harrell, Jr., in his official)
capacity as Speaker of the South)
Carolina House of Representatives, Ken)
Ard, in his official capacity as President)
of the South Carolina Senate,)
Representative Harry B. "Chip")
Limehouse III, Senator Glenn)
McConnell, and the State of South)
Carolina,)

Defendants.)

RICHLAND COUNTY
FILED
2012 APR 30 PM 1:01
JEANETTE W. McBRIDE
C.C.P. & G.S.

Robert W. Harrell, Jr., in his capacity as Speaker of the South Carolina
House of Representatives ("Speaker Harrell"), hereby responds to the Plaintiffs'

Complaint as follows:

FOR A FIRST DEFENSE

1. Each an every allegation not hereinafter specifically admitted is
denied.

FOR A SECOND DEFENSE

2. Speaker Harrell lacks information sufficient to formulate a belief
as to the truth or falsity of the allegations of Paragraph 1 of the Complaint and,
therefore, denies the same.

3. Speaker Harrell lacks information sufficient to formulate a belief as to the truth or falsity of the allegations of Paragraph 2 of the Complaint and, therefore, denies the same. Further, Speaker Harrell denies that Plaintiffs are entitled to maintain this action as a class action.

4. As to Paragraph 3 of the Complaint, Speaker Harrell admits he is the Speaker of the South Carolina House of Representatives and is named in his official capacity only. Speaker Harrell denies the remaining allegations of Paragraph 3 of the Complaint.

5. Paragraph 4 of the Complaint does not contain allegations directed at Speaker Harrell, and, therefore, no response is required.

6. Paragraph 5 of the Complaint does not contain allegations directed at Speaker Harrell, and, therefore, no response is required.

7. Speaker Harrell admits that the circuit courts of South Carolina have jurisdiction over this matter. Speaker Harrell asserts venue is proper in Charleston County, South Carolina. Further, Speaker Harrell craves reference to the Constitutional provisions and cases cited in Paragraph 6 of the Complaint for a full and accurate recitation of the terms and language contained therein, and Speaker Harrell denies any portion of the allegations of Paragraph 6 of the Complaint that are inconsistent with that authority.

8. Speaker Harrell admits Paragraphs 7-8 of the Complaint, but Speaker Harrell denies any portion of the allegations of Paragraph 7-8 of the Complaint that are inconsistent with the authority cited therein.

9. Speaker Harrell admits the first sentence of Paragraph 9 of the Complaint. The remaining allegations are denied. Speaker Harrell craves reference to the authority cited in Paragraph 9 of the Complaint for a full and accurate recitation of the terms and language contained therein, and Speaker Harrell denies any portion of the allegations of Paragraph 9 of the Complaint that are inconsistent with that authority.

10. Speaker Harrell admits the Governor vetoed Act 130. Speaker Harrell craves reference to the veto message cited in Paragraph 10 of the Complaint for a full and accurate recitation of the terms and language contained therein, and Speaker Harrell denies any portion of the allegations of Paragraph 10 of the Complaint that are inconsistent with that veto message.

11. Responding to Paragraph 11, Speaker Harrell craves reference to the legislative journals and history regarding Act 130 and denies any allegations inconsistent with said documents.

12. Paragraph 12 of the Complaint does not contain allegations directed at Speaker Harrell, and, therefore, no response is required. To the extent Paragraph 12 of the Complaint alleges such conduct constitutes dual office holding, Speaker Harrell denies the same.

13. Paragraph 13 of the Complaint does not contain allegations directed at Speaker Harrell, and, therefore, no response is required.

14. Responding to Paragraph 14 of the Complaint, Speaker Harrell reasserts each response set forth above and incorporates them herein by reference.

15. Responding to Paragraph 15, Speaker Harrell craves reference to the legislative journals and history regarding Act 130 and denies any allegations

inconsistent with said documents. Speaker Harrell denies the allegations that the vote of the South Carolina House of Representative was improper. Speaker Harrell craves reference to the authority cited in Paragraph 15 of the Complaint for a full and accurate recitation of the terms and language contained therein.

16. Paragraph 16 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Speaker Harrell denies the allegations of Paragraph 16 of the Complaint.

17. Responding to Paragraph 17 of the Complaint, Speaker Harrell reasserts each response set forth above and incorporates them herein by reference.

18. Paragraphs 18-19 of the Complaint do not contain allegations directed at Speaker Harrell, and, therefore, no response is required. To the extent that a response is required, Speaker Harrell craves reference to the authority cited in Paragraphs 18-19 of the Complaint for a full and accurate recitation of the terms and language contained therein, and Speaker Harrell denies any portion of the allegations of Paragraphs 18-19 of the Complaint that are inconsistent with that authority.

19. Paragraph 20 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Speaker Harrell denies the allegations of Paragraph 20 of the Complaint. Further, Speaker Harrell craves reference to the authority cited in Paragraph 20 of the Complaint for a full and accurate recitation of the terms and language contained therein.

20. Responding to Paragraph 21 of the Complaint, Speaker Harrell reasserts each response set forth above and incorporates them herein by reference.

21. Paragraph 22 of the Complaint does not contain allegations directed at Speaker Harrell, and, therefore, no response is required. To the extent a response is required, Speaker Harrell craves reference to the authority cited in Paragraph 22 of the Complaint for a full and accurate recitation of the terms and language contained therein.

22. Paragraph 23 of the Complaint does not contain allegations directed at Speaker Harrell, and, therefore, no response is required. To the extent that a response is required, Speaker Harrell denies the allegations of Paragraph 23 of the Complaint.

23. Paragraph 24 of the Complaint does not contain allegations directed at Speaker Harrell, and, therefore, no response is required. To the extent a response is required, Speaker Harrell denies the allegations of Paragraph 24 of the Complaint. Further, Speaker Harrell craves reference to the authority cited in Paragraph 24 of the Complaint for a full and accurate recitation of the terms and language contained therein.

24. Paragraph 25 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Speaker Harrell denies the allegations of Paragraph 25 of the Complaint. Further, Speaker Harrell craves reference to the authority cited in Paragraph 25 of the Complaint for a full and accurate recitation of the terms and language contained therein.

25. Responding to Paragraph 26 of the Complaint, Speaker Harrell reasserts each response set forth above and incorporates them herein by reference.

26. Paragraph 27 of the Complaint does not contain allegations directed at Speaker Harrell, and, therefore, no response is required. To the extent a response is required, Speaker Harrell craves reference to the authority cited in Paragraph 27 of the Complaint for a full and accurate recitation of the terms and language contained therein.

27. Paragraph 28 of the Complaint does not contain allegations directed at Speaker Harrell, and, therefore, no response is required. To the extent that a response is required, Speaker Harrell denies the allegations of Paragraph 28 of the Complaint.

FOR A THIRD DEFENSE

28. The Plaintiffs' Complaint is barred by the applicable statute of limitations.

FOR A FOURTH DEFENSE

29. Plaintiffs' claims are barred because they lack the standing necessary to assert allegations of the Complaint.

FOR A FIFTH DEFENSE

30. Plaintiffs' Complaint fails to state facts sufficient to constitute a cause of action.

FOR A SIXTH DEFENSE

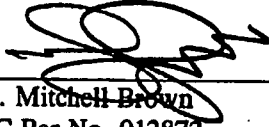
31. Plaintiffs' claims are barred, in whole or in part, by the doctrines of estoppel, collateral estoppel, res judicata, laches, and/or waiver.

FOR A SEVENTH DEFENSE

32. Venue is proper in Charleston County, South Carolina, and venue should be transferred to Charleston County.

WHEREFORE, having fully answered the Complaint, Speaker Harrell prays that all relief sought by Plaintiffs be denied, that the Complaint be dismissed with prejudice, and judgment be entered in favor of Speaker Harrell.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Attorneys for Robert W. Harrell, Jr., in his capacity
as Speaker of the South Carolina House of
Representatives

Columbia, South Carolina

April 30, 2012

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE CIRCUIT COURT

Case No.: 2012-CP-10-4969

South Carolina Public Interest Foundation and)
Waring S. Howe, Jr., individually and on behalf)
of all others similarly situated,)
Plaintiffs,)

V.)

Robert W. Harrell, Jr., in his official capacity as)
Speaker of the South Carolina House of)
Representatives, Ken Ard, in his official capacity)
as President of the South Carolina Senate,)
Representative Harry B. "Chip" Limehouse,)
Senator Glenn F. McConnell, and the State of)
South Carolina,)
Defendants.)

**AMENDED ANSWER OF
DEFENDANTS GLENN F.
MCCONNELL AND GEORGE E.
CAMPSEN, III**

NOW COME the Defendants McConnell and Campsen (hereinafter referred to as "Defendants"), by and through their undersigned attorney, as an Answer to the Plaintiffs' complaint in this matter:

1. Defendants Glenn F. McConnell and George E. Campsen, III, deny each and every allegation of the Complaint not hereinafter specifically admitted.

2. As to Paragraph 1 of the Complaint, Defendants, upon information and belief, admit the not-for-profit corporate status of the Plaintiff, South Carolina Public Interest Foundation, but lack sufficient information to respond to the remaining allegations of the Paragraph.

3. As to Paragraph 2 of the Complaint, Defendants, upon information and belief, admit the allegations contained in the first sentence concerning Defendant Howe's status as a citizen, resident, taxpayer, and registered elector of Charleston County. As to the remaining allegations in the first sentence of Paragraph 2 of the Complaint, Defendants lack sufficient information to respond as to whether Defendant Howe has used the Charleston County Airport and paid fees and taxes to the Charleston County Airport District. As to the second sentence of Paragraph 2 of the Complaint, Defendants, upon information and belief, admit the allegations concerning Defendant Howe's service on the Charleston County Aviation Authority. As to the allegations contained in the third sentence, Defendants lack sufficient information to respond as to whether he brings this action on behalf of others similarly situated.

4. As to Paragraph 3 of the Complaint, Defendant Robert W. Harrell, Jr. is

represented by separate counsel and Defendants defer to the response to Paragraph 3 provided by his counsel in their Answer to the Plaintiff's Complaint. As to the remaining allegations in Paragraph 3, Defendants deny that Ken Ard is a leader of the South Carolina General Assembly. Mr. Ard resigned from the office of Lieutenant Governor on March 9, 2012, and is therefore no longer the President of the South Carolina Senate.

5. As to Paragraph 4 of the Complaint, Defendant Limehouse is represented by separate counsel and Defendants defer to the response to Paragraph 4 provided by his counsel in their Answer to the Plaintiff's Complaint.

6. As to Paragraph 5 of the Complaint, Defendants deny the allegation contained in the first sentence that Defendant McConnell is a member of the South Carolina Senate but note that Defendant McConnell served in the South Carolina Senate from 1981 until March 13, 2012, when he succeeded Defendant Ard as Lieutenant Governor upon Defendant Ard's resignation. Defendants note that Defendant McConnell is now the Lieutenant Governor of South Carolina and serves as the President of the South Carolina Senate. The remaining allegations in Paragraph 5 state legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner at the appropriate time. However, to the extent that a response is required, Defendants deny the allegations.

7. As to Paragraph 6 of the Complaint, the Defendants admit that this Court possesses jurisdiction over this matter.

8. The Defendants admit the allegations contained in Paragraph 7 of the Complaint.

9. The Defendants deny the allegations contained in Paragraph 8 of the Complaint.

10. The Defendants admit the allegations contained in Paragraph 9 of the Complaint.

11. As to Paragraph 10, the Defendants admit that the Governor vetoed Act 130 of 2007 and that the Governor's veto was accompanied by a veto message. To the extent that the veto message is incorporated into and made part of the complaint as allegations made by the Plaintiffs, the allegations state legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments regarding these conclusions during the pendency of this matter in an appropriate manner at the appropriate time.

12. As to Paragraph 11 of the Complaint, the Defendants admit the allegation in the Paragraph to the extent that the allegation is that the General Assembly overrode the Governor's veto, but deny the allegation to the extent that it calls into question the validity of the South Carolina Senate's vote to override the veto. The Defendants crave reference to the answers of the Defendant members of the House of Representatives concerning the validity of the vote in the House to override the veto.

13. As to Paragraph 12 of the Complaint, Defendant Limehouse is represented by separate counsel and Defendants defer to the response to Paragraph 12 provided by his

counsel in their Answer to the Plaintiff's Complaint.

14. As to Paragraph 13 of the Complaint, the Defendants admit that Defendant McConnell was a member of the South Carolina Senate from and before 2007 until March 13, 2012, when he succeeded Defendant Ard as Lieutenant Governor upon Defendant Ard's resignation. The remaining allegations state legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments regarding these conclusions during the pendency of this matter in an appropriate manner at the appropriate time. However, to the extent that a response is required, Defendants deny the allegations. To the extent that the allegations in the complaint are meant to apply to Defendant Campsen, the allegations are denied.

FOR A FIRST DEFENSE

15. Paragraph 14 of the Complaint is cumulative, and to the extent that a response is required, Defendants incorporate by reference their responses to Paragraphs 1 through 14.

16. As to Paragraph 15 of the Complaint, the Defendants admit that the Governor vetoed Act 130 of 2007 and admit that Act 130 of 2007 was legally vetoed. Defendants admit the vote tallies in the Complaint related to the override of the Governor's veto but the remaining allegations state legal conclusions to which no response is required. Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner at the appropriate time. However, to the extent that a response is required, Defendants deny the allegations to extent the allegations call into question the validity of the South Carolina Senate's vote to override the veto. The Defendants crave reference to the answers of the Defendant members of the House of Representatives concerning the validity of the vote in the House to override the veto.

17. Paragraph 16 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments regarding these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required, Defendants deny the allegations.

FOR A SECOND DEFENSE

18. Paragraph 17 of the Complaint is cumulative, and to the extent that a response is required, Defendants incorporate by reference their responses to Paragraphs 1 through 16.

19. As to Paragraph 18 of the Complaint, Defendants admit that this Paragraph

contains an appropriate citation to the cited state constitutional provision, but crave reference to the decisions of the courts of this State as to how this provision should be applied in the present matter.

20. As to Paragraph 19 of the Complaint, Defendants admit that this Paragraph contains an appropriate citation to the cited state constitutional provision, but crave reference to the decisions of the courts of this State as to how this provision should be applied in the present matter.

21. Paragraph 20 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments regarding these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required, Defendants deny that Act 130 contravenes an existing general law.

FOR A THIRD DEFENSE

22. Paragraph 21 of the Complaint is cumulative, and to the extent that a response is required, Defendants incorporate by reference their responses to Paragraphs 1 through 20.

23. As to Paragraph 22 of the Complaint, Defendants admit that this Paragraph contains an appropriate citation to the cited state constitutional provision, but crave reference to the decisions of the courts of this State as to how this provision should be applied in the present matter.

24. Paragraph 23 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in regarding these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required, Defendants deny the allegations.

25. Paragraph 24 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments in opposition to these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required, Defendants deny the allegations.

26. Paragraph 25 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments regarding these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required and to the extent that the Paragraph alleges that service by a member of the General Assembly on the Charleston Aviation Authority violates the separation of powers provision of the State Constitution, the Defendants can offer no facts or legal arguments in support of a constitutional nexus between service as a member of the General Assembly and service on the Authority.

FOR A FOURTH DEFENSE

27. Paragraph 26 of the Complaint is cumulative, and to the extent that a response is required, Defendants incorporate by reference their responses to Paragraphs 1 through 25.

28. As to Paragraph 27 of the Complaint, Defendants admit that this Paragraph contains an appropriate citation to the cited state constitutional provision, but crave reference to the decisions of the courts of this State as to how this provision should be applied in the present matter.

29. Paragraph 28 of the Complaint states legal conclusions to which no response is required, but Defendants reserve the right to make legal arguments regarding these conclusions during the pendency of this matter in an appropriate manner. However, to the extent that a response is required, Defendants deny the allegations as to each Defendant specifically because neither Defendant has ever assumed office as a member of the Authority.

Wherefore, having fully answered the Plaintiffs' Complaint, Defendants pray that the same be dismissed and for such other and further relief as the Court deems just and proper.

Respectfully submitted this, the 13th day of February, 2013,

BY: 

Michael R. Hitchcock
South Carolina Bar No. 12158
P.O. Box 142
Columbia, South Carolina 29202
(803) 212-6300
Attorney for The Honorable Glenn F. McConnell
Lt. Governor of South Carolina and
President of the South Carolina Senate and
Senator George E. Campsen, III

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

South Carolina Public Interest
Foundation and Waring S. Howe, Jr.,
individually, and on behalf of all others
similarly situated,

Plaintiffs,

vs.

Robert W. Harrell, Jr., in his official
capacity as Speaker of the S.C. House
of Representatives, Ken Ard in his
official capacity as President of the
S.C. Senate, Representative Harry B.
"Chip" Limehouse III, Senator Glenn
McConnell, and The State of South
Carolina,

Defendants.

IN THE COURT OF COMMON PLEAS

IN THE FIFTH JUDICIAL CIRCUIT

Civil Action No.: 2012-CP-40-1589

**DEFENDANT REPRESENTATIVE
HARRY B. "CHIP" LIMEHOUSE III'S
MOTION TO TRANSFER VENUE**

ANGELITE W. McBRIDE
C.C.P. & G.S.

2012 MAR 29 AM 10:51

RICHLAND COUNTY
FILED

Pursuant to Rule 82(b) of the South Carolina Rules of Civil Procedure, S.C. Code Ann. §§ 15-7-100 and 15-77-50, Defendant Representative Harry B. "Chip" Limehouse, III moves this Court for an Order transferring this matter from Richland County to Charleston County because Richland County is an improper county for venue purposes.

S.C. Code Ann. § 15-7-100(A)(1) provides that a court may transfer an action to a different county when the county in which a suit is originally brought is improper for purposes of venue. The proper venue for this case is provided for in S.C. Code Ann. § 15-77-50 which states that circuit courts are vested with jurisdiction to hear cases "affecting boards, commissions and agencies of this State, and officials of the State in their official capacities *in the circuit where such*

question, action, or controversy shall arise.” Id. (emphasis added). The purpose of this section is to mandate the venue of actions against state entities. Whetstone v. South Carolina Dept. of Highways and Pub. Transp., 272 S.C. 324, 252 S.E.2d 35 (1979).

The controversy in this case pertaining to the Charleston County Aviation Authority arose in Charleston County, not Richland County. The Complaint brings this action against Representative Limehouse “as a member of the South Carolina General Assembly from Charleston County” and “as a member of the Charleston County Aviation Authority.” (Compl. ¶ 4). Representative Limehouse, a Charleston resident, was elected in 1995 by the citizens of District 110 in Charleston County to represent them in the General Assembly, and he has served in that capacity since that time.¹ Representative Limehouse also has been a member of the Charleston County Aviation Authority since 2007.

The allegations in the Complaint concern the “executive duties and functions of the Charleston County Aviation Authority.” (Compl. ¶ 23). The affidavit of Susan Stevens, Director of Airports for the Charleston County Aviation Authority, provides insight into how the Authority works on behalf of the citizens of Charleston County and the surrounding area.² Clearly, any factual discovery pertaining to the duties and functions of the Charleston County Aviation Authority will take place in Charleston County.

Further, the Complaint contains allegations about whether “Representative Limehouse can undertake to pass laws and to administer said laws.” (Compl. ¶ 24). Determining whether the Representative “administers” said laws will require research and discovery of his duties as a member of the Charleston County Aviation Authority. Once again, Charleston County represents the proper venue for such investigation.

¹ An affidavit from Representative Chip Limehouse is attached hereto as Exhibit A.

² An affidavit from Susan Stevens is attached hereto as Exhibit B.

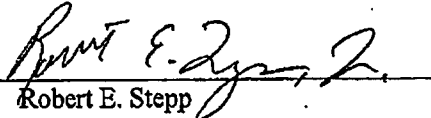
Accordingly, the Defendant respectfully requests that this Court enter an order transferring this case pursuant to Rule 82(b) to the Court of Common Pleas for Charleston County.

In support of its motion, Representative Limehouse will rely upon the applicable South Carolina Rules of Civil Procedure, case law, and additional affidavits that may be filed prior to a hearing on this motion.

Given the nature of this motion, Representative Limehouse respectfully submits that consultation with Plaintiff's counsel would have served no useful purpose.

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

By:


Robert E. Stepp
Robert E. Tyson, Jr.
Alexis K. Lindsay
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Attorneys for Defendant Representative Harry B.
"Chip" Limehouse

Columbia, South Carolina
March 29, 2012

EXHIBIT A
TO
DEFENDANT REPRESENTATIVE
HARRY B. "CHIP" LIMEHOUSE III'S
MOTION TO TRANSFER VENUE

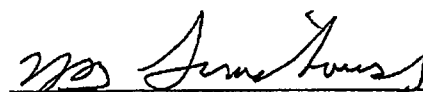
CIVIL ACTION NO.: 2012-CP-40-1589

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	IN THE FIFTH JUDICIAL CIRCUIT
	)	
South Carolina Public Interest	)	Civil Action No.: 2012-CP-40-1589
Foundation and Waring S. Howe, Jr.,	)	
individually, and on behalf of all	)	
others similarly situated,	)	
	)	
Plaintiffs,	)	AFFIDAVIT OF REPRESENTATIVE
	)	HARRY B. "CHIP" LIMEHOUSE, III
vs.	)	
	)	
Robert W. Harrell, Jr., in his official	)	
capacity as Speaker of the S.C. House	)	
of Representatives, Ken Ard in his	)	
official capacity as President of the	)	
S.C. Senate, Representative Harry B.	)	
"Chip" Limehouse III, Senator Glenn	)	
McConnell, and The State of South	)	
Carolina,	)	
	)	
Defendants.	)	

PERSONALLY APPEARED BEFORE ME, Harry B. "Chip" Limehouse, who states as follows:

1. I am over the age of eighteen (18) years, and I submit this affidavit based upon my personal knowledge.
2. I reside in Charleston County.
3. I am Representative of District 110 in Charleston County for the South Carolina House of Representatives.
4. I have been a Representative in the South Carolina House of Representatives since 1995.
5. I am chair of a Subcommittee of the House Ways and Means Committee.

6. Since 2007, I have been a member of the Board of Directors for the Charleston County Aviation Authority. Currently, I am Chairman of the Charleston County Aviation Authority.
7. The Charleston County Aviation Authority owns and operates three airports in Charleston County, including the Charleston International Airport, the Charleston Executive Airport, and the Mount Pleasant Regional Airport.
8. The Petitioners allege the Charleston County Aviation Authority "is charged with executive duties and functions." Determining the duties and functions of the Charleston County Aviation Authority clearly is better done before the courts of Charleston County.
9. Petitioner Waring Howe resides in Charleston County. Thus, Petitioners aver Howe "is a resident of Charleston County and a former Commissioner on the Airport Commission" and because of this has "a personal connection" to this matter. Clearly, this matter is best suited for Charleston County given Petitioner's personal connection.


Harry B. "Chip" Limehouse

State of South Carolina

Sworn to and subscribed before me

This 28 day of March, 2012


Notary Public for: Richland County

My Commission Expires: May 18, 2014

EXHIBIT B
TO
DEFENDANT REPRESENTATIVE
HARRY B. "CHIP" LIMEHOUSE III'S
MOTION TO TRANSFER VENUE

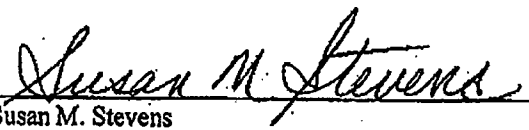
CIVIL ACTION NO.: 2012-CP-40-1589

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	IN THE FIFTH JUDICIAL CIRCUIT
	)	
South Carolina Public Interest	)	Civil Action No.: 2012-CP-40-1589
Foundation and Waring S. Howe, Jr.,	)	
individually, and on behalf of all others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	AFFIDAVIT OF SUSAN M. STEVENS
	)	
vs.	)	
	)	
Robert W. Harrell, Jr., in his official	)	
capacity as Speaker of the S.C. House	)	
of Representatives, Ken Ard in his	)	
official capacity as President of the	)	
S.C. Senate, Representative Harry B.	)	
"Chip" Limehouse III, Senator Glenn	)	
McConnell, and The State of South	)	
Carolina,	)	
	)	
Defendants.	)	

PERSONALLY APPEARED BEFORE ME, Susan M. Stevens, who states as follows:

1. I am over the age of eighteen (18) years, and I submit this affidavit based upon my personal knowledge.
2. I am employed by the Charleston County Aviation Authority as the Director of Airports.
3. The Charleston County Aviation Authority owns and operates three airports in Charleston County, including the Charleston International Airport, the Charleston Executive Airport, and the Mount Pleasant Regional Airport.
4. The primary service area of the Charleston County Aviation Authority includes the Berkeley, Charleston and Dorchester County Region.

5. The Charleston International Airport serves the Region with an average of 64 daily departures in 2011 and over 20,000 total flights.
6. Pursuant to Act No. 1235 of the Acts and Joint Resolutions of the General Assembly of South Carolina, Regular Session of 1970, as amended, the Charleston County Aviation Authority performs other duties and functions in the Charleston area.


Susan M. Stevens

State of South Carolina

Sworn to and subscribed before me

This 28 day of MARCH, 2012


Notary Public for: SOUTH CAROLINA

My Commission Expires: _____
MY COMMISSION EXPIRES
SEPT 22, 2013

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

South Carolina Public Interest Foundation
and Waring S. Howe, Jr., individually, and
on behalf of all others similarly situated,
Plaintiffs,

v.

Robert W. Harrell, Jr., in his official
capacity as Speaker of the S.C. House of
Representatives, Ken Ard in his official
capacity as President of the S.C. Senate,
Representative Harry B. "Chip" Lime-
house III, Senator Glenn McConnell, and
The State of South Carolina,
Defendants.

IN THE CIRCUIT COURT

CASE NO: 2012-CP-40-1589

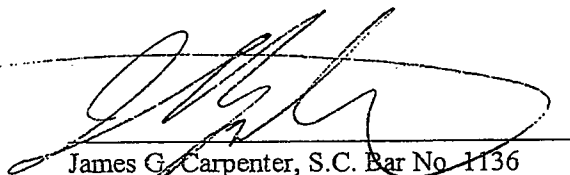
**MOTION FOR
SUMMARY JUDGMENT**

RICHLAND COUNTY
FILED
2012 JUL 18 AM 11:21
JANETTE W. McBRIDE
C.C.P. & G.S.

NOW COME the Plaintiffs, South Carolina Public Interest Foundation and Waring S. Howe, Jr., by their undersigned attorney, and move the Court pursuant to SCRCP 56 for Summary Judgment, and in support of the Motion would show to the Court that there is no genuine issue of material fact and Plaintiffs are entitled to judgment as a matter of law. A Memorandum of Law accompanies this Motion.

July 11, 2012

Respectfully submitted,
THE CARPENTER LAW FIRM, P.C.



James G. Carpenter, S.C. Bar No. 1136
819 East North Street
Greenville, SC 29601
Tel. (864) 235-1269
Fax (864) 331-3083
Attorney for the Plaintiffs

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

South Carolina Public Interest Foundation
and Waring S. Howe, Jr., individually, and
on behalf of all others similarly situated,
Plaintiffs,

v.

Robert W. Harrell, Jr., in his official
capacity as Speaker of the S.C. House of
Representatives, Ken Ard in his official
capacity as President of the S.C. Senate,
Representative Harry B. "Chip" Lime-
house III, Senator Glenn McConnell, and
The State of South Carolina,
Defendants.

IN THE CIRCUIT COURT

CASE NO: 2012-CP-10-04969

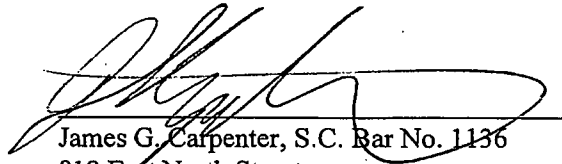
MOTION FOR
SUMMARY JUDGMENT

FILED
2012 AUG 17 AM 10:49
JULIE J. ANTONIO
CLERK OF COURT

NOW COME the Plaintiffs, South Carolina Public Interest Foundation and Waring S. Howe, Jr., by their undersigned attorney, and move the Court pursuant to SCRCP 56 for Summary Judgment, and in support of the Motion would show to the Court that there is no genuine issue of material fact and Plaintiffs are entitled to judgment as a matter of law. A Memorandum of Law in support of this Motion was filed earlier.

August 14, 2012

Respectfully submitted,
THE CARPENTER LAW FIRM, P.C.



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Greenville, SC 29601
Tel. (864) 235-1269
Fax (864) 331-3083
Attorney for the Plaintiffs

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

South Carolina Public Interest Foundation
and Waring S. Howe, Jr., individually, and
on behalf of all others similarly situated,
Plaintiffs,

v.

Robert W. Harrell, Jr., in his official
capacity as Speaker of the S.C. House of
Representatives, Ken Ard in his official
capacity as President of the S.C. Senate,
Representative Harry B. "Chip" Lime-
house III, Senator Glenn McConnell, and
The State of South Carolina,
Defendants.

IN THE CIRCUIT COURT

CASE NO: 2012-CP-40-1589

**MEMORANDUM OF LAW
IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT**

STATEMENT OF THE CASE

Plaintiffs bring this action to challenge the Constitutionality of Act 130 of 2007. Initially they asked the Supreme Court to take this action in its original jurisdiction, but the Court denied the petition. Plaintiffs refiled this action in Circuit Court February 27, 2012. After extensions of time, all Defendant have Answered. Defendants did not dispute the contents or authenticity of Acts 1235 of 1970 and S.C. Code Ann. § 55-1-80 as Plaintiffs alleged in their Complaint.

Defendants do not dispute the contents or authenticity of Act 130 of 2007 or House Bill 4143. This case will raise no genuine issues of material fact, but instead will require the interpretation and application of the South Carolina Constitution to the text of the challenged legislation.

Plaintiffs challenge the Constitutionality of Act 130 of 2007 on five grounds:

- (1) The General Assembly purported to override Governor Sanford's veto of Act 130 by a vote of 12 to 0 in the House and 43 to 1 in the Senate. The South Carolina Constitution, Art. IV, § 21 requires a vote of two-thirds of a quorum in both the House and the Senate to override a veto and the veto was not properly overridden.
- (2) S.C. Constitution Art. III, § 34 prohibits "special" legislation when general legislation can apply. Act 130 of 2007 is "special" legislation, applying only to the Charleston County Aviation Authority ("CCAA" or the "Authority").
- (3) S.C. Constitution Art. VIII, § 7 prohibits single county legislation. Act 130 of 2007 is single county legislation, applying only to Charleston County.
- (4) Act 130 allows legislators to serve in an executive agency (the CCAA) and violates the separation of powers requirement of the S.C. Constitution, Art. 1, § 8.
- (5) Act 130 calls for legislators to serve in another "office," and violates the dual office holding prohibitions of the S.C. Constitution, Art. III, § 24, Art. VI, § 3, and Art. XVII, § 1A.

Plaintiffs move for summary judgment on these five grounds. If plaintiffs prevail on any one of these grounds, this Court should enter judgment for the plaintiffs.

STATEMENT OF FACTS

Waring S. Howe, Jr. is a citizen, resident, taxpayer, and registered elector of Charleston County, who has used the Charleston County International Airport. He served as a member of the CCAA 1989-2001, and as Chairman 1996-1999. Howe has paid fees

and taxes to the District. He has submitted an affidavit (attached), testifying regarding many of the basic, undisputed facts (**Howe Affidavit with Exhibits, attached**).

Plaintiff South Carolina Public Interest Foundation is a not-for-profit corporation organized and existing under the laws of the State of South Carolina and dedicated to the public interest, including the proper application and enforcement of the South Carolina Constitution.

Defendant Harrell is the Speaker of the South Carolina House of Representatives and is named in his official capacity. Defendant McConnell, now the Lieutenant Governor, has taken the place of named Defendant Ken Ard. For many years, he was a member of the CCAA. For many years, Defendant Limehouse has likewise served in the General Assembly and on the CCAA.

In 1970, the General Assembly enacted Act 1235 (**Exhibit A to Howe Affidavit**) which established the Charleston County Airport District ("District"). "The corporate powers and duties of the Charleston County Airport District shall be exercised and performed by an authority to be known as Charleston County Aviation Authority." *Id.*, Section 3. The District owns and operates three airports in Charleston County, including the Charleston County International Airport. The District spends millions of dollars of public funds annually.

STATEMENT OF JURISDICTION

This Court possesses jurisdiction under the following provisions of the South Carolina Constitution: Art. I, § 8, Art. III, § 24, Art. III § 34, Art. IV, § 21, Art. VI, § 3, Art. VIII § 7; and Art. XVII, § 1A; and the following decisions: *American Petroleum*

Institute v. S.C. Dep't of Revenue, 382 S.C. 572, 677 S.E.2d 16 (2009), *South Carolina Public Interest Foundation v. Harrell*, 378 S.C. 441, 663 S.E.2d 52 (2008), *Sloan v. Department of Transportation*, 379 S.C. 160, 666 S.E.2d 236 (2008), *Sloan v. Hardee*, 357 S.C. 495, 640 S.E.2d 457 (2007); *Cornelius v Oconee County*, 369 S.C. 531, 633 S.E.2d 492 (2006); *Sloan v. Department of Transportation*, 365 S.C. 299, 618 S.E.2d 876 (2005), *Sloan v. Wilkins*, 362 S.C. 430, 608 S.E.2d 579 (2005); *Sloan v. Sanford*, 357 S.C. 431, 593 S.E.2d 470 (2004); *Sloan v. Greenville County*, 356 S.C. 531, 590 S.E.2d 338 (Ct. App. 2003), *Sloan v. School District of Greenville County*, 342 S.C. 515, 537 S.E.2d 299 (Ct. App. 2000), *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999), *Newman v. Richland County Historic Preservation Commission*, 325 S.C. 79, 480 S.E.2d 72 (1997). and S.C. Code Ann. §15-53-10 *et seq.*, known as the Uniform Declaratory Judgment Act.

ARGUMENT

I. THE GENERAL ASSEMBLY DID NOT PROPERLY OVERRIDE THE VETO OF ACT 130 OF 2007. S.C. CONSTITUTION, ART. IV, § 21.

The Governor vetoed the bill that became Act 130 of 2007 on June 4, 2007. On June 5, 2007, the House purported to override the veto by a vote of 12 to 0. The next day the Senate voted to override the veto 43 to 1. (**Exhibits D, E and F to Howe Affidavit**): These votes were insufficient to override the veto. South Carolina Constitution, Art. IV, § 21. The Supreme Court addressed the same veto override issue in *Board of Trustees of School District of Fairfield County v. State*, 395 S.C. 276, 718 S.E.2d 210 (2011). The General Assembly attempted to override a veto with fewer than two thirds of a quorum in each house. The Court found the attempt to be unconstitutional and ineffective.

This Court's precedent and a plain reading of this unambiguous constitutional provision combine to compel a construction that the two-thirds requirement means two-thirds of a quorum "shall agree." Indeed, that has been the General Assembly's longstanding understanding and application of its veto override authority, until relatively recently.

Id. Like the act in *Fairfield County*, Act 130 remained legally vetoed and was not overridden, lacking a sufficient quorum or majority of both Houses. 395 S.C. 276, 718 S.E.2d 210 (2011). Act 130 of 2007 and all offices and officers created thereby are therefore null and void, and should be declared null and void by this Court.

Strictly, the Court need not go beyond this issue. Nevertheless, Plaintiffs respectfully suggest the service by members of the General Assembly on the CCAA violates the South Carolina Constitution in several ways.

II. ACT 130 OF 2007 VIOLATES S.C. CONSTITUTION ART. III § 34 BECAUSE IT IS A SPECIAL LAW.

"The General Assembly . . . shall not enact local or special laws. . . . IX. . . . Where a general law can be made applicable, no special law shall be enacted" S.C. Constitution Article III § 34. Act 130 violates Art. III, § 34's restriction on special legislation. Act 130 fails to state any reason why a general law could not address those matters. The Supreme Court explained the effect of Art. III, § 34.

Article III, § 34(IX) prohibits the enactment of a special law "where a general law can be made applicable." This provision not only limits special legislation where existing general law is already applicable, but also where it is possible to create general law which would be applicable. *Duke Power Co. v. South Carolina Public Service Commission*, 284 S.C. 81, 326 S.E.2d 395 (1985); *Seaborne v. Hartsville Rescue Squad*, 269 S.C. 386, 237 S.E.2d 496 (1977).

Article III, § 34 (IX), however, does not prohibit all special legislation.

The language of the Constitution which prohibits a special law where a general law can be made applicable, plainly implies that there are or may be cases where a special Act will best meet the exigencies of a particular case,

and in no wise be promotive of those evils which result from a general and indiscriminate resort to local and special legislation. There must, however, be a substantial distinction having reference to the subject matter of the proposed legislation, between the objects or places embraced in such legislation and the objects and places excluded. The marks of distinction upon which the classification is founded must be such, in the nature of things, as will in some reasonable degree, at least, account for or justify the restriction of the legislation.

Duke Power Co., 284 S.C. at 90, 326 S.E.2d at 400-401 (1985) [quoting *Shillito v. City of Spartanburg*, 214 S.C. 11, 20, 51 S.E.2d 95, 98 (1948)]. In other words, the General Assembly must have a "logical basis and sound reason" for resorting to special legislation. *Gillespie v. Pickens County*, 197 S.C. 217, 14 S.E.2d 900 (1941).

Horry County v. Horry County Higher Educ. Com'n, 306 S.C. 416, 418-19, 412 S.E.2d 421, 423 (1991).

The General Assembly amended the statute governing county aviation commissions, S.C. Code Ann. § 55-1-80. That Act (**Exhibit C to Howe Affidavit**) authorized the following, not only for Charleston County, but for any county in the State:

1. Any county aviation authority may be increased by two members:
2. One appointed by the county House Delegation.
3. One appointed by the county Senate Delegation.
4. Any County governing body may add two members to the Authority.
5. In Counties having two cities with populations in excess of 50,000, the mayors of such cities may serve *ex officio*.

This statute, § 55-1-80, is the "general law."

Thereafter, the General Assembly enacted Act 130 of 2007, which calls for a different process and applies *only* to the CCAA (**Exhibit I**). Act 130 reads, "The Charleston County Aviation Authority shall be increased by two members who shall be the

Chairman and Vice Chairman of the Charleston County Legislative Delegation, or their designees." Because Act 130 applies *only* to the CCAA, it is an unconstitutional "special law."

The legislative history of Act 130 demonstrates that the General Assembly tacitly recognized that Act 130 was a "special law." It was introduced in the House on January 31, 2007, and referred to the Charleston County Delegation (Act 130 of 2007 (**Exhibit D to Howe Affidavit**) attached.) The next day the Charleston Delegation favorably reported it out (*Id.*). On February 6 and 7, the bill received its second and third readings and was sent to the Senate (*Id.*). On February 7, the Senate placed the bill on its "local & uncontested calendar" (*Id.*). In May 2007, the bill received second and third readings and was ratified (*Id.*).

In his veto message, the Governor wrote,

This bill mandates that two members be added to the Charleston County Aviation Authority and that those two members be the Chair and Vice-Chair of the Charleston County Legislative Delegation. The state Constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." S.C. Const. Art. III, Section 34(IX). The General Assembly has established a general statute addressing the appointment of additional members to county aviation commissions. See S.C. Code § 55-1-80, as amended. It is unconstitutional for the General Assembly to pass special legislation, like H. 3409, R-69, in contravention of a general law. Each county's aviation board or commission should be subject to the same general law, whether that includes the Chair and Vice-Chair of the legislative delegation as additional members or not.

Additionally, this bill affects only Charleston County and is, therefore, clearly an act for a specific county. Such acts are in violation of Article VIII, Section 7 of the Constitution of the State of South Carolina, which provides that "[n]o laws for a specific county shall be enacted."

For these reasons, I am vetoing H. 3409, R-69.

(Exhibit E to Howe Affidavit).

The Governor was correct. S.C. Code § 55-1-80 sets out a standard method for the appointment of additional members to county aviation commissions, and Act 130 makes a special exception for Charleston County.

In earlier litigation addressing the Constitutionality of Act 130, the Attorney General also agreed that Act 130 violates the S.C. Constitution, Art. III, § 34 and Art. VIII, § 7 (*South Carolina Public Interest Foundation v. Harrell*, 378 S.C. 441, 663 S.E.2d 52 (2008), Brief of Respondent State of South Carolina, pp. 7, 14-17, attached). The Attorney General likewise was correct; Act 130 is unconstitutional.

III. ACT 130 OF 2007 VIOLATES S.C. CONSTITUTION ART. VIII § 7 BECAUSE IT APPLIES ONLY TO CHARLESTON COUNTY.

“No laws for a specific county shall be enacted,” S.C. Constitution, Art. VIII, § 7. “Article VIII, §7, of the South Carolina Constitution prohibits the enactment of legislation after March 7, 1973 that affects a specific county. *Knight v. Salisbury*, 262 S.C. 565, 206 S.E.2d 875 (1974)” [note omitted]; *Pickens County v. Pickens County Water and Sewer Authority*, 312 S.C. 218, 439 S.E.2d 840, 842 (1994).

The boundaries of the District are the same as those of Charleston County. “*The territory embraced by the County of Charleston* is hereby constituted as an airport district and a political subdivision of this State the functions of which shall be public and governmental, and the inhabitants of the territory are hereby constituted a body politic and corporate.” Act 1235 of 1970 § 2 (**Exhibit A to Howe Affidavit**) (emphasis added).

The Supreme Court ruled in *Torgerson v. Craver* that another act related to this same District was single county legislation, in violation of the Constitution. The Supreme Court quoted Art. VIII, § 7 and reasoned:

In our opinion, *the act violates both the letter and the spirit of the constitutional directive quoted above.* One of the purposes of Article VIII and of Home Rule is to relieve the General Assembly of the burdens of local governments. The Charleston County Airport District is a Charleston County political subdivision. . . .

Article VIII, § 7, prohibits legislation by the General Assembly for a specific county. Involved here is a matter which the county governing authority can and should deal with instead of the General Assembly.

267 S.C. 558, 562-63, 230 S.E.2d 228, 229-30 (1976). *Torgerson* distinguished this District from those encompassing more than one county such as the district encompassing both Richland and Lexington Counties and the district encompassing Greenville and Spartanburg Counties.

In several subsequent decisions, the Supreme Court ruled in accord with *Torgerson*. Several times, the General Assembly sought to meddle in the affairs of a commission, authority, or entity contained wholly within the boundaries of one county. *Cooper River Park and Playground Commission v. City of North Charleston*, 273 S.C. 639, 259 S.E.2d 107 (1979); *Richardson v. McCutchen*, 278 S.C. 117, 292 S.E.2d 787 (1982); *Hamm v. Cromer*, 305 S.C. 305, 408 S.E.2d 227 (1991); *Davis v. Richland County Council*, 372 S.C. 497, 642 S.E.2d 740 (2007). Each time, the Court found the actions of the General Assembly unconstitutional.

South Carolina recognizes a limited exception to Art. III, § 34 when the legislation furthers the purposes of Home Rule by devolving the power away from the legislature to a county. However, if the power is to be devolved from the legislature to the county, it

should be devolved statewide and not on a county-by-county, piecemeal basis. *Hamm, Davis, supra.*

Act 130 does not qualify for this exception. It imposes the General Assembly and its members into the governance of the District, contrary to the letter and spirit of Home Rule. Act 130 of 2007 contravenes Home Rule and should be declared unconstitutional.

As a strict matter of necessity, again, the Court need not go beyond this issue. Nevertheless, Plaintiffs respectfully suggest the service by members of the General Assembly on the CCAA violates the Constitution of South Carolina in several more ways.

IV. ACT 130 OF 2007 VIOLATES S.C. CONSTITUTION, ART. I, § 8, THE SEPARATION OF POWERS PROVISION.

Act 130 of 2007 violates S.C. Constitution Art. I, § 8, which requires the separation of powers in South Carolina State government:

In the government of this State, the legislative, executive, and judicial powers of the government shall be *forever separate and distinct* from each other, and *no person* or persons *exercising the functions* of one of said departments *shall assume or discharge the duties of any other.*

Id. (emphasis added).

The Supreme Court discussed the reasons for the Separation of Powers rule.

One of the prime reasons for separation of powers is the desirability of spreading out the Authority for the operation of the government. It prevents the concentration of power in the hands of too few, and provides a system of checks and balances. *The legislature makes the laws; the executive department carries the laws into effect; and the judicial department interprets and declares the laws.*

State ex rel. McLeod v. McInnis, 278 S.C. 307, 312, 295 S.E.2d 633, 636 (1982)

(emphasis added). Instead of “spreading out the Authority for the operation of

government,” by placing legislators and legislative appointees on the CCAA, authority is further “concentrate[ed] . . . in the hands of too few.” *Id.*).

Act 130 of 2007 allows members of the legislative department to serve as members of CCAA, an executive body, and thereby violates Article I, § 8. It allows a “person or persons exercising the functions of [the legislative department] . . . [to] assume or discharge the duties of [the executive department],” in violation of the South Carolina Constitution, Article I, § 8. Members of the legislative department were elected for the purpose of enacting laws, not administering them. *See Ashmore v. Greater Greenville Sewer District*, 211 S.C. 77, 89-90, 44 S.E.2d 88, 93-94 (1947).

A. The Statutes Establishing the CCAA Demonstrate That it Is an Executive Body That Performs Executive Functions.

A statute violates the Separation of Powers doctrine when the powers that legislators attempted to exercise were administrative activities related to the issuance of bonds and selection of roads for improvement. *Knotts v. SCDNR*, 348 S.C. 1, 6, 558 S.E.2d 511, 514 (2002) (citing *Bramlette v. Stringer*, 186 S.C. 134, 195 S.E. 257 (1938)) (emphasis added).

To establish and govern the airports of Charleston County, the General Assembly gave the Authority many enumerated powers, including the following:

1. perpetual succession,
2. a corporate seal,
3. the power to make bylaws,
4. the power to make rules and regulations that govern the airport facilities,
5. the power to construct and operate facilities,
6. the power to restrict the height of nearby buildings or obstructions,
7. the power to make rates and charges, the power of eminent domain,
8. the power to hire and appoint officers and agents,

9. the power to employ professionals, the power to make contracts for construction and repair, the power to apply for and receive federal, state, county, or municipal grants and loans,
10. the power to issue general obligation bonds,
11. the power issue revenue bonds, the power to tax the property in the District,
12. the power to purchase existing airport facilities, and finally,
13. the power to "[d]o all other acts and things necessary or convenient to carry out any function in power competitor granted to the District."

Act 1235 of 1970 § 5 (**Exhibit A to Howe Affidavit**). This enumeration of powers demonstrates that the function of the CCAA is executive in nature.

The CCAA selects the sources of procurement of goods and services, approves contracts, approves work orders for projects, and the modifications of the contracts, just as the defendants in *Bramlett*, as demonstrated in CCAA's minutes. It selects the construction projects just as the defendants in *Bramlette*, as demonstrated in the Airport Authority's Minutes. Pursuant to *Knotts v. SCDNR* and *Bramlette v. Stringer*, these functions are executive functions.

B. The Actions of the CCAA, as Shown by its Minutes, Demonstrate That the Work Of A Member of the CCAA Is Executive in Nature.

Entering into contracts is prohibited executive activity for members of the legislative department.

In *Tucker [v. South Carolina Dep't. of Highways & Pub. Transp.]*, 309 S.C. 395, 424 S.E.2d 468 (1992)], this Court held *a legislative delegation could not approve highway fund expenditures or enter into contracts* for highway improvements on behalf of the county. We adopted the *Gunter* and *Aiken* rationale that *separation of powers* mandates the Legislature "may not undertake both to pass laws and to execute them by bestowing upon its own members *functions that belong to other branches of government.*" *Tucker I*, 309 S.C. at 396, 424 S.E.2d at 469.

. . . The Legislature is constitutionally forbidden from undertaking to pass laws and then to execute them by bestowing upon its own members powers belonging to the executive branch.

See *Knotts*, 348 S.C. 1, 8-9, 558 S.E.2d 511, 514 (2002) (emphasis added). The Court reasoned that adopting or executing contracts was executive activity.

Similarly, the Supreme Court held the statute in *Knotts* unconstitutional. The Court reasoned:

Separation of powers is not predicated on differentiating between who actually spends the money, but on *whether the legislative branch assumes powers belonging to another branch of government*. Once the legislature enacts a law all that remains is the efficient enforcement and execution of that law. *Bramlette*, 186 S.C. at 134, 195 S.E. at 258. Regardless of who spends the money, § 12-28-2730 is unconstitutional because a legislative delegation may not execute or enforce a law.

Id. Accordingly, Act 130 of 2007 is also unconstitutional because legislators may not execute or enforce a law.

In *Ashmore*, a Board of Trustees composed of legislators and their appointees was to oversee the financing of the construction of Greenville Memorial Auditorium. The Court found this task to be executive, and not legislative.

The case of *Ashmore v. Greater Greenville Sewer District* is instructive. In *Ashmore*, the General Assembly passed legislation calling for the building of an "Auditorium." The legislation provided for a "Board of Trustees" to *oversee the issuance of bonds to finance the project*. . . . Membership on the Board by legislators was successfully challenged as a violation of *separation of powers and dual-office holding*.

Segars-Andrews, 387 S.C. 109, 125-26, 691 S.E.2d 453, 462 (2010) (emphasis added).

The Minutes of the CCAA demonstrate that its work is executive in nature (Exhibit J). The first Minutes record a meeting of the Terminal Redevelopment and Improvement Program Committee including Defendant Limehouse. This Committee

recommended that the Board chose the Contractor Manager at Risk method of delivery (Exhibit J, Minutes, p. 1). The choice of procurement selection method at the county level is made by administrators and at the State level by employees of State agencies, such as the SCDOT. It is an executive decision.

The second Minutes record a CCAA Special Board Meeting on August 18, 2011 (Exhibit J, Minutes p. 3). Both Limehouse and McConnell's designee, Jefferson were present (Exhibit J, Minutes p. 3). They voted on the "operations" matters such as "ratification of Amendment No. 1 to Ground Lease Agreement with Boeing Commercial Airplane" "to add additional parcels of leased space totaling 3.658 acres, at a rental of \$3,658 per month" and "Amendment No. 2" to the same agreement: "Compass Rose" "to add additional parcels of leased space totaling 7.531 acres, at a rental of \$7,531 per month" (Exhibit J, Minutes, p. 10). They voted to renew subscriptions and amend other operating agreements and leases, and even to approve "Change Order No. 1 and Final Payment to Southland Landscape Management Corporation" (Minutes p. 11). They voted to approve a "Request for Qualifications (RFQ) from General Contractors" for additional Concourse Restrooms and a FY 2012 Budget Amendment of \$750,000 to add additional restrooms in the passenger boarding area" (Exhibit J, Minutes, p. 12). They also voted to issue "Work Authorization No. 35 with ADC Engineering, Inc" to "expand the public parking lot" "in the amount of \$87,165.50" and to "authorize the use of a Request of Qualifications from general contractors" (Exhibit J, Minutes, p. 12). Selection of engineering firms is an executive function rather than the job of members of the General Assembly. The Board approved other RFQs and Work Authorizations in that same

meeting and amended other service agreements as well as ratifying a sublease (**Exhibit J**, Minutes pp. 13-14). The Board also purchased a police vehicle and a message board (**Exhibit J**, Minutes p. 13-14). Finally, they voted on the health insurance policy and other “personnel matters” of CCAA (**Exhibit J**, Minutes p. 15).

This meeting was a typical, as demonstrated by the attached Minutes of the meetings on September 13, 2011 (pp. 20-24), September 15, 2011 (pp. 25-30), October 20, 2011 (pp. 33-43), November 15, 2011 (pp. 49-51), November 17, 2011 (which differed only in the vote on a bond issue (pp. 52-62.; p. 60), December 6, 2011 TRIP Meeting (pp. 63-66), December 15, 2011 (pp. 67-77), January 17, 2012 TRIP Meeting (pp. 78-79), January 19, 2012 (pp. 80-86, with special note only of an invitation to attend training “What Commissioners should and Should Not Do”), February 14, 2012 TRIP Meeting (pp. 94-95), February 16, 2012 (pp. 96-105 which also renewed the airport liability insurance and included interviews of potential construction managers in executive session), March 8, 2012 TRIP meeting (pp. 109), March 9, 2012 TRIP Meeting (pp. 110-119 which included additional interviews), March 19, 2012 (pp. 119-120 which included selection of three prospective construction managers to make presentations to the Board), March 22, 2012 (pp. 121-130 which included selection of a construction manager in executive session) (**Exhibit J**). These decisions related to choosing a contractor for a \$150 million expansion project for the terminal.

There was also a special meeting on October 28, 2011 to review the audits of their tenants (pp. 44-48) and January 27, 2012 which was a “Visioning Workshop” for the construction on the Terminal (pp. 87-93) (**Exhibit J**).

The Minutes of the Authority demonstrate the executive nature of their work. The Authority issued change orders, ratified lease amendments, approved leases and subleases and subscriptions and service contracts. It approved use of Requests for Proposals rather than competitive sealed bidding for construction, recommended work authorizations and purchases, and approved operating agreements, among many other executive functions (Exhibit J).

The CCAA not only selects projects, but also oversees construction, the most significant of which is the \$150 million renovation of the terminal at the Charleston International Airport. If building and overseeing the Greenville Memorial Auditorium was executive in nature, as in *Ashmore*, so too, the oversight and management of the construction of a \$150 million renovation of the Charleston International Airport, and the oversight of the other two airports in Charleston County is executive in nature. Accordingly, the CCAA exercises executive powers and oversight, any member of the legislative department who serves as on the CCAA violates Article I, § 8 of the S.C. Constitution.

The CCAA recently formed a Personnel Committee (Exhibit J). This implementation of policies and controls is an executive or administrative function. However, even if such oversight and implementation were viewed as legislative activity, they would still be prohibited. Similarly, the CCAA has the power of approval over expenditures, and this also undermines the doctrine of separation of powers.

C. Legislators may not serve in an executive agency.

Article I, § 8 prohibits the General Assembly from both passing laws to achieve certain purposes and assigning its own members to the commissions discharging those duties. Members of the General Assembly were elected for the purpose of making laws, not administering them. See *Ashmore v. Greater Greenville Sewer District*, 211 S.C. 77, 89, 44 S.E.2d 88, 93-94 (1947).

Members of the legislative department may legislate *only in that body*. In *Knotts v. SCDNR*, the Supreme Court “ruled the statute could not ‘authorize the members of the delegation to participate in this determination as legislators, for they may exercise legislative power *only as members of the General Assembly*.’” *Knotts*, 348 S.C. 1, 7, 558 S.E.2d 511, 514 (2002) (emphasis added) (analyzing *Gunter v. Blanton*, 259 S.C. 436, 192 S.E.2d 473, 475 (1972)). In *Blanton*, the Supreme Court ruled that the legislative delegation’s power of approval over the expenditures of DNR “undermines the doctrine of separation of powers.” *Id.*

“[T]he Legislature does not have the power to create a law then execute it. The power to execute a law is not incidental to the power to appropriate, but is a separate executive power.” *Id.* 348 S.C. 1, 8, 558 S.E.2d 511, 515 (2002). CCAA executes this law by approving contracts, selecting construction projects, and selecting and administering methods of project delivery.

McConnell has held office since 1980 as a member of the South Carolina Senate from Charleston County. From 2007 to 2012, he simultaneously held office as a member of the Charleston County Aviation Authority. Defendant Limehouse has held office since 1995 as a member of the South Carolina General Assembly from Charleston County.

Since 2007, he has simultaneously held office as a member of the Charleston County Aviation Authority. Recently he has held office as the Chairman of the Charleston County Aviation Authority. A member of the General Assembly also serving as a member of the Charleston County Aviation Authority violates the separation of powers provision of S.C. Constitution Article I, § 8.

V. ACT 130 OF 2007 VIOLATES THE DUAL OFFICE HOLDING PROHIBITIONS OF S.C. CONSTITUTION, ART. III, § 24, ART. VI, § 3, AND ART. XVII, § 1A.

The members of the legislative department who serve as members of the Authority are violating three sections of the S.C. Constitution that prohibit dual office holding. These office holders should be ordered to vacate one or both of their offices.

No person is eligible to a seat in the General Assembly while he holds any office or position of profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia, members of lawfully and regularly organized fire departments, constables, and notaries public. If any member accepts or exercises any of the disqualifying offices or positions *he shall vacate his seat.*

S.C. Constitution, Art. III, § 24 (emphasis added). *See also*, S.C. Constitution, Art. VI, § 3 (“No person may hold two offices of honor or profit at the same time”), and S.C. Constitution, Art. XVII, § 1A (“No person may hold two offices of honor or profit at the same time”). There is no question that a member of the General Assembly holds an “office.”

A. A Director of CCAA Holds “an Office or Position of Profit or Trust.”

The Supreme Court explained the criteria for determining whether the additional position is an “office in the Constitutional sense.”

“One who is charged by law with duties involving *an exercise of some part of the sovereign power*, either small or great, in the performance of which

the public is concerned, and which are continuing, and not occasional or intermittent, is a public officer.” *Sanders v. Belue*, 78 S.C. 171, 174, 58 S.E. 762, 763 (1907). In considering whether a particular position is an office in the constitutional sense, it must be demonstrated that “[t]he *power of appointment comes from the state*, the authority is derived from the law, and the *duties are exercised for the benefit of the public.*” *Willis v. Aiken County*, 203 S.C. 96, 103 26 S.E.2d 313, 316 (1943). “*The powers conferred and the duties to be discharged with regard to a public office must be defined*, directly or impliedly, by the legislature or *through legislative authority*. The *duties must be performed independently* and without control of a superior officer, other than the law, unless they are those of an inferior or subordinate officer, created or authorized by the legislature and by it placed under the general control of a superior officer of body.” 63C Am Jur.2d *Public Officers and Employees* § 5 (2009).

Segars-Andrews v. Judicial Merit Selection Com'n., 387 S.C. 109, 124, 691 S.E.2d 453, 461 (2010).

A CCAA membership involves the exercise of the sovereign power of the State. As in *Segars-Andrews*, “the power of appointment comes from the State” and “the duties are exercised for the benefit of the public.” See Act 1235 of 1970, § 5. Furthermore, the powers of the Authority are “defined, directly or impliedly, by the legislature or through legislative authority.” See Act 1235 of 1970, § 5. Finally, the powers of the CCAA are “performed independently and without control of a superior officer.” Thus, the CCAA meets all the criteria established in *Segars-Andrews* for application of the dual office holding prohibition. Accordingly, Act 130 of 2007, which allows members of the General Assembly to serve on the CCAA, violates the Constitutional prohibitions of dual office holding, South Carolina Constitution, Art. III, § 24, Art. VI, § 3, and Art. XVII, § 1A.

B. The General Assembly Initially Properly Defined the CCAA Officers as Meeting the Criteria for an “Office.”

The CCAA directorship meets the criteria defining "an office of honor or profit." Act 1235 of 1970 (**Exhibit A to Howe Affidavit**), Section 3 established the membership of the Authority. The Governor was to appoint five of the seven members upon the recommendations of the County House delegation, the Senators of Charleston County, the City Council of Charleston and the County Council. In addition, the Mayor of Charleston and the Chairman of County Council were *ex officio* members. As to the *ex officio* members (the Mayor and the Chairman of County Council), the General Assembly stated the following:

In making the foregoing *ex officio* designations, the General Assembly finds that the successful operation of the airport system has a distinct relation to the welfare of the City of Charleston and the County of Charleston. It has, therefore, determined that those responsible for the operation of such municipal governments should likewise participate in the operation of the authority.

Act 1235, Section 3.

The General Assembly provided for the election of officers known as the Chairman, Vice Chairman, and Secretary and further provided, "Offices on the authority, shall be deemed an office of honor within the meaning of the provision of Section 2 of Article 2 of the Constitution of South Carolina." Act 1235, Section 4.

By Act 329 of 1971 (**Exhibit B to Howe Affidavit**), also prior to Home Rule, the General Assembly deleted the foregoing sentence related to *offices* and stated instead,

Membership on the *authority* shall *not* be deemed an office of honor or profit within the meaning of the provisions of Section 2 of Article 2 of the Constitution of South Carolina and any *ex officio* members shall be eligible for the position of chairman or any other office of the authority.

Id. at Section 2 (emphasis added).

Plaintiffs respectfully suggest that the General Assembly made the correct analysis the *first* time. Membership on the Authority is considered a key position in helping chart the future of the County and the region. Plaintiffs further suggest that the following provisions of Act 1235 lead irrevocably to the conclusion that a member of the Authority, and certainly election as an officer of the Authority, should be considered an office of honor or profit, within the meaning of the Constitution of South Carolina: "The members of the authority shall be allowed the usual per diem, mileage and subsistence as provided by law for members of boards, commissions and committees and their actual and necessary expenses while in performance of duties prescribed under this act." *Id.*, § 3.

C. Legislators May Not Hold Dual Offices.

In *Ashmore v. Greater Greenville Sewer District*, the General Assembly had established a board to oversee the construction and operation of the Greenville Memorial Auditorium. The Board included members of the General Assembly, the Mayor of Greenville, and the Chairman of County Council. *Ashmore* was a taxpayer's challenge to the composition of the Board. The Supreme Court ruled, the "Board of the projected auditorium . . . is an executive body, charged with executive duties and functions." *Ashmore*, 211 S.C. 77, 89-90, 44 S.E.2d 88, 93-94 (1947). The Supreme Court ruled that the Constitution's dual office holding provisions prohibited members of the General Assembly from serving on that Board.

"As a general rule the Legislature of the state may not, consistently with the constitutional requirement here involved, undertake both to pass laws and to execute them by setting its own members to the task of discharging such functions by virtue of their offices as legislators, would seem to be self-evident. The principle, as we apprehend, upon the correct application of which depends the solution of any such problem as to the exercise by the Legislature of nonlegislative functions, is that the

Legislature may properly engage in the discharge of such functions to the extent, and to the extent only, that their performance is reasonably incidental to the full and effective exercise of its legislative powers.” The members of the Legislature from Greenville County were elected for the purpose of making laws, not administering them.

Ashmore, 211 S.C. 77, 89-90, 44 S.E.2d 88, 93-94 (1947) quoting *Spartanburg County v. Miller*, 135 S.C. 348, 132 S.E. 673, 677 (emphasis added). The Supreme Court explained its ruling:

The qualifications of members of the General Assembly are carefully set out in Article III of the constitution. Section 24 thereof forbids the holding of other public office or position, and provides that upon the acceptance of any such by a member he shall vacate his seat. *The proposition seems to us to prove itself, that a member cannot sit upon the board of auditorium trustees established in the act under review and at the same time retain his membership in the General Assembly.* The language of the fundamental law is *plain and unambiguous*. It admits of *no doubt* of its meaning.

Id. 211 S.C. 77, 90, 44 S.E.2d 88, 94 (1947) (emphasis added). Two members of CCAA serve in the General Assembly pursuant to Act 130 of 2007.

The service of Defendants Limehouse and McConnell in more than one office simultaneously violates the dual office holding prohibition of the South Carolina Constitution. *Ashmore v. Greater Greenville Sewer District*, 211 S.C. 77, 90-92, 44 S.E.2d 88, 94-95 (1947).

In addition, House Bill 4143 of 2011 (**Exhibit H to Howe Affidavit**), pending in the General Assembly will, if enacted, compound the unconstitutional nature of the governance of the Charleston County Aviation District by adding *two more members of the General Assembly* to the Charleston County Aviation Authority, one from the House and one from the Senate. House Bill 4143 of 2011, if enacted, would cause additional violations of the Constitution, similar to those set out above.

D. Members Do Not Qualify For the *Ex Officio* Exception to the Dual Office Holding Prohibition.

The Supreme Court has long recognized a limited exception to the dual office holding prohibition: when an office holder also serves *ex officio* in an office arising out of and related to the main office.

The Court discussed this rule in *Ashmore*.

The rule here enforced with respect to double or dual officeholding in violation of the constitution is not applicable to those officers upon whom other duties *relating to their respective offices* are placed by law. A common example is *ex officio* membership upon a board or commission of the unit of government which the officer serves in his official capacity, and the functions of the board or commission are related to the duties of the office. *State ex rel. Ray v. Blease*, 95 S.C. 403, 79 S.E. 247, 249, 46 C.J. 934, 42 Am.Jur. 929.

Ex officio means 'by virtue of his office.' 1 Bouv., Law Dict. Rawles' Third Revision, page 1103. Similar observation may be made with respect to *ex officio* membership upon a governing board, commission or the like of an agency or institution in which the unit of government of the officer has only a *part of joint ownership or management*. In mind as an example is an airport operated by two or more units of government. A governing board of it might be properly created by appointment *ex officio* of officers of the separate governmental units *whose duties of their respective officers have reasonable relation to their functions ex officio*.

Ashmore, 211 S.C. 77, 92, 44 S.E.2d 88, 95 (1947).

The Supreme Court recently reaffirmed its holdings from *Ashmore* in *Segars-Andrews, v. Judicial Merit Selection Commission*. *Segars-Andrews* argued that a legislator's service on the Judicial Merit Selection Commission ("JMSC") violated the dual office holding provisions of the Constitution. The Court disagreed, finding that the *ex officio* exception applied.

"Service by members of the legislative branch in an office charged with the execution of the law *violates separation of powers and dual-office holding*. That was the case in *Ashmore*. *Ashmore* referenced the "*ex officio*" or "*incidental duties*" exception: "A common example is *ex officio*

membership upon a board or commission of the unit of government which the officer serves in his official capacity, and the functions of the board or commission are related to the duties of the office.” *Id.* at 92, 44 S.E.2d at 95.

387 S.C. 109, 127, 691 S.E.2d 453, 463 (2010) (emphasis in original) (*Segars-Andrews* was a judicial candidate for reelection who had been found not qualified by the JMSC.

Our jurisprudence has a narrow, yet firmly established, exception which provides that “double or dual office holding in violation of the constitution is *not applicable to those officers upon whom other duties relating to their respective offices are placed by law.*” *Ashmore v. Greater Greenville Sewer District*, 211 S.C. 77, 92, 44 S.E.2d 88, 95 (1947) (emphasis added). This exception is commonly referred to as the “ex officio” or “incidental duties” exception.

As applied here, service on the JMSC by members of the General Assembly is properly characterized as incidental to their legislative duties. This is so because the *Legislature* is impressed by our constitution with sole responsibility for the election and re-election of judges. Conversely, service on the JMSC by one who holds an office in the *executive or judicial branch would violate the constitutional ban on dual-office holding.*

Segars-Andrews, 387 S.C. 109, 125, 691 S.E.2d 453, 462 (2010) (second emphasis added).

The situation in *Segars-Andrews* above is the converse of the circumstances in the case at bar. A member of the *legislative* branch violates the dual office holding ban by serving as a member of CCAA, a part of the Executive Department. Such service fails to qualify for an “ex officio” or “incidental duties” exception to the dual office holding prohibition. *Id.*

The “ex officio” or “incidental duties” exception may be properly invoked only where there is a constitutional nexus in terms of power and responsibilities between the first office and the “ex officio” office. This narrow construction of the “ex officio” or “incidental duties” exception preserves inviolate the central feature of separation of powers in our

constitution. S.C. Const. Art. I, § 8.

Segars-Andrews, 387 S.C. 109, 126, 691 S.E.2d 453, 462 (2010).

In this case, there is no apparent nexus between the service in the legislative department and service on the CCAA to justify *ex officio* status. *Unlike* the Judicial Merit Selection Commission in *Segars-Andrews*, the duties of the CCAA are *not* “relating to” or “reasonably incidental” to the duties of the members of the legislative department. There is no “constitutional nexus.” The General Assembly does not have the “sole responsibility” of operating the CCAA, as it did the election of judges in *Segars-Andrews*. Service on the CCAA does not “arise out of” service as a legislator. Accordingly, members of the legislative department who serve on the CCAA violate the dual office holding provisions of the South Carolina Constitution, Article III, § 24, Article VI, § 3, and Article XVII, § 1A. (Pursuant to *Ashmore*, they also violate the Separation of Powers provision of Article I, § 8 the South Carolina Constitution.)

The General Assembly does not “operate” or “own” the District as a municipality operates or owns an airport, sewerage, or water system. Accordingly, members of the CCAA do not serve “by virtue of their office” as members of the General Assembly. The General Assembly is not “impressed by our Constitution with sole responsibility for the” administration of CCAA and its oversight of selection of and management of construction projects. *Segars-Andrews*.

Service as members of CCAA does not meet the criteria that the Supreme Court has established for *ex officio* service. In this action, two members of the General

Assembly have charged themselves to execute a law they passed: Act 148 (Exhibit J, pp. 48-60).

Ashmore acknowledged the plainly worded remedy set out in the Constitution for a legislator serving in a second office.

The qualifications of members of the General Assembly are carefully set out in Article III of the constitution. Section 24 thereof forbids the holding of other public office or position, and provides that upon the acceptance of any such by a member *he shall vacate his seat*. The proposition seems to us to prove itself, that a member cannot sit upon the board of auditorium trustees established in the act under review and at the same time retain his membership in the General Assembly. *The language of the fundamental law is plain and unambiguous. It admits of no doubt of its meaning.*

Id., 211 S.C. 77, 90, 44 S.E.2d 88, 94 (1947) (emphasis added). Under the Supreme Court's rule in *Ashmore*, the members of the legislative department who serve on the CCAA must vacate their seats in the General Assembly, or they must not serve as a member of the CCAA.

"Indeed, this Court is duty bound to review the actions of the Legislature when it is alleged in a properly filed suit that such actions are unconstitutional. . . . [W]hen the unconstitutionality of an act is clear to this court, beyond a reasonable doubt, then it is its plain duty to say so." *Elliott v. Sligh*, 233 S.C. 161, 103 S.E.2d 923 (1958)." *Segars-Andrews*, 387 S.C. 109, 123, 691 S.E.2d 453, 461-2 (2010). The unconstitutionality of service by members of the General Assembly and their appointees is also a clear act of unconstitutionality beyond a reasonable doubt.

Since 2007, Defendants Limehouse and McConnell have been in violation of the foregoing Constitutional provisions.

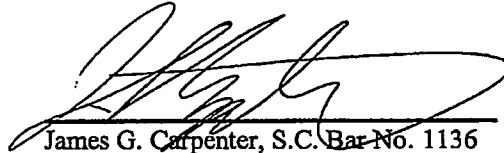
CONCLUSION

Act 130 of 2007 is invalid. The override of the veto of Act 130 failed for lack of sufficient votes. Act 130 is unconstitutional, single county, special legislation. Act 130 violates the dual office holding and separation of powers provisions of the South Carolina Constitution. The members of the General Assembly who serve as members of CCAA also violate the dual office holding and separation of powers provisions of the South Carolina Constitution.

WHEREFORE, Plaintiffs pray the Court:

- 1) To declare that the General Assembly did not properly override the veto of Act 130 of 2007, in accord with S.C. Constitution, Art. IV, § 21;
- 2) To declare that Act 130 of 2007, if validly enacted, violates S.C. Constitution Article III § 34 and Article VIII § 7, and is therefore invalid;
- 3) To declare that Act 130 of 2007, if validly enacted, that allows a member of the General Assembly to serve simultaneously as a member of the CCAA violates the dual office holding prohibitions of the S.C. Constitution (Art. III, § 24; Art. VI, § 3; and Art. XVII, § 1A);
- 4) To declare that any sitting member of the General Assembly who serves as a member of the CCAA violates the dual office holding prohibitions of the S.C. Constitution (Art. III, § 24; Art. VI, § 3; and Art. XVII, § 1A);
- 5) To declare that Act 130 of 2007, if validly enacted, that allows a member of the legislative department to serve simultaneously as a member of the CCAA violates the separation of powers provision of S.C. Constitution, Art. I, § 8;
- 6) To declare that any sitting member of the General Assembly who serves as a member of the CCAA violates the Separation of Powers provision of S.C. Constitution Art. I, § 8;
- 7) To order that any member of the General Assembly serving as a member of the CCAA vacate one of those offices;
- 8) To grant Plaintiffs their costs and attorneys' fees under S.C. Code Ann. § 15-77-300; and
- 9) To grant such other and further relief as the Court deems just and proper.

Respectfully submitted,
THE CARPENTER LAW FIRM, P.C.

A handwritten signature in black ink, appearing to read 'J. G. Carpenter', is written over a horizontal line.

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Attorney for the Plaintiffs

THE STATE OF SOUTH CAROLINA
In The Supreme Court

South Carolina Public Interest Foundation and Waring S. Howe, Jr., individually, and on behalf
of all others similarly situated, Petitioners,

v.

Robert W. Harrell, Jr., in his official capacity as Speaker of the S.C. House of Representatives,
Ken Ard in his official capacity as President of the S.C. Senate, Representative Harry B. "Chip"
Limehouse III, Senator Glenn McConnell, and The State of South Carolina, Respondents.

AFFIDAVIT OF WARING S. HOWE, JR.
IN SUPPORT OF THE
PETITION FOR ORIGINAL JURISDICTION

Petitioners submit this Affidavit in support of their petition for this Court to take original
jurisdiction of the matters alleged in the attached Complaint.

October 28, 2011

THE CARPENTER LAW FIRM, PC

James G. Carpenter, Esq. S.C. Bar No. 1136
Jennifer J. Miller, Esq., S.C. Bar No. 13611
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Attorneys for Petitioners

The undersigned, being first duly sworn on oath, deposes and states as follows:

1. My name is Waring S. Howe Jr. I am a citizen, resident, taxpayer, and registered elector of Charleston County. On many occasions, I have used the Charleston County Airport, which is owned and operated by the Charleston County Airport District. I have paid fees and taxes to the Charleston County Airport District. I served as a member of the Charleston County Aviation Authority 1989-2001, and as Chairman 1996-1999. I am a Petitioner in this action, and I petition the Court to take this action in its original jurisdiction. I submit this affidavit pursuant to Rule 245 of the South Carolina Rules of Appellate Practice.
2. Before Home Rule, the General Assembly enacted Act 1235 of 1970 (**Exhibit A**), which established the Charleston County Airport District. "*The territory embraced by the County of Charleston* is hereby constituted as an airport district and a political subdivision of this State the functions of which shall be *public and governmental*, and the inhabitants of the territory are hereby constituted a *body politic and corporate*." *Id.* § 2 (emphasis added). Thus, the Airport District has the same boundaries as Charleston County.
3. Pursuant to Act 1235, Section 3, "The corporate powers and duties of the Charleston County Airport District shall be exercised and performed by an authority to be known as Charleston County Aviation Authority." Section 3 also established the membership of the Authority. The Governor appointed five of the seven members upon the recommendations of the County House delegation, the Senators of Charleston County, the City Council of Charleston and the County Council. In addition, the Mayor of Charleston and the Chairman of County Council were *ex officio* members.

4. As to the *ex officio* members, the General Assembly stated the following:

In making the foregoing *ex officio* designations, the General Assembly finds that the successful operation of the airport system has a distinct relation to the welfare of the City of Charleston and the County of Charleston. It has, therefore, determined that those responsible for the operation of such municipal governments should likewise participate in the operation of the authority.

Act 1235, Section 3.

5. The General Assembly provided for the election of officers known as the Chairman, Vice Chairman, and Secretary and further provided, "Offices on the authority, shall be deemed an office of honor within the meaning of the provision of Section 2 of Article 2 of the Constitution of South Carolina." Act 1235, Section 4.
6. By Act 329 of 1971(Exhibit B), also prior to Home Rule, the General Assembly deleted the foregoing sentence related to *offices* and stated instead,

Membership on the *authority* shall *not* be deemed an office of honor or profit within the meaning of the provisions of Section 2 of Article 2 of the Constitution of South Carolina and any *ex officio* members shall be eligible for the position of chairman or any other office of the authority.

Id. at Section 2 (emphasis added).

7. I respectfully suggest that the General Assembly made the correct analysis the *first* time. Membership on the Authority is considered a key position in helping chart the future of the County and the region.
8. I further suggest that the following provisions of Act 1235 lead irrevocably to the conclusion that membership on the Authority, and certainly election as an officer of the Authority, should be considered an office of honor or profit, within the meaning of the Constitution of South Carolina:

- a. The District is a "political subdivision of a State, the functions of which shall be public and governmental, and the inhabitants of the territory are hereby constituted a body politic and corporate." *Id.*, § 2.
- b. "The members of the authority shall be allowed the usual per diem, mileage and subsistence as provided by law for members of boards, commissions and committees and their actual and necessary expenses while in performance of duties prescribed under this act." *Id.*, § 3.
- c. To establish and govern the airports of Charleston County, the General Assembly gave the Authority nineteen enumerated powers, including the following: perpetual succession, a corporate seal, the power to make bylaws, the power to make rules and regulations that govern the airport facilities, the power to construct and operate facilities, the power to restrict the height of nearby buildings or obstructions, the power to make rates and charges, the power of eminent domain, the power to hire and appoint officers and agents, the power to employ professionals, the power to make contracts for construction and repair, the power to apply for and receive federal, state, county, or municipal grants and loans, the power to issue general obligation bonds, the power issue revenue bonds, the power to tax the property in the District, the power to purchase existing airport facilities, and finally, the power to "[d]o all other acts and things necessary or convenient to carry out any function in power competitor granted to the District." *Id.*, § 5.

9. After Home Rule, the General Assembly enacted and amended what became SC Code Ann. § 55-1-80, Appointment of additional members to county aviation commission, (Exhibit C), which, authorized the following, not only for Charleston County, but for any county in the State:
- a. Any county aviation authority may be increased by two members:
 - i. One appointed by the county House Delegation.
 - ii. One appointed by the county Senate Delegation.
 - b. Any County governing body may add two members to the Authority.
 - c. In Counties having two cities with populations in excess of 50,000, the mayors of such cities may serve *ex officio*.
10. Thereafter, the General Assembly enacted Act 130 of 2007, which applies *only* to Charleston County (Exhibit D). Act 130 added two more members to the Charleston County Aviation Authority, the Chairman and Vice Chairman of the Charleston County Legislative Delegation, or their designees.
11. The Governor vetoed Act 130 (Exhibit E), stating that the Act violated Article III, § 34 and Article VIII § 7 of the S.C. Constitution.
12. Act 130 *does* violate S.C. Constitution Article III § 34 and Article VIII § 7.
13. On June 5, 2001, the House purported to override the veto by a vote of 12 to 0 (Exhibit F). The next day the Senate overrode the veto 43 to 1 (Exhibit G).
14. This vote to override the veto was illegal, lacking a sufficient quorum or majority of both Houses. South Carolina Constitution, Art. IV, § 21; *Board of Trustees of School District of Fairfield County v. State*, No. 27035, (Aug. 29, 2011).
15. Since 2007, State Representative Limehouse of Charleston has been serving not only as a member of the General Assembly, but also as a member of the Charleston County

Aviation Authority, pursuant to Act 130. Recently, he has also been serving as Chairman of the Authority.

16. Since 2007, Respondent McConnell has not only held office as a member of the General Assembly, but also simultaneously held office as a member of the Charleston County Aviation Authority, pursuant to Act 130.

17. The Charleston County Aviation Authority is an executive body, charged with executive duties and functions.

18. Article I, § 8 of the South Carolina Constitution states:

In the government of this State, the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.

19. The General Assembly may not consistently with Article I, § 8, undertake both to pass laws and to execute them by setting its own members to the task of discharging such functions by virtue of their office as legislators. Representative Limehouse and Senator McConnell were elected for the purpose of making laws, not administering them. See *Ashmore v. Greater Greenville Sewer District*, 211 S.C. 77, 89-90, 44 S.E.2d 88, 93-94 (1947).

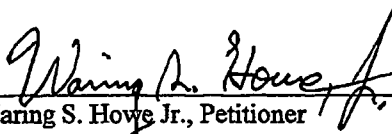
20. For the reasons stated above, I respectfully suggest that the service of Respondents Limehouse and McConnell in more than one office simultaneously violates the dual office holding prohibition of the South Carolina Constitution. *Ashmore v. Greater Greenville Sewer District*, 211 S.C. 77, 90-92, 44 S.E.2d 88, 94-95 (1947).

21. The taxpayers, citizens, and electors of Charleston County and South Carolina are entitled to have their government representatives abide by the South Carolina Constitution.

22. In addition, I am informed and believe that House Bill 4143 of 2011 (**Exhibit H**), pending in the General Assembly will, if enacted, compound the unconstitutional nature of the governance of the Charleston County Aviation District by adding *two more members of the General Assembly* to the Charleston County Aviation Authority, one from the House and one from the Senate. I respectfully suggest that House Bill 4143 of 2011, if enacted, would cause additional violations of the Constitution, similar to those set out above.
23. These actions of the General Assembly have made and threaten to continue to make changes in the local government of the District, which, when found unconstitutional, must be changed again.
24. If this matter were heard in the Circuit Court, the normal time of the trial process would likely extend for several years, including appeals, during which time ongoing and additional Constitutional violation would likely occur.
25. The Charleston County Airport District expends millions of dollars of public funds annually.
26. During the course of a normal trial and appeal, much or all of the public funds will be expended and difficult or impossible to recoup.
27. I anticipate that Respondents will not dispute the contents or authenticity of Act 130 of 2007 or House Bill 4143.
28. I anticipate that this case will raise no factual issues, but will simply require the interpretation and application of the South Carolina Constitution to the legislation in question.

29. I respectfully submit that this case involves strong public interest and presents special grounds of emergency, and that the Supreme Court should exercise its original jurisdiction.

Further the Affiant saith naught.


Waring S. Howe Jr., Petitioner

Subscribed and sworn to before me
this 28th day of October, 2011.

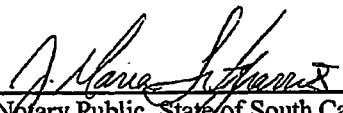

Notary Public, State of South Carolina
My commission expires April 7, 2021

EXHIBIT A

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1970.

(R1463, H2849)

No. 1285

An Act To Create The Charleston County Airport District; To Define Its Area; To Establish A Governing Authority Therefor; To Prescribe The Functions And Powers Of The District And Its Authority; To Make Provisions For Borrowing By The District, Including The Issuance Of General Obligation Bonds Of The District; To Prescribe The Terms And Conditions Under Which Such Money May Be Borrowed By The District And To Make Provision For Its Payment; To Provide For The Application For And Use Of Funds Which May Be Allocated To The District By The Federal, State, Or Other Governments; To Provide For The Continuing Operation Of The Facilities Of The District; And To Provide For The Investment Of Funds Of The District.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings.—The General Assembly finds that the public interest requires the establishment, within the District hereby created, of modern air transport facilities capable of providing service for all modern air transport. It has, therefore, determined to constitute all of the territory embraced by the County of Charleston into an Airport District, to commit to such District the function of acquiring, constructing, operating and maintaining adequate air transport facilities of suitable size and with suitable equipment to enable all types of air transport to utilize same; to authorize the Airport District to finance all costs that may be incurred by it in the acquisition, construction and equipment of such facilities through the issuance as defined herein of general obligation bonds of the Airport District.

SECTION 2. Airport District constituted.—The territory embraced by the County of Charleston is hereby constituted an Airport District and a political subdivision of this State, the functions of which shall be public and governmental, and the inhabitants of the territory are hereby constituted a body politic and corporate. The

corporate name of the Airport District shall be Charleston County Airport District, and by that name the Airport District may sue and be sued.

SECTION 3. Powers and duties.—The corporate powers and duties of the Charleston County Airport District shall be exercised and performed by an authority to be known as Charleston County Aviation Authority. The authority shall be composed of seven members, two of whom shall be appointed by the Governor upon the recommendation of a majority of the Charleston County House Delegation, two of whom shall be appointed by the Governor upon the recommendation of a majority of the Senators from Charleston County, and one of whom shall be appointed by the Governor upon the recommendation of the City Council of Charleston and the County Council of Charleston. The remaining two members shall be the Mayor of the City of Charleston and the Chairman of the Charleston County Council who shall be ex officio members of the authority. In making the foregoing ex officio designations, the General Assembly finds that the successful operation of the airport system has a distinct relation to the welfare of the City of Charleston and the County of Charleston. It has, therefore, determined that those responsible for the operation of such municipal governments should likewise participate in the operation of the authority. The members appointed by the Governor shall serve for terms of four years and until their successors are appointed and qualify, such terms to commence on the first day of the month following the approval of this act by the Governor. Vacancies shall be filled in the same manner as the original appointments for the unexpired portion of the term only. The members of the authority shall be allowed the usual per diem, mileage and subsistence as provided by law for members of boards, commissions and committees and their actual and necessary expenses while in performance of duties prescribed under this act.

SECTION 4. Officers.—The authority shall elect one of its members as chairman, one of its members as vice-chairman, and one of its members, or any other competent person, as secretary of the authority. The officers shall hold office at the pleasure of the authority. In the event that the office of chairman shall become vacant, the duties of the chairman shall be temporarily performed by the vice-chairman. Offices on the authority, shall be deemed an office of honor within the meaning of the provision of Section 2 of Article 2 of the Constitution



of South Carolina. The secretary of the authority shall have such term as shall be fixed by the authority.

SECTION 5. Powers and duties further.—There is hereby committed to the authority the functions of acquiring, planning, establishing, developing, constructing, enlarging, improving, maintaining, equipping, operating, regulating, protecting and policing airports and suitable air navigation facilities to serve the people of the Charleston County Airport District and the public generally. To this end the authority shall be empowered:

1. To have and enjoy perpetual succession.
2. To adopt, use and alter a corporate seal.
3. To make bylaws for the management and regulation of its affairs, and to define a quorum for its meetings, which shall require the presence of at least four members. Adequate notification of all meetings and the time and place shall be given to each member.
4. To acquire, establish, develop, construct, enlarge, improve, maintain (which term shall include the power to establish a reasonable reserve for maintenance), equip, operate, regulate, protect and police its airport and air navigation facilities under such reasonable rules and regulations as the authority may from time to time promulgate.
5. To maintain, construct, and extend runways, terminals, maintenance shops, access roads, utilities systems, concessions, accommodations, and other facilities of whatever nature or kind for the comfort and accommodations of air travelers and air freight; to purchase and sell supplies, goods and commodities as an incident to the operation of its airport facilities; and for all such purposes, the authority may, by purchase, gift, devise, lease, eminent domain proceedings, or otherwise, acquire, hold, develop, use, lease, mortgage, sell, transfer, and dispose of any property, real, or personal, or any interest therein, including easements in or over land needed to prevent airport hazards, or land outside the boundaries of its airport or airport site, necessary to permit the removal, elimination obstruction-marking or obstruction-lighting, of airport hazards, or to prevent the establishment of airport hazards.
6. To license, lease, rent, sell or otherwise provide for the use of any of its airport facilities, and facilities auxiliary thereto, including the privilege of supplying goods, commodities, things, services or facilities at such airport by itself or by any persons or corporations qualified therefor, on such terms and conditions as its

discretion may dictate, including the granting of exclusive franchises; *provided*, that in no case shall the public be deprived of its right-ful, equal, and uniform use of its airport and air navigation facility.

7. For the purpose of promoting the safety of the airport and for the general welfare of air transportation, the authority is empowered by regulation to restrict the height of any building, structure or obstruction including but not limited to towers, dwellings, trees, or any other object which might constitute a hazard to air transportation at its facilities within the area herein described. The authority may by regulation restrict the construction or erection of any building, structure or obstruction on lands located on the projection of any runways of its airport facilities at a height above a glide angle for aircraft of fifty feet to one foot measured outward from the boundaries of the end of any runway at the airport, for a distance of up to ten thousand feet along a prolongation of the center line of the runways and extending laterally from the projection of the center lines of the runways from a distance of one thousand feet each way at the airport boundary, increasing to a lateral distance of four thousand feet each way from the center of any runway at a distance of ten thousand feet from the boundary of the airport.

It may also by regulation restrict the erection of any building or other type construction of any nature whatsoever on lands adjacent to its air transport facilities at any point adjacent to them, not covered by the preceding paragraphs, at a height above a glide angle for aircraft of fifteen feet to one foot, measured outward from the boundaries of any such air facilities for a distance of twenty-five hundred feet.

The authority shall, if it shall undertake to adopt regulations prohibiting such construction, conduct a public hearing prior to taking action of their own. Notice of the hearing shall be published in a newspaper of general circulation within the district not less than seven days prior to the date fixed for the holding of the meeting. The notice shall state the time and place of the meeting and shall briefly indicate the scope of the proposed regulation. At the meeting all persons affected by the proposed regulation shall be entitled to appear and to be heard. If, after the meeting, the regulation restricting the erection of any such buildings or structures is adopted, notice of the adoption of the regulation shall be given by filing a certified copy thereof in the office of the clerk of court for

the county, and additional copies shall be posted in the county courthouse; and notice of the adoption of such regulations shall be published at least once during each of three successive weeks in a newspaper published in and having general circulation in the district. The regulations shall not become effective until the foregoing has been complied with.

The authority is expressly authorized to apply to any court of general jurisdiction within the district for the enforcement of such regulations through the means of mandatory injunctions and other remedial proceedings and such courts are specifically empowered to render mandatory injunctions and such other remedial orders as shall appear to such courts to be just and reasonable.

8. To place in effect, and, from time to time, revise such schedules of licenses, rates, and charges for the use of its facilities as may be necessary or desirable to the orderly operation of its airport facility; provided that all such licenses, rates, and charges shall be reasonable and nondiscriminatory; *provided*, further, that the provisions of this section shall not be construed to be in conflict with the provisions of item 6, which authorize the leasing of land and buildings auxiliary to its airport facility.

9. To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Section 25-161 through Section 25-170, Code of Laws of South Carolina, 1962. All powers conferred on municipalities under such provisions are conferred hereby on the Charleston County Aviation Authority.

10. To appoint officers, agents, employees and servants, and to prescribe the duties of such, including the right to appoint persons charged with the duty of enforcing the rules and regulations promulgated pursuant to the provisions of this act, to fix their compensation, and to determine if, and to what extent they shall be bonded for the faithful performance of their duties.

11. To employ engineers, architects and attorneys, and to contract for such other services of a technical or professional nature as may be necessary or desirable to the performance of the duties of the authority.

12. To make contracts for the construction, erection, maintenance and repair of the facilities in its charge, by competitive bidding, after ten days published notice, if such contracts are in

excess of ten thousand dollars. If the contracts are less than ten thousand dollars, they may be made without competitive bids.

13. To deposit monies derived from the sale of any bonds authorized by the General Assembly and issued under the provisions of this act or from revenue-producing facilities in any bank or trust company having an office within the district, and to withdraw the monies for the purpose of operating, maintaining, constructing, improving and extending any facility in its charge.

14. To apply for, accept, receive, receipt for, disburse, and expend Federal, State, County, or Municipal monies and other monies, public or private, made available by grant or loan, or both, to accomplish, in whole or in part, any of the purposes of this act, and to this end, to continue to prosecute any application heretofore filed with the Federal Aviation Agency, or any other Federal agency, by the previous owner of any air facilities acquired by the authority. All federal monies accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the United States, and as are consistent with State law; and all other monies accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the State or other sources thereof.

15. To accept donations of all sorts.

16. To issue under the conditions prescribed in item 18 of this section general obligation bonds of the District.

17. In addition to the powers given by item 16 of this section, to borrow on behalf of the District money and to make and issue negotiable bonds, notes and other evidences of indebtedness payable solely from the revenue derived from the operation of any revenue-producing facility, or facilities, in its charge. The sums borrowed may be those needed to pay costs incident to the acquisition, operation and maintenance of its airport facility, or such sums as may be needed to pay the costs of any extension, addition, or improvement to its airport facility, or both. If the method of financing authorized by this item is used, neither the faith and credit of the State of South Carolina, the city or county of Charleston, nor of the District itself shall be pledged to the payment of the principal and interest of the obligations, and there shall be on the face of such obligation a statement, plainly worded, to that effect. Neither the members of the authority nor any person signing the obligations shall be personally liable thereon. In order that a convenient procedure for borrowing

money pursuant to this item may be prescribed, the District shall be fully empowered to avail itself of all powers granted by Chapters 4, 5 and 6, Title 59, Code of Laws of South Carolina, 1962, as now and hereafter amended. In exercising the powers conferred upon the District by such code provisions, the District may make all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by such code provisions. Specifically and notwithstanding contrary provisions in any such code provisions, the District may:

(a) Provide that such bonds, notes, or other evidences of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of any revenue-producing facility or facilities, as such net revenues may be defined by the authority.

(b) Covenant and agree that upon its being adjudged in default as to the payment of any installment of principal and interest upon any obligation issued by it or in default as to the performance of any covenant or undertaking made by it, that in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

(c) Confer upon a corporate trustee the power to make disposition of the proceeds from all borrowings, and also all revenues derived from the operation of the revenue-producing facility whose revenues are pledged for the payment of such obligations, in accordance with and in the order of priority prescribed by resolution adopted by the authority as an incident to the issuance of any notes, bonds, or other evidences of indebtedness.

(d) Dispose of its obligations at public or private sale and upon such terms and conditions as it shall approve.

(e) Make such provision for the redemption of any obligations issued by it prior to their stated maturity, with or without a premium, and on such terms and conditions as the authority shall approve.

(f) Covenant and agree that any cushion fund established to further secure the payment of principal, and interest of any obligation shall be a fixed amount.

(g) Covenant and agree that it will not enter into any agreements with any person, firm, corporation, or with the government of this State, the United States, or any of the political subdivisions

of the same for the furnishing of free services where such services are ordinarily charged for.

(h) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given.

(i) Prescribe the evidences of default and conditions upon which all or any obligation shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived.

(18) The authority, on behalf of the District, shall be empowered to issue upon authorization of the General Assembly general obligation bonds of the District, whose proceeds shall be used to defray the cost of acquiring, constructing and establishing suitable airport facilities within the District. For the purpose of this section, the terms "acquire, construct and establish" shall embrace the cost of direct construction, the cost of acquiring present airport facilities, the cost of all land, property, rights, easements, and franchises acquired which are deemed necessary for the construction and use of runways, terminal buildings, maintenance shops, freight depots, service establishments, and any and all facilities incident, or in any-wise appurtenant to an airport facility, and all machinery and equipment needed therefor, payments to contractors, laborers, or others for work done or material furnished, financing charges, interest incurred in connection therewith, interest on the bonds herewith authorized, cost of engineering services, architectural services, legal and engineering expenses, plans, specifications, surveys, projections, drawings, brochures, administrative expenses, and such other expenses as may be necessary or incident to the acquisition, construction and operation of an airport facility within the district, hereafter incurred, for the purposes for which the District is created. All or any general obligation bonds issued pursuant to this paragraph shall conform to the following specifications and be subject to the following procedures:

(a) They shall be issued as a single issue, or from time to time as several separate issues. They shall bear such date or dates as the authority shall determine, and bonds of any issue shall mature in such equal or unequal installments as may be determined by the authority. They shall be made payable at such place or places as the authority shall prescribe, and they shall bear interest at such

rate or rates, and shall be payable in such manner as the authority may determine. The bonds may be issued with the privilege of having them registered as to principal on the books of the authority and the principal thus made payable to the registered holder (unless the last registered transfer shall have been to bearer), upon such conditions as the authority may prescribe. Any bond issued pursuant to this paragraph may be made subject to redemption prior to its stated maturity, on such terms and conditions and with such redemption premium as the authority shall prescribe.

(b) They shall be sold at not less than par and accrued interest to the date of their respective deliveries at public sale. At least ten days prior to any sale, notice announcing the intention to receive bids for sale of such bonds shall be published in a newspaper of general circulation in the State of South Carolina. In offering the bonds for sale, the authority shall reserve the right to reject any and all bids; and if all bids shall be rejected, the authority may negotiate privately for the disposition of such bonds.

(c) Such bonds and all interest to become due thereon shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 Code.

(d) All general obligation bonds issued by the District shall be manually signed by the chairman of the authority. The seal of the District shall be affixed to, impressed or reproduced upon each of such bonds, and each of such bonds shall be attested by the secretary of the authority. The coupons attached to such bonds shall be authenticated by a facsimile of the signatures of the chairman and the secretary of the authority, who shall be in office on the date of the adoption of the resolution of the authority authorizing the bonds.

(e) The delivery of any bonds so executed and authenticated shall be valid notwithstanding any changes in officers or seal occurring after such execution and authentication.

(f) There shall be irrevocably pledged for the payment of such bonds and interest as they mature the full faith, credit and resources of the District. Until the principal and interest of all bonds issued under this act shall be fully paid, there shall be levied on all taxable property in the District an annual tax ad valorem sufficient to pay the principal and interest of all general obligation bonds issued by the District as levied by the Auditor of Charleston County and collected by the Treasurer of Charleston County at the same time and in the same manner as other county

taxes are collected. The Treasurer of Charleston County shall set such taxes apart in a special fund and apply them solely to the payment of principal and interest of the bonds so long as any such principal or interest remains outstanding. The tax to be levied under the provisions of this paragraph shall not be substantially greater than the amount necessary to pay principal and interest of bonds maturing during the year in which moneys produced by such levy will come into the hands of the Charleston County Treasurer, as reduced by the anticipated balance of funds actually in the hands of the Charleston County Treasurer, on the occasion when it becomes necessary to fix such tax levy, produce by: (a) additional collections from such levies made in prior years; (b) net revenues derived by the authority from the operation of its facilities not required to meet costs of operating, maintaining, enlarging and improving its facilities, or to discharge covenants securing bonds issued pursuant to item 17 of this section. When all principal and interest of outstanding bonds have been paid, the Charleston County Treasurer shall transfer any balance remaining in the special fund created under the terms of this paragraph to the general fund of the authority subject to its draft or money order for any legitimate purpose incident to the operation, maintenance or extension of the District's airport facilities.

(g) The proceeds derived from the sale of such bonds shall be deposited with the Treasurer of Charleston County in a separate and special fund, and shall be subject to transfer, upon warrants or orders of the authority, to any bank or trust company having an office within the District, to be expended by the authority for the purposes specified herein, and no others; *provided*, however, that any premium received shall be deposited with the Treasurer of Charleston County and applied by him to the first installment of principal becoming due on the bonds, and any accrued interest received shall be applied by the Charleston County Treasurer to the first installment of interest becoming due on the bonds and *provided*, further, pending such withdrawals, the Treasurer of Charleston County shall, upon the request of the authority, be empowered to invest and reinvest the proceeds derived from the sale of the bonds in direct general obligations of the United States of America having a maturity of not more than one year from the date as of which such investment shall be made. Income derived from such investments shall be applied to the payment of any interest to accrue on the general obli-

gation bonds of the District. Neither the purchaser of the bonds nor any subsequent holders thereof shall be responsible for the proper application of the proceeds of sales.

19. To purchase existing airport terminal and auxiliary facilities in Charleston County, with or without the acquisition of landing areas, if there is in existence contracts or agreements which will inure to the benefit of the District providing for the use of such landing areas.

20. Do all other acts and things necessary or convenient to carry out any function or power committed or granted to the District.

SECTION 6. Tax levy.—In order to obtain funds for general operating purposes, including the preparation of plans, estimates and surveys, the authority is authorized to impose an annual tax levy commencing in 1970 not to exceed one-half mill, exclusive of any millage imposed for bond debt service. Upon certification by the authority to the county auditor of the tax levy to be imposed, the auditor shall levy and the county treasurer shall collect the millage so certified upon all taxable property in the District.

SECTION 7. Disposition of revenues.—All revenues derived by the authority from the operation of any revenue-producing facility which may not be required to operate, maintain, enlarge and improve its airport facilities or to pay obligations incurred in the issuance of any revenue bonds sold pursuant to the authorizations of paragraph 17 of Section 5 shall be paid over to the Charleston County Treasurer and held by him for the payment of interest and principal of general obligation bonds of the District.

SECTION 8. Rates not subject to regulation.—The rates charged for services furnished by any revenue-producing facility of the District as constructed, improved, enlarged or extended shall not be subject to supervision or regulation of any State bureau, commission, board, or other like instrumentality or agency thereof.

SECTION 9. Exempt from taxes.—Property and income of the District shall be exempt from all taxes levied by the State, County or any municipality, division, subdivision, or agency thereof direct or indirect.

SECTION 10. Obligations not to be impaired.—So long as the District shall be indebted to any person, firm or corporation on any

bonds, notes or other obligations issued pursuant to the authority of this act, provisions of this act and the powers granted to the District and the authority shall not be in any way diminished, and the provisions of this act shall be deemed a part of the contract between the District and the holders of such obligations.

SECTION 11. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of May, 1970.

(R1464, H2878)

No. 1236

An Act To Require The Clerk Of Court Of Laurens County To Index Property Transfers Resulting From Tax Sales In The Name Of The Former Owner.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Tax sales—indexing.—In Laurens County, in addition to all other indexing required by law, the clerk of court shall index tax sales in the direct index for deeds in the name of the owner of the property at the time of the tax sale, and shall further list the name of such former owner in the indirect index, in parenthesis, along with the name of the actual grantor.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of May, 1970.

(R1465, H2881)

No. 1237

An Act To Amend Act 881 Of 1962, As Amended, Relating To Mobile Homes And House Trailers Used As Dwellings, So As To Add A Special Provision Relative To Utility Company Or Rural Electric Co-operative Connections In Charleston County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Electrical connections to be reported.—Section 5A of Act 881 of 1962 is amended by adding at the end:

EXHIBIT B

- (1) Contact prospective employers; or
- (2) Secure a suitable residence for use when released on parole or upon discharge; or
- (3) Obtain medical services not otherwise available; or
- (4) Participate in a training program in the community or any other compelling reason consistent with the public interest; or
- (5) Visit or attend the funeral of a spouse, child (including stepchild, adopted child or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person though not a natural parent, has acted in the place of a parent), brother or sister.

The willful failure of a prisoner to remain within the extended limits of his confinement or to return within the time prescribed to the place of confinement designated by the county engineer shall be deemed an escape from the custody of the county engineer punishable as provided in Section 55-6 of the 1962 Code.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of June, 1971.

(R454, H1921)

No. 329

An Act To Amend Act No. 1235 Of 1970, Relating To The Charleston County Airport District, So As To Provide For Certain Technical Changes.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings.—Section 1 of Act No. 1235 of 1970 is amended by inserting after "obligation" on the last line "or revenue". The section when amended shall read as follows:

"Section 1. The General Assembly finds that the public interest requires the establishment, within the District hereby created, of modern air transport facilities capable of providing service for all modern air transport. It has, therefore, determined to constitute all of the territory embraced by the County of Charleston into an Airport District, to commit to such District the function of acquiring, constructing, operating and maintaining adequate air transport facilities of suitable size and with suitable equipment to enable all types of

air transport to utilize same; to authorize the Airport District to finance all costs that may be incurred by it in the acquisition, construction and equipment of such facilities through the issuance as defined herein of general obligation or revenue bonds of the Airport District."

SECTION 2. Officers.—Section 4 of Act No. 1235 of 1970 is amended by inserting after "secretary" on line three "or treasurer or secretary and treasurer" and by striking the fourth sentence in its entirety and inserting: "Membership on the authority shall not be deemed an office of honor or profit within the meaning of the provisions of Section 2 of Article II of the Constitution of South Carolina and any ex officio member shall be eligible for the position of chairman or any other office of the authority." The section when amended shall read as follows:

"Section 4. The authority shall elect one of its members as chairman, one of its members as vice-chairman, and one of its members, or any other competent person, as secretary or treasurer or secretary and treasurer of the authority. The officers shall hold office at the pleasure of the authority. In the event that the office of chairman shall become vacant, the duties of the chairman shall be temporarily performed by the vice-chairman. Membership on the authority shall not be deemed an office of honor or profit within the meaning of the provisions of Section 2 of Article II of the Constitution of South Carolina and any ex officio member shall be eligible for the position of chairman or any other office of the authority. The secretary of the authority shall have such term as shall be fixed by the authority."

SECTION 3. May adopt seal.—Item 2 of Section 5 of Act No. 1235 of 1970 is amended by striking the period at the end thereof and adding: "for the District and the authority." The item when amended shall read as follows:

"2. To adopt, use and alter a corporate seal for the District and the authority."

SECTION 4. Notice of hearings.—The third paragraph of Item 7 of Section 5 of Act No. 1235 of 1970 is amended by striking "their" on line 3 and inserting "its". The paragraph when amended shall read as follows:

"The authority shall, if it shall undertake to adopt regulations prohibiting such construction, conduct a public hearing prior to taking action of its own. Notice of the hearing shall be published in

PLAINTIFF'S
EXHIBIT

B

a newspaper of general circulation within the district not less than seven days prior to the date fixed for the holding of the meeting. The notice shall state the time and place of the meeting and shall briefly indicate the scope of the proposed regulation. At the meeting all persons affected by the proposed regulation shall be entitled to appear and to be heard. If, after the meeting, the regulation restricting the erection of any such buildings or structures is adopted, notice of the adoption of the regulation shall be given by filing a certified copy thereof in the office of the clerk of court for the county, and additional copies shall be posted in the county courthouse; and notice of the adoption of such regulations shall be published at least once during each of three successive weeks in a newspaper published in and having general circulation in the district. The regulations shall not become effective until the foregoing has been complied with."

SECTION 5. Deposits and withdrawals.—Item 13 of Section 5 of Act No. 1235 of 1970 is amended by inserting after "bank" on line three ", savings and loan association". The item when amended shall read as follows:

"13. To deposit monies derived from the sale of any bonds authorized by the General Assembly and issued under the provisions of this act or from revenue-producing facilities in any bank, savings and loan association or trust company having an office within the district, and to withdraw the monies for the purpose of operating, maintaining, constructing, improving and extending any facility in its charge."

SECTION 6. Investments.—Section 5 of Act No. 1235 of 1970 is amended by adding a new item to be Item 13A which shall read as follows:

"13A. To invest funds which it is holding, and which are not needed to meet current obligations, and which otherwise would be on deposit, in direct general obligations of the United States of America, having maturity of not more than one year from the date such investment shall be made."

SECTION 7. Execution of bonds.—Subitem (d) of Item 18 of Section 5 of Act No. 1235 of 1970 is amended by inserting "Authority" after "District" on line three. The subitem when amended shall read as follows:

"(d) All general obligation bonds issued by the District shall be manually signed by the chairman of the authority. The seal of the

District-Authority shall be affixed to, impressed or reproduced upon each of such bonds, and each of such bonds shall be attested by the secretary of the authority. The coupons attached to such bonds shall be authenticated by a facsimile of the signatures of the chairman and the secretary of the authority, who shall be in office on the date of the adoption of the resolution of the authority authorizing the bonds."

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of June, 1971.

(R45; H1733)

No. 330

An Act To Further Provide For Game Management Areas And Partial Financing By The Users Thereof.

Whereas, many individuals and corporations, at no charge, have made their lands available to the South Carolina Wildlife Resources Department for game management areas upon which public hunting has been enjoyed by the sportsmen of South Carolina who have been charged no fee therefor; and

Whereas, because of a growing demand for hunting areas these lands formerly being provided as aforesaid are being rented to individuals and hunting clubs and less lands are available for public hunting; and

Whereas, the members of the General Assembly feel that the State, acting through the South Carolina Wildlife Resources Department, should provide public hunting for its citizens within its financial means, upon such game management areas as are available to it, and upon such areas should carry out proper management procedures such as planting, stocking, improving habitat, etc., all of which are expensive and beyond the present financial means of the Department and, further, that persons over the age of fourteen who use the areas should render financial assistance in support thereto. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Permits.—The South Carolina Wildlife Resources Department shall issue its Rule and Regulation requiring each person above the age of fourteen years who hunts upon its game manage-

EXHIBIT C

Code of Laws of South Carolina 1976 Annotated
Title 55. Aeronautics
Chapter 1. General Provisions

Code 1976 § 55-1-80

§ 55-1-80. Appointment of additional members to county aviation commission.

Currentness

(A) Any county aviation commission or like authority may be increased by two members, one of whom must be appointed by the House of Representatives' delegation of the county and one of whom must be appointed by the Senatorial delegation of the county. The additional members shall serve terms of the same length as other members of the commission or like authority.

(B) Any county governing body who has the authority to appoint members to the aviation commission or like authority may add two members for terms as provided in this section.

(C) In counties that have two municipalities with a population in excess of fifty thousand persons according to the latest official United States Census, and the county has an aviation commission or like authority, then the mayors of such municipalities having a population in excess of the fifty thousand persons shall serve, ex officio, as members of the commission or authority.

Credits

HISTORY: 1984 Act No. 471; 1985 Act No. 64; 1993 Act No. 181, § 1288, eff July 1, 1993.

Current through End of 2010 Reg. Sess.

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End of Document

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EXHIBIT D

South Carolina General Assembly
117th Session, 2007-2008

A130, R69, H3409

STATUS INFORMATION

General Bill

Sponsors: Reps. Scarborough and Limehouse

Document Path: I:\council\bill\swb\5108cm07.doc

Introduced in the House on January 31, 2007

Introduced in the Senate on February 7, 2007

Passed by the General Assembly on May 22, 2007

Governor's Action: June 4, 2007, Vetoed

Legislative veto action(s): Veto overridden

Summary: Aviation Authority membership

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
1/31/2007	House	Introduced and read first time HJ-17
1/31/2007	House	Referred to Charleston Delegation HJ-17
2/1/2007	House	Delegation report: Favorable Charleston Delegation HJ-2
2/6/2007	House	Read second time HJ-14
2/7/2007	House	Read third time and sent to Senate HJ-19
2/7/2007	Senate	Introduced, read first time, placed on local & uncontested calendar SJ-26
5/9/2007	Senate	Read second time SJ-13
5/22/2007	Senate	Read third time and enrolled SJ-21
5/29/2007		Ratified R 69
6/4/2007		Vetoed by Governor
6/5/2007	House	Veto overridden by originating body Yeas-12 Nays-0 HJ-53
6/6/2007	Senate	Veto overridden Yeas-43 Nays-1
6/13/2007		Copies available
6/13/2007		Effective date 06/06/07
7/30/2007		Act No. 130

View the latest legislative information at the LPITS web site

VERSIONS OF THIS BILL

1/31/2007

2/1/2007

2/7/2007



(A130, R69, H3409)

AN ACT TO PROVIDE THAT THE CHARLESTON COUNTY AVIATION AUTHORITY'S MEMBERSHIP SHALL BE INCREASED BY TWO MEMBERS, AND TO PROVIDE THAT THESE MEMBERS SHALL BE THE CHAIRMAN AND VICE CHAIRMAN OF THE CHARLESTON COUNTY LEGISLATIVE DELEGATION, OR THEIR DESIGNEES.

Be it enacted by the General Assembly of the State of South Carolina:

Charleston County Aviation Authority membership

SECTION 1. The Charleston County Aviation Authority shall be increased by two members who shall be the Chairman and Vice Chairman of the Charleston County Legislative Delegation, or their designees.

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 29th day of May, 2007.

Vetoed by the Governor -- 6/4/07.
Veto overridden by House -- 6/5/07.
Veto overridden by Senate -- 6/6/07.

EXHIBIT E

R. 69, H. 3409--ORDERED PRINTED IN THE JOURNAL

The SPEAKER ordered the following Veto printed in the Journal:

June 4, 2007

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing H. 3409, R. 69. Though the legislation was well-intended in an effort to improve the cost of operations at the Charleston Aviation Authority, I am regrettably compelled to veto this legislation because of my record opposing this type of legislation on the grounds of unconstitutionality.

This Bill mandates that two members be added to the Charleston County Aviation Authority and that those two members be the Chair and Vice-Chair of the Charleston County Legislative Delegation. The State Constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." S.C. Const. Art. III, Section 34(IX). The General Assembly has established a general statute addressing the appointment of additional members to county aviation commissions. *See* S.C. Code Section 55-1-80, as amended. It is unconstitutional for the General Assembly to pass special legislation, like H. 3409, R. 69, in contravention of a general law. Each county's aviation board or commission should be subject to the same general law, whether that includes the chair and vice-chair of the legislative delegation as additional members or not.

Additionally, this Bill affects only Charleston County and is, therefore, clearly an act for a specific county. Such acts are in violation of Article VIII, Section 7 of the Constitution of the State of South Carolina, which provides that "[n]o laws for a specific county shall be enacted."

For these reasons, I am vetoing H. 3409, R. 69.

Sincerely,
Mark Sanford
Governor
Received as information.



EXHIBIT F

R. 69, H. 3409--GOVERNOR'S VETO OVERRIDDEN

The Veto on the following Act was taken up:

(R69) H. 3409 (Word version) -- Reps. Scarborough and Limehouse: AN ACT TO PROVIDE THAT THE CHARLESTON COUNTY AVIATION AUTHORITY'S MEMBERSHIP SHALL BE INCREASED BY TWO MEMBERS, AND TO PROVIDE THAT THESE MEMBERS SHALL BE THE CHAIRMAN AND VICE CHAIRMAN OF THE CHARLESTON COUNTY LEGISLATIVE DELEGATION, OR THEIR DESIGNEES.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 12; Nays 0

Those who voted in the affirmative are:

Breeland	R. Brown	Dantzler
Harrell	Jefferson	Limehouse
Mack	Merrill	Miller
Scarborough	Stavrinakis	Whipper

Total--12

Those who voted in the negative are:

Total--0

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.



EXHIBIT G

Message from the House

Columbia, S.C., June 5, 2007

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.69, H. 3409 by a vote of 12 to 0:

(R69, H3409) -- Reps. Scarborough and Limehouse: AN ACT TO PROVIDE THAT THE CHARLESTON COUNTY AVIATION AUTHORITY'S MEMBERSHIP SHALL BE INCREASED BY TWO MEMBERS, AND TO PROVIDE THAT THESE MEMBERS SHALL BE THE CHAIRMAN AND VICE CHAIRMAN OF THE CHARLESTON COUNTY LEGISLATIVE DELEGATION, OR THEIR DESIGNEES.

Very respectfully,
Speaker of the House

Received as information.

VETO OVERRIDDEN

(R69, H3409) -- Reps. Scarborough and Limehouse: AN ACT TO PROVIDE THAT THE CHARLESTON COUNTY AVIATION AUTHORITY'S MEMBERSHIP SHALL BE INCREASED BY TWO MEMBERS, AND TO PROVIDE THAT THESE MEMBERS SHALL BE THE CHAIRMAN AND VICE CHAIRMAN OF THE CHARLESTON COUNTY LEGISLATIVE DELEGATION, OR THEIR DESIGNEES.

The veto of the Governor was taken up for immediate consideration.

Senator CLEARY moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 1

AYES

Alexander
Cleary
Drummond
Ford
Hawkins
Jackson
Leatherman
Malloy

Anderson
Courson
Elliott
Gregory
Hayes
Knotts
Leventis
Martin

Bryant
Cromer
Fair
Grooms
Hutto
Land
Lourie
Matthews



McConnell
O'Dell
Pinckney
Ritchie
Setzler
Thomas
Williams

McGill
Patterson
Rankin
Ryberg
Sheheen
Vaughn

Moore
Peeler
Reese
Scott
Short
Verdin

**Total--43
NAYS**

Campsen

Total--1

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

EXHIBIT H

Welcome to the
South Carolina Legislature Online



Search Legislation
Session 119 - (2011-2012)

(Full text search on all bills)

charleston county aviation found 1 time. 0

H 4143

H 4143 General Bill. By Gilliard, R.L. Brown, Mack and Whipper

A BILL TO AMEND ACT 1235 OF 1970, AS AMENDED, RELATING TO THE CHARLESTON COUNTY AIRPORT DISTRICT AND ITS GOVERNING BOARD, SO AS TO ADD TWO MEMBERS OF THE CHARLESTON COUNTY LEGISLATIVE DELEGATION, EX OFFICIO, TO THE GOVERNING BOARD OF THE DISTRICT; TO PROVIDE THAT CERTAIN MEMBERS OF THE AUTHORITY MAY SERVE AS ITS CHAIRMAN, AND TO PROVIDE THAT MEMBERS WHO ARE APPOINTED BY THE LEGISLATIVE DELEGATION OR COUNTY COUNCIL SHALL SERVE ONE FOUR-YEAR TERM.

04/27/11 House Introduced, read first time, placed on calendar
without reference (House Journal-page 81)
04/28/11 Scrivener's error corrected
05/03/11 House Amended (House Journal-page 15)
05/03/11 House Read second time (House Journal-page 15)
05/03/11 House Roll call Yeas-11 Nays-0 (House Journal-page 15)
05/04/11 House Read third time and sent to Senate
(House Journal-page 13)
05/05/11 Senate Introduced, read first time, placed on local &
uncontested calendar (Senate Journal-page 14)

VERSIONS OF THIS BILL

4/27/2011
4/27/2011-A
4/28/2011
5/3/2011
5/5/2011

H. 4143

<http://www.scstatehouse.gov/cgi-bin/query.exe?first=DOC&querytext=charleston%20cou...>

9/20/2011



INTRODUCED

May 5, 2011

H. 4143

Introduced by Reps. Gilliard, R.L. Brown, Mack and Whipper

L. Printed 5/5/11--S.

Read the first time May 5, 2011.

A BILL

TO AMEND ACT 1235 OF 1970, AS AMENDED, RELATING TO THE CHARLESTON COUNTY AIRPORT DISTRICT AND ITS GOVERNING BOARD, SO AS TO ADD TWO MEMBERS OF THE CHARLESTON COUNTY LEGISLATIVE DELEGATION, EX OFFICIO, TO THE GOVERNING BOARD OF THE DISTRICT; TO PROVIDE THAT CERTAIN MEMBERS OF THE AUTHORITY MAY SERVE AS ITS CHAIRMAN, AND TO PROVIDE THAT MEMBERS WHO ARE APPOINTED BY THE LEGISLATIVE DELEGATION OR COUNTY COUNCIL SHALL SERVE ONE FOUR-YEAR TERM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Act 1235 of 1970, as last amended by Act 456 of 1998, is further amended by adding:

"SECTION 3B. There is added as members of the **Charleston County Aviation** Authority two members from the Charleston County Legislative Delegation, one who is appointed by the delegation's members of the House of Representatives and one who is appointed by the delegation's members of the Senate. Both members shall serve, ex officio, a term which begins on August eighth, and shall exercise the powers and duties as other ex officio members of the authority. A member of the authority who is eligible, including the permanent proxy of an elected official, may be elected to serve as chairman."

SECTION 2. This act takes effect upon approval by the Governor.

-----XX-----

Legislative Printing, Information and Technology Systems
<http://www.scstatehouse.gov>

<http://www.scstatehouse.gov/cgi-bin/query.exe?first=DOC&querytext=charleston%20cou...> 9/20/2011

EXHIBIT I

1 INTRODUCED
2 February 7, 2007
3

4 **H. 3409**

5
6 Introduced by Reps. Scarborough and Limehouse
7
8 L. Printed 2/7/07--S.
9 Read the first time February 7, 2007.
10 _____
11
12
13
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19

20 **A BILL**

21
22 TO PROVIDE THAT THE CHARLESTON COUNTY
23 AVIATION AUTHORITY'S MEMBERSHIP SHALL BE
24 INCREASED BY TWO MEMBERS, AND TO PROVIDE THAT
25 THESE MEMBERS SHALL BE THE CHAIRMAN AND VICE
26 CHAIRMAN OF THE CHARLESTON COUNTY
27 LEGISLATIVE DELEGATION, OR THEIR DESIGNEES.
28

29 Be it enacted by the General Assembly of the State of South
30 Carolina:
31

32 SECTION 1. The Charleston County Aviation Authority shall be
33 increased by two members who shall be the Chairman and Vice
34 Chairman of the Charleston County Legislative Delegation, or
35 their designees.
36

37 SECTION 2. This act takes effect upon approval by the Governor.
38
39

----XX----

[3409]

1

EXHIBIT J



CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT • 5500 INTERNATIONAL BLVD. • #101 • CHARLESTON, SC 29418-6911

TEL: (843) 767-7000 • FAX: (843) 760-3020

MINUTES

TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING CHARLESTON COUNTY AVIATION AUTHORITY CHARLESTON INTERNATIONAL AIRPORT TUESDAY, AUGUST 16, 2011 AT 10:00 A.M.

The Terminal Redevelopment and Improvement Program (TRIP) Committee held a meeting on Tuesday, August 16, 2011 in the offices of the Aviation Authority.

Committee members present were Messrs. Limehouse, Jefferson, Pryor, Robertson, S. Pryor, and Waters. Also present were Mrs. Stevens, Messrs. Fann, Brammer, Goodstein, Bob Anderson and Bob Probst (Michael Baker), Greg Jones (ADC Engineering), Frank Lucas and David Ramey (LS3P), Bryan Kizer (RFS), Maurice Washington (Trust Management), and Mrs. Olmstead, and Mrs. Jordan.

CALL TO ORDER

The meeting was called to order by TRIP Committee Chairman Limehouse at approximately 10:05 a.m.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

Mrs. Stevens introduced the members of the Baker Team present and provided a PowerPoint presentation concerning the Project. She explained the different delivery methods being considered for the project.

The consensus of the Committee was to recommend to the Board that the Contractor Manager at Risk method of delivery be chosen, subject to legal counsel researching and confirming that South Carolina law authorizes construction management at-risk for infrastructure facilities.

II. EXECUTIVE SESSION

Mr. Waters, seconded by Mr. Pryor, that the Committee reconvene into Executive Session at 10:55 a.m. to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion

000001

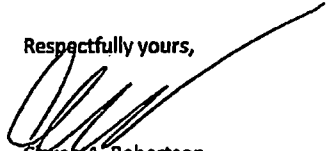
of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

Legal Counsel Goodstein declared the meeting returned to open session at 11:12 a.m. and stated that no action had been taken.

II. ADJOURNMENT

Chairman Limehouse stated that the meeting was adjourned at 11:14 a.m.

Respectfully yours,



Sharon A. Robertson
Secretary

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

CCAA SPECIAL BOARD MEETING

THURSDAY, AUGUST 18, 2011 AT 2:00 P.M.

The Charleston County Aviation Authority held a Board meeting on Thursday, August 18, 2011, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, Jefferson, S. Pryor, Richter, Robertson, Savage, Stavrinakis, Waters, T. Pryor, Riley, Swails, and Cawley (proxy for Mr. Summey).

Also present were Messrs. Ables, Brammer, Britnell, Carew, Cavadias, Connell, Fann, Goodsteln, Mahieu, New, Peña, Tracey, Wallace, Wolfe, Mark Blake (Cardinals Limo), Rick Bousquet and Dinos Lollo (Watson Tate Savory Lollo), Mallory Factor, Greg Jones (ADC Engineering), James Johnson (Johnson Limo), Frank Lucas (LS3P), Brian Lunsford (Pond & Co.), John Maer (C&J Airport Transportation), George McCall (MGM Grand Transportation), Reuben Nelson (R&N Transportation), Larry Stevens (D&L Limo), Lance Syner (Boxell Aerospace), Jim Wiley (Baker), Warren Wise (Post and Courier), Ms. Stevens, Ms. Beaman, Ms. Jordan, Ms. McGhee, Ms. Olmstead, Ms. Debbie Engel (TSA), Ms. Ashley Holbrook (Boeing), Ms. Margaret McCall (MGM Grand Transportation), Ms. Shella Williams (Harvie's Limo).

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CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
THURSDAY, AUGUST 18, 2011
2:00 P.M.

CCAA SPECIAL BOARD MEETING AGENDA

CALL TO ORDER

ANNOUNCEMENTS

A. Award of Service Pin

Tom Wolfe, Maintenance Mechanic II
25 years

Arthur Wallace, Grounds Crew Leader
20 years

Robert Carew, Manager of Properties
10 years

Dan Ables, Police Officer
5 years

B. Employee Recognition

Ed Cavadias earned a Bachelor of Science degree in
Information Systems, summa cum laude
Strayer University

I. MINUTES

A. JUNE 21, 2011 TERMINAL REHABILITATION AND IMPROVEMENT
PROGRAM COMMITTEE MEETING

B. JUNE 23, 2011 SPECIAL BOARD MEETING

000004

- C. JULY 8, 2011 SPECIAL BOARD MEETING
- D. JULY 12, 2011 SPECIAL BOARD MEETING

II. MONTHLY FINANCIAL REPORT

III. OPERATIONS

A. Charleston International Airport

1. Ratification of Amendment No. 1 to Ground Lease Agreement with Boeing Commercial Airplane
2. Amendment No. 2 to the Ground Lease Agreement with Boeing Commercial Airplane: Compass Rose
3. Subscription Renewal for Landing Fee Revenue Management System: PASSUR
4. Amendment No. 2 to Operating Agreement: Lawn-O-Green
5. Lease of Terminal Building Space: Boxwell Aerospace Company
6. Change Order No. 1 and Final Payment to Southland Landscape Management Corporation: Parking Deck Landscape Enhancement Project
7. Work Authorization No. 34 with ADC Engineering, Inc. and FY 2012 Budget Amendment: Additional Concourse Restrooms
8. Request for Qualifications from General Contractors: Additional Concourse Restrooms
9. Work Authorization No. 35 with ADC Engineering, Inc.: Expand Public Parking Lot

10. Request for Qualifications from General Contractors: Expand Public Parking Lot
 11. Work Authorization No. 4 with Pond & Company: Inspect Jet Fuel Storage Tanks
 12. Equipment Purchase: Police Vehicle
 13. Equipment Purchase: Variable Advisory Message Board / Trailer
 14. Amendment No. 2 to Maintenance Service Agreement with Signature Technologies, Inc. d/b/a Com-Net Software: Flight Information Display System (FIDS)
- B. Charleston Executive Airport/Mount Pleasant Regional Airport
1. Airfield Pavement Repairs: South Carolina Aeronautics Commission
- C. Charleston Executive Airport
1. Ratify Sublease and Hangar Development: Atlantic Aviation Fixed Base Operation
- IV. REPORT OF INFORMATION: FAA SHUTDOWN
- V. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE
- A. Committee Report
- VI. AVIATION AUTHORITY MATTERS
- A. Health Insurance
 - B. Personnel: Board Liaison

VII. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

VIII. GENERAL DISCUSSION

A. Travel Request: Board Member

IX. ADJOURNMENT



CHARLESTON COUNTY AVIATION AUTHORITY

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

CCAA SPECIAL BOARD MEETING

THURSDAY, AUGUST 18, 2011 AT 2:00 P.M.

The Charleston County Aviation Authority held a Board meeting on Thursday, August 18, 2011, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, Jefferson, S. Pryor, Richter, Robertson, Savage, Stavrinakis, Waters, T. Pryor, Riley, Swails, and Cawley (proxy for Mr. Summey).

Also present were Messrs. Ables, Brammer, Britnell, Carew, Cavadias, Connell, Fann, Goodstein, Mahieu, New, Peña, Tracey, Wallace, Wolfe, Mark Blake (Cardinals Limo), Rick Bousquet and Dinos Liollo (Watson Tate Savory Liollo), Mallory Factor, Greg Jones (ADC Engineering), James Johnson (Johnson Limo), Frank Lucas (LS3P), Brian Lunsford (Pond & Co.), John Maer (C&J Airport Transportation), George McCall (MGM Grand Transportation), Reuben Nelson (R&N Transportation), Larry Stevens (D&L Limo), Lance Syner (Boxell Aerospace), Jim Wiley (Baker), Warren Wise (Post and Courier), Ms. Stevens, Ms. Beaman, Ms. Jordan, Ms. McGhee, Ms. Olmstead, Ms. Debbie Engel (TSA), Ms. Ashley Holbrook (Boeing), Ms. Margaret McCall (MGM Grand Transportation), Ms. Shelia Williams (Harvie's Limo).

CALL TO ORDER

The meeting was called to order by Vice-Chairman Waters at approximately 2:00 p.m.

ANNOUNCEMENTS

A. Award of Service Pin

The following service pins were awarded:

Tom Wolfe, Maintenance Mechanic II
25 years

000008

Arthur Wallace, Grounds Crew Leader
20 years

Robert Carew, Manager of Properties
10 years

Dan Ables, Police Officer
5 years

B. Employee Recognition

The following employee was recognized for completion of a college degree:

Ed Cavadias earned a Bachelor of Science degree in
Information Systems, summa cum laude
Strayer University

I. MINUTES

**A. JUNE 21, 2011 TERMINAL REHABILITATION AND IMPROVEMENT
PROGRAM COMMITTEE MEETING**

Mr. T. Pryor moved, seconded by Mr. Cawley, that the Authority approve the Minutes of the June 21, 2011 TRIP Committee Meeting. The motion was adopted.

B. JUNE 23, 2011 SPECIAL BOARD MEETING

Mr. Cawley moved, seconded by Mr. T. Pryor, that the Authority approve the Minutes of the June 23, 2011 Special Board Meeting. The motion was adopted.

C. JULY 8, 2011 SPECIAL BOARD MEETING

Mr. S. Pryor moved, seconded by Mr. T. Pryor, that the Authority approve the Minutes of the July 8, 2011 Special Board Meeting. The motion was adopted.

D. JULY 12, 2011 SPECIAL BOARD MEETING

Mr. Cawley moved, seconded by Mr. T. Pryor, that the Authority approve the Minutes of the July 12, 2011 Special Board Meeting. The motion was adopted.

II. MONTHLY FINANCIAL REPORT

The Monthly Financial Report was presented as information only.

III. OPERATIONS

A. Charleston International Airport

1. Ratification of Amendment No. 1 to Ground Lease Agreement with Boeing Commercial Airplane

Mr. Cawley moved, seconded by Mr. T. Pryor, that the Authority ratify Amendment No. 1 to Ground Lease Agreement with Boeing dated February 25, 2010, to add additional parcels of leased space totaling 3.658 acres, at a rental of \$3,658 per month. The motion was adopted.

2. Amendment No. 2 to the Ground Lease Agreement with Boeing Commercial Airplane: Compass Rose

Mr. T. Pryor moved, seconded by Mr. Cawley, that the Authority approve Amendment No. 2 to Ground Lease Agreement with Boeing dated February 25, 2010, to lease an additional 7.531 acres, at a rental of \$7,531 per month. The motion was adopted.

3. Subscription Renewal for Landing Fee Revenue Management System: PASSUR

Mr. T. Pryor moved, seconded by Mr. S. Pryor, that the Authority approve an annual subscription renewal to PASSUR Aerospace in the amount of \$2,625 per month for a Landing Fee Revenue Management System through May 31, 2012. The motion was adopted.

Mr. Richter arrived at 2:10 p.m.

4. Amendment No. 2 to Operating Agreement: Lawn-O-Green

Mr. T. Pryor moved, seconded by Mr. Cawley, that the Authority approve Amendment No. 2, providing a one-year extension of the Operating Agreement with Lawn-O-Green for an annual fee of \$9,944.67 per month to October 2, 2012. The motion was adopted.

5. Lease of Terminal Building Space: Boxell Aerospace Company

Mr. T. Pryor moved, seconded by Mr. S. Pryor, that the Authority approve a month-to-month agreement with Boxell Aerospace Company to lease 235 square feet for a monthly rental of \$1,009 per month plus 2% of Boxell's Charleston gross revenues. The motion was adopted.

6. Change Order No. 1 and Final Payment to Southland Landscape Management Corporation: Parking Deck Landscape Enhancement Project

Mr. T. Pryor moved, seconded by Mr. Cawley, that the Authority approve a Change Order to Southland Landscape Management Corporation in the amount of \$1,500, and final payment in the amount of \$3,704.80. The motion was adopted.

7. Work Authorization No. 34 with ADC Engineering, Inc. and FY 2012 Budget Amendment: Additional Concourse Restrooms

Mr. T. Pryor moved, seconded by Mr. Riley, that the Authority approve Work Authorization No. 34 with ADC Engineering, Inc. in the not-to-exceed amount of \$73,432 for design and bidding services and a FY 2012 Budget Amendment of \$750,000 to add additional restrooms in the passenger boarding areas. The motion was adopted.

Chairman Limehouse returned and took charge of the Board meeting.

8. Request for Qualifications from General Contractors: Additional Concourse Restrooms

Mr. S. Pryor moved, seconded by Mr. T. Pryor, that the Authority authorize the use of a Request for Qualifications from general contractors to ensure that bids received for the project are from qualified, skilled, and experienced contractors. The motion was adopted.

9. Work Authorization No. 35 with ADC Engineering, Inc.: Expand Public Parking Lot

Mr. T. Pryor moved, seconded by Mr. Cawley, that the Authority approve Work Authorization No. 35 with ADC Engineering, Inc. in the amount of \$87,165.50 for design and bedding services associated with the Expand Public Parking Lot project. The motion was adopted.

10. Request for Qualifications from General Contractors: Expand Public Parking Lot

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority authorize the use of a Request for Qualifications from general contractors to ensure that bids received for the project are from qualified, skilled, and experienced contractors. The motion was adopted.

11. Work Authorization No. 4 with Pond & Company: Inspect Jet Fuel Storage Tanks

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve Work Authorization with Pond & Company in the amount of \$33,000 for inspection services of the Jet Fuel Bulk Storage Tanks. The motion was adopted.

12. Equipment Purchase: Police Vehicle

Mr. Waters moved, seconded by Mr. Riley, that the Authority approve the purchase of a 2012 Ford F-250 from Benson Ford under state contract in the amount of \$29,840.62 for the purchase of the police vehicle and associated equipment. The motion was adopted.

13. Equipment Purchase: Variable Advisory Message Board / Trailer

Mr. Waters moved, seconded by Mr. Riley, that the Authority approve an expenditure in the amount of \$22,990.24 for the purchase of a Variable Message Board from Millenium Products through the GSA contract. The motion was adopted.

14. Amendment No. 2 to Maintenance Service Agreement with Signature Technologies, Inc. d/b/a Com-Net Software: Flight Information Display System (FIDS)

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve Amendment No. 2 to renew a hardware and software maintenance agreement with Com-Net Software through September 1, 2012 for the annual amount of \$54,444, plus taxes. The motion was adopted.

B. Charleston Executive Airport/Mount Pleasant Regional Airport

1. Airfield Pavement Repairs: South Carolina Aeronautics Commission

Mr. S. Pryor moved, seconded by Mr. Waters, that the Authority approve airfield remarking and repairs at the Charleston Executive Airport and the Mount Pleasant Regional Airport conducted through South Carolina Aeronautics Commission in the total cost of \$146,631.80, with a net cost to the Authority of \$36,657.95. The motion was adopted.

C. Charleston Executive Airport

1. Ratify Sublease and Hangar Development: Atlantic Aviation Fixed Base Operation

Mr. Waters moved, seconded by Mr. S. Pryor, that the Authority ratify a Sublease between Atlantic Aviation and San Sophia Aviation for Hangar Development. The motion was adopted.

IV. REPORT OF INFORMATION: FAA SHUTDOWN

Ms. Stevens briefed the Board concerning the government shut-down of FAA functions and its impact on the operation of the Aviation Authority.

V. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

A. Committee Report

Mr. Limehouse, Chairman of the Terminal Redevelopment and Improvement Program Committee, gave the Board a report concerning the Committee's August 16, 2011 meeting. He told the Board that a decision had been made to use a Construction Manager at Risk method of delivery and that a Request for Qualifications for Design would be advertised in the next few weeks.

VI. AVIATION AUTHORITY MATTERS

A. Health Insurance

This matter was carried over to the September meeting.

B. Personnel: Board Liaison

The Chairman appointed a Committee to study this matter and report their findings to the Board. The Committee will be made up of Joey Jefferson, Chairman; Chip Limehouse, Teddie Pryor, Joe Riley, and Billy Swails.

Mr. Riley excused himself and left at 2:44 p.m.

VII. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Board did not go into Executive Session.

VIII. GENERAL DISCUSSION

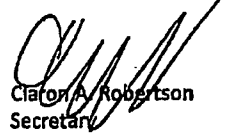
A. Travel Request: Board Member

B. The next Authority meeting will be held on Thursday, September 15, 2011 at 10:00 a.m.

IX. ADJOURNMENT

Mr. T. Pryor moved, seconded by Mr. Waters, that the meeting adjourn at 2:50 p.m. The motion was adopted.

Respectfully yours,



Claron A. Robertson
Secretary

MEMORY TRANSMISSION REPORT

TIME : 04-27-'12 15:33
FAX NO.1 : 8643313058
NAME : Law Offices

FILE NO. : 583
DATE : 04.27 15:27
TO : 4517290
DOCUMENT PAGES : 16
START TIME : 04.27 15:27
END TIME : 04.27 15:33
PAGES SENT : 16
STATUS : OK

*** SUCCESSFUL TX NOTICE ***



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**MINUTES
TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING
CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
TUESDAY, AUGUST 16, 2011 AT 10:00 A.M.**

The Terminal Redevelopment and Improvement Program (TRIP) Committee held a meeting on Tuesday, August 16, 2011 in the offices of the Aviation Authority.

Committee members present were Messrs. Limahouse, Jefferson, Pryor, Robertson, S. Pryor, and Waters. Also present were Mrs. Stevens, Messrs. Fenn, Brammer, Goodstein, Bob Anderson and Bob Probst (Michael Baker), Greg Jones (ADC Engineering), Frank Lucas and David Ramey (LSBP), Bryan Kizer (RPS), Maurice Washington (Trust Management), and Mrs. Olmstead, and Mrs. Jordan.

CALL TO ORDER

The meeting was called to order by TRIP Committee Chairman Limahouse at approximately 10:05 a.m.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

Mrs. Stevens introduced the members of the Baker Team present and provided a PowerPoint presentation concerning the Project. She explained the different delivery methods being considered for the project.

The consensus of the Committee was to recommend to the Board that the Contractor Manager at Risk method of delivery be chosen, subject to legal counsel researching and confirming that South Carolina law authorizes construction management at-risk for infrastructure facilities.

II. EXECUTIVE SESSION

Mr. Waters, seconded by Mr. Pryor, that the Committee reconvene into Executive Session at 10:55 a.m. to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion

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TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING
CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
TUESDAY, SEPTEMBER 13, 2011 AT 10:00 A.M.

MINUTES

The Terminal Redevelopment and Improvement Program (TRIP) Committee held a meeting on Tuesday, September 13, 2011 in the offices of the Aviation Authority.

Committee members present were Messrs. Chip Limehouse, Joseph Jefferson, Hernan Peña, Spencer Pryor, Rob Robertson, and Pat Waters. Also present were Mrs. Stevens, Messrs. Brammer, Britnell, Connell, Fann, Goodstein, New, Tracey, Dan Clayton (RS&H, Mike Grandelski (Baker), Pat Hargrove (RS&H), Greg Jones (ADC Engineering), Tim Mallard (M&A), David Salela (HOK), Tom Slater (RS&H), Maurice Washington (Trust Management), Jim Wiley (Michael Baker), Eric Wood (HOK), Ms. Beaman, Ms. Olmstead, and Ms. Jordan.

CALL TO ORDER

The meeting was called to order by TRIP Committee Chairman Limehouse at approximately 10:20 a.m.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

Mrs. Stevens made a presentation to the Committee concerning an overview of the current status of TRIP.

II. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a

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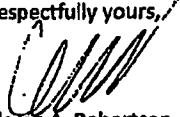
pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Committee did not go into Executive Session.

III. ADJOURNMENT

Chairman Limehouse stated that the meeting was adjourned at 10:50 a.m.

Respectfully yours,

A handwritten signature in dark ink, appearing to be 'CARON', written over a horizontal line.

Claron A. Robertson
Secretary

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BOARD LIAISON COMMITTEE MEETING
CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
TUESDAY, SEPTEMBER 13, 2011 AT 11:00 A.M.

MINUTES

The Board Liaison Committee held a meeting on Tuesday, September 13, 2011 in the offices of the Aviation Authority.

Committee members present were Messrs. Joseph Jefferson, Chip Limehouse, Teddie Pryor, Joseph Riley, and Billy Swalls. Also present were Mrs. Stevens, Messrs. Britnell, Goodstein, New, Peña (City of Charleston), Waters, Ms. Beaman, and Ms. Jordan.

CALL TO ORDER

The meeting was called to order by Committee Chairman Jefferson at approximately 11:05 a.m.

Mr. Teddie Pryor arrived at 11:10 a.m.

I. GENERAL DISCUSSION

II. EXECUTIVE SESSION

Chairman Jefferson declared the meeting in Executive Session at 11:05 a.m. to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

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The meeting returned to open session at 11:08 a.m. and no action was taken.

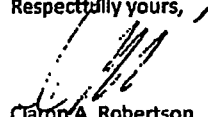
The Committee members discussed the addition of a Board Liaison and unanimously decided that there was no need for such a position at this time.

CCAA Board Chairman Limehouse stated that the Committee would be converted to a Personnel Committee, with the same committee members to remain, (Jefferson, Limehouse, T. Pryor, Swails, and Riley), with Joseph Jefferson as Chairman of the Committee, and that the Committee would meet in October.

III. ADJOURNMENT

Chairman Jefferson stated that the meeting was adjourned at 11:16 a.m.

Respectfully yours,


Claron A. Robertson
Secretary

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
THURSDAY, SEPTEMBER 15, 2011 AT 10:00 A.M.

CCAA ANNUAL BOARD MEETING

The Charleston County Aviation Authority held a Board meeting on Thursday, September 15, 2011, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, Jefferson, S. Pryor, Richter, Robertson, Savage, Stavrinakis, Waters, Cawley (proxy for Mr. Summey), Peña (proxy for Mr. Riley), T. Pryor, Swails, and Ms. Long (proxy for Mr. McConnell).

Also present were Messrs. Brammer, Britnell, Carew, Connell, Fann, Goodstein, New, Tracey, Mallory Factor, Brandon Guest (Gallagher Benefit Services), Greg Jones (ADC Engineering), Tom McNeish (Elliott Davis, LLC), John Moloney (Boeing), Wilfred Nixon (Ken Weeden & Associates), Maurice Washington (Trust Management, LLC), Jim Wiley (Baker), Warren Wise (Post and Courier), Ms. Stevens, Ms. Beaman, Ms. Deese, Ms. Jordan, Ms. McGhee, Ms. Debbie Engel (TSA), Ms. Ashley Holbrook (Boeing), and Ms. Leigh Schaefer (Elliott Davis, LLC).

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**CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
THURSDAY, SEPTEMBER 15, 2011
10:00 A.M.**

CCAA ANNUAL BOARD MEETING AGENDA

CALL TO ORDER

EMPLOYEE RECOGNITION

Judi Olmstead- Certified Member, American Association of Airport Executives

I. MINUTES

- A. AUGUST 16, 2011 TERMINAL REHABILITATION AND IMPROVEMENT PROGRAM COMMITTEE MEETING**
- B. AUGUST 18, 2011 SPECIAL BOARD MEETING**

II. MONTHLY FINANCIAL REPORT

III. ELECTION OF OFFICERS

IV. OPERATIONS

- A. Charleston International Airport**
 - 1. Third Amendment to the Ground Lease Agreement: Boeing Commercial Airplanes Charleston South Carolina, Inc.**
 - 2. First Amendment to Amended and Restated Ground Sublease: Boeing Commercial Airplanes Charleston South Carolina, Inc.**

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3. Capital Vision Software Annual Subscription Renewal
4. Web Design Service: DataSpring, Inc.
5. Disadvantaged Business Enterprise (DBE) Overall Goal
Methodology: Federal Fiscal Year 2012-2014

V. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

- A. Committee Report

VI. BOARD LIAISON COMMITTEE

- A. Committee Report

VII. AVIATION AUTHORITY MATTERS

- A. Health Insurance

VIII. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

IX. GENERAL DISCUSSION

X. ADJOURNMENT



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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
THURSDAY, SEPTEMBER 15, 2011 AT 10:00 A.M.

CCAA ANNUAL BOARD MEETING

The Charleston County Aviation Authority held a Board meeting on Thursday, September 15, 2011, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, Jefferson, S. Pryor, Richter, Robertson, Savage, Stavrinakis, Waters, Cawley (proxy for Mr. Summey), Pefia (proxy for Mr. Riley), T. Pryor, Swalls, and Ms. Long (proxy for Mr. McConnell).

Also present were Messrs. Brammer, Britnell, Carew, Connell, Fann, Goodstein, New, Tracey, Mallory Factor, Brandon Guest (Gallagher Benefit Services), Greg Jones (ADC Engineering), Tom McNeish (Elliott Davis, LLC), John Moloney (Boeing), Wilfred Nixon (Ken Weeden & Associates), Maurice Washington (Trust Management, LLC), Jim Wiley (Baker), Warren Wise (Post and Courier), Ms. Stevens, Ms. Beaman, Ms. Deese, Ms. Jordan, Ms. McGhee, Ms. Debbie Engel (TSA), Ms. Ashley Holbrook (Boeing), and Ms. Leigh Schaefer (Elliott Davis, LLC).

CALL TO ORDER

The meeting was called to order by Chairman Limehouse at approximately 10:00 a.m.

EMPLOYEE RECOGNITION

The following employee was recognized for a recent accomplishment:

Judi Olmstead- Certified Member, American Association of Airport Executives

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I. MINUTES

**A. AUGUST 16, 2011 TERMINAL REHABILITATION AND IMPROVEMENT
PROGRAM COMMITTEE MEETING**

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve the Minutes of the August 16, 2011 TRIP Committee Meeting. The motion was adopted.

B. AUGUST 18, 2011 SPECIAL BOARD MEETING

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve the Minutes of the August 18, 2011 Special Board Meeting. The motion was adopted.

II. MONTHLY FINANCIAL REPORT

The Monthly Financial Report was presented as information only.

III. ELECTION OF OFFICERS

Mr. Robertson moved, seconded by Ms. Long, that the current slate of officers remain in place for the coming fiscal year. The motion was adopted.

Those officers are:

Harry B. Limehouse, III, Chairman
George Patton Waters, Vice Chairman
Claron A. Robertson, III, Secretary
B. Spencer Pryor, Treasurer
Lawrence E. Richter, Jr., Assistant Treasurer

IV. OPERATIONS

A. Charleston International Airport

1. **Third Amendment to the Ground Lease Agreement: Boeing Commercial Airplanes Charleston South Carolina, Inc.**

Mr. Waters moved, seconded by Mr. Cawley, that the Authority approve a Third Amendment to the Ground Lease Agreement between Charleston County Aviation Authority and South Carolina Public Railways, which will re-delineate the boundaries of the lease to reflect 241.67 acres. The motion was adopted.

2. **First Amendment to Amended and Restated Ground Sublease: Boeing Commercial Airplanes Charleston South Carolina, Inc.**

Mr. Waters moved, seconded by Mr. T. Pryor, that the Authority approve the Authority's consent to a First Amendment to Amended and Restated Ground Sublease between Boeing and South Carolina Public Railways. The motion was adopted.

3. **Capital Vision Software Annual Subscription Renewal**

Ms. Long moved, seconded by Mr. S. Pryor, that the Authority approve an annual subscription renewal to Capital Vision Software in the amount of \$18,327.05, plus applicable taxes, through September 30, 2012. The motion was adopted.

4. **Web Design Service: DataSpring, Inc.**

Mr. S. Pryor moved, seconded by Mr. Waters, that the Authority approve a Consultant Services Agreement with DataSpring, Inc. and Work Authorization No. 1 in the not-to-exceed amount of \$25,100 for design service of the Authority Website. The motion was adopted.

5. Disadvantaged Business Enterprise (DBE) Overall Goal
Methodology: Federal Fiscal Year 2012-2014

Mr. Waters moved, seconded by Ms. Long, that the Authority approve an overall DBE participation three-year goal of 8.2% to be published for the 45-day public comment period. Mr. T. Pryor voted "no"; the remaining board members voted "yes." The motion was adopted.

Mr. Richter arrived at 10:15 a.m.

V. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

A. Committee Report

Mr. Limehouse, Chairman of the Terminal Redevelopment and Improvement Program Committee, gave a synopsis of information covered at the TRIP Committee meeting, and asked Ms. Stevens to give the Board a report concerning the September 13, 2011 non-mandatory pre-submittal meeting held at the Coliseum. Ms. Stevens reported that around 150 people turned out for the meeting and that at least 14 of the top 25 architectural firms with airport experience had shown an interest in the TRIP design project.

VI. BOARD LIAISON COMMITTEE

A. Committee Report

Mr. Jefferson, Chairman of the Board Liaison Committee, gave the Board a report concerning the Committee's September 13, 2011 meeting. The Committee unanimously agreed that a Board Liaison position was not necessary at this time, and no further recommendation will be made in that regard.

Authority Chairman Limehouse appointed the members of the Board Liaison Committee to act as Committee members of a newly-named Personnel Committee, and asked that Committee Chairman Jefferson act as Chairman of the Personnel Committee.

VII. AVIATION AUTHORITY MATTERS

A. Health Insurance

Mr. T. Pryor moved that Authority Board members be offered insurance for themselves and their families paid for by the Authority in the same manner as is insurance for Authority employees. There was no second, and Mr. Pryor withdrew the motion.

VIII. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Board did not go into Executive Session.

IX. GENERAL DISCUSSION

Mr. S. Pryor informed the Board of his intent to attend the ACI-NA Annual Conference in October 2011.

X. ADJOURNMENT

Ms. Long moved, seconded by Mr. Waters, that the meeting adjourn at 10:45 a.m. The motion was adopted.

Respectfully yours,



Claron A. Robertson
Secretary



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TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING
CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
THURSDAY, OCTOBER 20, 2011 AT 9:00 A.M.
MINUTES

The Terminal Redevelopment and Improvement Program (TRIP) Committee held a meeting on Thursday, October 20, 2011 in the offices of the Aviation Authority.

Committee members present were Messrs. Chip Limehouse, Spencer Pryor, Rob Robertson, and Pat Waters. Also present were Mrs. Stevens, Messrs. Brammer, Britnell, Connell, Fann, Goodstein, New, Tracey, Ken Burger (Baker), Mike Grandelski (Baker), Greg Jones (ADC Engineering), Bob Probst (Baker), Maurice Washington (Trust Management), Warren Wise (Post and Courier), Ms. Beaman, Ms. Olmstead, and Ms. Jordan.

CALL TO ORDER

The meeting was called to order by TRIP Committee Chairman Limehouse at approximately 9:05 a.m.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

Mrs. Stevens made a presentation to the Committee concerning an overview of the current status of TRIP.

II. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase

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of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Committee did not go into Executive Session.

III. ADJOURNMENT

Chairman Limehouse stated that the meeting was adjourned at 9:35 a.m.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Claron A. Robertson', with a long horizontal flourish extending to the right.

Claron A. Robertson
Secretary

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

CCAA BOARD MEETING

THURSDAY, OCTOBER 20, 2011

10:00 A.M.

The Charleston County Aviation Authority held a Board meeting on Thursday, October 20, 2011, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, S. Pryor, Richter, Robertson, Savage, Stavrinakis, Waters, Cawley (proxy for Mr. Summey), T. Pryor, and Ms. Long (proxy for Mr. McConnell).

Also present were Messrs. Brammer, Britnell, Carew, Cavadias, Connell, Fann, Goodstein, May, New, Tracey, Ken Burger (Baker), Mallory Factor, Michael Grondelski (Baker), Greg Jones (ADC Engineering), Bob Probst (Baker), Maurice Washington (Trust Management, LLC), Warren Wise (Post and Courier), Gary Davis (Davis Air), J. Brooks Davis (Davis Air), Ms. Stevens, Ms. Beaman, Ms. Deese, Ms. Jordan, Ms. McGhee, and Ms. Olmstead.

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CHARLESTON COUNTY AVIATION AUTHORITY

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**CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
THURSDAY, OCTOBER 20, 2011
10:00 A.M.**

CCAA BOARD MEETING AGENDA

CALL TO ORDER

ANNOUNCEMENTS

- A. Award of Service Pin**

Warren May, Manager of Engineering & Construction
5 years
- B. Recognition**
 - 1. American Concrete Pavement Association**
 - 2. Wellness Council of America**

I. MINUTES

- A. SEPTEMBER 13, 2011 TERMINAL REHABILITATION AND IMPROVEMENT PROGRAM COMMITTEE MEETING**
- B. SEPTEMBER 13, 2011 BOARD LIAISON COMMITTEE MEETING**
- C. SEPTEMBER 15, 2011 ANNUAL BOARD MEETING**

II. MONTHLY FINANCIAL REPORT

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III. OPERATIONS

A. Charleston International Airport

1. Amendment No. 2 to Operating Agreement: Delta Air Lines, Inc.
2. Construction Contract and Budget Amendment to Expand Rental Car Ready Lot: O.L. Thompson Co., Inc.
3. Work Authorization No. 36 with ADC Engineering, Inc.: Expand Rental Car Ready Lot - Construction Administration and Inspection Services
4. Work Authorization No. 2 for License Plate Recognition System Installation Consulting Services: Kimley-Horn
5. Change Order No. 1 to Hill Construction Services of Charleston, Inc.: Terminal Annex Rehabilitation
6. Work Uniform Services Contract: UniFirst Corporation
7. Change Order No. 1 to I-Sys Corporation: Call Box Replacement

B. Charleston Executive Airport

1. Annual Renewal of Lease Agreement: United States Coast Guard Helicopter Rescue Facility

IV. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

A. Committee Report

- B. Request for Qualifications for Architectural/Engineering Consulting Services**

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C. Request for Qualifications for Construction Manager-At-Risk: Terminal Redevelopment and Improvement Program

D. Ordinance No. 2011-01: Passenger Facility Charge Amendment No. 1 to Passenger Facility Charge Application No. 1

V. FINANCE

A. Report of Information: Employee Benefit Cooperative

B. Privileges for Designated Proxies

VI. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

VII. GENERAL DISCUSSION

VIII. ADJOURNMENT

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

CCAA BOARD MEETING

THURSDAY, OCTOBER 20, 2011

10:00 A.M.

The Charleston County Aviation Authority held a Board meeting on Thursday, October 20, 2011, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, S. Pryor, Richter, Robertson, Savage, Stavrinakis, Waters, Cawley (proxy for Mr. Summey), T. Pryor, and Ms. Long (proxy for Mr. McConnell).

Also present were Messrs. Brammer, Britnell, Carew, Cavadias, Connell, Fann, Goodstein, May, New, Tracey, Ken Burger (Baker), Mallory Factor, Michael Grondelski (Baker), Greg Jones (ADC Engineering), Bob Probst (Baker), Maurice Washington (Trust Management, LLC), Warren Wlse (Post and Courier), Gary Davis (Davis Air), J. Brooks Davis (Davis Air), Ms. Stevens, Ms. Beaman, Ms. Deese, Ms. Jordan, Ms. McGhee, and Ms. Olmstead.

CALL TO ORDER

The meeting was called to order by Chairman Limehouse at approximately 10:00 a.m.

ANNOUNCEMENTS

A. Award of Service Pin

The following service pin was awarded:

Warren May, Manager of Engineering & Construction
5 years

000037

B. Recognition

1. American Concrete Pavement Association

Charleston Executive Airport received an industry award of Gold Winner in the Overlays category for the rehabilitation done on the runway at Charleston Executive Airport.

2. Wellness Council of America

CCAA was recognized for attaining the WELCOA national Well Workplace designation (gold status), and is the first airport in the country to do so.

I. MINUTES

A. SEPTEMBER 13, 2011 TERMINAL REHABILITATION AND IMPROVEMENT PROGRAM COMMITTEE MEETING

Mr. S. Pryor moved, seconded by Mr. T. Pryor, that the Authority approve the Minutes of the September 13, 2011 TRIP Committee meeting. The motion was adopted.

B. SEPTEMBER 13, 2011 BOARD LIAISON COMMITTEE MEETING

Mr. S. Pryor moved, seconded by Mr. T. Pryor, that the Authority approve the Minutes of the September 13, 2011 Board Liaison Committee meeting. The motion was adopted.

C. SEPTEMBER 15, 2011 ANNUAL BOARD MEETING

Mr. S. Pryor moved, seconded by Mr. T. Pryor, that the Authority approve the Minutes of the September 15, 2011 Annual Board meeting. The motion was adopted.

II. MONTHLY FINANCIAL REPORT

The Monthly Financial Report was presented as Information only.

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III. OPERATIONS

A. Charleston International Airport

1. Amendment No. 2 to Operating Agreement: Delta Air Lines, Inc.

Mr. Cawley moved, seconded by Mr. Richter, that the Authority approve Amendment No. 2 to Delta Air Lines' Operating Agreement to remove unneeded storage space from its Assigned Area. The motion was adopted.

2. Construction Contract and Budget Amendment to Expand Rental Car Ready Lot: O.L. Thompson Co., Inc.

Mr. Waters moved, seconded by Mr. S. Pryor, that the Authority approve award of a Contract to O.L. Thompson Co., Inc. in the amount of \$703,400 for the Expand Rental Car Ready Lot project, and to amend the budget for this project to \$800,000. The motion was adopted.

3. Work Authorization No. 36 with ADC Engineering, Inc.: Expand Rental Car Ready Lot - Construction Administration and Inspection Services

Mr. S. Pryor moved, seconded by Mr. T. Pryor, that the Authority approve Work Authorization No. 36 with ADC Engineering, Inc. in the amount of \$46,878 for construction administration and inspection services for the Expand Rental Car Ready Lot Project. The motion was adopted.

4. Work Authorization No. 2 for License Plate Recognition System Installation Consulting Services: Kimley-Horn

Mr. S. Pryor moved, seconded by Mr. T. Pryor, that the Authority approve Work Authorization No. 2 with Kimley Horn and Associates in the not-to-exceed amount of \$40,000 for management of the installation of a license plate recognition system. The motion was adopted.

000039

5. Change Order No. 1 to Hill Construction Services of Charleston, Inc.: Terminal Annex Rehabilitation

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority ratify Change Order No. 1 to Hill Construction Services of Charleston, Inc. in the amount of \$39,092.82 and a 24-day time extension relative to sewer service revisions. The motion was adopted.

6. Work Uniform Services Contract: UniFirst Corporation

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve award of a three-year contract to UniFirst Corporation in the amount of \$36,990.72 for work uniform services. The motion was adopted.

7. Change Order No. 1 to I-Sys Corporation: Call Box Replacement

Mr. Waters moved, seconded by Mr. Richter, that the Authority approve Change Order No. 1 to I-Sys Corporation for a 14-day time extension at no additional cost for call box replacement. The motion was adopted.

B. Charleston Executive Airport

1. Annual Renewal of Lease Agreement: United States Coast Guard Helicopter Rescue Facility

Mr. Waters moved, seconded by Mr. S. Pryor, that the Authority approve the annual renewal of the lease with the United States Coast Guard through September 30, 2012. The motion was adopted.

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IV. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

A. Committee Report

Mr. Limehouse, Chairman of the Terminal Redevelopment and Improvement Program Committee, gave a synopsis of information covered at the October 20, 2011 TRIP Committee meeting, and stated that the Committee agreed on the following actions: 1) to recommend release of Program Management Team members not currently under contract with Michael Baker Jr., Inc.; and 2) to adopt Passenger Facility Charge Amendment No. 1 to Passenger Facility Charge Application No. 1.

B. Request for Qualifications for Architectural/Engineering Consulting Services

Mr. Waters moved, seconded by Mr. S. Pryor, that the Authority authorize the release of Program Management Team members not currently under contract with Michael Baker Jr., Inc. who have asked to be released. The motion was adopted.

C. Request for Qualifications for Construction Manager-At-Risk: Terminal Redevelopment and Improvement Program

Mr. Waters moved, seconded by Mr. S. Pryor, that the Authority authorize the release of Program Management Team members not currently under contract with Michael Baker Jr., Inc. who have asked to be released. The motion was adopted.

D. Ordinance No. 2011-01: Passenger Facility Charge Amendment No. 1 to Passenger Facility Charge Application No. 1

Mr. S. Pryor moved, seconded by Mr. Waters, that the Authority approve Ordinance No. 2011-01: Passenger Facility Charge. There were nine votes "yes" and one vote "no" (by Chairman Limehouse). The motion was adopted.

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V. FINANCE

A. Report of Information: Employee Benefit Cooperative

Deputy Director Bill New gave a report concerning Staff's efforts to review the advisability of forming an Employee Benefit Cooperative with neighboring County and City governments to provide cost-effective health insurance.

B. Privileges for Designated Proxies

The Board discussed making available to proxies the privilege of obtaining health insurance coverage through the Authority, at no cost to the Authority. Ms. Stevens was directed to write a letter to the Authority's insurance carrier to determine whether the carrier would extend eligibility for coverage and return this item to the November Agenda. The Chairman asked that he be notified when the letter was sent so that he could follow up with a telephone call.

VI. EXECUTIVE SESSION

The Chairman declared the meeting in Executive Session at 11:07 a.m. to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Chairman declared the meeting returned to open session at 11:19 a.m. and stated that no action had been taken.

VII. GENERAL DISCUSSION

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Ms. Stevens reminded the Board that a Special Board Meeting would be held on October 28, 2011 at 10:00 a.m.

Ms. Stevens alerted the Board that the November Board meeting would be held downtown at Charleston City Hall.

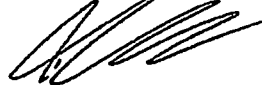
Mr. Spencer Pryor complimented Ms. Stevens' presentation at the ACI Conference in San Diego and added his support to Ms. Stevens' attendance at the AAAE conference to be held in Hawaii in January 2012 (at no cost to the Authority).

Gary Davis was permitted to address the Board with a question about when a Request for Proposals would be issued for the Fixed Base Operation at Mount Pleasant Regional Airport. Ms. Stevens replied that, as previously stated, the Request for Proposal is scheduled for advertisement the beginning of 2012.

VIII. ADJOURNMENT

The Chairman adjourned the meeting at 11:35 a.m.

Respectfully yours,



Claron A. Robertson
Secretary

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY CHARLESTON INTERNATIONAL AIRPORT FRIDAY, OCTOBER 28, 2011 AT 10:00 A.M. CCAA SPECIAL BOARD MEETING

The Charleston County Aviation Authority held a special meeting on Friday, October 28, 2011 in the offices of the Aviation Authority.

Members present were Messrs. Jefferson, S. Pryor, Robertson, Savage, Stavrinakis, Swails, M. Factor (proxy for T. Pryor), Peña (proxy for Mr. Riley), and Ms. Long (proxy for Mr. McConnell).

Also present were Ms. Stevens, Ms. Olmstead, Ms. Kennedy, Ms. Beaman, Ms. Jordan, Ms. Seidel, Ms. Leigh Schaefer (Elliott Davis), Ms. Susan Edwards (Elliott Davis), Ms. Laurie Smith (Elliott Davis), Mr. Fann, Mr. Goodstein, Mr. New, Mr. Tracey, and Mr. Will Taylor (Wells Fargo).

Mr. Robertson acted as Chairman and called the meeting to order at approximately 10:00 a.m. and stated a quorum was present.

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CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
FRIDAY, OCTOBER 28, 2011
10:00 A.M.

CCAA SPECIAL BOARD MEETING AGENDA

I. REPORT OF INFORMATION: YEAR-END REVIEW

II. REPORT OF AUDIT: Elliott Davis, LLC
Fiscal Year 2011 Audit

III. REPORT OF TENANT AUDITS:

- Carolina ATM, Inc.
- MGR Aviation Services, Inc.
- Jetstream Ground Services, Inc.

IV. SELECT TENANT AUDITS

V. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

VI. ADJOURNMENT

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

FRIDAY, OCTOBER 28, 2011 AT 10:00 A.M.

CCAA SPECIAL BOARD MEETING

The Charleston County Aviation Authority held a special meeting on Friday, October 28, 2011 in the offices of the Aviation Authority.

Members present were Messrs. Jefferson, S. Pryor, Robertson, Savage, Stavrinakis, Swails, M. Factor (proxy for T. Pryor), Peña (proxy for Mr. Riley), and Ms. Long (proxy for Mr. McConnell).

Also present were Ms. Stevens, Ms. Olmstead, Ms. Kennedy, Ms. Beaman, Ms. Jordan, Ms. Seidel, Ms. Leigh Schaefer (Elliott Davis), Ms. Susan Edwards (Elliott Davis), Ms. Laurie Smith (Elliott Davis), Mr. Fann, Mr. Goodstein, Mr. New, Mr. Tracey, and Mr. Will Taylor (Wells Fargo).

Mr. Robertson acted as Chairman and called the meeting to order at approximately 10:00 a.m. and stated a quorum was present.

I REPORT OF INFORMATION: YEAR-END REVIEW

Ms. Stevens gave a brief report on the aviation industry, both on a national and local level.

II. REPORT OF AUDIT: Elliott Davis, LLC Fiscal Year 2011 Audit

Ms. Long moved, seconded by Mr. Factor, that the Authority accept the Report of Audit for Fiscal Year 2011. The motion was adopted.

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III. REPORT OF TENANT AUDITS:

- Carolina ATM, Inc.
- MGR Aviation Services, Inc.
- Jetstream Ground Services, Inc.

Ms. Long moved, seconded by Mr. Factor, that the Authority accept the Reports of Tenant Audits for Fiscal Year 2011. The motion was adopted.

IV. SELECT TENANT AUDITS

By random selection, the Acting Chairman, Mr. Robertson, selected the following tenants for audit:

- Atlantic Aviation- Charleston
- Budget Rent-A-Car, Inc. (a subsidiary of Avis Budget Group, Inc.)
- GSP Transportation, Inc. d/b/a Thrifty Car Rental

V. EXECUTIVE SESSION

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The Board did not go into Executive Session.

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Charleston County Aviation Authority
Friday, October 28, 2011
Page 3

VI. ADJOURNMENT

Mr. Factor moved, seconded by Mr. S. Pryor, that the meeting adjourn at approximately 10:35 a.m. The motion was adopted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Claron A. Robertson', written over a horizontal line.

Claron A. Robertson
Secretary

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TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING
CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
TUESDAY, NOVEMBER 15, 2011 AT 10:00 A.M.

MINUTES

The Terminal Redevelopment and Improvement Program (TRIP) Committee held a meeting on Thursday, November 15, 2011 in the offices of the Aviation Authority.

Committee members present were Messrs. Chip Limehouse, Joseph Jefferson, Hernan Peña, Spencer Pryor, Rob Robertson, and Pat Waters. Also present were Mrs. Stevens, Messrs. Brammer, Fann, Goodstein, New, Tracey, Bob Anderson (Baker), Ken Burger (Baker), Bill Case (PFM), Mike Grandelski (Baker), Greg Jones (ADC Engineering), David King (GS&P), Dinos Liollo (Watson/Tate/Savory/Liollo), George Perinis (Baker), Bob Probst (Baker), Wayne Redfern (Baker), Peter Stettler (Ricondo & Associates), Maurice Washington (Trust Management), Warren Wise (Post and Courier), Don Zimmerman (RMF Engineering), Ms. Beaman, Ms. Olmstead, and Ms. Jordan.

CALL TO ORDER

The meeting was called to order by Vice-Chairman Pat Waters at approximately 10:00 a.m.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

11/17/11 Agenda Item N° IV.B. The Committee discussed Work Authorization N° 6 to the Professional Services Agreement with Public Financial Management to provide assistance in connection with Passenger Facility Charge Application N° 2 at the not-to-exceed amount of \$36,000, plus \$3,000 for out-of-pocket expenses, and a possible not-to-exceed amount of \$10,000 in case additional effort is necessary beyond the normal scope of work.

Mr. Pryor moved, seconded by Mr. Peña, that the Committee recommend approval by the Board. Mr. Jefferson recused himself from the vote. The motion was adopted.

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11/17/11 Agenda Item N° IV.C. The Committee discussed Work Authorization N° 7 to the Professional Services Agreement with Public Financial Management in the not-to-exceed amount of \$30,000 for preliminary financial planning relative to TRIP; the not-to-exceed amount of \$35,000 for assistance in interim financing (if required); and assistance in obtaining Long-Term Bond Financing: \$1 per \$1,000 of bonds issued, with a Minimum Fee of \$70,000 and out-of-pocket expenses at the not-to-exceed amount of \$15,000.

Mr. Waters moved, seconded by Mr. Robertson, that the Committee recommend approval by the Board. Mr. Jefferson recused himself from the vote. The motion was adopted.

TRIP Committee Chairman Limehouse arrived at 10:10 a.m. and took charge of the meeting.

11/17/11 Agenda Item N° IV.D. The Committee discussed Work Authorization N° 5 to the Professional Services Agreement with Ricondo & Associates in the not-to-exceed amount of \$20,000 for a Preliminary Funding Analysis and \$96,000 for preparation of a Feasibility Report, both in connection with the Authority's pending Bond issue.

Mr. Waters moved, seconded by Mr. Pryor, that the Committee recommend approval by the Board. Mr. Jefferson recused himself from the vote. The motion was adopted.

II. EXECUTIVE SESSION

Mr. Robertson moved, seconded by Mr. Pryor, that the meeting reconvene into Executive Session at 10:18 a.m. to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

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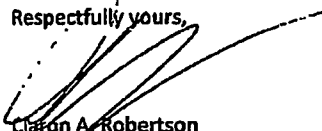
The Chairman declared the meeting returned to open session at 11:20 a.m. and stated that no action had been taken.

Mr. Robertson moved, seconded by Mr. Waters, that the Committee recommend to the Board acceptance of the architectural/engineering teams recommended by the Project Manager for interview, with the admonition that the selection of the short list will be kept confidential until it is revealed at the Board meeting on November 17. Mr. Jefferson recused himself from the vote. The motion was adopted.

III. ADJOURNMENT

Committee Chairman Limehouse declared the meeting adjourned at 11:22 a.m.

Respectfully yours,


Claron A. Robertson
Secretary

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY CCAA BOARD MEETING

THURSDAY, NOVEMBER 17, 2011 AT 10:00 A.M.

The Charleston County Aviation Authority held a Board meeting on Thursday, November 17, 2011, in City Council Chambers at Charleston City Hall, 80 Broad Street, Charleston, SC.

Members present were Messrs. Limehouse, Jefferson, S. Pryor, Robertson, Savage, Stavrinakis, Waters, Cawley (proxy for Mr. Summey), T. Pryor, Riley, Swails, and Ms. Long (proxy for Mr. McConnell).

Also present were Messrs. Brammer, Britnell, Carew, Connell, Fann, Goodstein, New, Tracey, Bob Anderson (Baker), Ken Burger (Baker), J. Coleman (SRS), Chip Crane (Hill), Michael Grondelski (Baker), Greg Jones (ADC Engineering), Sergio Kossler (PFM), Dinos Liollio (Watson-Tate-Savory-Liollio), Mike McCarthy (RMF Engineering), Thompson Penney (LS3P), George Perinis (Baker), Bob Probst (Baker), David Pye (Whiting-Turner), Wayne Redfern (Baker), Mike Reiter (Baker), William Rogan (ADI), Peter Stettler (R&A), Jerry A. Walter (Davis & Floyd, Inc.), Maurice Washington (Trust Management, LLC), Adrian Williams (Atlantic South Consulting Services), Warren Wise (Post and Courier), Jonathan Yates (Hellman Yates), Ms. Stevens, Ms. Beaman, Ms. Deese, Ms. Eagerton, Ms. Mary Graham (Charleston Metro Chamber of Commerce), Ms. Barbara Hedding, Ms. Jordan, Miss Mary Kirkland (Buist), Ms. McGhee, Ms. Olmstead, and Jacki Renegan (CMCC).

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**CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
THURSDAY, NOVEMBER 17, 2011
10:00 A.M.**

CCAA BOARD MEETING AGENDA

**NOTE: MEETING WILL BE HELD AT THE CITY COUNCIL CHAMBERS
AT CHARLESTON CITY HALL
LOCATED AT 80 BROAD STREET, CHARLESTON, SC**

CALL TO ORDER

I. MINUTES

- A. OCTOBER 20, 2011 TERMINAL REDEVELOPMENT AND IMPROVEMENT
PROGRAM COMMITTEE MEETING**
- B. OCTOBER 20, 2011 CCAA BOARD MEETING**
- C. OCTOBER 28, 2011 SPECIAL BOARD MEETING**

II. MONTHLY FINANCIAL REPORT

III. OPERATIONS

- A. Charleston International Airport**
 - 1. Maintenance Agreement with CTR, Inc.: Parking Lot Revenue
Control Equipment**
 - 2. Work Authorization N° 2 with The JW Group, Inc.: Information
Technology Consultant Services**

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3. Accounting Software License: DataSpring, Inc.
4. Airport Security Access Control System (ASACS) Hardware Maintenance Service Agreement: ADT Security Services, Inc.
5. Equipment Purchase: Compact Excavator
6. Change Order No. 2 to Hill Construction Services of Charleston, Inc.: Terminal Annex Rehabilitation
7. Electrical Easement with The Boeing Company: Substation Adjacent to International Boulevard

B. Charleston Executive Airport

1. Construction Contract for Airfield Drainage Improvements: Three Oaks Contractors, Inc.
2. Work Authorization No. 8 with ADC Engineering, Inc.: Airfield Drainage Improvements - Construction Administration and Inspection Services

IV. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

- A. Committee Report
- B. Work Authorization N° 6 with Public Financial Management: PFC Application
- C. Work Authorization N° 7 with Public Financial Management: Bond Issue
- D. Work Authorization N° 5 with Ricondo & Associates, Inc.: Feasibility Study

V. FINANCE

- A. Economic Impact Study of Charleston County Aviation Authority Airport Complex: Charleston Metro Chamber of Commerce
- B. Insurance Privileges for Designed Proxies

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VI. DISCUSSION OF CONCESSIONS

VII. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

VIII. GENERAL DISCUSSION

IX. ADJOURNMENT

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CCAA BOARD MEETING

THURSDAY, NOVEMBER 17, 2011 AT 10:00 A.M.

The Charleston County Aviation Authority held a Board meeting on Thursday, November 17, 2011, in City Council Chambers at Charleston City Hall, 80 Broad Street, Charleston, SC.

Members present were Messrs. Limehouse, Jefferson, S. Pryor, Robertson, Savage, Stavrinakis, Waters, Cawley (proxy for Mr. Summey), T. Pryor, Riley, Swalls, and Ms. Long (proxy for Mr. McConnell).

Also present were Messrs. Brammer, Britnell, Carew, Connell, Fann, Goodstein, New, Tracey, Bob Anderson (Baker), Ken Burger (Baker), J. Coleman (SRS), Chip Crane (Hill), Michael Grondelski (Baker), Greg Jones (ADC Engineering), Sergio Kossler (PFM), Dinos Liollio (Watson-Tate-Savory-Liollio), Mike McCarthy (RMF Engineering), Thompson Penney (LS3P), George Perinis (Baker), Bob Probst (Baker), David Pye (Whiting-Turner), Wayne Redfern (Baker), Mike Reiter (Baker), William Rogan (ADI), Peter Stettler (R&A), Jerry A. Walter (Davis & Floyd, Inc.), Maurice Washington (Trust Management, LLC), Adrian Williams (Atlantic South Consulting Services), Warren Wise (Post and Courier), Jonathan Yates (Hellman Yates), Ms. Stevens, Ms. Beaman, Ms. Deese, Ms. Egerton, Ms. Mary Graham (Charleston Metro Chamber of Commerce), Ms. Barbara Hedding, Ms. Jordan, Miss Mary Kirkland (Buist), Ms. McGhee, Ms. Olmstead, and Jacki Renegan (CMCC).

CALL TO ORDER

The meeting was called to order by Chairman Limehouse at approximately 10:00 a.m.

I. MINUTES

A. OCTOBER 20, 2011 TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING

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Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve the Minutes of the October 20, 2011 Terminal Redevelopment and Improvement Program Committee meeting. The motion was adopted.

B. OCTOBER 20, 2011 CCAA BOARD MEETING

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve the Minutes of the October 20, 2011 Board meeting. The motion was adopted.

C. OCTOBER 28, 2011 SPECIAL BOARD MEETING

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve the Minutes of the October 28, 2011 Special Board meeting. The motion was adopted.

II. MONTHLY FINANCIAL REPORT

The Monthly Financial Report was presented as information only.

III. OPERATIONS

A. Charleston International Airport

1. Maintenance Agreement with CTR, Inc.: Parking Lot Revenue Control Equipment

Mr. T. Pryor moved, seconded by Mr. S. Pryor, that the Authority approve a Maintenance Agreement with CTR, Inc. in the amount of \$51,413, plus applicable taxes, for maintenance of the Parking and Revenue Control System through November 30, 2012. The motion was adopted.

2. Work Authorization N^o 2 with The JW Group, Inc.: Information Technology Consultant Services

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve Work Authorization N^o 2 with The JW Group, Inc. in the not-to-exceed amount of \$99,440 to assist in the development of an

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information security program and the associated Information Technology processes and procedures. The motion was adopted.

3. Accounting Software License: DataSpring, Inc.

Mr. T. Pryor moved, seconded by Ms. Long, that the Authority approve the selection of DataSpring, Inc. in the amount of \$20,465, plus applicable taxes, for the upgrade of accounting software to accommodate additional users. The motion was adopted.

4. Airport Security Access Control System (ASACS) Hardware Maintenance Service Agreement: ADT Security Services, Inc.

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve a Hardware Maintenance Service Agreement with ADT Security Services, Inc. in the amount of \$69,107, plus applicable taxes and freight, for maintenance of the security access control system hardware for a term of one year ending October 31, 2012. The motion was adopted.

5. Equipment Purchase: Compact Excavator

Mr. T. Pryor moved, seconded by Ms. Long, that the Authority approve the purchase of a Compact Excavator under State Contract from Bobcat of Charleston in the amount of \$37,291.67. The motion was adopted.

6. Change Order No. 2 to Hill Construction Services of Charleston, Inc.: Terminal Annex Rehabilitation

Mr. T. Pryor moved, seconded by Ms. Long, that the Authority approve Change Order No. 2 in the amount of \$15,229.06 and an 11-day extension for the Terminal Annex Rehabilitation project. The motion was adopted.

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7. Electrical Easement with The Boeing Company: Substation Adjacent to International Boulevard

Ms. Long moved, seconded by Mr. T. Pryor, that the Authority approve an electrical easement to Boeing for burial of electrical lines under International Boulevard and connected to the substation. The motion was adopted.

B. Charleston Executive Airport

1. Construction Contract for Airfield Drainage Improvements: Three Oaks Contractors, Inc.

Ms. Long moved, seconded by Mr. Waters, that the Authority approve the award of a Construction Contract to Three Oaks Contractors, Inc. in the amount of \$89,157 for the Airfield Drainage Improvement project. The motion was adopted.

2. Work Authorization N^o 8 with ADC Engineering, Inc.: Airfield Drainage Improvements - Construction Administration and Inspection Services

Mr. T. Pryor moved, seconded by Ms. Long, that the Authority approve Work Authorization N^o 8 with ADC Engineering, Inc. in the not-to-exceed amount of \$22,167.80 for professional services associated with the Airfield Drainage Improvements project. The motion was adopted.

Mr. Riley arrived at 10:05 a.m.

IV. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

A. Committee Report

Ms. Stevens stated that the TRIP Committee had met on November 15, 2011, to review the submittals from Architectural/Engineering firms and the following Work Authorizations, and the Committee recommends to the Board approval of the Work Authorizations which follow.

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B. Work Authorization N° 6 with Public Financial Management: PFC Application

Mr. Waters moved, seconded by Mr. Robertson, that the Authority approve Work Authorization N° 6 with Public Financial Management in the not-to-exceed amount of \$36,000, plus \$3,000 for out-of-pocket expenses, for assistance in connection with Passenger Facility Charge Application N° 2 and a contingency for services in the not-to-exceed amount of \$10,000 in case additional effort beyond the normal scope of work is necessary. The motion was adopted.

C. Work Authorization N° 7 with Public Financial Management: Bond Issue

Mr. Waters moved, seconded by Mr. Robertson, that the Authority approve Work Authorization N° 7 with Public Financial Management in the not-to-exceed amount of \$30,000 for preliminary financial planning relative to TRIP; the not-to-exceed amount of \$35,000 for assistance in interim financing (if required); and assistance in obtaining Long-Term Bond Financing: \$1 per \$1,000 of bonds issued, with a Minimum Fee of \$70,000 and out-of-pocket expenses at the not-to-exceed amount of \$15,000. The motion was adopted.

D. Work Authorization N° 5 with Ricondo & Associates, Inc.: Feasibility Study

Mr. Waters moved, seconded by Mr. Robertson, that the Authority approve Work Authorization N° 5 with Ricondo & Associates, Inc. in the not-to-exceed amount of \$20,000 for a Preliminary Funding Analysis and \$96,000 for preparation of a Feasibility Report. The motion was adopted.

The Chairman requested that discussion of the submittals from Architectural/ Engineering firms be put over to Executive Session.

Mr. Savage arrived at 10:08 a.m.

V. FINANCE

A. Economic Impact Study of Charleston International Airport Complex: Charleston Metro Chamber of Commerce

Mary Graham gave a presentation of the recently-prepared Economic Impact Study of the Charleston International Airport Complex which

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Mary Graham gave a presentation of the recently-prepared Economic Impact Study of the Charleston International Airport Complex which documents the total value of annual economic activity of the Aviation Complex to be \$6,757,329,705.

B. Insurance Privileges for Designed Proxies

This item was not discussed.

VI. DISCUSSION OF CONCESSIONS

This item was not discussed.

Mayor Riley welcomed everyone to the City's offices and shook hands with the board members.

VII. EXECUTIVE SESSION

The Chairman declared the meeting In Executive Session at 10:13 a.m. to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of Industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Chairman declared the meeting returned to open session at 10:50 a.m. and Mr. Goodstein, CCAA Legal Counsel, stated that no action had been taken.

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Mr. Robertson moved, seconded by Mr. Waters, that the Board select the six teams recommended by the Program Manager to be interviewed for Architectural/Engineering Consulting Services for the Terminal Redevelopment and Improvement Program. Those six teams are:

- Fentress Architects
- Gensler
- HOK
- LS3P
- Minnesota Architectural Alliance
- William Nicholas Bodouva & Associates

Mr. Jefferson recused himself from the vote. The motion was adopted.

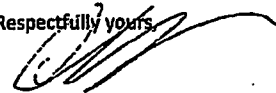
VIII. GENERAL DISCUSSION

There was no general discussion.

IX. ADJOURNMENT

Mr. T. Pryor moved, seconded by Mr. Waters, that the meeting adjourn at 10:55 a.m. The motion was adopted.

Respectfully yours,



Claron A. Robertson
Secretary

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MINUTES

TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING
CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
TUESDAY, DECEMBER 6, 2011 AT 10:00 A.M.

CALL TO ORDER

A meeting of the Terminal Redevelopment and Improvement Program (TRIP) Committee was called to order by TRIP Committee Chairman Chip Limehouse at approximately 10:10 a.m.

Other Committee members present were Messrs. Rob Robertson, Hernan Peña, and Spencer Pryor. Also present were Mrs. Stevens, Messrs. New, Fann, Goodstein, and Ms. Jordan. Other participants present are set forth on the attached sign-in sheets.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

Director Stevens gave a brief introduction of the Baker Team members.

II. EXECUTIVE SESSION

Mr. Limehouse moved, seconded by Mr. Pryor, that the Committee reconvene into Executive Session at 10:15 a.m. to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

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Fentress Architects

The Committee heard the presentation of Fentress Architects and participated in questions and answers from 10:15 a.m. until 11:35 a.m.

Gensler

The Committee heard the presentation of the Gensler team and participated in questions and answers from 1:50 p.m. until 3:00 p.m.

Minnesota Architectural Alliance

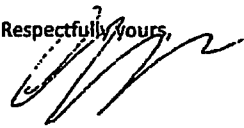
The Committee heard the presentation of Minnesota Architectural Alliance and participated in questions and answers from 3:05 p.m. until 4:30 p.m.

The Chairman declared the meeting returned to open session at 4:30 p.m. and Legal Counsel stated that no action had been taken.

III. ADJOURNMENT

The Chairman declared the meeting adjourned at 4:31 p.m.

Respectfully yours,



Claron A. Robertson
Secretary

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MINUTES

TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING
CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
WEDNESDAY, DECEMBER 7, 2011 AT 9:00 A.M.

CALL TO ORDER

A meeting of the Terminal Redevelopment and Improvement Program (TRIP) Committee was called to order by TRIP Committee Chairman Chip Limehouse at approximately 9:15 a.m.

Other Committee members present were Messrs. Rob Robertson, Hernan Peña, and Spencer Pryor. Also present were Mrs. Stevens, Messrs. New, Fann, Goodstein, and Ms. Jordan. Other participants present are set forth on the attached sign-in sheets.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

II. EXECUTIVE SESSION

Mr. Peña moved, seconded by Mr. Robertson, that the Committee reconvene into Executive Session at 9:16 a.m. to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

William N. Bodouva

The Committee heard the presentation of the William N. Bodouva team and participated in questions and answers from 9:16 a.m. until 10:25 a.m.

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HOK

The Committee heard the presentation of the HOK team and participated in questions and answers from 10:50 a.m. until 11:55 p.m.

LS3P

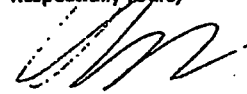
The Committee heard the presentation of the LS3P team and participated in questions and answers from 12:20 p.m. until 1:30 p.m.

The Chairman returned the meeting to open session at 2:35 p.m. and Legal Counsel stated that no action had been taken.

III. ADJOURNMENT

The Chairman declared the meeting adjourned at 2:35 p.m.

Respectfully yours,



Claron A. Robertson
Secretary

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MINUTES

TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING
CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
THURSDAY, DECEMBER 15, 2011 AT 9:00 A.M.

CALL TO ORDER

A meeting of the Terminal Redevelopment and Improvement Program (TRIP) Committee was called to order by TRIP Committee Chairman Chip Limehouse at approximately 9:10 a.m.

Other Committee members present were Messrs. Rob Robertson, Hernan Peña, Spencer Pryor, and Pat Waters.

Also present were Messrs. Brammer, Connell, Fann, Goodstein, New, Tracey, Bob Anderson (Baker), Ken Burger (Baker), Michael Grandelski (Baker), George Perinis (Baker), Bob Probst (Baker), Wayne Redfern (Baker), Maurice Washington (Trust Management, LLC), Warren Wise (Post and Courier), Ms. Stevens, Ms. Beaman, Ms. Jordan, and Ms. Olmstead.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

II. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against

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December 15, 2011
Page 2

the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Chairman returned the meeting to open session at 9:40 a.m. and Legal Counsel stated that no action had been taken.

Mr. Pryor made a motion, seconded by Mr. Peña, that the Committee recommend to the full Board that the design team led by Fentress Architects be selected to design the terminal redevelopment.

III. ADJOURNMENT

The Chairman declared the meeting adjourned at 9:45 a.m.

Respectfully yours,

A handwritten signature in black ink, appearing to be "J. Peña", written over the "Respectfully yours," text.

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

THURSDAY, DECEMBER 15, 2011

10:00 A.M.

The Charleston County Aviation Authority held a Board meeting on Thursday, December 15, 2011, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, Jefferson, S. Pryor, Robertson, Savage, Stavrinakis, Waters, T. Pryor, Riley, Swalls, Elliott Summey (proxy for Mr. Summey), and Ms. Long (proxy for Mr. McConnell).

Also present were Messrs. Brammer, Britnell, Carew, Connell, Fann, Goodstein, New, Tracey, Bob Anderson (Baker), Rick Bousquet (WTSL), Ken Burger (Baker), Rick Cook (ADC), Brooks Davis (Davis Air, Inc.), Mallory Factor, Gene Garrett (Hill), Michael Grandelski (Baker), Greg Jones (ADC Engineering), Dinos Lliollo (Watson-Tate-Savory-Lliollo), Frank Lucas (LS3P), Mike McCarthy (RMF Engineering), Hernan Peña, Thompson Penney (LS3P), George Perinis (Baker), Bob Probst (Baker), Wayne Redfern (Baker), Rhett Reldenbach (Davis & Floyd, Inc.), Jay Waite (WTSL), Maurice Washington (Trust Management, LLC), Warren Wise (Post and Courier), Ms. Stevens, Ms. Beaman, Ms. Felder, Ms. Green, Ms. Jordan, Miss Mary Kirkland (guest of Mayor Riley), Ms. McGhee, Ms. Olmstead.

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
THURSDAY, DECEMBER 15, 2011
10:00 A.M.

The Charleston County Aviation Authority held a Board meeting on Thursday, December 15, 2011, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, Jefferson, S. Pryor, Robertson, Savage, Stavrinakis, Waters, T. Pryor, Riley, Swails, Elliott Summey (proxy for Mr. Summey), and Ms. Long (proxy for Mr. McConnell).

Also present were Messrs. Brammer, Britnell, Carew, Connell, Fann, Goodstein, New, Tracey, Bob Anderson (Baker), Rick Bousquet (WTSL), Ken Burger (Baker), Rick Cook (ADC), Brooks Davis (Davis Air, Inc.), Mallory Factor, Gene Garrett (Hill), Michael Grandelski (Baker), Greg Jones (ADC Engineering), Dinos Lioilio (Watson-Tate-Savory-Lioilio), Frank Lucas (LS3P), Mike McCarthy (RMF Engineering), Hernan Pefia, Thompson Penney (LS3P), George Perinis (Baker), Bob Probst (Baker), Wayne Redfern (Baker), Rhett Reidenbach (Davis & Floyd, Inc.), Jay Walte (WTSL), Maurice Washington (Trust Management, LLC), Warren Wise (Post and Courier), Ms. Stevens, Ms. Beaman, Ms. Felder, Ms. Green, Ms. Jordan, Miss Mary Kirkland (guest of Mayor Riley), Ms. McGhee, Ms. Olmstead.

CALL TO ORDER

The meeting was called to order by Chairman Limehouse at approximately 10:00 a.m.

The Chairman declared the meeting in Executive Session at 10:10 a.m. to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the

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position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Chairman declared the meeting returned to open session at 10:45 a.m. and Mr. Goodstein, CCAA Legal Counsel, stated that no action had been taken.

ANNOUNCEMENTS

A. Award of Service Pin

The following service pins were awarded:

Sharon Felder, Ground Transportation Specialist
20 years

Douglas Isley, Police Captain
15 years

David Harris, Police Department
5 years

I. MINUTES

A. NOVEMBER 15, 2011 TERMINAL REHABILITATION AND IMPROVEMENT PROGRAM COMMITTEE MEETING

Mr. E. Summey moved, seconded by Mr. Waters, that the Authority approve the Minutes of the November 15, 2011 Terminal Redevelopment and Improvement Program Committee meeting. The motion was adopted.

B. NOVEMBER 17, 2011 CCAA BOARD MEETING

Mr. E. Summey moved, seconded by Mr. Waters, that the Authority approve the Minutes of the November 17, 2011 Board meeting. The motion was adopted.

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C. DECEMBER 6, 2011 TERMINAL REHABILITATION AND IMPROVEMENT
PROGRAM COMMITTEE MEETING

Mr. E. Summey moved, seconded by Mr. Waters, that the Authority approve the Minutes of the December 6, 2011 Terminal Redevelopment and Improvement Program Committee meeting. The motion was adopted.

D. DECEMBER 7, 2011 TERMINAL REHABILITATION AND IMPROVEMENT
PROGRAM COMMITTEE MEETING

Mr. E. Summey moved, seconded by Mr. Waters, that the Authority approve the Minutes of the December 7, 2011 Terminal Redevelopment and Improvement Program Committee meeting. The motion was adopted.

II. MONTHLY FINANCIAL REPORT

The Monthly Financial Report was presented as information only.

III. OPERATIONS

A. Charleston International Airport

1. Software Support Service for Computer-Aided Dispatch System:
Southern Software, Inc.

Mr. S. Pryor moved, seconded by Mr. Waters, that the Authority approve a CAD Software Maintenance Service Agreement with Southern Software in the amount of \$24,087, plus applicable taxes, for a term of one year beginning November 1, 2011. The motion was adopted.

2. Final Payment to I-Sys Corporation: Call Box Replacement

Mr. T. Pryor moved, seconded by Ms. Long, that the Authority approve final payment to I-Sys Corporation in the amount of

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\$18,361 for the Call Box Replacement project. The motion was adopted.

3. Change Order No. 1 and Final Payment to Structural Preservation Systems: Construction Contract for Parking Garage Repairs

Mr. Waters moved, seconded by Ms. Long, that the Authority approve Change Order No. 1 in the deductive amount of (\$40,704) and final payment to Structural Preservation Systems in the amount of \$69,379.54 for the Parking Garage Repair project. The motion was adopted.

4. Change Order No. 3 to Hill Construction Services of Charleston, Inc.: Terminal Annex Rehabilitation

Mr. Swails moved, seconded by Mr. Waters, that the Authority approve Change Order No. 3 to Hill Construction Services of Charleston, Inc. in the amount of \$41,479.08 and an 8-day extension for the Terminal Annex Rehabilitation project. The motion was adopted.

5. Change Order No. 1 to Beaufort Engineering Services, Inc.: Apron C Expansion

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve Change Order No. 1 in the amount of \$14,132.50 with no time extension for the Apron C Expansion project. The motion was adopted.

6. Amendment No. 3 to the Bosch Equipment Lease and Maintenance Agreement: ADT Security Services

Mr. Waters moved, seconded by Mr. T. Pryor, that the Authority approve Amendment No. 3 to the Bosch Equipment Lease and Maintenance Agreement with ADT Security Services, Inc. in the amount of \$30,420.31, plus applicable taxes, to add nine additional surveillance cameras and a remote digital video recorder, with the original expiration date of the Agreement, January 2013, to remain unchanged. The motion was adopted.

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B. Charleston Executive Airport

1. **Work Authorization No. 9 with ADC Engineering, Inc. and FY 2012 Budget Amendment: Airport Layout Plan Update**

Mr. Waters moved, seconded by Mr. T. Pryor, that the Authority approve Work Authorization N^o 9 with ADC Engineering, Inc. and FY 2012 Budget Amendment in the not-to-exceed amount of \$69,960, for professional services associated with the Airport Layout Plan Update and a budget amendment in the amount of \$69,960. The motion was adopted.

C. Mount Pleasant Regional Airport

1. **Work Authorization No. 37 with ADC Engineering, Inc.: Runway Safety Area Improvements—Design, Permitting and Bidding Services**

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve Work Authorization N^o 37 with ADC Engineering, Inc. in the not-to-exceed amount of \$45,654.40, for design, permitting and bidding services to support the Runway Safety Area Improvements project. The motion was adopted.

IV. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

A. Committee Report

Mr. Limehouse stated that the TRIP Committee had met on December 6, 2011, and December 7, 2011 to interview the short-list Architectural/Engineering firms and the Committee is prepared to make a recommendation to the Board.

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B. Selection of Consultant: Architectural/Engineering Services

Mr. Spencer Pryor presented the findings of the TRIP Committee recommending that Staff be authorized to negotiate with the design team led by Fentress Architects.

Mr. Waters moved, seconded by Mr. T. Pryor, that the Board accept the recommendation of the TRIP Committee to authorize Staff to negotiate a contract with Fentress Architects to design the terminal redevelopment, while urging Fentress to incorporate as much local participation as possible. By a show of hands, the vote was 8 "ayes" and 4 "nays." The motion was adopted.

V. FINANCE

A. Membership Dues for 2012: Airports Council International—North America

Mr. S. Pryor moved, seconded by Mr. Waters, that the Authority approve renewal of the Authority's membership in Airports Council International—North America in the amount of \$22,999. The motion was adopted.

B. Employment Agreement: Executive Director

This item was deferred.

VI. DISCUSSION OF CONCESSIONS

This item was deferred.

VII. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and

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proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

VIII. GENERAL DISCUSSION

Mr. Waters urged the Board members to look at the Holiday decorations throughout the Airport and complimented their appearance.

IX. ADJOURNMENT

The Chairman adjourned the meeting at 11:15 a.m. The motion was adopted.

Respectfully yours,



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City of North Charleston, SC

R. KEITH SUMMEY, MAYOR
OFFICE OF THE MAYOR

December 15, 2011

Honorable Harry B. Limehouse III
Chairman
Charleston County Aviation Authority
5500 International Boulevard, Suite 101
Charleston, SC 29418

REF: Proxy for Mayor R. Keith Summey

Dear Chairman Limehouse:

Please accept this letter as my proxy letter for the Aviation Authority meeting on Thursday, December 15, 2011. Neither I or John Cawley can attend today, and I am designating Mr. Elliott Summey as my proxy for business with the Authority for the meeting.

Sincerely,



R. Keith Summey
Mayor

RHA/mmo



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MINUTES

TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING
CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
JANUARY 17, 2012 AT 9:00 A.M.

CALL TO ORDER

A meeting of the Terminal Redevelopment and Improvement Program (TRIP) Committee was called to order by TRIP Committee member Pat Waters at approximately 9:00 a.m.

Other Committee members present were Messrs. Hernan Pefia and Spencer Pryor. Mr. Mallory Factor represented Mr. Limehouse.

Also present were Messrs. Brammer, Fann, Goodstein, New, Ken Burger (Baker), Michael Grandelski (Baker), George Perinis (Baker), Dinos Liollo (Fentress), Rob Robertson, Maurice Washington (Trust Management, LLC), Ms. Stevens, Ms. Beaman, Ms. Jordan, and Ms. Olmstead.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

Ms. Stevens gave an update concerning scheduling status, DBE outreach and anticipated participation, and the selection process for the Construction Manager at Risk.

II. EXECUTIVE SESSION

Mr. Waters called the meeting into Executive Session at 9:20 a.m. to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion

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Charleston County Aviation Authority
January 17, 2012 TRIP Committee Meeting
Page 2

of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

Mr. Pryor and Ms. Olmstead arrived at 9:35 a.m.

Mr. Waters returned the meeting to open session at 10:00 a.m., and Legal Counsel stated that no action had been taken.

Committee members agreed that the Committee would recommend to the Board approval of the proposed contract and Work Authorization No. 1 with Fentress Architects, Ltd.

III. ADJOURNMENT

Mr. Waters declared the meeting adjourned at 10:05 a.m.

Respectfully yours,


Joseph J. Jefferson, III
Secretary

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

CCAA BOARD MEETING

THURSDAY, JANUARY 19, 2012 AT 3:00 P.M.

The Charleston County Aviation Authority held a Board meeting on Thursday, January 19, 2012, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, Hartnett, Jefferson, S. Pryor, Richter, Savage, Waters, T. Pryor, and Swalls.

Also present were Messrs. Brammer, Britnell, Carew, Connell, Fann, Goodstein, New, Paul Aiken (Atlantic Aviation), Bob Anderson (Baker), Ken Burger (Baker), Kevin Connolly (Hertz), Rick Cook (ADC), Chip Crane (Hill Construction), Mallory Factor, Michael Grandelski (Baker), Greg Jones (ADC Engineering), Michael Lewis, Dinos Liollio (Watson-Tate-Savory-Liollio), Tim Mallard (Mallard & Associates), George Perinis (Baker), Bob Probst (Baker), Wayne Redfern (Baker), Kurt Schmidt (Atlantic Aviation), Tom Theobald (Fentress), Maurice Washington (Trust Management, LLC), Chris Woods (Whiting-Turner), Ms. Stevens, Ms. Beaman, Rhonda Floyd (Enterprise Holding), Ms. Green, Ms. Jordan, Ms. Olmstead, and Mrs. Leigh Schaefer (Elliott Davis).

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

CCAA BOARD MEETING

THURSDAY, JANUARY 19, 2012 AT 3:00 P.M.

The Charleston County Aviation Authority held a Board meeting on Thursday, January 19, 2012, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, Hartnett, Jefferson, S. Pryor, Richter, Savage, Waters, T. Pryor, and Swalls.

Also present were Messrs. Brammer, Britnell, Carew, Connell, Fann, Goodstein, New, Paul Alken (Atlantic Aviation), Bob Anderson (Baker), Ken Burger (Baker), Kevin Connolly (Hertz), Rick Cook (ADC), Chip Crane (Hill Construction), Mallory Factor, Michael Grandelski (Baker), Greg Jones (ADC Engineering), Michael Lewis, Dinos Liollio (Watson-Tate-Savory-Liollio), Tim Mallard (Mallard & Associates), George Perinis (Baker), Bob Probst (Baker), Wayne Redfern (Baker), Kurt Schmidt (Atlantic Aviation), Tom Theobald (Fentress), Maurice Washington (Trust Management, LLC), Chris Woods (Whiting-Turner), Ms. Stevens, Ms. Beaman, Rhonda Floyd (Enterprise Holding), Ms. Green, Ms. Jordan, Ms. Olmstead, and Mrs. Leigh Schaefer's (Elliott Davis).

CALL TO ORDER

The meeting was called to order by Chairman Limehouse at approximately 3:00 p.m.

ANNOUNCEMENTS

A. Award of Service Pin

The following service pins were awarded:

Jim Fann, Deputy Director of Engineering
15 years

000081

Crystal Green, Ground Transportation Specialist
10 years

Michael Lewis, Police Sergeant
10 years

Mr. S. Pryor arrived at 3:07 p.m.

Outgoing Board member Rob Robertson addressed the Board to express his best wishes to the Board and offer his assistance in the future.

Thomas Harnett was introduced to the Board as a new Board member.

ELECTION OF OFFICER: SECRETARY

It was necessary to elect a Secretary to serve because of the replacement of Mr. Robertson. Joey Jefferson was selected through acclamation to serve as Secretary of the Authority.

I. MINUTES

A. DECEMBER 15, 2011 TERMINAL REHABILITATION AND IMPROVEMENT PROGRAM COMMITTEE MEETING

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve the Minutes of the December 15, 2011 Terminal Redevelopment and Improvement Program Committee meeting. The motion was adopted.

B. DECEMBER 15, 2011 CCAA BOARD MEETING

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve the Minutes of the December 15, 2011 Board meeting. The motion was adopted.

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II. MONTHLY FINANCIAL REPORT

The Monthly Financial Report was presented as Information only.

III. OPERATIONS

A. Charleston International Airport

1. Right of Entry: Defense Logistics Agency

Mr. Waters moved, seconded by Mr. T. Pryor, that the Authority approve a Right of Entry to the Defense Logistics Agency to allow entry onto Authority property for maintenance and repair of an Air Force pipeline. The motion was adopted.

2. Work Authorization No. 6 to Ricondo and Associates and FY 2012 Budget Amendment: Airport Layout Plan Update

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve Work Authorization N^o 6 with Ricondo and Associates and FY 2012 Budget Amendment in the not-to-exceed amount of \$29,423, for professional services associated with the Airport Layout Plan and a FY 2012 Budget Amendment in the not-to-exceed amount of \$29,423. The motion was adopted.

3. Change Order No. 4 to Hill Construction Services of Charleston, Inc.: Terminal Annex Rehabilitation

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve Change Order No. 4 to Hill Construction Company in the amount of \$26,382.37 with no time extension for the Terminal Annex Rehabilitation project. The motion was adopted.

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B. Charleston Executive Airport

1. Amendment No. 2 to Operating Agreement- Aircraft Self-Fueling Facility: Atlantic Aviation

Mr. Waters moved, seconded by Mr. T. Pryor, that the Authority approve Amendment No. 2 to the Operating Agreement with Atlantic Aviation to provide self-fueling services to users of the airport. The motion was adopted.

IV. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

A. Committee Report

Mr. Limehouse stated that the TRIP Committee had met on January 17, 2012 and asked Mr. Waters and Ms. Stevens to provide a status update.

B. Consultant Services Agreement and Work Authorization No. 1: Fentress Architects

Mr. Waters moved, seconded by Mr. T. Pryor, that the Board accept the recommendation of the TRIP Committee to authorize award of the Consulting Services Agreement and Work Authorization No. 1 with Fentress Architects. The motion was adopted.

V. FINANCE

A. Annual Financial and Compliance Audits: Elliott Davis, LLC

Mr. Waters moved, seconded by Mr. S. Pryor, that the Authority approve an Engagement Letter with Elliott Davis, LLC, in the not-to-exceed amount of \$31,700 for the Fiscal Year 2012 Audit, and the not-to-exceed amount of \$3,600 each for three tenant audits. The motion was adopted.

000084

B. Operating Agreements for Rental Car Concessions: Charleston International Airport

Mr. Waters moved, seconded by Mr. T. Pryor, that the Authority approve Operating Agreements for Rental Car Concessions, as set forth in the Agenda documentation, for a term of five years commencing on February 1, 2012. The motion was adopted.

C. Moody's Bond Rating for FY 2011

The Moody's report was presented as information only.

VI. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Board did not go into Executive Session.

VII. GENERAL DISCUSSION

Mr. Waters requested Board approval for two Authority-related trips: Aircraft Owners and Pilots Association Presidential Council in Washington DC and the South Carolina Aviation Association annual meeting in Myrtle Beach. There were no objections to the requested travel.

Ms. Stevens stated that the FAA extension (the 22nd such extension) expires on January 31, and requested support from the Board for the long-term extension of FAA operating authority. The Board directed Ms. Stevens to prepare a letter from the Board asking for regulatory relief.

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Ms. Stevens shared with the Board the Invitation from the North Charleston Special Purposes District to attend training "What Commissioners Should and Should Not Do."

Mayor Swails asked that staff contact Chips Macrae at *Cmacrae Automated Solutions* concerning the placement of ATM machines at CHS. The Board was advised that a contract for ATM services had been advertised in early 2009 and a five-year contract was awarded effective May 1, 2009.

Mayor Swails was congratulated on his recent 65th birthday.

VIII. ADJOURNMENT

The Chairman adjourned the meeting at 3:40 p.m. The motion was adopted.

Respectfully yours,


Joseph J. Jefferson, III
Secretary

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MINUTES

DEVELOPMENT COMMITTEE MEETING

CHARLESTON COUNTY AVIATION AUTHORITY

OFFICES OF CHIP LIMEHOUSE, 8 CUMBERLAND STREET, CHARLESTON, SC

JANUARY 27, 2012 AT 10:00 A.M.

CALL TO ORDER

A meeting of the Development Committee was called to order by Committee Chairman Chip Limehouse at approximately 10:10 a.m.

Other Committee members present were Messrs. Joseph Jefferson, Andy Savage and Michael Stavrinakis.

Also present were Messrs. Mark Fava (Boeing), Goodstein, New, Ms. Stevens, Ms. Beaman and Ms. Jordan.

I. GENERAL DISCUSSION

The Chairman welcomed everyone and announced that the meeting would bring the Committee up to date with the status of the exploration of Authority asset development.

II. EXECUTIVE SESSION

Mr. Savage moved, seconded by Mr. Jefferson, that the meeting reconvene into Executive Session at 10:15 a.m. to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

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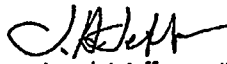
**Charleston County Aviation Authority
January 27, 2012 Development Committee Meeting
Page 2**

The Chairman declared the meeting returned to open session at 11:02 a.m. and Mr. Goodstein, CCAA Legal Counsel, stated that no action had been taken.

III. ADJOURNMENT

The Chairman declared the meeting adjourned at 11:04 a.m.

Respectfully yours,



**Joseph J. Jefferson, III
Secretary**

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MINUTES

TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING
CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
FEBRUARY 3, 2012 AT 9:00 A.M.

The Terminal Redevelopment and Improvement Program Committee held a Visioning meeting on Friday, February 3, 2012, in the offices of the Aviation Authority.

Committee members present were Messrs. Limehouse, Pena, S. Pryor, and Waters.

Also present were Messrs. Brammer, Britnell, Connell, Fann, Goodstein, New, Bob Anderson (Baker), Greg Billingham (Fentress), Ken Burger (Baker), Curt Fentress (Fentress), Michael Grandelski (Baker), Dinos Liollio (Watson-Tate-Savory-Liollio), Mark Outman (Fentress), George Perinis (Baker), Bob Probst (Baker), Charles Rowe (Charles Rowe, Inc.), Bryan Smith (Fentress), Tom Theobald (Fentress), Kent Vanden Oever (Air Projects, Inc.), Maurice Washington (Trust Management, LLC), Michael Watson (WTSL), Ms. Stevens, Ms. Beaman, Ms. Jordan, Ms. Olmstead, Ms. Ferraguto (Air Projects, Inc.), and Ms. Regina Floyd (WTSL).

CALL TO ORDER

The meeting was called to order by Mr. Waters at approximately 9:00 a.m.

I. GENERAL DISCUSSION: VISIONING WORKSHOP

The Fentress Team led a visioning workshop and listened to ideas of the TRIP Committee members. A copy of the workshop Agenda is attached hereto and made a part of the Minutes.

The Fentress Team asked for direction in a decision concerning consolidation of TSA screening, and the TRIP Committee members were unanimous in their consent to proceed with design including a consolidated checkpoint.

000089

II. EXECUTIVE SESSION

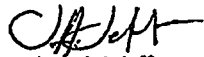
Executive Session to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Committee did not go into Executive Session.

III. ADJOURNMENT

The Committee Chairman adjourned the meeting at 12:15 p.m.

Respectfully yours,



Joseph J. Jefferson, III
Secretary

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Charleston County Aviation Authority

Visioning Workshop No. 1 **Terminal Redevelopment and Improvement Program**

Date: Friday, February 3, 2012

Time: 9:00 a.m.

Location: CCAA Boardroom



Baker

A. Agenda:

- 9:00-1:00 Visioning- Curt Fentress, Mark Outman**
- **Architectural Visioning Process**
 - **Airport as a Gateway: A balance between function and memorable architecture**
 - **Departures Experience**
 - **Curbside**
 - **Ticketing**
 - **Security**
 - **Retail/Food and Beverage**
 - **Concourses**
 - **Hold rooms and Gates**
 - **Arrivals Experience**
 - **Gateway to community**
 - **Baggage Claim**
 - **Meeters and Greeters**
 - **Curbside**
 - **Creating a Building to reflect its place**
 - **Traditions**
 - **Climate**
 - **Landscape**
 - **Culture and People**
 - **Craft**
 - **Forward looking**
 - **Important Issues with Trip Committee**

Page 1 of 3

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10:30-12:00 - Concession/Retail Visioning- Curt Fentress, Mark Outman, Ann Ferraguto

- Casual dining vs. quick service
- Gourmet markets
- Healthy food choices
- Brands — Local/Regional vs. National

- Retail Concession Trends

- Brands — Local/Regional vs. National
- Retail with food and beverage
- Automated retail
- Personal services

- Theming/Branding

- Creating Destinations

- Concession nodes
- Creating synergy between food service and retail
- Integrating soft seating areas

- Integrating Concessions into Hold rooms

- Physically locating concessions in hold rooms
- Providing concession deliveries to hold rooms

Decisions needed from CCAA

- On correct path to appropriate Vision for Charleston.
- Goals and objectives for the Project.

12:00-1:00 Lunch Break

1:00-2:00 Review drafts of Project Reports- Greg Billingham

- Project Work Plan
- Monthly Report
- Invoicing timing coordination

2:00-4:00 Mini- tour of Airport- Project Design Team

B. Attendees

Charleston County Aviation Authority TRIP Committee Members, including:

The Honorable Harry B. Limehouse, III

George P. Waters

B. Spencer Pryor

Hernan E. Pena, Jr.

Sue Stevens	Charleston County Aviation Authority (CCAA)
Bill New	CCAA
Jim Fann	CCAA
Becky Beaman	CCAA
Judi Olmstead	CCAA
Al Britnell	CCAA
Bob Brammer	CCAA
John Connell	CCAA
Sean Tracy	CCAA
Robert Carew	CCAA
Mauri Jordan	CCAA

Curt Fentress	Fentress Architects (FA)
Tom Theobald	FA
Mark Outman	FA
Greg Billingham	FA
Bryan Smith	FA
Dinos Liollio	Watson Tate Savory Liollio (WTSL)
Michael Watson	WTSL
Regina Floyd	WTSL
Richard Bousquet	WTSL
Charles Rowe	Charles R. Rowe, Inc
Kent Vanden Oever	AirProjects, Inc.
Ann Ferraguto	AirProjects, Inc.

George Perinis	Baker
Bob Anderson	Baker
Ken Burger	Baker
Mike Grandelski	Baker
Maurice Washington	Trust Management



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MINUTES

TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING
CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
FEBRUARY 14, 2012 AT 9:00 A.M.

The Terminal Redevelopment and Improvement Program (TRIP) Committee held a meeting on Tuesday, February 14, 2012, in the offices of the Aviation Authority.

Committee members present were Messrs. Chip Limehouse, Hernan Peña, Spencer Pryor, and Pat Waters.

Also present were Messrs. Brammer, Connell, Fann, Goodstein, New, Tracey, Bob Anderson (Baker), Ken Burger (Baker), Michael Grandelski (Baker), Dinos Liollo (Fentress), George Perinis (Baker), Bob Probst (Baker), Wayne Redfern (Baker), Maurice Washington (Trust Management, LLC), Tom Zagorski (Baker), Ms. Stevens, Ms. Beaman, Ms. Jordan, and Ms. Olmstead.

CALL TO ORDER

The meeting was called to order by Committee Chairman Limehouse at approximately 9:05 a.m.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

II. CONSTRUCTION MANAGER AT RISK: STATEMENTS OF QUALIFICATIONS

This item was deferred to Executive Session.

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III. EXECUTIVE SESSION

Mr. Pryor moved, seconded by Mr. Peña, that the Committee reconvene into Executive Session at 9:10 a.m. to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee. The motion was adopted.

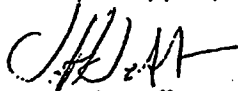
Mr. Limehouse returned the meeting to open session at 10:00 a.m., and Legal Counsel stated that no action had been taken.

Mr. Waters moved, seconded by Mr. Peña, representatives from Baker provide a report of the Submittals received for the Construction Manager at Risk, and that the Committee recommend to the Board that it approve a short list of candidates designated "Tier 1" for interview. The motion was adopted.

IV. ADJOURNMENT

Mr. Limehouse declared the meeting adjourned at 10:02 a.m.

Respectfully yours,



Joseph H. Jefferson, III
Secretary

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

THURSDAY, FEBRUARY 16, 2012

2:00 P.M.

CCAA BOARD MEETING AGENDA

The Charleston County Aviation Authority held a Board meeting on Thursday, February 16, 2012, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, Hartnett, Jefferson, S. Pryor, Richter, Savage, Waters, Cawley (proxy for Mr. Summey), T. Pryor, Swails, and Ms. Long (proxy for Mr. McConnell).

Also present were Messrs. Brammer, Britnell, Carew, Connell, Fann, Goodstein, Mahieu, New, Perdue, Samonte, Tracey, Bob Anderson (Baker), Ken Burger (Baker), Paige Caxton (Thompson Turner), Michael Grandelski (Baker), Matt Harden (Hensel Phelps Construction), Kevin Hollinshead (), Greg Jones (ADC Engineering), Dinos Liollo (Watson-Tate-Savory-Liollo), Richard Moxley (Willis), Steve Nardle (Hensel Phelps Construction), George Perinis (Baker), Bob Probst (Baker), Wayne Redfern (Baker), Chris Spach (Southern Building Group), Tom Theobald (Fentress), Matt Tomsic (Charleston Business Journal), Maurice Washington (Trust Management, LLC), Chris Woods (Whiting-Turner), Ms. Stevens, Ms. Beaman, Ms. Jordan, Ms. McGhee, Ms. Olmstead, Debbie Engel (TSA), and Margaret Rush (M. B. Kahn Construction).

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CHARLESTON COUNTY AVIATION AUTHORITY
CHARLESTON INTERNATIONAL AIRPORT
THURSDAY, FEBRUARY 16, 2012
2:00 P.M.
CCAA BOARD MEETING AGENDA

CALL TO ORDER

ANNOUNCEMENTS

A. Award of Service Pin

Manuel Samonte, Police Officer II
15 years

Rex Perdue, Operations Supervisor
5 years

Bobby Hoskins, Police Sergeant
5 years

I. MINUTES

- A. JANUARY 17, 2012 TERMINAL REHABILITATION AND IMPROVEMENT PROGRAM COMMITTEE MEETING
- B. JANUARY 19, 2012 CCAA BOARD MEETING
- C. JANUARY 27, 2012 DEVELOPMENT COMMITTEE MEETING
- D. FEBRUARY 3, 2012 TRIP COMMITTEE MEETING

II. MONTHLY FINANCIAL REPORT

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III. OPERATIONS

A. Charleston International Airport

1. Upgrade Nortel Telephone Switch and Addition of Satellite Switch for Terminal Annex and FY 2012 Budget Amendment: Black Box Network Services, Inc.
2. Rental Car Concession Agreement
3. Work Authorization for Environmental Services: Davis & Floyd, Inc.
4. Construction Contract to Expand Public Parking Lot: Sanders Brothers Construction
5. Work Authorization No. 38 with ADC Engineering: Expand Public Parking Lot - Construction Administration and Inspection Services
6. Equipment Purchase: Electric Scissor Lift
7. Vehicle Purchase: Operations Department

IV. FINANCE

- A. Renewal of Airport General Liability Insurance: ACE USA**

V. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

- A. Committee Report**
- B. Construction Manager at Risk: Statements of Qualifications**

VI. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and

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proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

VII. GENERAL DISCUSSION

VIII. ADJOURNMENT

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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

THURSDAY, FEBRUARY 16, 2012

2:00 P.M.

CCAA BOARD MEETING AGENDA

The Charleston County Aviation Authority held a Board meeting on Thursday, February 16, 2012, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, Hartnett, Jefferson, S. Pryor, Richter, Savage, Waters, Cawley (proxy for Mr. Summey), T. Pryor, Swails, and Ms. Long (proxy for Mr. McConnell).

Also present were Messrs. Brammer, Britnell, Carew, Connell, Fann, Goodstein, Mahieu, New, Perdue, Samonte, Tracey, Bob Anderson (Baker), Ken Burger (Baker), Paige Caxton (Thompson Turner), Michael Grandelski (Baker), Matt Harden (Hensel Phelps Construction), Kevin Hollinshead (), Greg Jones (ADC Engineering), Dinos Liollo (Watson-Tate-Savory-Liollo), Richard Moxley (Willis), Steve Nardie (Hensel Phelps Construction), George Perinis (Baker), Bob Probst (Baker), Wayne Redfern (Baker), Chris Spach (Southern Building Group), Tom Theobald (Fentress), Matt Tomsic (Charleston Business Journal), Maurice Washington (Trust Management, LLC), Chris Woods (Whiting-Turner), Ms. Stevens, Ms. Beaman, Ms. Jordan, Ms. McGhee, Ms. Olmstead, Debbie Engel (TSA), and Margaret Rush (M. B. Kahn Construction).

CALL TO ORDER

The meeting was called to order by Chairman Limehouse at approximately 2:00 p.m.

ANNOUNCEMENTS

A. Award of Service Pin

The following service pins were awarded:

Manuel Samonte, Police Officer II
15 years

000100

Rex Perdue, Operations Supervisor
5 years

I. MINUTES

A. JANUARY 17, 2012 TERMINAL REHABILITATION AND IMPROVEMENT
PROGRAM COMMITTEE MEETING

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve
the Minutes of the January 17, 2012 Terminal Redevelopment and
Improvement Program Committee meeting. The motion was adopted.

B. JANUARY 19, 2012 CCAA BOARD MEETING

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve
the Minutes of the January 19, 2012 CCAA Board meeting. The motion
was adopted.

C. JANUARY 27, 2012 DEVELOPMENT COMMITTEE MEETING

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve
the Minutes of the January 27, 2012 Development Committee meeting.
The motion was adopted.

D. FEBRUARY 3, 2012 TRIP COMMITTEE MEETING

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve
the Minutes of the February 3, 2012 Terminal Redevelopment and
Improvement Program Committee meeting. The motion was adopted.

II. MONTHLY FINANCIAL REPORT

The Monthly Financial Report was presented as information only.

000101

III. OPERATIONS

A. Charleston International Airport

- 1. Upgrade Nortel Telephone Switch and Addition of Satellite Switch for Terminal Annex and FY 2012 Budget Amendment: Black Box Network Services, Inc.**

Ms. Long moved, seconded by Mr. T. Pryor, that the Authority approve an upgrade and addition to the Nortel Telephone Switch with Black Box Network Services, Inc. in the amount of \$72,800, plus tax and an FY 2012 Budget Amendment for \$79,000. The motion was adopted.

- 2. Rental Car Concession Agreements**

Mr. Waters moved, seconded by Mr. T. Pryor, that the Authority amend the effective date of the Rental Car Agreements and amend the date of relocation to March 1, 2012. The motion was adopted.

- 3. Work Authorization for Environmental Services: Davis & Floyd, Inc.**

Mr. T. Pryor moved, seconded by Mr. Cawley, that the Authority approve an amendment to the environmental services work authorization with Davis & Floyd, Inc. in the amount of \$10,406.15 for required groundwater analysis at the former Dollar Rent-A-Car service facility. The motion was adopted.

- 4. Construction Contract to Expand Public Parking Lot; Sanders Brothers Construction**

Mr. T. Pryor moved, seconded by Ms. Long, that the Authority approve award of a contract to Sanders Brothers Construction in the amount of \$1,454,376.06 to expand the Public Parking Lot. The motion was adopted.

000102

5. Work Authorization No. 38 with ADC Engineering: Expand Public Parking Lot - Construction Administration and Inspection Services

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve Work Authorization No. 38 with ADC Engineering, in the amount of \$66,799.60 for the expansion of the Public Parking Lot. The motion was adopted.

6. Equipment Purchase: Electric Scissor Lift

Mr. T. Pryor moved, seconded by Ms. Long, that the Authority approve purchase of an Electric Scissor Lift in the amount of \$12,701.28 from Dougherty Equipment Company. The motion was adopted.

7. Vehicle Purchase: Operations Department

Mr. T. Pryor moved, seconded by Ms. Long, that the Authority approve purchase of a vehicle under State Contract from Benson Chrysler in the amount of \$26,995.61. The motion was adopted.

IV. FINANCE

- A. Renewal of Airport General Liability Insurance: ACE USA

Mr. Waters moved, seconded by Ms. Long, that the Authority approve a one-year renewal of the Airport Liability insurance policy with ACE USA effective February 27, 2012 for a total annual premium of \$56,195.12. The motion was adopted.

V. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

- A. Committee Report

Mr. Limehouse stated that the TRIP Committee had met on February 14, 2012 and stated that he would provide a report to the Board in Executive Session.

000103

B. Construction Manager at Risk: Statements of Qualifications

This item was heard in Executive Session.

VI. EXECUTIVE SESSION

Mr. S. Pryor moved, seconded by Mr. Waters, that the meeting reconvene into Executive Session at 2:25 p.m. to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Chairman declared the meeting returned to open session at 3:10 p.m. and Mr. Goodstein, CCAA Legal Counsel, stated that no action had been taken.

Mr. Waters moved, seconded by Mr. S. Pryor, that the Board select six teams recommended by the Program Manager to be interviewed for Construction Manager at Risk for the Terminal Redevelopment and Improvement Program. Those six teams are:

- Austin-Hitt
- Choate-Hunt
- Hensel Phelps/Thompson Turner
- Holder/Mashburn
- Skanska/Trident/CCCS
- Turner/Freeland

Mr. Jefferson recused himself from the vote. The motion was adopted.

VII. GENERAL DISCUSSION

Debbie Engel with Transportation Security Administration shared with the Board new Advanced Imaging Technology which has recently been added to Check

000104

Charleston County Aviation Authority
Thursday, February 16, 2012 Board Meeting
Page 6 of 6

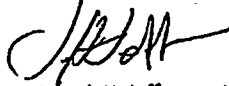
Point B. She also told the Board that the three TSA Explosive Detection dogs are now certified by the TSA National Explosives Detection Canine Training Program.

Ms. Stevens briefed the Board on the FAA recent reauthorization with a four-year term.

VIII. ADJOURNMENT

The Chairman adjourned the meeting at 3:20 p.m.

Respectfully yours,



Joseph H. Jefferson, III
Secretary

000105



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MINUTES

TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING CHARLESTON COUNTY AVIATION AUTHORITY CHARLESTON INTERNATIONAL AIRPORT THURSDAY, MARCH 8, 2012 AT 2:00 P.M.

CALL TO ORDER

A meeting of the Terminal Redevelopment and Improvement Program (TRIP) Committee was called to order by TRIP Committee Member Pat Waters at approximately 2:00 p.m.

Committee members present were Messrs. Spencer Pryor and Pat Waters. Also present were Mrs. Stevens, Messrs. New, Fann, Goodstein, Teddie Pryor, Ms. Beaman, Ms. Jordan, and Ms. Olmstead. Other participants present are set forth on the attached sign-in sheets.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

II. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

000106

Choate-Hunt

Mr. S. Pryor moved, seconded by Mr. Waters, that the Committee reconvene into Executive Session at approximately 2:04 p.m. The Committee returned to open session at 3:20 p.m. and legal counsel, Mr. Goodstein, stated that no action had been taken.

Mr. Limehouse arrived at approximately 3:30 p.m.

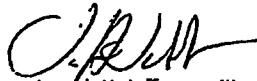
Holder-Mashburn

Committee Chairman Limehouse called the meeting with Holder-Mashburn to order at 3:40 p.m. and the meeting was declared concluded at 4:50 p.m.

III. ADJOURNMENT

Chairman Limehouse declared the meeting adjourned at 4:51 p.m. The motion was adopted.

Respectfully yours,


Joseph H. Jefferson, III
Secretary

000107

TRIP COMMITTEE MEETING
MARCH 8, 2012
2:00 PM

	Attendee	Name of Company
	MATT BARNES	CHOATE - HUNT
	Clair Horrigan	CHOATE - HUNT
	Matthew Montgomery	Choate - Hunt
	Fred Anthony	The Boardman Companies
5.	Kellyn Delane Hunt	Cg3 Associates, LLC
	TODD WARWICK	CHOATE - HUNT
	Michael Hampton	Choate - Hunt
	ERIC Rallo	choate hunt
Ed	James Melius	Choate - Hunt
10.	Matt Brewer	Choate - Hunt
	Don Petersen	Choate - Hunt
	LOUIS LYNN	Choate - Hunt
	TOM ZAGORSKI	BAKER
	GEORGE PERINIS	↓
15.	KEA BURGIER	
	WAYNE REDFERN	
	BOB ANDERSON	
	MIKE GRABOWSKI	↓
	Bill New	CCAA
20.	Jim Yarn	↓
	Judi Olmstead	
	Maurie Washington	Trust Management, LLC
23.	Seamus Tracy	CCAA
	Betsy Beaman	↓
	Gregg Billingham	Yester
	Tom T.	"

000108

TRIP COMMITTEE MEETING

MARCH 8, 2012

3:30 PM

Holder-Mashburn

Attendee	Name of Company
1. * Michael Raponi	HMCC
2. * Fred Groome	HMCC
3. * Michael BURNETT	HMCC
4. * Dean Langston	HMCC
5. * David Miller	HMCC
6. * Bob Hamill	HMCC
7. * Rick Holt	HMCC
8. * Richard Kilard	HMCC
9. * Bob Faust	HMCC
10. * Pam Crawford	HMCC
11. * Calvin Whitfield	HMCC
12. * Steve Hutton	HMCC
13. * Kandy Kagel	HMCC
* Tom Zagorski	Baker
15. * George Perinis	
* Bob Probst	
* Wayne Redfern	
* Bob Anderson	
* Ken Burger	
20. * Mike Grandelski	
* Sean Tracey	ICAA
* Jim Yarnall	
* Bill New	
① * Paul Mashburn	HMCC
25. * Maurice Washington	Trust Management, LLC
* Becky Bezman	
* George Billington	Hendress
* Jack Olmstead	CCRA

000109



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MINUTES

TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING CHARLESTON COUNTY AVIATION AUTHORITY CHARLESTON INTERNATIONAL AIRPORT FRIDAY, MARCH 9, 2012 AT 9:00 A.M.

CALL TO ORDER

A meeting of the Terminal Redevelopment and Improvement Program (TRIP) Committee was called to order by TRIP Committee Member Pat Waters at approximately 9:00 a.m.

Committee members present were Messrs. Limehouse, Spencer Pryor, and Pat Waters. Also present were Mrs. Stevens, Messrs. Teddie Pryor, New, Fann, Goodstein, Ms. Jordan, and Ms. Olmstead. Other participants present are set forth on the attached sign-in sheets.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

Turner/Freeland

TRIP Committee Member Pat Waters called the meeting with Turner/Freeland to order at 9:00 a.m. and the meeting was declared concluded at 10:05 a.m.

Skanska/Trident/CCCS

TRIP Committee Member Pat Waters called the meeting with Skanska/Trident/CCCS to order at 10:30 a.m. and the meeting was declared concluded at 11:44 a.m.

Chairman Limehouse arrived at 11:50 a.m.

000110

Austin-HITT

TRIP Committee Chairman Limehouse called the meeting Austin-HITT to order at 12:35 p.m. and the meeting was declared concluded at 1:30 p.m.

Hensel Phelps

TRIP Committee Chairman Limehouse called the meeting Hensel Phelps to order at 1:50 p.m. and the meeting was declared concluded at 2:55 p.m.

II. EXECUTIVE SESSION

TRIP Committee Member Pat Waters declared the meeting in Executive Session at 3:10 p.m. to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Chairman declared the meeting returned to open session at 3:31 p.m. and Mr. Goodstein, CCAA Legal Counsel, stated that no action had been taken.

III. ADJOURNMENT

Mr. Pryor moved, seconded by Mr. Waters, that the meeting adjourn at 3:32 p.m. The motion was adopted.

Respectfully yours,



Joseph H. Jefferson, III
Secretary

000111

CCAA ENGINEERING MEETING ATTENDANCE

Project: TRIP

Meeting: Interviews

Meeting Date/Time: 3/9/12 9:00am

Location: CCAA Auth Bld. Room

Name	Company	Phone	E-Mail
1. KENNETH B. Canty	Freeland Construction	543-722-7710	Kcanty@freelandconstruction.com
2. Jim McIntyre	TURNER CONST.	704-239-9435	jimcintyre@tcc.com
3. KEVIN DEMPSEY	TURNER	980-722-8320	kdempsey@tcco.com
4. Steve Schultz	"	916-444-4461	sschultz@tcc.com
5. Daniel O'Connor	Turner	(919) 795-6107	doconnor@tcc.com
6. Tara Robertson	TURNER	843-271-7390	trobertson@tcc.com
7. Sarah Mitchell ^(24-yr) _{only}	Turner	(701) 430-9221	smitchell@tcc.com
8. STEPHAN EDWARDS	PARAGON BUILDERS	(803) 387-1675	Stephan@paragonbuilders.sc.com
9. Gary Stradowski	Turner	843-300-8012	gstradowski@tcc.com
10. Jayne O'Donnell	Turner	(911) 415-747-2018	jodonnell@tcc.com
11. KEVIN JENKINS	TURNER	704-512-8918	Kjenkins@tcc.com
12. MEADE HOPKINS	TURNER	980-307-2204	hopkins@tcc.com
TOM ZAGORSKI	BAKER		tzagorski@mbakercorp.com
GEORGE PERINIS			gperinis@mbakercorp.com
BOB PROBST			bprobst@mbakercorp.com
WAYNE REDFERN			wredfern@mbaker.com
BOB ANDERSON			banderson@mbakercorp.com
KEA BURGER			kburger@mbakercorp.com
MIKE CIRANDELSKI			michael.cirandelski@mbakercorp.com

CCAA ENGINEERING MEETING ATTENDANCE

Project: TRIP Meeting: T-Henri-25

Meeting: Tue Nov 25

Meeting _____ Location: _____

Location: CAA Auth. Bld. Room

Date/Time: 3.9.12 @ 9 AM Location: CAA Auth. Bd. Room

Location: CAA Auth. Bld. Room

[illegible]

TRIP COMMITTEE MEETING
MARCH 9, 2012
10:30 AM

Attendee	Name of Company
1. CHAD McLAY	TRIDENT CONSTRUCTION
2. Madden Glinco	Skanska
3. Andrew Bouchard	Tech
4. Renee Jones	Skanska/Trident
5. Dave Jutka	" "
6. Jim Clemens	Skanska/Trident
7. Gary Jones	--
8. Calvin Whitfield	" "
9. Jeffrey Clemens	" " "
10. Peter Johnson	" " "
11. Bob Pelka	" " "
12. John David Griffith	" " "
13. TOM ZAGORSKI	BAXTER
14. GEORGE PERINIS	
15. BOB PROOST	
16. WAYNE REDFERN	
17. BOB ANDERSON	
18. KEN BURGER	
19. MIKE GRANDESKY	
20. Judi Olmstead	CCAA
21. Sean Tracey	
22. Becky Bezaire	
23. Maurice Washington	Travel Management, LLC
24. Tom Theobald	
25. Gregg Billingham	Hart

000114

TRIP COMMITTEE MEETING

MARCH 9, 2012

12:30 PM

Attendee	Name of Company
1. KEN CHRISTIANSEN	AUSTIN COMMERCIAL
2. Kelly Locke	Austin Commercial
3. TOM SKINNER	AUSTIN - HITT
4. JOHN DUVAL	AUSTIN - HITT
5. KENT THAMES	AUSTIN - HITT
6. ~~James E. Hoff~~	HITT EAST CO.
7. KELLEY WILLIAMS	HITT AUSTIN
8. SIMEON O. TERRY	AUSTIN - HITT
9. MICHAEL LYNCH	AUSTIN - HITT
10. CARSON KNIZEVSKI	AUSTIN - HITT
11. JIM HALL	AUSTIN - HITT
12. Hank Kemp	AUSTIN - HITT
13. ~~Henry Wicks~~	AUSTIN - HITT
14. Eugene Goot	AUSTIN - HITT
15. Maurice Washington	Trust Management L, LLC
16. TOM ZAGORSKI	BAKER
17. GEORGE PERINIS	
18. BOB PROBST	
19. WAYNE REDFERN	
20. BOB ANDERSON	
21. KEN BURGER	
22. MIKE GRANDELSKI	
23. Judi Olmstead	CRAA
24. Sean Tracey	
25. Becky Beaman	
26. Tom Theobald	

000115

MARCH 9, 2012

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TRIP COMMITTEE MEETING
MARCH 9, 2012

2:00 PM

Attendee	Name of Company
1. KERR HAZEN	HENSEL PHELPS CONSTRUCTION CO.
2. Bob Rotton	Hensel Phelps Construction Co.
3. Rich Lewis	Hensel Phelps Construction Co.
4. ANDREW MASTERS	HENSEL PHELPS CONSTRUCTION CO.
5. HAL TURNER	THOMPSON TURNER CONST.
6. Nate Sparks	Construction Dynamics, Inc.
7. Paige Cotton	Thompson Turner
8. Mackenzie Arnold	Hensel Phelps Construction Co.
9. BOB PROVAN	Hensel Phelps Const.
10. CHRIS SPACH	Southern Building Group
11. TOM ZAGORSKI	BAKER
12. GEORGE PERINIS	
13. BOB PROBST	
14. WAYNE REDFEIN	
15. BOB ANDERSON	
16. KEN BURGER	
17. MIKE GRANDOSKI	
18. Judi Olmstead	CCAA
19. Becky Beaman	
20. Gregg Billingham	Yentress
21. Susan Tramm	CCAA
22. Maurie Washington	Trust Management, LLC
23. Tom Theobald	

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April 20, 2012

Mr. Boyd B. Nicholson, Jr.
Haynesworth Sinkler Boyd, P.A.
134 Meeting Street
Charleston, SC 29402

RE: Request for Information – Procurement Number 2011-70-CHS

Dear Mr. Nicholson:

At their regularly scheduled meeting for Thursday, April 19, 2012, the Authority Board approved the minutes for meetings held on March 19, 2012 and March 22, 2012. This correspondence forwards to your attention copies of the approved minutes requested pursuant to your Freedom of Information Act (FOIA) request.

We have carefully and thoughtfully considered each request outlined in your FOIA request for information. In those instances where specific information could be released immediately, this has been accomplished. In those matters where a pre-contractual responsibility is ongoing, the information you seek is exempted from disclosure until such time that a contractual arrangement is finalized by the Authority.

Thank you for your patience in this matter. With kindest regards, I am

Sincerely,

William F. New, Jr.
Deputy Director of Airports

cc: Susan M. Stevens, A.A.E., Director of Airports
Jim Fann, A.A.E., Deputy Director of Engineering & Planning
Arnold S. Goodstein, Esquire, CCAA Legal Counsel

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MINUTES

TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM COMMITTEE MEETING

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

MONDAY, MARCH 19, 2012 AT 10:00 A.M.

CALL TO ORDER

A meeting of the Terminal Redevelopment and Improvement Program (TRIP) Committee was called to order by TRIP Committee Member Pat Waters at approximately 10:00 a.m.

Committee members present were Messrs. Chip Limehouse, Hernan Peña, Spencer Pryor, and Pat Waters. Also present were Mrs. Stevens, Messrs. Fann, Goodstein, Teddie Pryor, Ms. Beaman, Ms. Jordan, and Ms. Olmstead. Other participants present are set forth on the attached sign-in sheets.

Mr. Spencer Pryor arrived at 10:12 a.m.

I. GENERAL DISCUSSION: INFORMATION TO COMMITTEE MEMBERS

A. Visioning Workshop

The Fentress Team presented ideas about design of the redeveloped terminal.

Mr. Limehouse arrived at 10:34 a.m.

The Fentress Team introduced a model depicting a rendition of the finished terminal, and much discussion took place.

A break was announced at 12:35 p.m. for lunch.

B. Construction Manager at Risk

The meeting reconvened at 1:03 p.m.

000119

II. EXECUTIVE SESSION

The Chairman declared the meeting in Executive Session at 1:05 p.m. to discuss matters relating to the proposed location, expansion or provision of services encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Chairman declared the meeting returned to open session at 1:45 p.m. and Mr. Goodstein, CCAA Legal Counsel, stated that no action had been taken.

Mr. T. Pryor moved, seconded by Mr. Waters, that the Austin-Hitt and Holder/Mashburn teams be invited to present a 15-minute summary presentation to the full Board on March 22, 2012. The motion was adopted.

III. ADJOURNMENT

Chairman Limehouse declared the meeting adjourned at 1:50 p.m.

W. C. Limehouse
Respectfully yours,

000120



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MINUTES

CHARLESTON COUNTY AVIATION AUTHORITY

CHARLESTON INTERNATIONAL AIRPORT

CCAA BOARD MEETING

THURSDAY, MARCH 22, 2012

2:00 P.M.

The Charleston County Aviation Authority held a Board meeting on Thursday, March 22, 2012, in the offices of the Aviation Authority.

Members present were Messrs. Limehouse, Hartnett, S. Pryor, Richter, Savage, Waters, Cawley (proxy for Mr. Summey), T. Pryor, and Swalls.

Staff present were Messrs. Brammer, Britnell, Carew, Connell, Fann, Goodstein, Hoskins, Landrum, Tracey, Ms. Stevens, Ms. Beaman, Ms. Egerton, Ms. Johnson, Ms. Jordan, Ms. McGhee, and Ms. Olmstead.

Others present were Mallory Factor; Ken Burger, Michael Grandelski and George Perinis representing Michael Baker, Jr., Inc.; Matt Brewer of Choate-Hunt; Helen Hill and Gary Edwards of the Charleston Visitors Bureau; Debra Engel of the Transportation Security Administration; Matt Harden of Hensel Phelps Construction; Greg Jones of ADC Engineering; Dinos Liollo of Watson-Tate-Savory-Liollo; Maurice Washington of Trust Management, LLC; Ken Weeden of Ken Weeden Associates; and Warren Wise of Post and Courier.

Representing Austin-HITT were Eugene Buot, John Duval, Jim Hall, Brett Hitt, Rodney Jackson, Carson Knizevski, Kelly Locke, Michael Lynch, Tom Skinner, Simeon Terry, Rodney Williams; representing Holder/Mashburn/CCCS/Cumming were Michael Burnett, Fred Groome, Rob Hamill, Richard Kinard, Don Langston, Peter Mashburn, David Miller, Randy Rager, Michael Raponi, and Ms. Pamela Crawford.

CALL TO ORDER

The meeting was called to order by Chairman Limehouse at approximately 2:00 p.m.

000121

ANNOUNCEMENTS

A. Award of Service Pin

The following service pins were awarded:

Michele Johnson, Accounting Assistant
10 years

Bobby Hoskins, Police Sergeant
5 years

Roy Landrum, Laborer
5 years

B. Employee Recognition

Judi Olmstead, A.A.E.
Director of Finance and Administration

Governor's Cup Award

Helen Hill announced that the Charleston and Greenville-Spartanburg Airports, along with the Charleston and Greenville Visitors Bureaus, received the Governor's Cup Award for their collective efforts in bringing Southwest Airlines to South Carolina. The Governor's Cup is given to the organization that demonstrates extraordinary achievement in marketing a South Carolina attraction or destination.

I. MINUTES

- A. FEBRUARY 14, 2012 TERMINAL REHABILITATION AND IMPROVEMENT PROGRAM COMMITTEE MEETING**
- B. FEBRUARY 16, 2012 CCAA BOARD MEETING**
- C. MARCH 8, 2012 TRIP COMMITTEE MEETING**
- D. MARCH 9, 2012 TRIP COMMITTEE MEETING**

000122

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve the four sets of Minutes presented hereinabove. The motion was adopted.

II. MONTHLY FINANCIAL REPORT

The Monthly Financial Report was presented as information only.

III. OPERATIONS

A. Charleston International Airport

1. Work Authorization No. 39 with ADC Engineering: Design and Permitting Services for ASR-9 Clearing Project

Mr. Peña moved, seconded by Mr. Waters, that the Authority approve Work Authorization No. 39 with ADC Engineering, in the not-to-exceed amount of \$35,718.80 for professional services to support the ASR-9 Clearing Project. The motion was adopted.

2. Work Authorization No. 40 with ADC Engineering, Inc.: Pavement Condition Index Survey and Report for Charleston International Airport, Charleston Executive Airport and Mount Pleasant Regional Airport :

Mr. Waters moved, seconded by Mr. T. Pryor, that the Authority approve Work Authorization No. 40 with ADC Engineering, in the amount of \$19,533.40 for support in completing the Pavement Condition Index survey at the three airports. The motion was adopted.

3. Change Order No. 2 to Beaufort Engineering Services, Inc.: Apron C Expansion

Mr. Waters moved, seconded by Mr. T. Pryor, that the Authority approve Change Order No. 2 to Beaufort Engineering Services in the deductive amount of (\$177,086.99) and no time extension

000123

relative to the Apron C Expansion project. The motion was adopted.

4. Change Order No. 1 to Island Construction Company, Inc.: Taxiway F Improvements

Mr. Waters moved, seconded by Mr. T. Pryor, that the Authority approve Change Order No. 1 to Island Construction Company in the amount of \$14,240.25 with no time extension relative to the Taxiway F Improvements project. The motion was adopted.

5. Reject Bids: Additional Concourse Restrooms

Mr. Waters moved, seconded by Mr. Richter, that the Authority reject all bids and cancel the project for Additional Concourse Restrooms. The motion was adopted.

Mr. Spencer Pryor arrived at 2:20 p.m.

6. Airport Layout Plan (ALP) Update

Mr. Richter moved, seconded by Mr. Swails, that this item be carried over. The motion was adopted.

7. Update DBE Program Plan (49CFR 26): Small Business Element

Mr. T. Pryor seconded by Mr. Swails, that this item be carried over. The motion was adopted.

8. Amendment No. 3 to SSP America, Inc.: Increase Square Footage in Concourse B

Mr. Swails moved, seconded by Mr. Cawley, that the Authority approve Amendment No. 3 to SSP America, Inc. to expand its current leasehold by 195 square feet. The motion was adopted.

000124

9. Network Switch Equipment Purchase and FY 2012 Budget Amendment: Blue Horizon Network Solutions

Mr. Waters moved, seconded by Mr. T. Pryor, that the Authority approve an equipment purchase through State Contract in the amount of \$26,031, plus applicable taxes, from Blue Horizon Network Solutions and an FY 2012 Budget Amendment in the amount of \$29,000. The motion was adopted.

10. Modification to the First Amendment To The Amended And Restated Ground Sublease – Boeing and South Carolina Public Railway

Mr. Waters moved, seconded by Mr. S. Pryor, that the Authority approve a Modification to the First Amendment to the Amended and Restated Group Lease. The motion was adopted.

IV. TERMINAL REDEVELOPMENT AND IMPROVEMENT PROGRAM (TRIP) COMMITTEE

A. Committee Report

Mr. Limehouse stated that the TRIP Committee had met on March 19, 2012 and stated that he would provide a report to the Board in Executive Session.

B. Visioning Workshop

Ms. Stevens provided an update summarizing the results of the visioning process among the TRIP Committee, the Baker Team, the Fentress Team, and CCAA staff.

C. Selection of Construction Manager at Risk: Pre-Construction and Construction Phase Services

Through a lottery, Holder/Mashburn/CCCS/Cumming chose to make its presentation second and retired to the Conference Room.

000125

Austin/HITT made a presentation from 2:55 p.m. to 3:11 p.m. and then and retired to the Conference Room.

Holder/Mashburn/CCCS/Cumming made its presentation from 3:15 p.m. to 3:35 p.m.

EXECUTIVE SESSION

Mr. T. Pryor moved to go into Executive Session at 3:40 p.m. and asked that the room be vacated of everyone except Board members, Legal Counsel, and Mallory Factor. Ms. Stevens and Ms. Jordan left the meeting, as directed. Executive Session is to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

The Chairman declared the meeting returned to open session at 3:50 p.m. and Mr. Goodstein, CCAA Legal Counsel, stated that no action had been taken.

Mr. Richter moved, seconded by Mr. Cawley, that the Board authorize Staff to enter into negotiations with Austin/HITT for the Construction Manager at Risk contract, with Holder/Mashburn/CCCS/Cumming as the second in the event successful negotiations cannot be reached with Austin/HITT. The motion was unanimously adopted.

D. Work Authorization No. 8 to Professional Services Agreement: Public Financial Management

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve Work Authorization No. 8 with Public Financial Management, in the not-

000126

to-exceed amount of \$26,000, plus \$2,000 for out-of-pocket expenses, and a not-to-exceed amount of \$5,000 in the event that additional effort is necessary beyond the normal scope of work. The motion was adopted.

V. FINANCE

A. Renewal of Public Officials and Employment Practices Liability Insurance

Mr. T. Pryor moved, seconded by Mr. Waters, that the Authority approve Public Officials and Employment Practices Liability Insurance coverage with ACE/USA for one year beginning April 1, 2012 for an annual premium of \$18,728. The motion was adopted.

VI. EXECUTIVE SESSION

Executive Session to discuss matters relating to the proposed location, expansion or provision of services, or encourages location or expansion of industries, or other businesses on property owned by the Authority; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim for other matters covered by the attorney-client privilege, settlement of a legal claim, or the position of the Authority in other adversary situations involving the assertion of a claim against the Authority; the discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

VII. GENERAL DISCUSSION

A. Closure date for Runway 15/33

Ms. Stevens advised the Board that the closure date for Runway 15/33 has been postponed. She will advise when she knows the closure date.

B. ACI Study: Economic Impact of Airports

Ms. Stevens stated that she would carry this item over until next month.

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VII. ADJOURNMENT

Mr. Harnett moved, seconded by Mr. S. Pryor, that the meeting adjourn at 4:00 p.m. The motion was adopted.

2703 - Chip "Jim" Linnhouse
Respectfully yours,

000128



843.724.9860 Office
843.724.9861 Fax

March 22, 2012

The Honorable Chip Limehouse, Chairman
Charleston County Aviation Authority
5500 International Boulevard #101
N. Charleston, SC 29418

Dear Chairman Limehouse:

Please be advised that I am a team member of one of the offerors for the position of Construction Manager at Risk for the Terminal Redevelopment project. Please excuse me from any votes, deliberations, and other actions on the Terminal Redevelopment project.

Please request that the Executive Secretary place this statement in the minutes of the March 22, 2012 Board meeting.

Thank you.

Sincerely,



Joseph H. Jefferson, III

2850 Ashley Phosphate Road, Suite H • North Charleston, SC 29418
Construction - Engineering - Construction Management

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