Public Statement and Notice of Meeting

On March 15, 2013, Robert Gantt, Chair of the Lexington-Richland Five School Board received retired Circuit Court Judge G. Thomas Cooper, Jr.'s "Findings and Recommendations" regarding Kim Murphy's residency matter. This morning, at Mr. Gantt's direction, the "Findings and Recommendations of Judge Cooper," were posted on the Lexington-Richland Five website along with the complete transcript of the hearing before Judge Cooper held on February 15, 2013. Because the question of Ms. Murphy's residency has already been pending for over two months, Mr. Gantt has set the matter for a hearing before the Lexington-Richland Five School Board for Tuesday evening, March 19, 2013, at 7 p.m. The Board meeting will be held at the District Office. At the hearing, the Board will give the opportunity to hear statements from legal counsel, consider Judge Cooper's "Findings and Recommendations" and present the February 15, 2013 hearing transcript and exhibits, and entertain motions, if any, on the removal of Kim Murphy from the Board.

district five
OF LEXINGTON & RICHLAND COUNTIES

MEMORANDUM

TO: Kenneth L. Childs
J. Todd Kincannon

FROM: Robert W. Gantt

DATE: March 18, 2013

RE: Judge Cooper's Memorandum / Board Hearing

I received the attached communication from the Honorable Thomas Cooper on Friday, March 15, 2013, at the District Office of School District Five of Lexington and Richland Counties. I understand you both have been provided previously a copy of the transcript of the hearing before Judge Cooper on February 15, 2013.

The Board of Trustees will meet at 7:00 Tuesday evening, March 19, to consider this matter. At that time, the Board will afford each of you an opportunity to address the Board with respect to Judge Cooper's communication and any other relevant legal or factual matters that may be appropriate for the Board to consider. I ask that your comments not exceed thirty minutes. The hearing record is being posted to the "Board Meeting Information 2012-13" Web page accessible via the "About Our District" tab at www.lexrich5.org for the study and consideration of the Board in advance of this meeting.

Thereafter, the Board will take Judge Cooper's communication and arguments of counsel under advisement and to determine how to proceed and consider any appropriate motions .

Attachment

district five
OF LEXINGTON & RICHLAND COUNTIES

AGENDA
SPECIAL-CALLED MEETING
BOARD OF TRUSTEES
DISTRICT ADMINISTRATION'S BOARD ROOM
MARCH 19, 2013

1. Call to order at 7 p.m.

2. Approve the agenda

3. Hearing regarding board member's residency
   a. Receipt of Judge Cooper's Report, Exhibits and Transcript from the February 15, 2013 Evidentiary Hearing
   b. Statements of legal counsel (1 hour total)

4. Action on item discussed

5. Adjourn by 9 p.m.

Exhibit 1

EXHIBIT 1

district five
OF LEXINGTON & RICHLAND COUNTIES

December 20, 2012

Mr. Bobby Bowers
Office of Research & Statistics
South Carolina State Budget & Control Board
1201 Main Street, Suite 715
Columbia, SC 29201

Re: School District Five of Lexington and Richland Counties

Dear Mr. Bowers:

I am writing to you as Chairman of the Board of Trustees of School District Five of Lexington and Richland Counties. It has come to my attention, from sources which I deem reliable, that Board member Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five, is not in fact a resident of Richland County as specifically required by Act No. 326 of 2002. As you may be aware, such rumors have been around for some time.

The purpose of my letter is to request that the South Carolina State Budget and Control Board Office of Research and Statistics make a determination as to whether or not Ms. Murphy resides in Richland County, as required by law, and whether she is, in fact, a resident of Richland County legally qualified to represent Richland County on the School District Five Board.

Thank you for your assistance with this matter.

Respectfully submitted,

Robert W. Gantt
Chairman, Board of Trustees

EXHIBIT
Dist. 1
2.15.13 DB
PENGAD 800-631-6989

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL

SC BUDGET AND CONTROL BOARD

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

January 11, 2013

Mr. Robert W. Gantt
Chairman, Board of Trustees
Richland Lexington School District 5
1020 Dutch Fork Rd.
Irmo, SC 29063

Dear Mr. Gantt,

Per your request we have reviewed the county location of the residence of Ms. Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five of Richland and Lexington Counties. Our review was based on the address of 154 Old Laurel Ln., Chapin, SC 29036. This information was obtained through the South Carolina State Election Commission voter registration database.

We used three sources to determine the county location of Ms. Murphy's residence: 1. the U.S. Census Bureau, 2. Precinct maps on file with this office based on codified law, and 3. Research and field work conducted by the South Carolina Geodetic Survey.

The U.S. Census Bureau PL94-171 database shows Ms. Murphy's address as being located in U.S. Census Block 450630212042059. This puts Ms. Murphy in the State of South Carolina in Lexington County in Tract 021204 in Block 2059. Based on the database, the entire street of Old Laurel Ln. is located in Lexington County.

The next analysis we conducted was based on the official precinct maps on file with our office. As established in §1-11-360 our office serves as the focal point for verifying official precinct information for the counties and serves as the official repository for precinct maps. The map on file with this office (P-63-10) show Ms. Murphy is a resident of Lexington County and should be voting in the Lexington County Chapin precinct for House District 85, Senate District 18, and Lexington County Council District 6. In addition to Ms. Murphy's address it has come to our attention that another address located on Old Laurel Ln. is also located in the incorrect county, voting in the incorrect precinct and election districts.

PENGAD 800-631-6989
EXHIBIT
Dist. 2
2.15.13 SB

The third source is research and field work conducted by the South Carolina Geodetic Survey. Section 4-3-460 of the Code of Laws of South Carolina 1976 defining the Richland County boundary states that Rocky Ford on Wateree Creek is a point on the Richland-Lexington county boundary. GPS was used to determine the coordinates for Rocky Ford. From Rocky Ford, one boundary line segment bears northwest and another bears southwest. The northwest-trending line segment from Rocky Ford to its intersection with Risters Creek has an azimuth of 343° for a distance of 9405 feet. The southwest-trending line segment from Rocky Ford has an azimuth of 243° for a distance of 3920 feet. Plotting this information on orthophotography demonstrates that Ms. Murphy's house is in Lexington County – about 0.1 mile northwest of the boundary.

All three sources show that Ms. Murphy is a resident of Lexington County. Act No. 326 of 2002 requires that four members be elected from the Lexington County portion of the school district and three members are to be elected from the Richland County portion of the district. As Ms. Murphy was elected in 2010 for a seat in Richland County while residing in Lexington County she is and was not qualified to hold her position for which she has been elected. If Ms. Murphy desires, she may run for a seat for the Lexington County portion of School District Five at the next general election.

Sincerely,

Bobby M. Bowers

BMB:wfr

Richland and Lexington County Census Blocks

PENGAD 800-631-6

Dist. 3
2.15.13 SB



EXHIBIT

Dist. 4

2.15.13 SB

PENGAD 800-631-6989

South Carolina House Districts



EXHIBIT

Dist. 5

2.15.13 SB

PENGAD 800-631-6989

South Carolina Senate Districts



Source: Act No. 71 of 2011

EXHIBIT

Dist. 6

2.15.13 S8

PENGAD 800-631-6989

Richland and Lexington County Voting Precincts



Code of Laws of South Carolina 1976 Annotated
Title 4. Counties
Chapter 3. Boundaries of Existing Counties

Code 1976 § 4-3-460

§ 4-3-460. Richland County.

Currentness

Richland County is bounded on the north by Fairfield County, from which it is separated by new boundary lines set forth and specifically described in the location and boundary of Fairfield County; on the east by Kershaw County and Sumter County from which it is separated by the Wateree River; on the south by Calhoun County; on the west by Lexington County, from which it is separated by a line beginning on the Congaree River where the counties of Lexington and Richland meet on the southern division thereof, and running thence with the Congaree River to where the confluence of the Broad and Saluda Rivers unite to form the Congaree, and following the thread of Saluda River about two and one-half miles to a concrete boundary marker; thence in a northwesterly direction upon the circumference of a circle having Lexington courthouse as its center, with a radius of not less than eight miles and a deflection of 1° 21' for every one thousand feet, to a concrete boundary marker on the eastern boundary line of the town of Irmo; thence along the boundary line of the town of Irmo to the northeast corner of the town; thence west along the northern boundary of the town of Irmo 2,260 feet to a stake located thereon; thence along the circumference of the circle first described 11,360 feet to a stake; then N. 42° 30' W. 878 feet; thence west 5,000 feet to a stake; thence S. 85° W. 5,000 feet to a stake; thence S. 80° W. 5,541 feet to a stake; thence N. 37° 28' W. 10,618 feet to a stake; thence S. 85° W. 750 feet to a pine; thence N. 34° 45' W. 10,491 feet to a stake; thence N. 22° E. 914 feet to a stake; thence N. 37° 5' W. 1,313 feet to a stake; thence N. 13° 45' E. 2,597 feet to a stake; thence N. 56° 35' E. 3,920 feet to a point on Rocky Ford on Wateree Creek; thence north, northeast and east along the Wateree Creek to where it empties into Broad River. To the above-described area of Richland County is to be added all that territory transferred from Lexington County by act approved March 11 1922, to wit: all that certain piece of land containing 8,900 acres, or 14 square miles, situate in the northeastern part of Lexington County on the Broad River, and being bounded and delineated as follows, to wit: beginning at a point on the Broad River, and running S. 41° W. 82.51 chains to a stake; thence turning and running S. 32.5° W. 160.65 chains to a stake; thence running along a creek which empties into Wateree Creek 42.24 chains to a stake; thence running to the point where said creek joins Wateree Creek 71.51 chains; thence running along Wateree Creek 94 chains; thence turning and running S. 23° E. 142.50 chains to a point in Slice Creek known as Rocky Ford; thence turning and running northerly along Slice Creek 164 chains; thence turning and running easterly along Wateree Creek 305.00 chains to the point of entrance of Wateree Creek and Broad River; thence turning and running in a northwesterly direction along Broad River 410 chains, said piece of land being bounded on the west by Newberry County, on the south and southwest by Lexington County, on the south by Richland County, and on the east and north by the Broad River, being more particularly known as the plat of said property, completed on November 25 1921, by W.A. Counts and J.C. Wessinger, surveyors, said plat being filed in the office of the Secretary of State.

Credits

HISTORY: 1962 Code § 14-90; 1952 Code § 14-90; 1942 Code § 3015; 1932 Code § 3015; Civ. C. '22 § 707; Civ. C. '12 § 624; Civ. C. '02 § 563; G. S. 432; R. S. 491; (4) 662; (5) 219, 317; (7) 290; 1913 (28) 107, 117; 1922 (32) 977; 1969 (56) 819.

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Code 1976 § 4-3-460, SC ST § 4-3-460
Current through End of 2011 Reg. Sess.



At the request of Geo. W. Keen and others, legally authorized to direct this work, we have made a survey of that portion of Lexington County which it is proposed to annex to Richland County; this being the extreme northern end of Lexington County, and having such shape, bounds, and area as shown on the above Plat. This survey was completed November 25, 1921.

W. A. Counts

J. C. Wessinger

Surveyors.

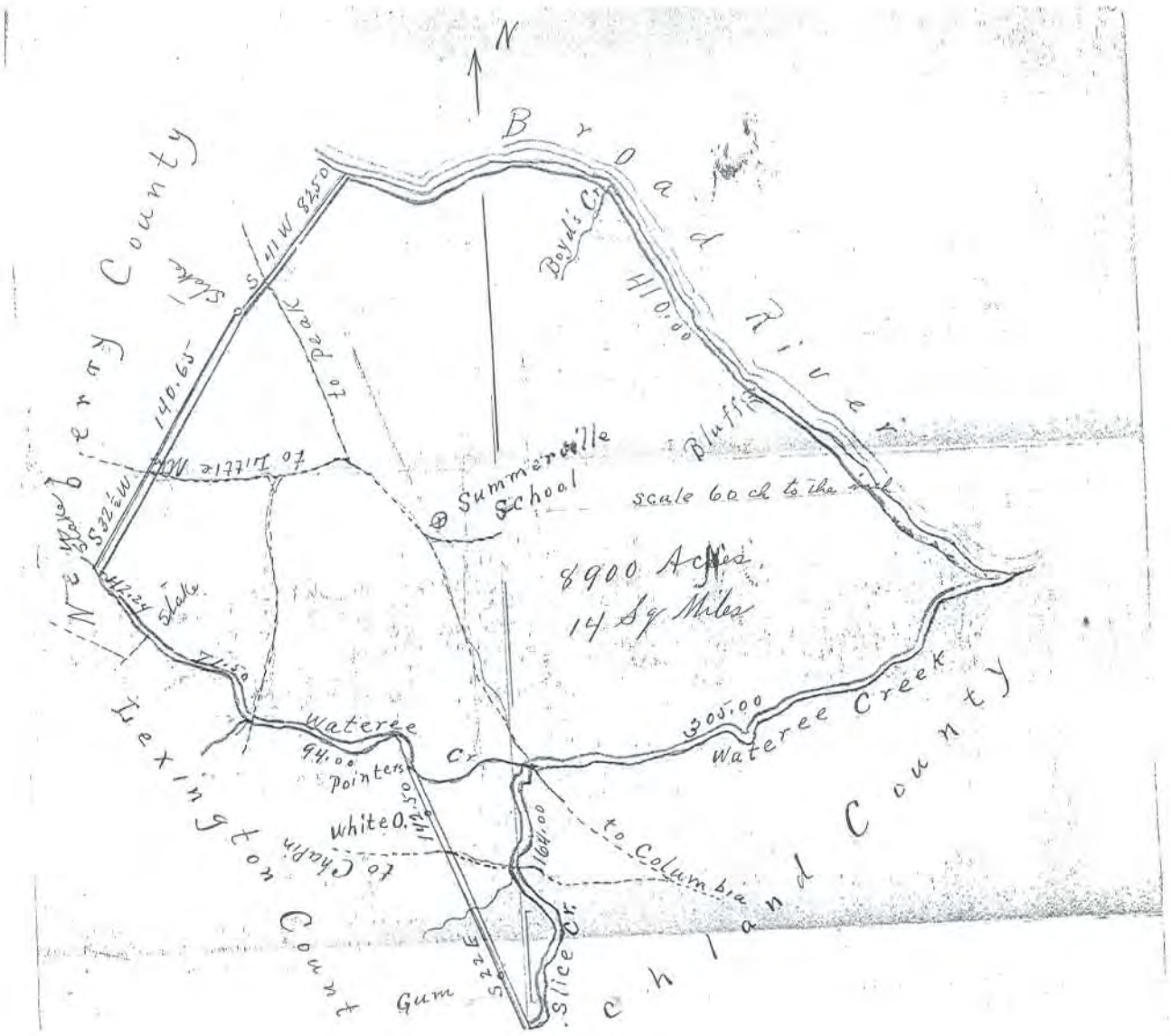
Certificate.

We W. A. Counts and J. C. Wessinger, commissioners duly appointed under the law and in accordance with law, hereby certify that the above is a correct mark of the line of the land proposed to be annexed from Lexington County to Richland County, and that the same has been made with due regard to all legal provisions and limitations which have been complied with and that this plat does contain a true and correct plat of said property to be annexed from Lexington County to Richland County as is shown by a careful and correct legal survey thereof.

W. A. Counts

J. C. Wessinger

EXHIBIT
Dist. 8
2.15.13 SB
FEINGAD 800-631-6989


N
Broad River
Boyd's Cr.
S 11° W 82.50
140.65
Richland County
Lexington County
to Pearl
to Hilltop
Summerville School
Bluff
scale 60 ch to the inch
8900 Acres
14 Sq Miles
Wateree Cr.
94.00
Pointers
White O.
142.50
to Columbia
164.00
Slice Cr.
S 22° E
Gum
to Chapin
Wateree Creek
305.00
71.50
Stake
N 32° W
42.24



CODE OF LAWS OF SOUTH CAROLINA 1976

Annotated

Containing permanent public statutes of general application to the end of the 1985 Legislative Session

Prepared under the supervision of the Legislative Council and Code Commissioner and adopted as the Official Code of the State by the 1986 Session of the General Assembly

VOLUME 1A

UNITED STATES GOVERNMENT, AGREEMENTS AND RELATIONS WITH

COUNTIES

S. C. STATE LIBRARY
APR 8 1986
STATE DOCUMENTS

Prepared by the Editorial Staff of the Publisher

THE LAWYERS CO-OPERATIVE PUBLISHING CO.
Aqueduct Building
Rochester, New York 14694

LCP

the subject of an election held November 8 1966, by the commissioners of election of Oconee County, the results of which election were favorable to the annexation, and the General Assembly having found that all provisions of the Constitution of South Carolina, 1895, governing the alteration of county lines having been satisfactorily complied with, is hereby transferred to Pickens County and annexed to that county. The proper proportion of the existing county indebtedness of the area so transferred shall be assumed by the county to which the area is transferred.

HISTORY: 1962 Code § 14-89.1; 1967 (55) 46.

§ 4–3–460. Richland County.

Richland County is bounded on the north by Fairfield County, from which it is separated by new boundary lines set forth and specifically described in the location and boundary of Fairfield County; on the east by Kershaw County and Sumter County from which it is separated by the Wateree River; on the south by Calhoun County; on the west by Lexington County, from which it is separated by a line beginning on the Congaree River where the counties of Lexington and Richland meet on the southern division thereof, and running thence with the Congaree River to where the confluence of the Broad and Saluda Rivers unite to form the Congaree, and following the thread of Saluda River about two and one-half miles to a concrete boundary marker; thence in a northwesterly direction upon the circumference of a circle having Lexington courthouse as its center, with a radius of not less than eight miles and a deflection of 1° 21′ for every one thousand feet, to a concrete boundary marker on the eastern boundary line of the town of Irmo; thence along the boundary line of the town of Irmo to the northeast corner of the town; thence west along the northern boundary of the town of Irmo 2,260 feet to a stake located thereon; thence along the circumference of the circle first described 11,360 feet to a stake; then N. 42° 30′ W. 878 feet; thence west 5,000 feet to a stake; thence S. 85° W. 5,000 feet to a stake; thence S. 80° W. 5,541 feet to a stake; thence N. 37° 28′ W. 10,618 feet to a stake; thence S. 85° W. 750 feet to a pine; thence N. 34° 45′ W. 10,491 feet to a stake; thence N. 22° E. 914 feet to a stake; thence N. 37° 5′ W. 1,313 feet to a stake; thence N. 13° 45′ E. 2,597 feet to a stake; thence N. 56° 35′ E. 3,920 feet to a point on Rocky Ford on Wateree Creek; thence north, northeast and east along the Wateree Creek to where it empties into Broad River. To the above-described area of Richland County is to be added all that territory transferred from Lexington County by act approved March 11 1922, to wit: all that certain piece of land containing 8,900 acres, or 14 square miles, situate in the north-

eastern part of Lexington County on the Broad River, and being bounded and delineated as follows, to wit: beginning at a point on the Broad River, and running S. 41° W. 82.51 chains to a stake thence turning and running S. 32.5° W. 160.65 chains to a stake thence running along a creek which empties into Wateree Creek 42.24 chains to a stake; thence running to the point where said creek joins Wateree Creek 71.51 chains; thence running along Wateree Creek 94 chains; thence turning and running S. 23° E. 142.50 chains to a point in Slice Creek known as Rocky Ford thence turning and running northerly along Slice Creek 164 chains; thence turning and running easterly along Wateree Creek 305.00 chains to the point of entrance of Wateree Creek and Broad River; thence turning and running in a northwesterly direction along Broad River 410 chains, said piece of land being bounded on the west by Newberry County, on the south and southwest by Lexington County, on the south by Richland County and on the east and north by the Broad River, being more particularly known as the plat of said property, completed on November 25 1921, by W.A. Counts and J.C. Wessinger, surveyors, said plat being filed in the office of the Secretary of State.

HISTORY: 1962 Code § 14-90; 1952 Code § 14-90; 1942 Code § 3015; 1935 Code § 3015; Civ. C. '22 § 707; Civ. C. '12 § 624; Civ. C. '02 § 563; G. S. 432; R. S. 491; (4) 662; (5) 219, 317; (7) 290; 1913 (28) 107, 117; 1922 (32) 977; 1969 (56) 819.

Cross references—

As to constitutional provisions regarding county boundaries, see SC Const, Art. 7, § 12; Art. 8, § 2.

As to constitutional provision regarding number of counties, see SC Const, Art. 8, § 3.

§ 4–3–470. Saluda County.

Saluda County is bounded by a line beginning at the center of Big Saluda River at a point opposite the corner of Edgefield and Lexington Counties; thence the old Edgefield and Lexington line to the corner of Lexington and Aiken Counties; thence the old Edgefield and Aiken line to a point three miles north of where the public road crosses said line near Lybrand's old mill; thence a straight line to ten-mile post on public highway leading from Edgefield to Columbia, near the present or former residence of J. W. L. Bartley; thence a straight line to the junction of the public road leading from Pleasant Cross with the Long Cane road near the present or former residence of William Lott; thence by the Long Cane road to Matt Mathis' crossroads; thence a straight line to Owdom's Postoffice; thence a straight line to Little Red Hill schoolhouse near Dr. Landrum's old place; thence a straight line to a point on the northwestern line of Pine Grove township, one

by H. W. Shaw and A. B. Boykin, surveyors, dated June 25 and 26 1924, that is to say, that body of land which lies between the lines heretofore dividing said two counties, and the line represented on said plat as beginning at Harbord Branch where the line between the said two counties crosses said branch running thence S. 41° E. 3319 feet; thence 27° 30′ E. 1025 feet; thence S. 79° W. 2530 feet; thence S. 1° W. 5147.09 feet; thence S. 8° 15′ E. 3288 feet; thence S. 33° W. 8225 feet; thence N. 78° 30′ W. to the Three Notch Road, be and the same is hereby annexed to Kershaw County, and the lines heretofore dividing the said two counties are altered accordingly.

HISTORY: 1962 Code § 14-81; 1952 Code § 14-81; 1942 Code § 3006; 1932 Code § 3006; Civ. C. '22 § 698; Civ. C. '12 § 616; 1902 (23) 1194; 1914 (28) 647; 1921 (32) 239; 1925 (34) 12.

Cross references—

As to constitutional provisions regarding county boundaries, see SC Const. Art 7, § 12; Art 8, § 2.

As to constitutional provision regarding number of counties, see SC Const. Art 8, § 3.

§ 4-3-370. Lexington County.

Lexington County is bounded on the northeast and east by Richland County; on the southeast by Orangeburg and Calhoun Counties, from which it is divided by Beaver Creek; on the Southwest by Aiken County, from which it is separated by the north fork of the Edisto River to the mouth of the southern branch of Chinquepin Falls Creek and then by said creek to a point where it intersects the line drawn from Silver Bluff, on the Savannah River, to the mouth of Rocky Creek, on Saluda River; on the northwest by Saluda County, from which it is separated by a line drawn from Silver Bluff, on Savannah River, to the mouth of Rocky Creek, on the Saluda River; and by Newberry County, from which it is separated by a line beginning at a point in Broad River, on the Fairfield-Lexington County line, about .25 of a mile below Peak, and running thence S. 40° W. to a point on the west bank of Broad River; thence S. 40° W. 1956 feet to an oak; thence S. 46° 40′ W. 2410 feet to a stone on the public road; thence S. 41° W. 1143 feet to a stake; thence S. 32° 30′ W. 9568 feet to a stake on a branch; thence down the run of the branch to a stake; thence S. 45° W. 575 feet to a stake; thence N. 86° 30′ W. 3782 feet to a pine; thence S. 26° 30′ W. 3650 feet to a stake; thence S. 53° 30′ W. 4990 feet to a point on the Columbia, Newberry and Laurens Railroad; thence S. 73° 30′ W. 2613 feet to a maple in a branch; hence S. 68° 30′ W. 2180 feet to a stake near a negro church; hence N. 77° 30′ W. 5577 feet to a stake just west of the public road, near Little Mountain; thence S. 28° W. 20850 feet to

Camping Creek, near the mouth of Stevens Creek; thence up the run of Camping Creek to the old Newberry-Lexington County line; thence southwesterly with the old Newberry-Lexington County line to Saluda County on Broad River. Less however, that territory transferred to Richland County by act approved March 1 1922, to wit: all that certain piece of land containing 8900 acres or 14 square miles, situate in the northeastern part of Lexington County on the Broad River, and being bounded and delineated as follows, to wit: beginning at a point on said Broad River, and running S. 41° W. 82.51 chains to a stake, thence turning and running S. 32.5° W. 160.65 chains to a stake, thence running along a creek which empties into Wateree Creek 42.24 chains to a stake thence running to the point where said creek joins Wateree Creek 71.51 chains, thence running along said Wateree Creek 94 chains thence turning and running S. 23° E. 142.50 chains to a point in Slice Creek known as Rocky Ford, thence turning and running northerly along Slice Creek 164 chains, thence turning and running easterly along Wateree Creek 305.00 chains to the point of entrance of Wateree Creek and Broad River, thence turning and running in a northwesterly direction along Broad River 41 chains, said piece of land being bounded on the west by Newberry County, on the south and southwest by Lexington County, on the south by Richland County, and on the east and north by the Broad River, being more particularly known as the plat of said property completed on November 25 1921, by W. A. Counts and J. C. Wessinger, surveyors, said plat being filed in the office of the Secretary of State. And less that territory transferred to Newberry County by act approved May 12 1953, to wit: all of that certain territory or portion of Lexington County embraced within the following lines and boundaries, to wit: beginning at a point of the intersection of Lexington County-Saluda County-Newberry County lines at Saluda River; thence N. 22° 30′ E. 17710 feet to Campin Creek; thence in a general southeastern direction along Campin Creek to confluence of Saluda River; thence in a northwesterly direction along Saluda River to point of beginning, being more particularly lined and described on a plat of said territory by the Columbia Engineering Company, completed November 1 195[illegible] said plat being filed in the office of the Secretary of State.

HISTORY: 1962 Code § 14-82; 1952 Code § 14-82; 1942 Code § 3007; 19[illegible] Code § 3007; Civ. C. '22 § 699; Civ. C. '12 § 617; Civ. C. '02 § 556; G. 125; R. S. 484; (5) 478, 506; (6) 463, 664; (7) 248; 1870 (14) 695; 1896 (2 249; 1901 (23) 662; 1912 (27) 821; 1913 (28) 107; 1920 (31) 976; 1922 (3 977; 1953 (48) 416.

Cross references—

As to constitutional provisions regarding county boundaries, see SC Const, A 7, § 12; Art 8, § 2.

Code of Laws of South Carolina 1976 Annotated
Title 4. Counties
Chapter 3. Boundaries of Existing Counties

Code 1976 § 4-3-460

§ 4-3-460. Richland County.

Currentness

Richland County is bounded on the north by Fairfield County, from which it is separated by new boundary lines set forth and specifically described in the location and boundary of Fairfield County; on the east by Kershaw County and Sumter County from which it is separated by the Wateree River; on the south by Calhoun County; on the west by Lexington County, from which it is separated by a line beginning on the Congaree River where the counties of Lexington and Richland meet on the southern division thereof, and running thence with the Congaree River to where the confluence of the Broad and Saluda Rivers unite to form the Congaree, and following the thread of Saluda River about two and one-half miles to a concrete boundary marker; thence in a northwesterly direction upon the circumference of a circle having Lexington courthouse as its center, with a radius of not less than eight miles and a deflection of 1° 21' for every one thousand feet, to a concrete boundary marker on the eastern boundary line of the town of Irmo; thence along the boundary line of the town of Irmo to the northeast corner of the town; thence west along the northern boundary of the town of Irmo 2,260 feet to a stake located thereon; thence along the circumference of the circle first described 11,360 feet to a stake; then N. 42° 30' W. 878 feet; thence west 5,000 feet to a stake; thence S. 85° W. 5,000 feet to a stake; thence S. 80° W. 5,541 feet to a stake; thence N. 37° 28' W. 10,618 feet to a stake; thence S. 85° W. 750 feet to a pine; thence N. 34° 45' W. 10,491 feet to a stake; thence N. 22° E. 914 feet to a stake; thence N. 37° 5' W. 1,313 feet to a stake; thence N. 13° 45' E. 2,597 feet to a stake; thence N. 56° 35' E. 3,920 feet to a point on Rocky Ford on Wateree Creek; thence north, northeast and east along the Wateree Creek to where it empties into Broad River. To the above-described area of Richland County is to be added all that territory transferred from Lexington County by act approved March 11 1922, to wit: all that certain piece of land containing 8,900 acres, or 14 square miles, situate in the northeastern part of Lexington County on the Broad River, and being bounded and delineated as follows, to wit: beginning at a point on the Broad River, and running S. 41° W. 82.51 chains to a stake; thence turning and running S. 32.5° W. 160.65 chains to a stake; thence running along a creek which empties into Wateree Creek 42.24 chains to a stake; thence running to the point where said creek joins Wateree Creek 71.51 chains; thence running along Wateree Creek 94 chains; thence turning and running S. 23° E. 142.50 chains to a point in Slice Creek known as Rocky Ford; thence turning and running northerly along Slice Creek 164 chains; thence turning and running easterly along Wateree Creek 305.00 chains to the point of entrance of Wateree Creek and Broad River; thence turning and running in a northwesterly direction along Broad River 410 chains, said piece of land being bounded on the west by Newberry County, on the south and southwest by Lexington County, on the south by Richland County, and on the east and north by the Broad River, being more particularly known as the plat of said property, completed on November 25 1921, by W.A. Counts and J.C. Wessinger, surveyors, said plat being filed in the office of the Secretary of State.

Credits

HISTORY: 1962 Code § 14-90; 1952 Code § 14-90; 1942 Code § 3015; 1932 Code § 3015; Civ. C. '22 § 707; Civ. C. '12 § 624; Civ. C. '02 § 563; G. S. 432; R. S. 491; (4) 662; (5) 219, 317; (7) 290; 1913 (28) 107, 117; 1922 (32) 977; 1969 (56) 819.

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Code 1976 § 4-3-460, SC ST § 4-3-460
Current through End of 2011 Reg. Sess.

On the orthophotography:

Based on fieldwork in 1995, the coordinate for the point determined to be Rocky Ford is N1908571.158, E847532.742 (SC State Plane Coordinate, NAD 83-86)

The two lines trending northwestward and southwestward from Rocky Ford are based on acts from 1913 and 1921.

Southwestward line:

1913 February 13: Act No. 68--An Act to Provide for the Transfer and Annexation of a Certain Portion of Lexington County to Richland County, and to Alter the County Lines of Said Counties to Conform Thereto (Acts and Joint Resolutions of the General Assembly of the State of South Carolina Passed at the Regular Session of 1913, Vo1.28, p.107-111).

"Beginning at a stake on the Richland-Lexington county line, 878 feet north of a stake marking the point where the arc of a circle with an eight-mile radius from Lexington Court House as a center intersects a line bearing N. 42°30' W. and running as follows: West 5,000 feet to a stake; thence S. 85° W. 5,000 feet to a stake; thence S. 80° W. 5,541 feet to a stake; thence N. 37° 28' W. 10,618 feet to a stake; thence S. 85° W. 750 feet to a pine; thence N. 34° 45' W. 10,491 feet to a stake; thence N. 22° E. 914 feet to a stake; thence N. 37° 5' W. 1,313 feet to a stake; thence N. 13°45' E. 2,597 feet to a stake; thence N 56°35' E. 3,920 feet to a point at Rocky Ford, on Wateree Creek; thence the Richland-Lexington county line to the beginning point."

This description was incorporated into §42 of The Code of Laws of South Carolina 1922, Volume III, p.286 and subsequent Codes of Laws defining the Richland County boundary.

It was included in the boundary description for Lexington County in §34 in the 1922 Code of Laws and subsequent Codes of Law.

Northwestward line:

1921 March 11: Act No. 551--An Act to Provide for the Transfer and Annexation of a Portion of Lexington County to Richland County and to alter the County Lines so as to Conform Thereto (Acts and Joint Resolutions of the General Assembly of the State of South Carolina Passed at the Regular Session of 1921, Vo1.32, p.977-981)

"All that certain piece of land containing 8,900 acres, or fourteen square miles, situate in the northeastern part of Lexington County on the Broad

River, and being bounded and delineated as follows, to wit: Beginning at a point on said Broad River, and running south 41 W. 82.51 chains to a stake; thence turning and running S. 32 1/2 W. 160.65 chains to a stake, thence running along a creek which empties into Wateree Creek 42.24 chains to a stake; thence running to a point where said creek joins Wateree Creek 71.51 chains, thence running along said Wateree Creek 94 chains, thence turning and running S. 23 E. 142.50 chains to a point in Slice Creek known as Rocky Ford, thence turning and running northerly along Slice Creek 164 chains, thence turning and running easterly along Wateree Creek 305.00 chains to the point of entrance of Wateree Creek and Broad River, thence turning and running in a northwesterly direction along Broad River 410 chains, ..."

The plat of the property described above was completed on November 25, 1921, by W.A. Counts and J.C. Wessinger, Surveyors, and was filed in the Secretary of State's office. On the plat Wateree Creek is apparently mislabeled as Slice Creek.

This description was incorporated into §3015 in the Code of Laws of South Carolina 1932, Volume II, pp. 475-476 and subsequent Codes of Laws defining the Richland County boundary.

It was included in the boundary description for Lexington County in §3007 in the 1932 Code of Laws and subsequent Codes of Law.

On the orthophotography:

Based on fieldwork in 1995, the coordinate for the point determined to be Rocky Ford is N1908571.158, E847532.742 (SC State Plane Coordinate, NAD 83-86)

The two lines trending northwestward and southwestward from Rocky Ford are based on acts from 1913 and 1921.

Southwestward line:

1913 February 13: Act No. 68--An Act to Provide for the Transfer and Annexation of a Certain Portion of Lexington County to Richland County, and to Alter the County Lines of Said Counties to Conform Thereto (Acts and Joint Resolutions of the General Assembly of the State of South Carolina Passed at the Regular Session of 1913, Vo1.28, p.107-111).

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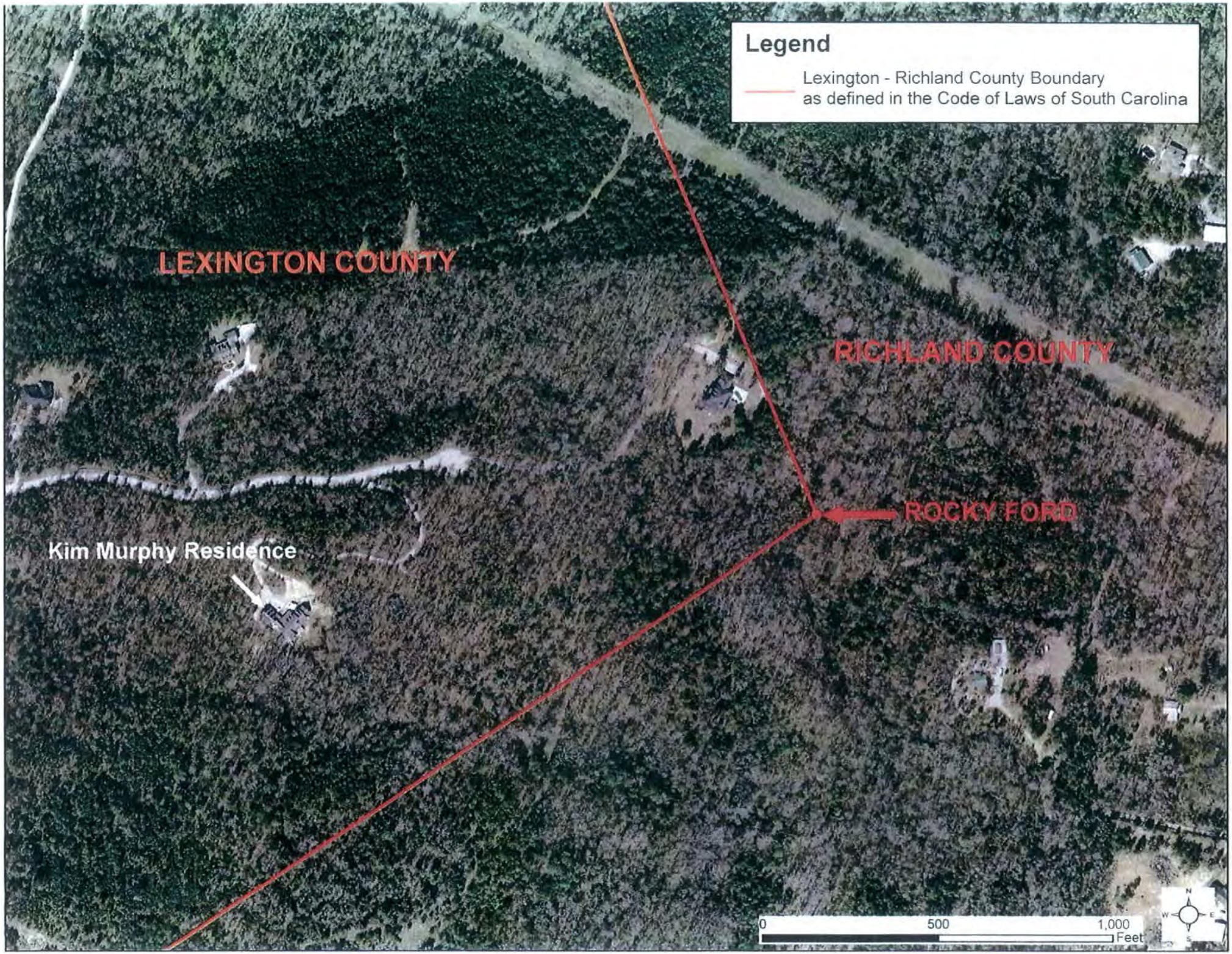
EXHIBIT
Dist. 9
NGAD 800-631-6989

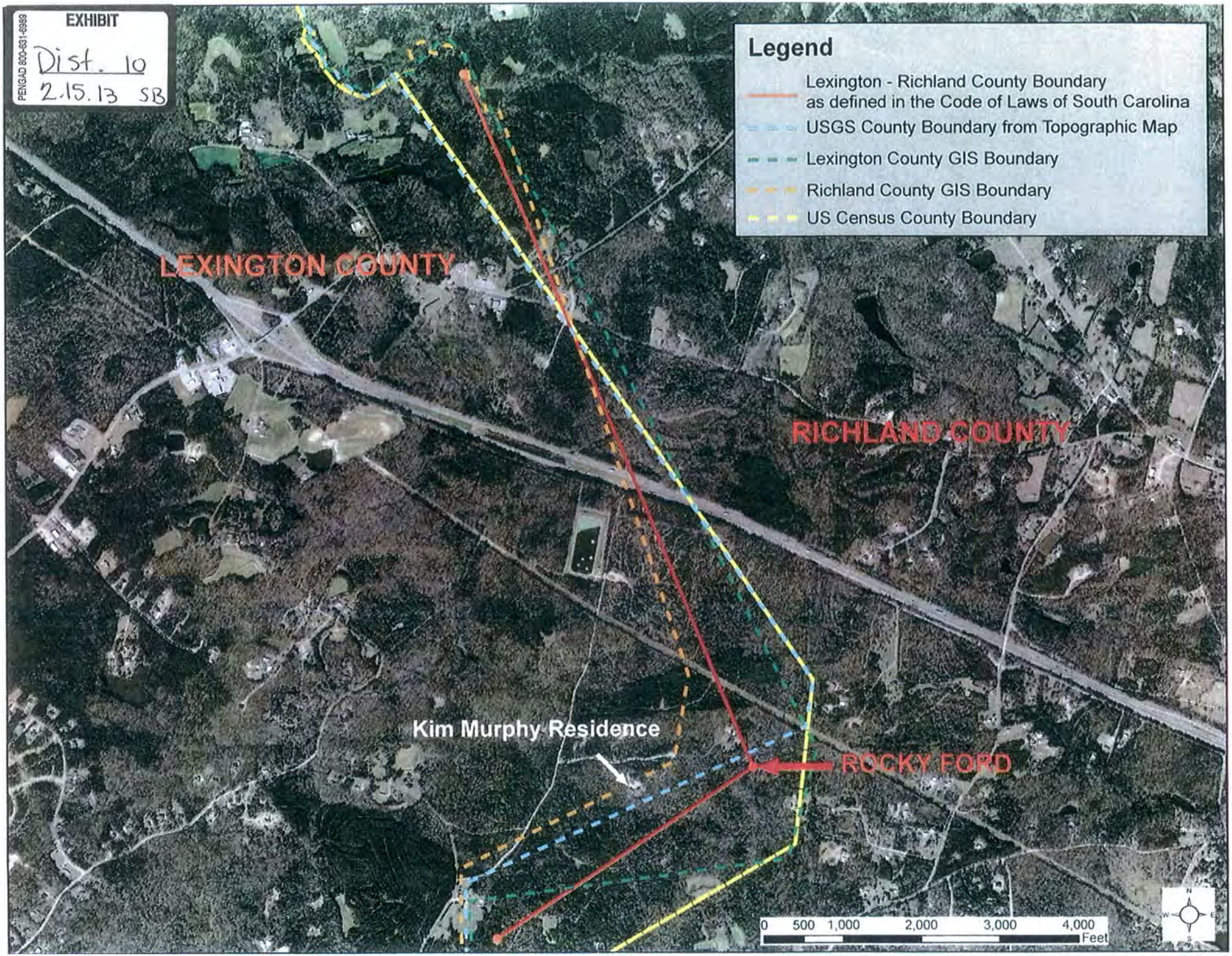
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Legend
Lexington - Richland County Boundary
as defined in the Code of Laws of South Carolina
LEXINGTON COUNTY
RICHLAND COUNTY
ROCKY FORD
Kim Murphy Residence
0
500
1,000
Feet
N
W
E
S


EXHIBIT
Dist. 10
2.15.13 SB
PENGAD 800-631-6989
Legend
Lexington - Richland County Boundary as defined in the Code of Laws of South Carolina
USGS County Boundary from Topographic Map
Lexington County GIS Boundary
Richland County GIS Boundary
US Census County Boundary
LEXINGTON COUNTY
RICHLAND COUNTY
Kim Murphy Residence
ROCKY FORD
0 500 1,000 2,000 3,000 4,000
Feet
N
W
E
S

South Carolina General Assembly
114th Session, 2001-2002

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Bill 1131

Current Status

Bill Number:	1131
Ratification Number:	448
Act Number:	326
Type of Legislation:	General Bill GB
Introducing Body:	Senate
Introduced Date:	20020320
Primary Sponsor:	Patterson
All Sponsors:	Patterson, Giese, Courson and Jackson
Drafted Document Number:	l:\council\bills\bbm\10917htc02.doc
Date Bill Passed both Bodies:	20020605
Date of Last Amendment:	20020530
Governor's Action:	S
Date of Governor's Action:	20020618
Subject:	Richland County School Districts Property Tax Relief Act, to provide for special one percent sales tax; election of trustees for Richland-Lexington School District 5; Richland-Lexington Airport District Commission, appointment of additional member; Midlands Technical College Commission, appointment of members

History

Body	Date	Action Description	Com	Leg Involved
------	20020708	Act No. A326		
------	20020618	Signed by Governor		
------	20020606	Ratified R448		
House	20020605	Concurred in Senate amendment, enrolled for ratification		
Senate	20020530	House amendments amended, returned to House with amendment		
House	20020529	Returned the Bill to the Senate		
Senate	20020529	Recalled from House		
Senate	20020528	House amendments amended, returned to House with amendment		
House	20020523	Read third time, returned to Senate with amendment		
House	20020522	Amended, read second time		
House	20020521	Request for debate withdrawn by Representative	Rhoad	



House	20020515	Debate adjourned until Thursday, 20020516		
House	20020508	Debate adjourned until Tuesday, 20020514		
House	20020501	Debate adjourned until Tuesday, 20020507		
House	20020501	Request for debate by Representative		Harrison Rhoad J. Brown
House	20020501	Objection by Representative		Knotts Whatley Quinn Riser Frye
House	20020430	Debate adjourned until Wednesday, 20020501		
House	20020424	Recalled from Committee	30 HWM	
House	20020423	Introduced, read first time, referred to Committee	30 HWM	
Senate	20020418	Read third time, sent to House		
------	20020418	Scrivener's error corrected		
Senate	20020417	Read second time, unanimous consent for third reading on the next Legislative day		
Senate	20020417	Recalled from Committee	06 SF	
Senate	20020320	Introduced, read first time, referred to Committee	06 SF	

Versions of This Bill

Revised on April 17, 2002 - Word format
Revised on April 18, 2002 - Word format
Revised on April 24, 2002 - Word format
Revised on May 22, 2002 - Word format
Revised on May 28, 2002 - Word format
Revised on May 30, 2002 - Word format

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(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A326, R448, S1131)

AN ACT TO ENACT THE "RICHLAND COUNTY SCHOOL DISTRICTS PROPERTY TAX RELIEF ACT" BY PROVIDING FOR THE IMPOSITION OF A SPECIAL ONE PERCENT SALES AND USE TAX IN RICHLAND COUNTY FOR NOT MORE THAN TWENTY YEARS WITH THE REVENUE OF THE TAX USED TO DEFRAY GENERAL OBLIGATION DEBT SERVICE OR OTHERWISE DEFRAY THE COSTS OF CAPITAL IMPROVEMENTS OF THE SCHOOL DISTRICTS OF RICHLAND COUNTY, TO PROVIDE THAT THE TAX MAY BE IMPOSED ONLY AFTER ITS APPROVAL IN A REFERENDUM HELD IN THE COUNTY, TO PROVIDE FOR THE REFERENDUM, AND TO PROVIDE THAT, IF IMPOSED, THE TAX MUST BE COLLECTED BY THE SOUTH CAROLINA DEPARTMENT OF REVENUE AND REMITTED TO THE RICHLAND COUNTY TREASURER FOR THE RICHLAND COUNTY SCHOOL DISTRICTS, TO PROVIDE THAT THE TAX IS IMPOSED AND IS

SUBJECT TO THE SAME EXEMPTIONS AND MAXIMUM TAXES AS PROVIDED IN THE SOUTH CAROLINA SALES TAX ACT EXCEPT FOR AN ADDITIONAL EXEMPTION FOR FOOD ITEMS WHICH LAWFULLY MAY BE PURCHASED WITH UNITED STATES DEPARTMENT OF AGRICULTURE FOOD COUPONS, TO PROVIDE FOR THE METHOD OF APPLYING THE REVENUES OF THE TAX TO SCHOOL DISTRICT GENERAL OBLIGATION DEBT SERVICE, AND TO PROVIDE FOR THE ELECTION OF TRUSTEES FOR RICHLAND-LEXINGTON SCHOOL DISTRICT 5; TO AMEND SECTION 55-11-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF THE RICHLAND-LEXINGTON AIRPORT DISTRICT, SO AS TO INCREASE THE MEMBERSHIP OF THE COMMISSION FROM TEN TO TWELVE MEMBERS AND PROVIDE FOR THE METHOD OF APPOINTMENT OF THE ADDITIONAL MEMBERS; AND TO AMEND SECTION 59-53-1710, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE MIDLANDS TECHNICAL COLLEGE COMMISSION, SO AS TO REDUCE FROM EIGHT TO SEVEN THE COMMISSION MEMBERS APPOINTED BY THE GOVERNOR ON THE RECOMMENDATION OF THE RICHLAND COUNTY LEGISLATIVE DELEGATION AND CONCOMITANTLY INCREASE FROM FOUR TO FIVE THE COMMISSION MEMBERS APPOINTED BY THE GOVERNOR ON THE RECOMMENDATION OF THE LEXINGTON COUNTY DELEGATION.

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

Citation; Richland County School Districts Property Tax Relief Act

SECTION 1. This act may be cited as the "Richland County School Districts Property Tax Relief Act".

Use of sales and use tax revenues

SECTION 2. Subject to the requirements of this act, there may be imposed a one percent sales and use tax within Richland County. The proceeds of the tax must be distributed to the three school districts in Richland County as provided in this act. The boards of trustees of each of the school districts, before the expenditure of the proceeds of the tax authorized by this act, by resolution, must determine the specific purposes for which the proceeds of the tax as distributed must be expended. However, in any case the proceeds only must be applied to (a) reduce ad valorem property taxes imposed to pay debt service on general obligation bonds or (b) otherwise defray the cost of capital improvements within each school district, as determined by resolution of the boards of trustees of the respective school districts.

Referendum to impose tax

SECTION 3. (A) The tax authorized by this act may be imposed upon (1) the adoption of an approving resolution by each of the boards of trustees of the three school districts in Richland County and (2) the subsequent approval of the imposition of the tax by referendum open to all qualified electors residing in Richland County. The approving resolutions must specify the maximum time, stated in calendar years, not to exceed twenty years, for which the tax must be imposed; the date upon which the referendum is held, the precincts and polling places for the referendum, and the question to appear on the referendum ballot. The approving resolutions, upon adoption, must be forwarded to the Richland County Registration and Elections Commission.

(B) Upon receipt of approving resolutions from all boards of trustees of Richland County school districts, the commission shall conduct a referendum on the question of imposing the tax in Richland County. Notice of the election must be provided in the manner provided by the general election law and include the question to be voted upon in the referendum. Expenses of the referendum must be paid by the three Richland County school districts, proportionally according to number of persons residing in each school district who are registered to vote in Richland County.

(C) The question to be voted upon in the referendum must read substantially as follows:

"Must a special one percent sales and use tax be imposed in Richland County for not more than ____ years with the revenue of the tax used to pay debt service on general obligation bonds of, or directly to defray the cost of capital improvements for, or both of these purposes, the three school districts in Richland County?

Yes []

No []"

The ballot may contain a short explanation of the question to be voted upon in this referendum.

(D) Upon receipt and certification of the returns of the referendum, the Richland County Registration and Election Commission, by resolution, shall certify the results of the referendum by resolution and within ten days thereafter file the resolution with the Richland County Clerk of Court and with the South Carolina Department of Revenue. The results of the referendum, as declared by resolution of the Richland County Registration and Election Commission and as filed with the clerk of court, is not open to question except by a civil action instituted within twenty days of the filing of the resolution. If a majority of the total votes cast is in favor of imposing the tax, then the tax is imposed as provided in this act; otherwise the tax is not imposed. A referendum on imposition of the tax authorized in this act may not be held more than once in a period of twelve consecutive months.

Date of imposition

SECTION 4. (A) If the tax is approved in the referendum, the tax must be imposed beginning upon the first day of the sixth full month following the filing of the declaration of results of the referendum with the Department of Revenue.

(B) The tax terminates upon the earlier of:

(1) the final day of the maximum time specified for the imposition; or

(2) sixty days following the filing with the Department of Revenue of certified copies of resolutions adopted by the boards of trustees of each of the three Richland County school Districts each requesting termination of the tax.

Administration of the tax; exemption

SECTION 5. (A) The tax levied pursuant to this act must be administered and collected by the Department of Revenue in the same manner that other sales and use taxes are collected. The department may prescribe the amounts which may be added to the sales price because of the tax.

(B) The tax authorized by this act is in addition to all other local sales and use taxes and applies to the gross proceeds of the sales in Richland County which are subject to the tax imposed by Chapter 36, Title 12 of the 1976 Code and the enforcement provisions of Chapter 54, Title 12 of the 1976 Code. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36 of Title 12 of the 1976 Code are exempt from the tax imposed by this act. The gross proceeds of the sale of food which may lawfully be purchased with United States Department of Agriculture food coupons are exempt from the tax imposed by this act. The tax imposed by this act also applies to tangible personal property subject to the use tax in Article 13, Chapter 36 of Title 12 of the 1976 Code.

(C) Taxpayers required to remit taxes under Article 13, Chapter 36, Title 12 of the 1976 Code shall identify the county in which the tangible personal property purchased at retail is stored, used, or

consumed in this State.

(D) Utilities are required to report sales in the county in which consumption of the tangible personal property occurs.

(E) A taxpayer subject to the tax imposed by Section 12-36-920 of the 1976 Code, who owns or manages rental units in more than one county shall separately report in his sales tax return the total gross proceeds from business done in each county.

(F) The gross proceeds of sales of tangible personal property delivered after the imposition date of the tax levied under this act in Richland County, either under the terms of a construction contract executed before the imposition date, or a written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the special local sales and use tax provided in this section if a verified copy of the contract is filed with the Department of Revenue within six months after the imposition of the special local sales and use tax.

(G) Notwithstanding the imposition date of the special local sales and use tax authorized pursuant to this act, with respect to services that are regularly billed on a monthly basis, the special local sales and use tax is imposed beginning on the first day of the billing period beginning on or after the imposition date.

Crediting of revenues

SECTION 6. (A) The revenues of the sales and use tax collected under this act must be remitted to the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of refunds made and costs to the Department of Revenue of administering the tax, not to exceed one percent of the revenues, the State Treasurer shall distribute the revenues monthly to the Richland County Treasurer for the benefit of the Richland County school districts in the amounts established in accordance with subsection (b) of this section. The State Treasurer may correct misallocation costs or refunds by adjusting subsequent distributions, but these adjustments must be made in the same fiscal year as the misallocation.

(B) The State Treasurer shall distribute proceeds of the tax, less amounts attributable to refunds and administration as provided in subsection (A) of this section, to the Richland County Treasurer and thereafter by the Richland County Treasurer to the school districts of Richland County in direct proportion to the one hundred thirty-five day average daily membership of each of the three school districts for the fiscal year before the year in which a distribution is made, as certified by the State Treasurer upon advice of the State Department of Education. For purposes of this subsection, the one hundred thirty-five day average daily membership excludes any student not residing in Richland County.

(C) Except as provided in Section 7 of this act, withdrawals by the school districts of tax proceeds from the Richland County Treasurer must be made in the same manner as are funds appropriated to the school districts by the State. Pending these withdrawals, taxes must be deposited in accounts for each school district, separate and distinct from accounts established for any other purpose, and investment earnings derived from monies in such an account must be credited to the account. Each school district shall maintain records which demonstrate that tax proceeds are spent only for the purposes as approved by its board of trustees and in accordance with this act.

Use of revenues

SECTION 7. If a school district elects that all or a portion of its share of the proceeds of the sales and use tax imposed and collected may be applied to the reduction of property taxes imposed in a given fiscal year to pay debt service on general obligation bonds of that school district, the school district shall notify the Richland County Treasurer in writing no later than July first of that fiscal year of its election

and shall specify in the writing the amount of sales and use taxes to be applied to its general obligation bond debt service. The amount specified must not exceed the amount of sales and use tax proceeds held by the Richland County Treasurer for the school district as of July first of the fiscal year. The election is effective only for and applies only to debt service payments to be made in the eighteen-month period following that July first. Elections may be renewed from year to year.

Upon notification by a school district of its election under this section, the Richland County Treasurer shall certify to the Richland County Auditor by August first of that fiscal year the amount of sales and use taxes then held by the Richland County Treasurer for the benefit of the school district and designated by the school district for application to general obligation bond debt service payments. The Richland County Auditor shall reduce the levy of property taxes for the fiscal year required to pay debt service on general obligation bonds of the school district by the amount of sales and use tax revenues certified as held by the Richland County Treasurer and designated by the school district for the purpose. This amount of sales and use taxes thereafter must not be released to the school district but must be held by the Richland County Treasurer to pay debt service on general obligation bonds. However, any sales and use taxes held by the Richland County Treasurer in excess of the amounts designated by the school district for payment of debt service on general obligation bonds in the eighteen months following the July first of the fiscal year must be expended as directed by the school district in accordance with this act. Any investment earnings derived from the sales and use tax must be expended as directed by the school district in accordance with this act. With respect to a school district situated in more than one county, the requirements of this Section 7 apply with respect to the auditor and treasurer of both counties.

Data furnished

SECTION 8. The Department of Revenue, the State Department of Education, and the Richland County Auditor shall furnish data to the State Treasurer and to the school districts receiving tax revenues pursuant to this act for the purpose of calculating distributions and estimating revenues. The information that must be supplied to Richland County school districts upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240 of the 1976 Code. A person violating this section is subject to the penalties provided in Section 12-54-240 of the 1976 Code.

Trustees in Richland-Lexington School District 5

SECTION 9. (a) Notwithstanding another provision of law, in Richland-Lexington School District 5:

(1) three trustees must reside in Richland County and four must reside in Lexington County; and

(2) the results of the election for trustees must be determined in accordance with the nonpartisan election and run-off election method prescribed in Section 5-15-62 of the 1976 Code.

(b) Beginning with the election of 2002, the seats for Trustees of Richland-Lexington School District 5 must be numbered as follows with each candidate running for a particular seat:

(1) the seats presently held by trustees residing in Lexington County whose terms expire in 2004 are seats 1, 2, and 3, respectively;

(2) the seat presently held by a trustee residing in Lexington County whose term expires in 2002 is seat 4;

(3) the seat presently held by a trustee residing in Richland County whose term expires in 2004 is seat 5;

(4) the seat presently held by a trustee residing in Richland County whose term expires in 2002 is seat 6; and

(5) the seat presently held by a trustee residing in Lexington County whose term expires in 2002 must be filled in the election of 2002, and thereafter, by a resident of Richland County, is seat 7. This trustee must be elected for a four-year term to expire in 2006.

(c) This section takes effect upon approval by the Governor and applies to the election of Trustees of the Richland-Lexington School District 5 conducted in November 2002.

Richland-Lexington Airport District Commission; members

SECTION 10. Section 55-11-320 of the 1976 Code is amended to read:

"Section 55-11-320. The corporate powers and duties of the Richland-Lexington Airport District must be exercised and performed by a commission to be known as Richland-Lexington Airport Commission. The commission must be composed of twelve members to be appointed by the Governor as follows: five members must be appointed upon the recommendation of a majority of the Lexington County Legislative Delegation, five members must be appointed upon the recommendation of a majority of the Richland County Legislative Delegation, and two members must be appointed upon the recommendation of the City Council of the City of Columbia. The members of the commission shall serve for terms of four years and until their successors are appointed and qualify. Members may not serve more than two consecutive terms. A member serving on July 1, 1994, may serve until the expiration of the term for which he was elected and may serve two additional terms. In the event of a vacancy for any reason, other than the expiration of a term, a successor must be appointed in the same manner of the original appointment for the balance of the unexpired term. Any member may be removed by the appointing authority for neglect of duty, misconduct, or malfeasance in office after being given a written statement of reasons and an opportunity to be heard. Notwithstanding the expiration of the term of office of any member, he shall continue to serve until his successor shall have been recommended, appointed, and qualified, but any delay in appointing a successor shall not extend the term of such successor. The members of the commission shall serve without compensation, except for their actual and necessary expenses while in performance of duties prescribed under this article."

Midlands Technical College Commission; members

SECTION 11. Section 59-53-1710 of the 1976 Code is amended to read:

"Section 59-53-1710. There is created, as an administrative agency of Richland and Lexington Counties, the Midlands Technical College Commission. The commission is composed of twelve members who must be appointed by the Governor for a term of four years as follows: seven members must be appointed upon the recommendation of a majority of the legislative delegation representing Richland County, and five members must be appointed upon the recommendation of a majority of the legislative delegation representing Lexington County. Members may not serve more than two consecutive terms. A member serving on July 1, 2002, may serve until the expiration of the term for which he was elected and may serve two additional terms. If a vacancy occurs a successor must be appointed in the same manner as the original appointment for the unexpired portion of the term. Any member may be removed by the appointing authority for neglect of duty, misconduct, or malfeasance in office after being given a written statement of reasons and an opportunity to be heard. Members serve until their successors are appointed and qualify, but any delay in appointing a successor does not extend the term of the succession. The members of the commission shall receive per diem as provided for members of boards, commissions, and committees and actual expenses incurred in the performance of their duties. As soon as the initial appointments have been made, the commission shall elect from its membership a chairman, a vice chairman, a treasurer, and a secretary to serve for terms of two years and until their successors are

elected and qualify. The office of chairman must be rotated among the representatives of the two counties. If the office of chairman becomes vacant, a successor must be elected for the remainder of the term and must be from the members representing the same county as the former chairman. The same rotation must be applied to the office of vice chairman, but the practice of rotating the office of vice chairman may be dispensed with if, by three-fourths vote, the commission finds that the rotation is impracticable."

Severability

SECTION 12. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 13. Except as otherwise provided in this act, this act takes effect upon approval by the Governor.

Ratified the 6th day of June, 2002.

Approved the 18th day of June, 2002.

This web page was last updated on Tuesday, December 8, 2009 at 11:16 A.M.

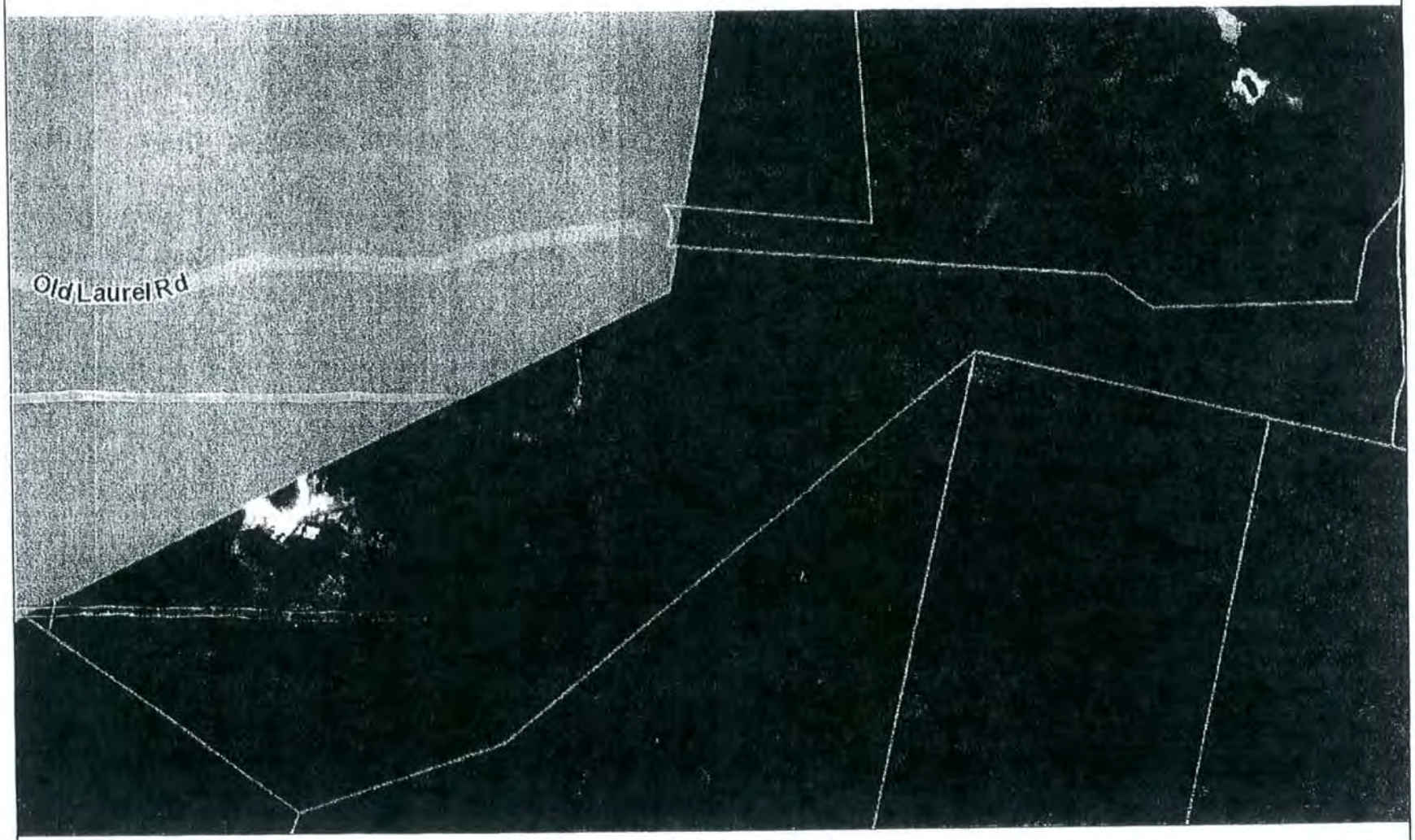
Kim Murphy
On the record statement
January 28, 2013

Since learning for the first time at the last board meeting that my residency, and subsequently my eligibility to serve on this board to which I was duly elected is being questioned, I have taken every measure and step possible to verify and validate that I am indeed a citizen of Richland County. I have supporting documents available that do just that. Attached to this statement is a copy of a map showing my home clearly located within Richland County line. I have also attached a printout summarizing the property taxes my husband and I have paid in Richland County as well as a copy of my voter registration card just reissued last week. Hopefully, this documentation puts to rest any lingering questions or concerns regarding my residency and eligibility to continue serving the thousands of Richland County voters who elected me.

I do not desire to spend any more time or energy on this issue. I am confident in my position and I do not feel that their claim(s) have any merit. However, if our board chair decides to pursue it further in spite of the evidence I have presented this evening, then I will certainly respond. In the meantime, we have much more pressing issues to address and our students, teachers, parents and taxpayers cannot afford for us to waste any more of their time and money engaging in this back and forth bickering and pursuing our own personal agendas.



Richland County Map



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DISCLAIMER : THIS IS A PRODUCT OF THE RICHLAND COUNTY GIS DEPARTMENT. THE DATA DEPICTED HERE HAVE BEEN DEVELOPED WITH EXTENSIVE COOPERATION FROM OTHER COUNTY DEPARTMENTS, AS WELL AS OTHER FEDERAL, STATE AND LOCAL GOVERNMENTS AGENCIES.RICHLAND COUNTY EXPRESSLY DISCLAIMS RESPONSIBILITY FOR DAMAGES OR LIABILITY THAT MAY ARISE FROM THE USE OF THIS MAP.

Residential Taxes

RICHLAND COUNTY
POST OFFICE BOX 11947
COLUMBIA, SC 29211

David A. Adams
Treasurer
803-576-2250
treasurer@rcgov.us

PRINTED: 1/17/2013 ****** REAL ESTATE TAXES ******* Current Year
CLERK: LEVY-YEAR 2012
TY-YEAR-RECEIPT MAP-BLOCK-PARCEL
R-2012-117883 00600-01-36. 401.50

LOC: 154 OLD LAUREL LN
RMKS:
DIGEST 21,700
CHANGE 0
NET-ASSM 21,700

R-2012-117883
MURPHY D JAY
DIST-NO:
6UD
154 OLD LAUREL LANE
CHAPIN SC 29036

CNTY-TAX	8,712.55
CNTY-SALES	699.83-
RESID-CR	4,801.92-
PEN/COST	.00
CNTY-TOT	3,210.80
CITY-TAX	.00
CITY-PEN	.00
GARB	249.00
PYMTS-TO-DATE	.00
ADJ-TO-DATE	.00

RICHLAND COUNTY
POST OFFICE BOX 11947
COLUMBIA, SC 29211

David A. Adams
Treasurer
803-576-2250
treasurer@rcgov.us

PRINTED: 1/17/2013 ****** REAL ESTATE TAXES ******* Election Year
CLERK: LEVY-YEAR 2010
TY-YEAR-RECEIPT MAP-BLOCK-PARCEL
R-2010-116775 -D 00600-01-36. 387.20

LOC: 154 OLD LAUREL LN
RMKS:
DIGEST 21,700
CHANGE 0
NET-ASSM 21,700

R-2010-116775 D
MURPHY D JAY
DIST-NO:
6UD
154 OLD LAUREL LANE
CHAPIN SC 29036

	CNTY-TAX	8,402.24
	CNTY-SALES	575.05-
	RESID-CR	4,626.63-
	PEN/COST	517.43
	CNTY-TOT	3,717.99
	CITY-TAX	.00
	CITY-PEN	.00
	GARB	249.00
2011/04/01	PYMTS-TO-DATE	3,966.99
	ADJ-TO-DATE	.00
	BALANCE-DUE	.00

THIS IS NOT A TAX BILL, (DO NOT PAY) FOR YOUR INFORMATION ONLY. (PAID RECEIPT)

RICHLAND COUNTY
POST OFFICE BOX 11947
COLUMBIA, SC 29211

David A. Adams
Treasurer
803-576-2250
treasurer@rcgov.us

PRINTED: 1/17/2013 ****** REAL ESTATE TAXES ******* First Year
CLERK: SUSAN
TY-YEAR-RECEIPT MAP-BLOCK-PARCEL
R-2001-089030 -D 00600-01-36. 312.60

LOC: 154 OLD HILTON RD
RMKS:
DIGEST 26,440
CHANGE 8,790-
NET-ASSM 17,650

R-2001-089030 D
MURPHY D JAY
DIST-NO:
6UD
154 OLD LAUREL LA
CHAPIN SC 29036

	CNTY-TAX	8,265.14
	CNTY-SALES	.00
	RESID-CR	.00
	PEN/COST	498.26
	CNTY-TOT	8,763.40
	CITY-TAX	.00
	CITY-PEN	.00
	GARB	.00
2002/04/24	PYMTS-TO-DATE	4,943.39
	ADJ-TO-DATE	3,820.01-
	WASTE-DUE	.00

THIS IS NOT A TAX BILL, (DO NOT PAY) FOR YOUR INFORMATION ONLY. (PAID RECEIPT)

RICHLAND COUNTY
POST OFFICE BOX 11947

David A. Adams
Treasurer

You are now registered to vote in the state of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of photo identification:

- S.C. Driver's License
- ID Card issued by S.C. Department of Motor Vehicles
- S.C. Voter Registration Card with Photo
- Federal Military ID
- U.S. Passport

Congr	Senate	House	County Council	School
02	20	071	01	05

This stub along with the attached notification may be used as a
VOTER REGISTRATION CARD with PHOTO
To use as a photo ID, DO NOT DETACH STUB.



STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY: RICHLAND
PRECINCT: Springville

REG. NO: 406724091 REG. DATE: 9/26/2000

Murphy, Kim A
154 Old Laurel Ln
Chapin, SC 29036

SIGNATURE OF ELECTOR

FOLD HERE

SEX: Female RACE: White DOB: 6/27/1957

VOTE AT:
Lake Murray Elementary
1531 Three Dog Rd

Lillian A. McBride

COUNTY / STATE ELECTION OFFICIAL

Rich
1-7-13

FILED

APR 10 3 09 PM '97

CLERK GUNTER
RMC
LEXINGTON COUNTY

FINAL PLAT APPROVAL

The subdivision plat shown hereon complies with the Subdivision Regulations for Lexington County, South Carolina and was approved by the Lexington County Planning Commission for recording in the office of the Register of Mesne Conveyance of Lexington County, South Carolina.

4/18/97 Date — Secretary, Lexington County Planning Commission

N/F
VIRGINIA D. WILSON
AND JOSEPH A. WILSON
TMS 00800-01-002(LEX. CO.)
PLAT BOOK "55" AT PAGE 3753

MAGNETIC

WATEREE RIVER MAINTENANCE AGREEMENT
AS RECORDED BOOK 1149 PAGE 40

N/F ELIZABETH J. ELEAZER
TMS 01700-08-01(RICH. CO.)
PLAT BOOK "X" AT PAGE 2527

T # 6
AC. TOTAL

LOT # 7
18.11 AC. TOTAL
0.02 AC. IN LEX. CO
18.09 AC. IN RICH. CO.

3.08 AC
IN RICH CO

0.02 AC IN LEX CO

10' DRAINAGE AND UTILITY EASEMENT AND BLDG. SETBACK (TYP.)

CENTERLINE SOUTH CAROLINA ELECTRIC & GAS CO TRANSMISSION POWER LINE

POWER LINE R/W

APPROXIMATE LOCATION OF ZONE "A"

COUNTY FIRM PANEL NO. 45063C0055 D

100 YEAR FLOOD PLAIN AS TAKEN FROM LEX 310 CONTOUR

TRAVERSE LINE

WATEREE CREEK

N/F
ELIZABETH J. ELEAZER
TMS 01600-01-01(RICH. CO.)

NOTES

1 REFERENCE MADE TO THE FOLLOWING
A PLAT OF 60.875 AC TOTAL FOR D. JAY MURPHY AND T. MOFFATT BURRIS, JR. BY LUCIUS D. COBB, SR., P.L.S. DATED SEPT. 3, 1996.
B PLAT OF 56.2 AC FOR ELMORE L. MEETZE BY CLAUDE E. JOHNSON, L.S. DATED FEB. 24, 1953, AND RECORDED IN PLAT BOOK 27-C AT PAGE 56 AT LEXINGTON COUNTY RMC

2 INDIVIDUAL WELLS AND SEPTIC TANKS ARE TO BE UTILIZED ON THE LOTS

3 7 LOTS CARRIED LEXINGTON COUNTY 24.90 AC.
CARRIED RICHLAND COUNTY 34.28 AC.

4 TMS 00800-01-003 (LEX. CO.)
TMS 00600-01-001 (RICH. CO.)

MIN. BLDG. SETBACK LINE

OLD ROAD

N/F
RENEE R. LINDLER & JESSE LEE, JR.
TMS 00600-01-21(RICH. CO.)
PLAT BOOK "X" AT PAGE 1607

N/F
ROBERT E. CLARK
& FAITH CLARK KOON
TMS 00600-01-22(RICH. CO.)
PLAT BOOK "X" AT PAGE 1607

N/F
Y S. MONTS
0-01-20(RICH. CO.)
K "9" AT PAGE 110

I HEREBY CERTIFY THAT I HAVE CONSULTED THE F.E.M.A. FLOOD INSURANCE RATE MAP (FIRM) AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SUBJECT PROPERTY IS LOCATED IN ZONE "A & X" AS SHOWN HEREON. MAP OR FIRM COMMUNITY PANEL NO. 45063C0055F (LEX. CO.) DATED JULY 17, 1995 AND 45079C0025G (RICH. CO.) DATED JAN. 19, 1994.

CERTIFICATION

"I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN; THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN HEREON; THAT THE AREA SHOWN HEREON IS LOCATED IN A FLOOD HAZARD AREA"

Lucius D. Cobb, Sr.
LUCIUS D. COBB, SR.
LAND SURVEYOR, INC.
S.C. P.L.S. NO. 6039
110 FIRETOWER ROAD
IRMO, S.C. 29063
(803) 781-6080

EXHIBIT
Dist. 13
2.15.13 SB
PENGAD 800-631-6989

FINAL SUBDIVISION PLAT OF LAUREL SPRINGS

PREPARED FOR
D. JAY MURPHY AND T. MOFFATT BURRISS, JR.
IN LEXINGTON COUNTY AND RICHLAND COUNTY, NEAR CHAPIN, S.C.

GRAPHIC SCALE
50 0 100 200
1 inch = 100 ft.

N.B. 33-PGS 26-34, 48-53

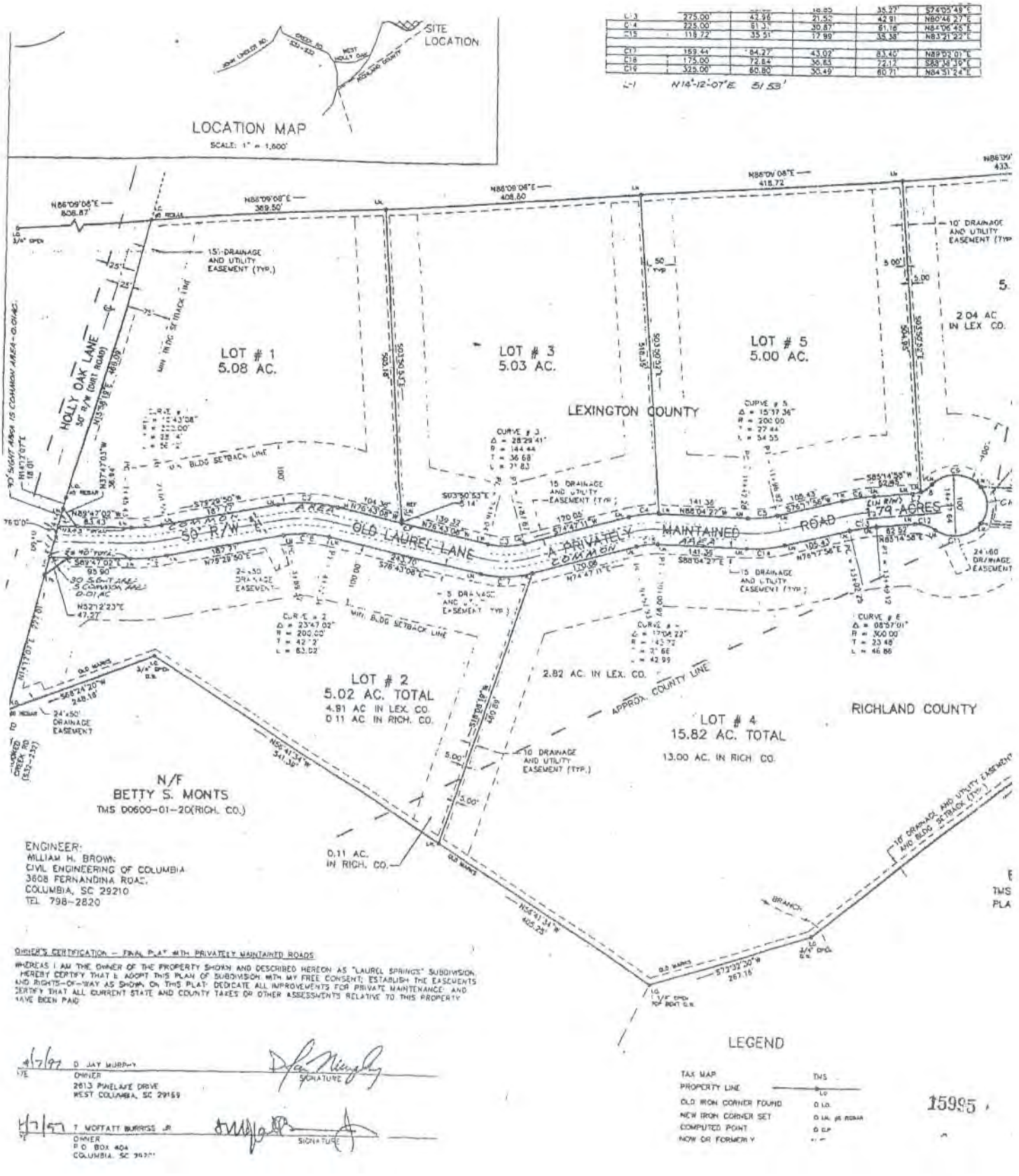
COA # C005684

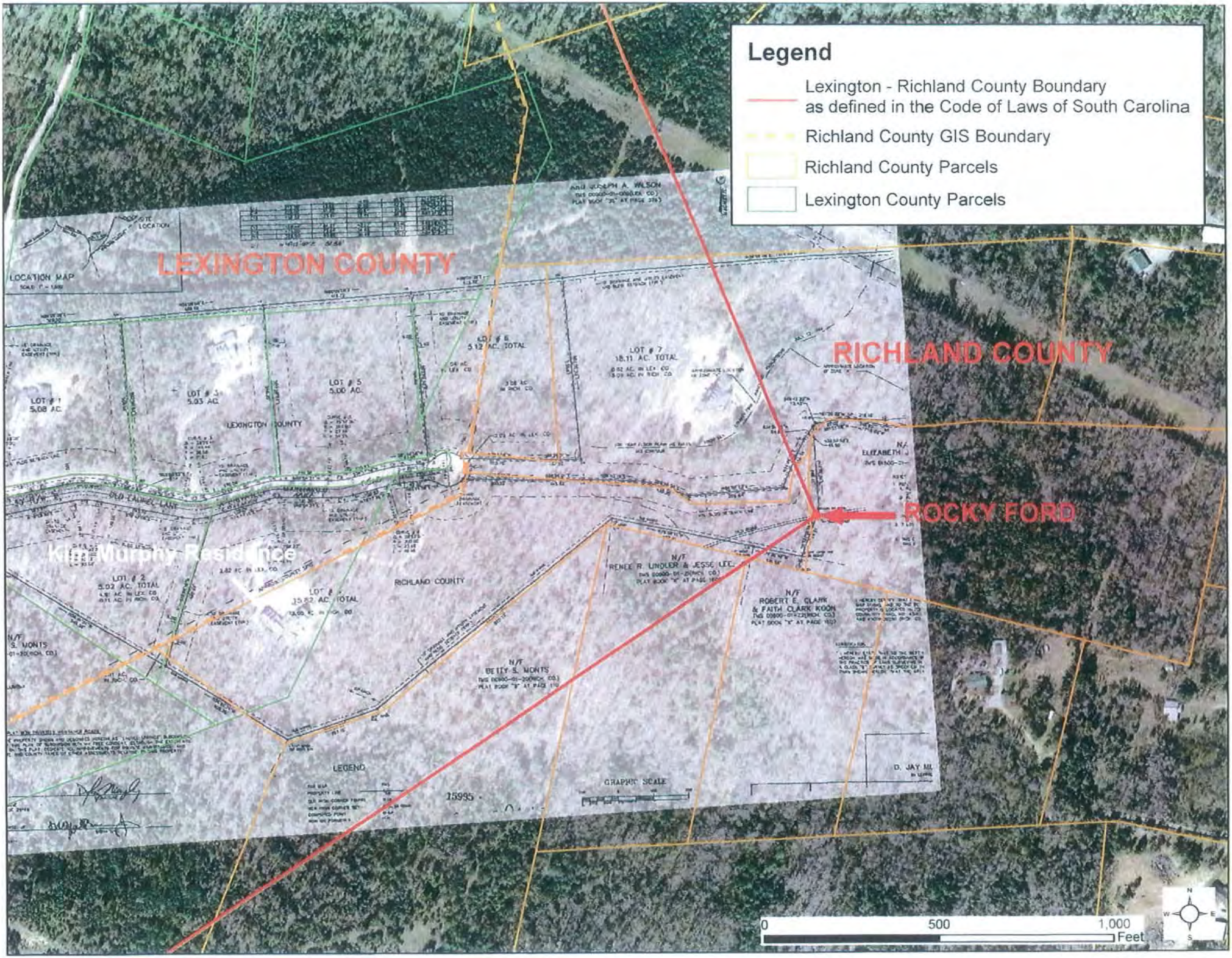
LAND SURVEYOR
LUCIUS D. COBB, SR.
110 FIRETOWER RD.
IRMO, S.C. 29063
(803) 781-6080

Lucius D. Cobb, Sr.
LUCIUS D. COBB SR.
S.C. P.L.S. NO. 6039

Developer

DRAWN BY: M.B.	CHECKED BY: LDC
SCALE: 1" = 100'	
DATE: APRIL 4, 1997	
JOB NO. 96-05-80	SHEET 1 OF 1


LOCATION MAP
SCALE: 1" = 1,000'
SITE LOCATION
JOHN LINDLER RD.
CREEK RD. (S-31-237)
WEST HOLLY OAK
RICHLAND COUNTY
C13 275.00' 42.96' 21.52' 42.91' S74°05'48"E
C14 225.00' 51.31' 30.87' 61.16' N84°06'45"E
C15 119.72' 35.51' 17.99' 35.38' N83°21'22"E
C17 159.44' 84.27' 43.02' 83.40' N89°03'01"E
C18 175.00' 72.84' 36.83' 72.12' S88°48'39"E
C19 325.00' 80.80' 40.49' 80.71' N84°31'24"E
L1 N14°-12'-07"E 51.58'
N86°09'08"E 808.87'
N88°09'08"E 389.50'
N88°09'08"E 408.80'
N86°09'08"E 418.72'
15' DRAINAGE AND UTILITY EASEMENT (TYP.)
10' DRAINAGE AND UTILITY EASEMENT (TYP.)
HOLLY OAK LANE
50' R/W (DIRT ROAD)
N13°58'19"E 468.09'
MIN. 1% DRIVE SETBACK LINE
LOT # 1
5.08 AC.
LOT # 3
5.03 AC.
LOT # 5
5.00 AC.
2.04 AC. IN LEX. CO.
LEXINGTON COUNTY
CURVE # 3
Δ = 28°29'41"
R = 144.44
T = 36.68
L = 71.83
CURVE # 5
Δ = 15°37'36"
R = 200.00
T = 27.44
L = 54.55
50' BLDG SETBACK LINE
15' DRAINAGE AND UTILITY EASEMENT (TYP.)
S03°30'53"E 0.14'
N89°47'02"W 83.43'
S79°29'50"W 187.77'
N76°43'08"W 104.36'
139.32'
141.36'
N88°04'27"W
170.06'
S74°47'11"E
S76°43'08"E 243.70'
S88°04'27"E 141.36'
N74°47'11"W 170.06'
S79°29'50"E 187.77'
S89°47'02"E 83.90'
30' SCM-TAKE-S COMMON AREA 0.01 AC.
N53°12'23"E 47.37'
CURVE # 2
Δ = 23°47'02"
R = 200.00'
T = 42.12'
L = 83.02'
24'x50' DRAINAGE EASEMENT
5' DRAINAGE AND UTILITY EASEMENT (TYP.)
MIN. BLDG SETBACK LINE
OLD LAUREL LANE
50' R/W
A PRIVATELY MAINTAINED COMMON AREA
ROAD
0.79 ACRES
S85°14'58"E 82.52'
N85°14'58"W 82.52'
S85°14'58"E 105.83'
N78°37'56"E 105.83'
S75°13'56"E 108.43'
S76°51'56"E 108.43'
CURVE # 6
Δ = 17°04'22"
R = 145.72'
T = 21.66'
L = 42.99'
CURVE # 8
Δ = 08°57'01"
R = 300.00'
T = 23.48'
L = 46.86'
24'x80' DRAINAGE EASEMENT
2.82 AC. IN LEX. CO.
APPROX. COUNTY LINE
RICHLAND COUNTY
LOT # 2
5.02 AC. TOTAL
4.91 AC. IN LEX. CO.
0.11 AC. IN RICH. CO.
LOT # 4
15.82 AC. TOTAL
13.00 AC. IN RICH. CO.
10' DRAINAGE AND UTILITY EASEMENT (TYP.)
OLD MARKS
3/4" OPEN
S68°24'20"W 248.18'
24'x50' DRAINAGE EASEMENT
N55°41'34"W 341.39'
S31°08'18"W 460.69'
5.00'
0.11 AC. IN RICH. CO.
N55°41'34"W 405.23'
S72°32'20"W 267.16'
1/2" OPEN TOP PIPE O.B.
10' DRAINAGE AND UTILITY EASEMENT AND BLDG SETBACK (TYP.)
BRANCH
N/F
BETTY S. MONTS
TMS D0600-01-20(RICH. CO.)
ENGINEER:
WILLIAM H. BROWN
CIVIL ENGINEERING OF COLUMBIA
3608 FERNANDINA ROAD
COLUMBIA, SC 29210
TEL 798-2820
OWNER'S CERTIFICATION - FINAL PLAT WITH PRIVATELY MAINTAINED ROADS
WHEREAS I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AS "LAUREL SPRINGS" SUBDIVISION, HEREBY CERTIFY THAT I ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT; ESTABLISH THE EASEMENTS AND RIGHTS-OF-WAY AS SHOWN ON THIS PLAT; DEDICATE ALL IMPROVEMENTS FOR PRIVATE MAINTENANCE; AND CERTIFY THAT ALL CURRENT STATE AND COUNTY TAXES OR OTHER ASSESSMENTS RELATIVE TO THIS PROPERTY HAVE BEEN PAID
4/7/97 D. JAY MURPHY
OWNER
2613 PINELAKE DRIVE
WEST COLUMBIA, SC 29169
SIGNATURE
4/7/97 T. MOFFATT BURRISS JR.
OWNER
P.O. BOX 404
COLUMBIA, SC 29171
SIGNATURE
LEGEND
TAX MAP TMS
PROPERTY LINE
OLD IRON CORNER FOUND O I.O.
NEW IRON CORNER SET O I.N. (IS ROBAR)
COMPUTED POINT O C.P.
NOW OR FORMERLY
15995


Legend
Lexington - Richland County Boundary
as defined in the Code of Laws of South Carolina
Richland County GIS Boundary
Richland County Parcels
Lexington County Parcels
LEXINGTON COUNTY
RICHLAND COUNTY
ROCKY FORD
Kim Murphy Residence
LOCATION MAP
LOT # 1
5.08 AC.
LOT # 2
5.02 AC. TOTAL
LOT # 3
5.03 AC.
LOT # 5
5.00 AC.
LOT # 6
5.12 AC. TOTAL
LOT # 7
18.11 AC. TOTAL
OLD LAUREL LANE
LEXINGTON COUNTY
RICHLAND COUNTY
LEGEND
GRAPHIC SCALE
15995
0
500
1,000
Feet



ROCKY FORD – VIEW FROM RICHLAND COUNTY ACROSS WATEREE CREEK TO LEXINGTON COUNTY

PENGAD 800-631-6989
EXHIBIT
Dist. 14
2.15.13 SB



ROCKY FORD – VIEW UPSTREAM ON WATEREE CREEK



ROCKY FORD – VIEW FROM LEXINGTON COUNTY ACROSS WATEREE CREEK TO RICHLAND COUNTY

Exhibit 2

PROCEDURAL AND NOTICE RECORDS OF MURPHY RESIDENCY ISSUE

1. Mr. Gantt's letter of December 20, 2012 to Mr. Bowers
2. Mr. Bowers' January 11, 2013 Response
3. Mr. Gantt's public statement of January 14, 2013
4. Mr. Gantt's letter to Ms. Murphy of January 15, 2013
5. Ms. Murphy's attorney's response of January 18, 2013
6. Mr. Gantt's letter of January 22, 2013, to Judge Cooper
7. Mr. Gantt's public statement of January 28, 2013
8. Mr. Gantt's public statement amendment #1 of January 28, 2013
9. Ms. Murphy's on the record statement January 28, 2013
10. Ms. Murphy's Email to Voters in Lexington-Richland 5 of January 28, 2013
11. Mr. Childs' letter of January 29, 2013, to Ms. Murphy (via e-mail and hand delivery)
12. Mr. Childs' letter of January 30, 2013, to Judge Cooper
13. Judge Cooper's e-mail of January 31, 2013, to Ms. Murphy
14. Judge Cooper's Pre-hearing Order of January 31, 2013
15. Mr. Childs' letter of February 4, 2013 to Ms. Murphy
16. The State news article re: Murphy Residency February 6, 2013
17. The Free Times news article re: Murphy Residency February 6-12, 2013
18. Affidavit of Debbie Childs dated February 7, 2013

PENGAD 800-631-6989
EXHIBIT
15 Dist.
2.15.13 SB

district five
OF LEXINGTON & RICHLAND COUNTIES

December 20, 2012

Mr. Bobby Bowers
Office of Research & Statistics
South Carolina State Budget & Control Board
1201 Main Street, Suite 715
Columbia, SC 29201

Re: School District Five of Lexington and Richland Counties

Dear Mr. Bowers:

I am writing to you as Chairman of the Board of Trustees of School District Five of Lexington and Richland Counties. It has come to my attention, from sources which I deem reliable, that Board member Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five, is not in fact a resident of Richland County as specifically required by Act No. 326 of 2002. As you may be aware, such rumors have been around for some time.

The purpose of my letter is to request that the South Carolina State Budget and Control Board Office of Research and Statistics make a determination as to whether or not Ms. Murphy resides in Richland County, as required by law, and whether she is, in fact, a resident of Richland County legally qualified to represent Richland County on the School District Five Board.

Thank you for your assistance with this matter.

Respectfully submitted,

Robert W. Gantt
Chairman, Board of Trustees

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



SC BUDGET AND CONTROL BOARD

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

January 11, 2013

Mr. Robert W. Gantt
Chairman, Board of Trustees
Richland Lexington School District 5
1020 Dutch Fork Rd.
Irmo, SC 29063

Dear Mr. Gantt,

Per your request we have reviewed the county location of the residence of Ms. Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five of Richland and Lexington Counties. Our review was based on the address of 154 Old Laurel Ln., Chapin, SC 29036. This information was obtained through the South Carolina State Election Commission voter registration database.

We used three sources to determine the county location of Ms. Murphy's residence: 1. the U.S. Census Bureau, 2. Precinct maps on file with this office based on codified law, and 3. Research and field work conducted by the South Carolina Geodetic Survey.

The U.S. Census Bureau PL94-171 database shows Ms. Murphy's address as being located in U.S. Census Block 450630212042059. This puts Ms. Murphy in the State of South Carolina in Lexington County in Tract 021204 in Block 2059. Based on the database, the entire street of Old Laurel Ln. is located in Lexington County.

The next analysis we conducted was based on the official precinct maps on file with our office. As established in §1-11-360 our office serves as the focal point for verifying official precinct information for the counties and serves as the official repository for precinct maps. The map on file with this office (P-63-10) show Ms. Murphy is a resident of Lexington County and should be voting in the Lexington County Chapin precinct for House District 85, Senate District 18, and Lexington County Council District 6. In addition to Ms. Murphy's address it has come to our attention that another address located on Old Laurel Ln. is also located in the incorrect county, voting in the incorrect precinct and election districts.

The third source is research and field work conducted by the South Carolina Geodetic Survey. Section 4-3-460 of the Code of Laws of South Carolina 1976 defining the Richland County boundary states that Rocky Ford on Wateree Creek is a point on the Richland-Lexington county boundary. GPS was used to determine the coordinates for Rocky Ford. From Rocky Ford, one boundary line segment bears northwest and another bears southwest. The northwest-trending line segment from Rocky Ford to its intersection with Risters Creek has an azimuth of 343° for a distance of 9405 feet. The southwest-trending line segment from Rocky Ford has an azimuth of 243° for a distance of 3920 feet. Plotting this information on orthophotography demonstrates that Ms. Murphy's house is in Lexington County – about 0.1 mile northwest of the boundary.

All three sources show that Ms. Murphy is a resident of Lexington County. Act No. 326 of 2002 requires that four members be elected from the Lexington County portion of the school district and three members are to be elected from the Richland County portion of the district. As Ms. Murphy was elected in 2010 for a seat in Richland County while residing in Lexington County she is and was not qualified to hold her position for which she has been elected. If Ms. Murphy desires, she may run for a seat for the Lexington County portion of School District Five at the next general election.

Sincerely,

Bobby M. Bowers

BMB:wfr

district five
OF LEXINGTON & RICHLAND COUNTIES

PUBLIC STATEMENT
JANUARY 14, 2013

In late October, it came to my attention that Board Member Kim Murphy might not be, in fact, a resident of Richland County, as specifically required by Act No. 326 of 2002 of the South Carolina General Assembly.

Act No. 326 of 2002 addresses the composition of the Board of Trustees of School District Five of Lexington and Richland Counties, specifically providing that three of the Board Members shall be residents of Richland County and four of the Board Members shall be residents of Lexington County. Ms. Murphy is one of three representatives from Richland County, the other two being Robert Gantt (myself) and Edward White.

Based on the information I received, I made a formal inquiry of Bobby Bowers, Director of the Office of Research and Statistics of the South Carolina State Budget and Control Board, whose office has statewide responsibility for election district maps. A copy of my December 20, 2012, letter to Mr. Bowers is attached. I also informed other officers of the Board of my inquiry, along with legal counsel for the District.

On January 12, 2013, I received a formal response to my inquiry from Mr. Bowers. A copy of his response is attached.

Tonight, in Executive Session, I informed the entire Board of Mr. Bowers' response, along with the District Superintendent and legal counsel for the District. Tomorrow, I will send a letter to Ms. Murphy confirming tonight's discussion. I assume that Ms. Murphy will evaluate the information and, if Mr. Bowers' position is correct, will resign her position as a member of the Board, as she was apparently not qualified to represent Richland County at the time of her election.

If there is a dispute about her qualifications to serve, the District, through legal counsel, will make arrangements to refer the matter to an independent, impartial person with extensive judicial experience to publicly hear the facts and law and make a recommendation to the Board. Individual Board members shall make no further comments on this situation but I, as Board Chair, will keep the public informed as events develop.

The Board and District are focused on the well-being of students and moving the District forward, and we look forward to a prompt and efficient resolution of this issue.

Copies of my letter to Ms. Murphy will be made public tomorrow. Any further inquiries should be directed to Mark Bounds, the District's Public Information Officer. Thank you.

Robert Gantt, Board Chairman

district five
OF LEXINGTON & RICHLAND COUNTIES

Stephen W. Hefner, Ed.D.
Superintendent

January 15, 2013

Mrs. Kim Murphy
154 Old Laurel Lane
Chapin, SC 29036

Re: Residency Issue

Dear Mrs. Murphy:

Following up on our discussion at last evening's Board meeting, I have enclosed a copy of my letter of December 20, 2012, to Bobby Bowers, and his response, which I received on January 12, 2013. I think that it is important for you to advise me in writing of your position on these matters as promptly as circumstances permit. If I do not receive a definitive written response by the end of the day on Monday, January 21, 2013, I will act pursuant to the direction of the Board to refer the matter to an independent, impartial person with extensive judicial experience to publicly hear the facts and law and make a recommendation to the Board as to how it should proceed.

You or your attorney may contact Kenneth L. Childs, Attorney for the District in this matter, should you need additional information. Thank you.

Respectfully submitted,

Robert W. Gantt
Chairman, Board of Trustees

Enclosure

c: Board of Trustees
Dr. Stephen W. Hefner
Mr. Mark Bounds

W Y C H E

Attorneys at Law

January 18, 2013

Kenneth L. Childs, Esquire
Childs & Halligan, P.A.
1301 Gervais Street, Suite 900
PO Box 11367
Columbia, SC 29211-1367

Dear Ken:

I hope this letter finds you well. I write in response to Robert Gantt's January 15 letter to Kim Murphy.

There can be no factual dispute that Ms. Murphy has been a resident of Richland County for the past 12 years and that she has not moved. For each of those years, she has been billed residential property taxes by Richland County and has paid residential property taxes to Richland County. I am aware of no effort on the part of Richland County to refund those taxes. In addition, I enclose a copy of Ms. Murphy's voter registration card that contains her current address and specifies that she is a resident of Richland County and a qualified elector in the Springville Precinct in Richland County. There are, of course, legislative processes for changing county or precinct lines. To date, however, I am aware of no legislative effort to change either line.

As you know, a School Board has absolutely no authority to change a precinct or a county line or to otherwise remove an elected member of the Board. I would like to think that we could resolve this matter without spending tax dollars on litigation. Please let me know, however, if the Board plans to treat Ms. Murphy differently than any other member.

Thank you very much for your time and consideration.

Sincerely,

John C. Moylan, III
jmoylan@wyche.com

JCM,III/cbr

You are now registered to vote in the state of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of photo identification:

* S.C. Driver's License
* ID Card issued by S.C. Department of Motor Vehicles
* S.C. Voter Registration Card with Photo
* Federal Military ID
* U.S. Passport

Congr	Senate	House	County Council	School
02	20	071	01	05

This stub along with the attached notification may be used as a
VOTER REGISTRATION CARD with PHOTO
To use as a photo ID, DO NOT DETACH STUB.



STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY: RICHLAND
PRECINCT: Springville

REG. NO: 406724091 REG. DATE: 9/26/2000

Murphy, Kim A
154 Old Laurel Ln
Chapin, SC 29036

SIGNATURE OF ELECTOR

FOLD HERE

SEX: Female RACE: White DOB: 6/27/1957

VOTE AT:
Lake Murray Elementary
1531 Three Dog Rd

Lillian A. McBride

COUNTY / STATE ELECTION OFFICIAL

district five
OF LEXINGTON & RICHLAND COUNTIES

January 22, 2013

The Honorable G. Thomas Cooper, Jr.
P.O. Box 192
Columbia, SC 29202

Re: School District Five of Lexington and Richland Counties
Kim Murphy Residency Issue

Dear Judge Cooper:

I have been informed by Kenneth L. Childs, of Childs & Halligan, attorneys for the School District, that you had indicated you were willing, if necessary, to act as a "hearing officer" for the Board of Trustees of School District Five of Lexington and Richland Counties ("Board") and to review the issues of Board Member Kim Murphy's qualifications to serve on our Board as a representative of Richland County. Please see attached correspondence.

This Board exercises the duties of the county board of education with regard to its own school district, and thus the Board has the duty to make the decision required by South Carolina Code § 59-19-60, whereby "[s]chool district trustees shall be subject to removal from office for cause ... upon notice and after being given an opportunity to be heard ...." S.C. Code § 59-19-60. Specifically, we anticipate that you would conduct a hearing with due notice and an opportunity for both Mrs. Murphy and the District to be heard, in order to consider the evidence and legal issues involved and then make a report and recommendation to the Board on this question, as an aid to the Board's exercise of its duty under § 59-19-60.

By copy of this letter, I am requesting Messrs. Childs and Halligan to communicate in writing with you concerning the legal issues in this matter, serving a copy of any such communication on Ms. Murphy or her attorney, and also by copy of this letter inviting Ms. Murphy or her attorney to provide you with any written information, which they may care to submit. It is in the interest of all concerned to accomplish this task expeditiously.

We appreciate your willingness to assist our Board and the District in this matter, and we will, of course, pay a reasonable fee, plus expenses, for your services.

Sincerely yours,

Robert Gantt, Board Chair

Attachment

c: All Board Members
Kenneth L. Childs, Esq.
Ms. Kim Murphy

PUBLIC STATEMENT
January 28, 2013

As promised, I plan to keep the public informed concerning Ms. Murphy's residency in question.

On Tuesday, January 15, 2013, following the January 14, 2013 Board Meeting in which substantial concerns were raised by Mr. Bobby Bowers' January 11, 2013 letter concerning the residency of Board Member Kim Murphy, I sent Ms. Murphy a letter requesting her position on the issues. Once the correct information was officially made known, the Board was compelled to follow the law. Richland County residency is required by the law that establishes the criteria to hold the office of School Board Trustee for the Richland County portion of School District 5. A copy of my letter to Ms. Murphy is attached. On Friday afternoon, January 18, 2013, attorneys for the District received a letter from Ms. Murphy's attorney, John Moylan

Chairman, SDS Board of Trustees

of the Wyche Law Firm in Columbia. A copy of his letter is attached.

The boundary of Richland and Lexington counties was established by the General Assembly. Lexington County's GIS shows one boundary line, while Richland County's GIS shows another. Mrs. Murphy's residence is in the area of the two counties' overlapping boundaries as shown on their GIS maps. The line is objectively determinable through State authorities responsible for these lines. The South Carolina Budget and Control Board, Division of Research and Statistics is the agency charged with that responsibility. The School Board has no authority to determine the lines but does have the responsibility to ensure that residency requirements are met.

Many of the statements in Mr. Moylan's letter on behalf of Ms. Murphy – for example, Ms. Murphy has a voter registration certificate for Richland County signed by Lillian McBride, and she has paid taxes as a resident of Richland County --

seem to be entirely correct, but they do not determine if the county boundary established by the General Assembly was improperly located by Richland County and then used for these two purposes.

On Tuesday, January 22, 2013, I sent the attached letter to recently retired SC Circuit Judge The Hon. Thomas Cooper, as outlined (and authorized) by my public statement at the Board Meeting on January 14. The Board has designated Judge Cooper to act as a hearing officer in this matter. Judge Cooper is an experienced, highly respected, and impartial member of the South Carolina judiciary who we have asked to determine the facts and law in this matter, rather than have the issues under any cloud of suspicion and rumor. It is my understanding that Judge Cooper will meet with the attorneys this week to determine how to proceed. Judge Cooper's proceedings, and certainly his legal and factual conclusions and recommendations to our Board, will be made

public. I will keep the public informed of any developments in this matter as it moves toward a desired timely conclusion.

Finally, I most sincerely regret Mrs. Murphy's statements in The State newspaper on Saturday, January 26, 2013, and her e-mail statements sent yesterday circulating in the community. Any suggestion that there is a conspiracy among board members in this matter is totally false. The apparent error in Richland County's placement of the true county line was confirmed by the Office of Research and Statistics using three sources, as stated in Mr. Bobby Bowers' letter of January 11, 2013. The School Board does not, and cannot, establish county lines or the residency qualifications for public offices.

As always, School District 5 will continue its efforts to provide our students, community, and citizens with a high-quality educational program. We certainly regret any distraction from

our mission and primary responsibility to our students.

Chairman, Bd of Trustees

(5)

Public Statement Amendment #1

January 28, 2013

The attorneys for the School District were informed this afternoon that Mr. Moylan does not represent Ms. Murphy. Nevertheless, our attorneys, and I am certain Judge Cooper, will work cooperatively and professionally with Ms. Murphy and whomever she selects to represent her.

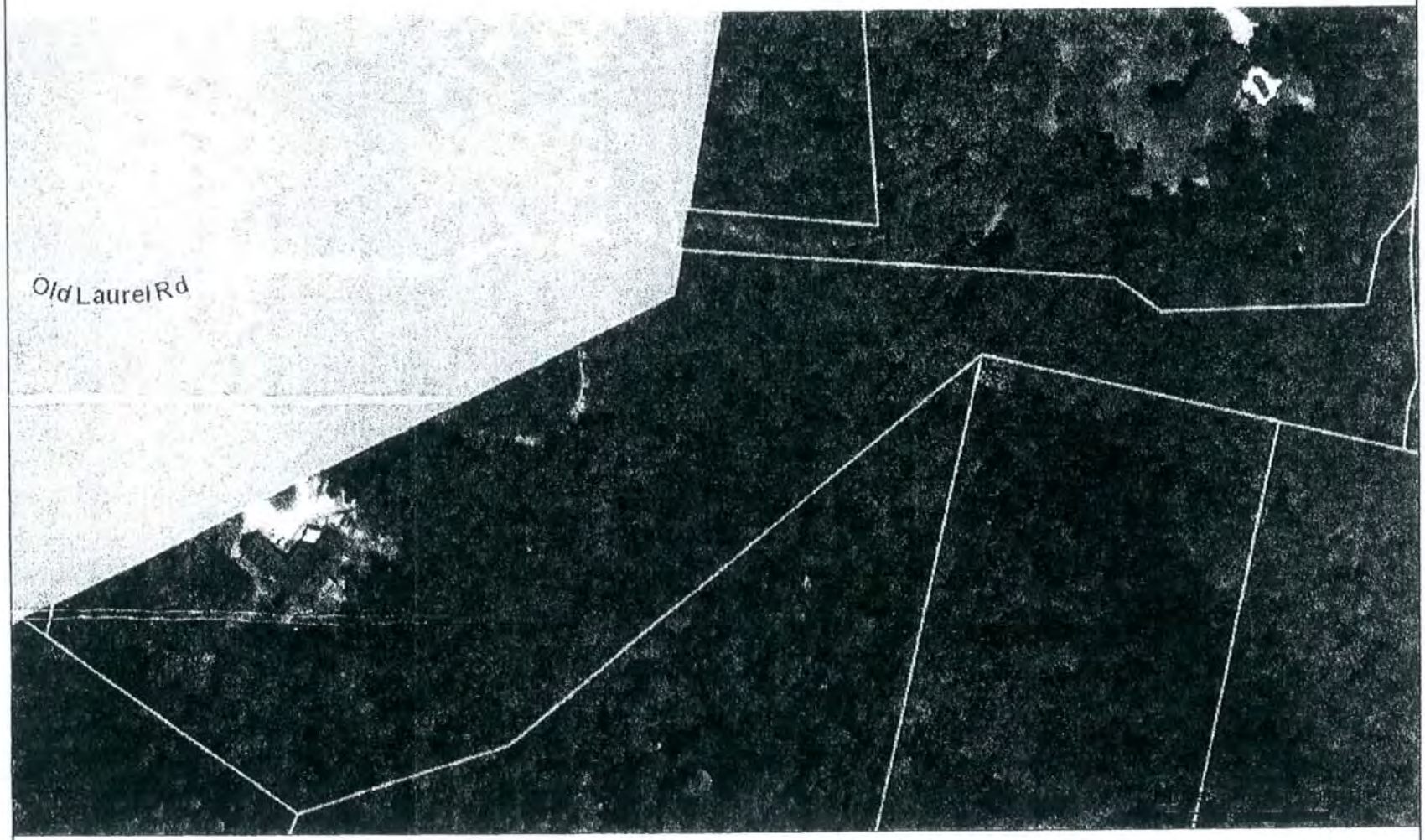
Chairman, DS Board of Trustees

Kim Murphy
On the record statement
January 28, 2013

Since learning for the first time at the last board meeting that my residency, and subsequently my eligibility to serve on this board to which I was duly elected is being questioned, I have taken every measure and step possible to verify and validate that I am indeed a citizen of Richland County. I have supporting documents available that do just that. Attached to this statement is a copy of a map showing my home clearly located within Richland County line. I have also attached a printout summarizing the property taxes my husband and I have paid in Richland County as well as a copy of my voter registration card just reissued last week. Hopefully, this documentation puts to rest any lingering questions or concerns regarding my residency and eligibility to continue serving the thousands of Richland County voters who elected me.

I do not desire to spend any more time or energy on this issue. I am confident in my position and I do not feel that their claim(s) have any merit. However, if our board chair decides to pursue it further in spite of the evidence I have presented this evening, then I will certainly respond. In the meantime, we have much more pressing issues to address and our students, teachers, parents and taxpayers cannot afford for us to waste any more of their time and money engaging in this back and forth bickering and pursuing our own personal agendas.

Richland County Map



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Residential Taxes

RICHLAND COUNTY
POST OFFICE BOX 11947
COLUMBIA, SC 29211

David A. Adams
Treasurer
803-576-2250
treasurer@rcgov.us

PRINTED: 1/17/2013 ****** REAL ESTATE TAXES *******
CLERK:
LEVY-YEAR 2012

Current Year

TY-YEAR-RECEIPT MAP-BLOCK-PARCEL
R-2012-117883 00600-01-36.

LOC: 154 OLD LAUREL LN
RMKS:
DIGEST 21,700
CHANGE 0
NET-ASSM 21,700

R-2012-117883
MURPHY D JAY
DIST-NO:
6UD

154 OLD LAUREL LANE
CHAPIN SC 29036

401.50

CNTY-TAX	8,712.55
CNTY-SALES	699.83-
RESID-CR	4,801.92-
PEN/COST	.00
CNTY-TOT	3,210.80
CITY-TAX	.00
CITY-PEN	.00
GARB	249.00
PYMTS-TO-DATE	.00
ADJ-TO-DATE	.00

RICHLAND COUNTY
POST OFFICE BOX 11947
COLUMBIA, SC 29211

David A. Adams
Treasurer
803-576-2250
treasurer@rcgov.us

PRINTED: 1/17/2013 ****** REAL ESTATE TAXES *******
CLERK:
LEVY-YEAR 2010

Election Year

TY-YEAR-RECEIPT MAP-BLOCK-PARCEL
R-2010-116775 -D 00600-01-36.

LOC: 154 OLD LAUREL LN
RMKS:
DIGEST 21,700
CHANGE 0
NET-ASSM 21,700

R-2010-116775 D
MURPHY D JAY
DIST-NO:
6UD

154 OLD LAUREL LANE
CHAPIN SC 29036

387.20

CNTY-TAX	8,402.24
CNTY-SALES	575.05-
RESID-CR	4,626.63-
PEN/COST	517.43
CNTY-TOT	3,717.99
CITY-TAX	.00
CITY-PEN	.00
GARB	249.00
2011/04/01 PYMTS-TO-DATE	3,966.99
ADJ-TO-DATE	.00
BALANCE-DUE	.00

THIS IS NOT A TAX BILL, (DO NOT PAY) FOR YOUR INFORMATION ONLY. (PAID RECEIPT)

RICHLAND COUNTY
POST OFFICE BOX 11947
COLUMBIA, SC 29211

David A. Adams
Treasurer
803-576-2250
treasurer@rcgov.us

PRINTED: 1/17/2013 ****** REAL ESTATE TAXES *******
CLERK: SUSAN
LEVY-YEAR 2001

First Year

TY-YEAR-RECEIPT MAP-BLOCK-PARCEL
R-2001-089030 -D 00600-01-36.

LOC: 154 OLD HILTON RD
RMKS:
DIGEST 26,440
CHANGE 8,790-
NET-ASSM 17,650

R-2001-089030 D
MURPHY D JAY
DIST-NO:
6UD

154 OLD LAUREL LA
CHAPIN SC 29036

312.60

CNTY-TAX	8,265.14
CNTY-SALES	.00
RESID-CR	.00
PEN/COST	498.26
CNTY-TOT	8,763.40
CITY-TAX	.00
CITY-PEN	.00
GARB	.00
2002/04/24 PYMTS-TO-DATE	4,943.39
ADJ-TO-DATE	3,820.01-
WASTE-DUE	.00

THIS IS NOT A TAX BILL, (DO NOT PAY) FOR YOUR INFORMATION ONLY. (PAID RECEIPT)

RICHLAND COUNTY
POST OFFICE BOX 11947

David A. Adams
Treasurer

You are now registered to vote in the state of South Carolina. Your official notification of registration is attached. To vote at your polling place, you must present one of the following types of photo identification:

* S.C. Driver's License
* ID Card issued by S.C. Department of Motor Vehicles
* S.C. Voter Registration Card with Photo
* Federal Military ID
* U.S. Passport

Congr	Senate	House	County Council	School
02	20	071	01	05

This stub along with the attached notification may be used as a
VOTER REGISTRATION CARD with PHOTO
To use as a photo ID, DO NOT DETACH STUB.



STATE OF S.C. VOTER REGISTRATION NOTIFICATION

COUNTY: RICHLAND
PRECINCT: Springville

REG. NO: 406724091 REG. DATE: 9/26/2000

Murphy, Kim A
154 Old Laurel Ln
Chapin, SC 29036

SIGNATURE OF ELECTOR

FOLD HERE

SEX: Female RACE: White DOB: 6/27/1957

VOTE AT:
Lake Murray Elementary
1531 Three Dog Rd

Lillian A. McBride

COUNTY / STATE ELECTION OFFICIAL

Rich
1-7-13



-----Original Message-----
From: Kim Murphy <movingmountainskwm@gmail.com>
To: Kim Murphy <movingmountainskwm@gmail.com>
Sent: Sun, Jan 27, 2013 6:57 pm
Subject: URGENT District 5 update - Tax dollar protection!

Dear Voter and Taxpayer in Lexington-Richland School District 5:

I do like to keep all of you informed, but this isn't the way I had envisioned it! I've earned a reputation the hard way as a school board member who protects YOU and the way YOUR money is spent by the board. I know that you have recognized as well as I have that the establishment REALLY hates someone looking over their shoulders! Even though I've known they've opposed my efforts to watch out for your tax dollars, I surely didn't see this one coming. As you've probably read in the papers, the School Board and specifically its Board Chairman, Robert Gantt, have taken the totally over-the-top approach of getting rid of me and my taxpayer protection attitude by challenging my residency! Now, they are spending YOUR tax money hiring lawyers just to get me kicked off the board so that you have virtually no one looking out for the way they waste our tax dollars.

Just to clear the air, my family and I have resided in Richland County for 12 years. Yes, we had to obtain a RICHLAND COUNTY building permit, we have RECEIVED and PAID, annually, residential tax bills from RICHLAND COUNTY (Lexington County even bills us for the 2.82 acres of land we own on the Lexington County side of our property that doesn't include our home), my husband and I are registered to vote in the Springville Precinct in RICHLAND COUNTY (in fact, on January 17, 2013—just LAST WEEK—I received the new Photo Voter Registration Card from RICHLAND COUNTY VOTER REGISTRATION OFFICE), I first filed to run in 2004 (a race I lost), in RICHLAND COUNTY and was placed on the ballot and the election was certified by the RICHLAND COUNTY Election Commission. Again, in 2010, when I won this seat, I filed to run for this position in RICHLAND COUNTY, and the election was certified by both the county and state election commissions. I could go on and on but you get the picture. Since we haven't moved, we obviously still

Kenneth L. Childs

From: ROBERT W GANTT [ganttrw@bellsouth.net]
Sent: Monday, January 28, 2013 12:38 PM
To: Kenneth L. Childs; Kathryn Long Mahoney; John M. Reagle
Subject: Fw: Fwd: Fw: Fwd: URGENT District 5 update - Tax dollar protection!
Attachments: The_State_-_School_Board_member_will_'hold_ground'_to_keep_seat_1-26-13.pdf; Richland_County_Map_-_Murphy_154_Old_Laurel_Lane.pdf

FYI

-----Original Message-----
From: Kim Murphy <movingmountainskwm@gmail.com>
To: Kim Murphy <movingmountainskwm@gmail.com>
Sent: Sun, Jan 27, 2013 6:57 pm
Subject: URGENT District 5 update - Tax dollar protection!

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reside in Richland County. The only way my residency changes is if they attempt to move the county lines.

Here's the point, the opposition only fires on you if you're over the target!! I wonder what Gantt and his cronies are cooking up to attempt to slide by YOU—the taxpayer—and why they want me off the board so badly that they have to resort to such desperate means?

I have an obligation to you--the 5948 voters who supported me, as well as a duty to this district--which Gantt and some others apparently don't feel. If you know me well, I don't like asking for help. I always seek your input and advice, but I don't like asking you to do something for me, but this time I really need your help. Some of you can make phone calls to pressure the establishment and their puppet, Robert Gantt, into backing off this absurd effort to unseat a duly elected Board member. Some others of you can write emails or hand written letters detailing our anger at this blatant power grab and wasteful spending on lawyers' fees, still others could write a small check to help me defend myself against this outrage. The truth of the matter is that with unlimited funding from YOUR tax dollars and the ability to hide the expenses in some unlabeled cost category, Gantt and his horde will easily outspend our abilities to fight this attack.

For your convenience, I've attached a map showing the location of our house. You'll also find below the numbers and email addresses for Robert Gantt and the rest of the School Board as well as other elected officials that might help. We've often said that we see our nation and state and community going downhill due to excessive government spending, regulation and waste and we don't know what we can do to stop it. Well, I've been stopping it here for some time, and now I need your help to fight off an effort to stop me from protecting you. I am humbled by all of the support and prayers and thank you in advance for helping out in this situation.

God Bless
Kim
PS Please forward this email to anyone who shares your concerns.

Contact Information - Board Members and House and Senate Representatives:
Mr. Robert Gantt, Chairman
1213 Old Tamah Road
Irmo SC 29063
RGantt@lexrich5.org Hm: 781-5408 Cell: 920-0652

Mr. Ed White
327 Steeple Crest North
Irmo SC 29063
EWhite@lexrich5.org Hm: 781-8424

Mrs. Beth Watson, Vice Chairman
906 Shadetree Court

Columbia SC 29212
BHWatson@lexrich5.org Cell: 261-7123

Mrs. Ellen Baumgardner, Secretary
229 Woodwinds West Drive
Columbia SC 29212
EBaumgar@lexrich5.org Hm: 731-0610 Cell: 397-7457

Mr. Jim Turner
137 Char Oak Drive
Columbia SC 29212
JTurner@lexrich5.org Hm: 781-8979

Mrs. Jondy Loveless
228 Lookout Pointes Drive
Chapin SC 29036
Jloveles@lexrich5.org Hm: 345-0547

Dr. Stephen Hefner, Superintendent
1020 Dutch Fork Road
Irmo SC 29063
shefner@lexrich5.org Wk: 476-8116

Rep. Nathan Ballentine
324 Sienna Dr
Chapin, SC 29036
nathanballentine@schouse.gov B: 734-2989 Cell: 206-4199

Rep. Chip Huggins
308 Wayworth Ct
Columbia, SC 29212
chiphuggins@schouse.gov B: 734-2971 Cell: 331-8468

Rep. Rick Quinn
610 Spruce Glen Ct
Lexington, SC 29072
rickquinn@schouse.gov B: 212-6897 Cell: 467-6209

Senator John Courson
2934 Wheat St
Columbia, SC 29205
seducomm@scsenate.gov B: 212-6250 Hm: 256-7853

Senator Ronnie Cromer
P.O. Box 378
Prosperity, SC 29127
ronniecromer@scsenate.gov B: 212-6330 Cell: 924-0099

Map Source: http://www3.richlandmaps.com/rcgeoportal/ (Zoom in tightly to the northwest corner using Hwy 176, Hwy 76 and I-26. Add the satellite layer and zoom in closer. Add the parcel layer and zoom in

again.)

--
Kim Murphy 803-446-6565
154 Old Laurel Lane
Chapin, SC 29036

The State
COLUMBIA • SOUTH CAROLINA
METRO
SATURDAY, JANUARY 26, 2013 • WWW.THESTATE.COM • SECTION B

LEXINGTON-RICHLAND 5

School board member will 'hold ground' to keep seat

Six members cite study that alleges she lives in wrong county

By TIM FLACH
tflach@thestate.com

Lexington-Richland 5 school board member Kim Murphy is ready to fight possible ouster for alleged nonresidency.

"Other members do not like having a taxpayer watchdog on the board," she said Friday. "Moving the county line to get me off the board is rather drastic."

Asked if that meant she will resist ouster, Murphy replied, "I'm just holding my ground."

She disagrees with a study by state geologists that a long-time boundary error means she doesn't live in Richland County, as required.

The study — undertaken at the request of some of the other six board members — says an updated analysis of county borders discovered Murphy's home should be shifted to neighboring Lexington County. Residency questions have not been raised about other board members, all of whom do not live so near a county border.

Long-accepted county borders in the Chapin area are erroneous and should be moved a few blocks northeast, the study said.

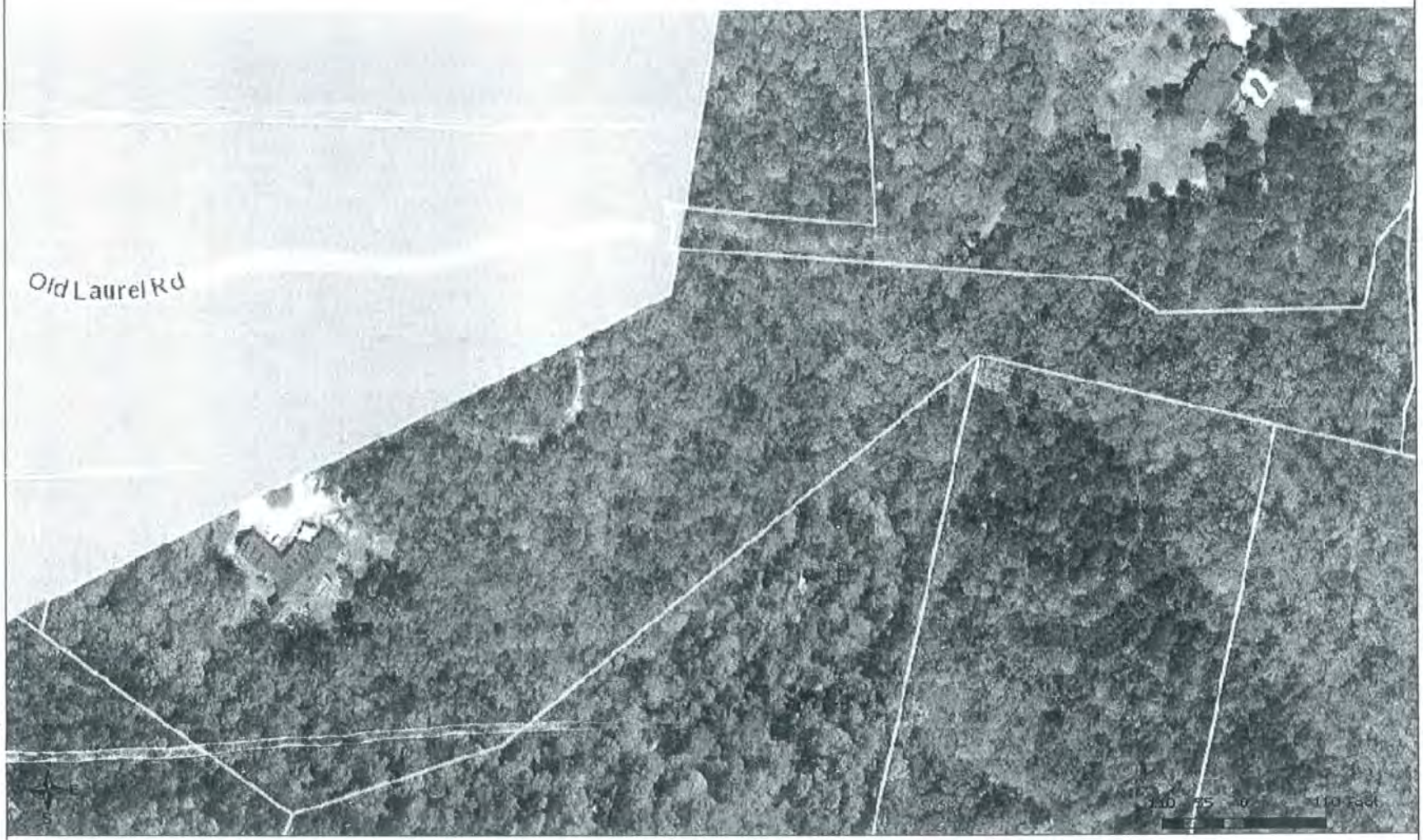
The change would mean Murphy is ineligible to remain in one of three board seats assigned Richland County.

"There is no evidence that I have ever been considered a resident of Lexington County," Murphy said. "The only way my residency changes is if they attempt to move the county lines in order to remove me."

Board chairman Robert Gantt wants to refer the dispute to an arbiter for a recommendation on whether to proceed with an attempt to oust Murphy from the post she was elected to in November 2010.

Reach Flach at (803) 771-8483.

Richland County Map



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CHILDS & HALLIGAN

A PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

The Tower at 1301 Gervais Street, Suite 900, Columbia, SC 29201
Post Office Box 11367, Columbia, SC 29211-1367

Telephone (803) 254-4035
Facsimile (803) 771-4422

Kenneth L. Childs
William F. Halligan
Kathryn Long Mahoney
Allen D. Smith†
Shirley M. Fawley*
John M. Reagle**
Vernie L. Williams
Thomas K. Barlow**

Allison Aiken Hanna
Keith R. Powell***
Connie P. Jackson
Kimberly Kelley Blackburn
Jasmine Rogers Drain++
Tyler R. Turner
Dwayne T. Mazyck

†Certified Specialist in Employment and Labor Law
*Also admitted in District of Columbia
**Also admitted in North Carolina
***Also admitted in Missouri
++Also admitted in Georgia

January 29, 2013

VIA E-MAIL AND HAND DELIVERY

Mrs. Kim Murphy
154 Old Laurel Lane
Chapin, SC 29036

Re: Residency Issue and Conference with Judge Thomas Cooper

Dear Ms. Murphy:

It is my understanding that you have been provided with a copy of Robert Gantt's letter of January 23, 2013, to The Honorable Thomas Cooper. I gave a copy of this letter to John Moylan on January 23, 2013. Judge Cooper telephoned me on January 24, 2013, and informed me that he would schedule a conference with counsel on Friday, February 1, 2013, at 10:00 a.m., in the conference rooms of the South Carolina Bar offices located at 950 Taylor Street in downtown Columbia. During my telephone conversation with Judge Cooper, I informed him that you were represented by John Moylan of the Wyche Law Firm. However, I have since learned that Mr. Moylan no longer represents you.

While I assumed Judge Cooper contacted Mr. Moylan himself, as a professional courtesy, I immediately telephoned Mr. Moylan and left a voice mail for him concerning the 10:00 a.m. conference scheduled for Friday February 1, 2013. The purpose of this communication is to make sure you have notice of this conference with Judge Cooper and to make clear that you and/or your attorney are requested to appear and participate in the conference. I would assume the purpose of the conference with Judge Cooper is to develop or discuss a date, time, location, and perhaps procedural matters and a briefing schedule for an upcoming hearing.

Please contact me or my partner, John Reagle, if you would like any additional information or if you have any questions concerning this communication. Thank you for your cooperation in this matter.

Respectfully submitted,

Ken Childs

Kenneth L. Childs
kchilds@childs-halligan.net

/dsr

c: The Honorable Thomas Cooper
Mr. Robert Gantt

CHILDS & HALLIGAN

A PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

The Tower at 1301 Gervais, Suite 900, Columbia, SC 29201
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·nneth L. Childs
.·illiam F. Halligan
Kathryn Long Mahoney
Allen D. Smith†
Shirley M. Fawley*
John M. Reagle**
Vernie L. Williams
Thomas K. Barlow**

Allison Aiken Hanna
Keith R. Powell***
Connie P. Jackson
Kimberly Kelley Blackburn
Jasmine Rogers Drain++
Tyler R. Turner
Dwayne T. Mazyck

†Certified Specialist in Employment and Labor Law
*Also admitted in District of Columbia
**Also admitted in North Carolina
***Also admitted in Missouri
++ Also admitted in Georgia

January 30, 2013

The Honorable G. Thomas Cooper, Jr.
P.O. Box 192
Columbia, SC 29202

RE: School District Five of Lexington and Richland Counties/Board Matters - Residency Issue

Dear Judge Cooper:

It is my understanding and intention that the meeting on Friday is not the hearing but a conference to reach common understanding on the procedures and timing for the hearing, to see what agreement exists as to the relevant facts, to determine how you will take evidence of any disputed facts, and to establish what sort of briefing you desire. I expect everyone will want you to issue (with input from the parties) a short written statement as to the outcome of the meeting on Friday and the next steps in your review. The conference on Friday is not a "meeting" subject to the FOIA, but some members of the press may desire to be present. The business of the conference is to get those issues lined up, not to conduct a press briefing. Thus, the press should only have an observational presence. If they are disruptive to the business that needs to be conducted, they can be excluded.

We are continuing efforts to keep Mrs. Murphy apprised of these developments. The last news we had was that her prior counsel no longer represents her. It may be prudent for you to touch base with her directly to confirm Friday's conference. Her contact information is:

Mrs. Kim Murphy
154 Old Laurel Lane, Chapin, SC 29036
Home: (803) 345-8855 / Mobile: (803) 446-6565
Kwmurphy@lexrich5.org

Sincerely,

Ken

Kenneth L. Childs

c: John M. Reagle, Esq.

* * * Communication Result Report (Jan. 30. 2013 1:56PM) * * *

1) Childs and Halligan
2)

Date/Time: Jan. 30. 2013 1:55PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
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E. 1) Hang up or line fail
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E. 3) No answer
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E. 5) Exceeded max. E-mail size

CHILDS & HALLIGAN
A PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW
P.O. Box 11367 • Columbia, SC 29211-1367
Phone (803) 254-4035 • Fax (803) 771-4422

FAX

www.childs-halligan.com

DATE: January 30, 2013

E. RECIPIENT HAS BEEN CONTACTED

dsr

TO: Shirene Hansotia
COMPANY:
FAX NO: (803) 576-1741

FROM: Kenneth L. Childs
FAX NO: (803) 771-4422

REFERENCE: School District Five of Lexington and Richland Counties/Board Matters - Residency Issue

MESSAGE: Please give the attached letter to Judge Cooper. Thank you.

THIS DOCUMENT CONSISTS OF 2 PAGE(S), INCLUDING THIS COVER PAGE.

PLEASE CALL (803) 254-4035 IMMEDIATELY IF THERE ARE ANY PROBLEMS DURING THIS TRANSMISSION.
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Kenneth L. Childs

From: Kenneth L. Childs
Sent: Wednesday, January 30, 2013 1:54 PM
To: G. Thomas Cooper Jr. (gcooperj@sccourts.org)
Cc: John M. Reagle
Subject: Lexington School District Five / Kim Murphy
Attachments: LET Judge Cooper.doc

Please see attached letter.

Kenneth L. Childs
Childs & Halligan, P.A.
PO Box 11367
Columbia, SC 29211
(803) 254-4035

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Cc: "Kenneth L. Childs (kchilds@childs-halligan.net)" <kchilds@childs-halligan.net>
Subject: Residency

Dear Ms. Murphy: My name is Thomas Cooper. I am a retired Judge of the 5th Judicial Circuit and live in Camden. My biography is available on the S.C. Judicial Department website. I sit to hear judicial cases on a part time basis and am certified by the South Carolina Bar to conduct mediations and/or arbitrations. Attorney Ken Childs representing School District 5 contacted me in mid-January and asked if I would be willing to arbitrate the issue of your residency in either Richland or Lexington county. I told him I would and, at that time, called and reserved a room at the S.C. Bar conference center (Park Street) tomorrow (2/1/13) at 10:00 am for the purpose of identifying the issues and developing a schedule to move this matter along. Obviously this needs your participation and the participation of your attorney if you are represented. No testimony or final action will be taken at this meeting. I expect a representative of the School Board and it's attorney to be present. I would appreciate it if you would confirm your presence by return email and let me know if you are represented by counsel. G. Thomas Cooper, Jr.

BOARD OF TRUSTEES OF SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES	)))	IN RE: KIM MURPHY RESIDENCY

PRE-HEARING ORDER AND HEARING NOTICE

The Board of Trustees ("Board") of School District Five of Richland and Lexington Counties ("District") requested the undersigned to act as a hearing officer for the benefit of the Board's deliberations over the issue of whether Kim Murphy qualifies by residency to hold the office of Trustee of the District for the Richland County portion of the District. My task is to provide, on behalf of the Board, the appropriate notice and opportunity for a fair hearing meeting due process standards, and then to make recommendations to the Board as to the factual and legal situation, for the Board's disposition as it deems appropriate.

South Carolina Acts 141 of 1969 and 601 of 1994 devolved the powers of the respective county boards of education to the trustees of the school districts in Richland and Lexington counties, respectively. South Carolina law provides that, "School district trustees shall be subject to removal from office for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education." S.C. Code § 59-19-60. The applicable special legislation requires that, "in Richland-Lexington School District 5 ... three trustees must reside in Richland County and four must reside in Lexington County."

The issues referred to me are straightforward:

- whether Mrs. Murphy's residence is in Richland County; and
- if Mrs. Murphy's residence is not in Richland County, then whether the Board may remove Mrs. Murphy for cause under § 59-16-60; and

- what other remedies may be available to either the Board or Mrs. Murphy

The undersigned met with Mr. Robert Gantt, Board Chairman, and the Board's counsel on February 1, 2013, at the offices of the South Carolina Bar, to establish a procedure to resolve these issues upon due notice and an opportunity to be heard. The following will be used:

(1) No later than February 13, 2013, the parties will exchange via electronic mail or hand delivery the same date, a copy of any documentary evidence the party intends to submit at the hearing, along with any pre-hearing brief the party wishes to submit. These will be sent to me via electronic mail with a copy to the other party via electronic mail or hand delivery the same date. Materials not submitted by this time may be refused consideration.

(2) A hearing will be held at 10:00 a.m. on February 15, 2013, at the District 5 Board Room 1020 Dutch Fork Road, Irmo, for the undersigned to receive evidence and hear the legal arguments of the parties. A court reporter will be used to prepare a transcript. This hearing will be open to the public. I will apply generally accepted principles of liberally taking fair and reasonable evidence in an administrative setting, and mean to allow the parties a fair opportunity to present and test any relevant evidence or arguments. The hearing is not, however, an open-ended inquiry, and will not be permitted to stray from the core issues I am charged with hearing.

Following the hearing, the transcript will be expeditiously ordered so that I may produce my Report and Recommendations to the Board as quickly as possible. This report and the record will be filed with the Board with a copy sent to the parties. The Board, and not the undersigned, is charged with making the final determination in this matter.

Issued the 1st day of February, 2013.

G. Thomas Cooper, Hearing Office

CHILDS & HALLIGAN

A PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

The Tower at 1301 Gervais Street, Suite 900, Columbia, SC 29201
Post Office Box 11367, Columbia, SC 29211-1367

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Kenneth L. Childs
William F. Halligan
Kathryn Long Mahoney
Allen D. Smith†
Shirley M. Fawley*
John M. Reagle**
Vernie L. Williams
Thomas K. Barlow**

Allison Aiken Hanna
Keith R. Powell***
Connie P. Jackson
Kimberly Kelley Blackburn
Jasmine Rogers Drain++
Tyler R. Turner
Dwayne T. Mazyck

†Certified Specialist in Employment and Labor Law
*Also admitted in District of Columbia
**Also admitted in North Carolina
***Also admitted in Missouri
++Also admitted in Georgia

February 4, 2013

VIA HAND DELIVERY

Ms. Kim Murphy
154 Old Laurel Lane
Chapin, SC 29036

Re: Judge Cooper's Order

Dear Ms. Murphy:

I e-mailed the enclosed Order to all Lexington Five Board members as soon as it was received by facsimile in our office on Friday afternoon, February 1, 2013. I hope you received your copy. However, in an abundance of caution, I am having a copy hand-delivered to your home today.

You and/or your attorney are most welcome to contact John Reagle or me if you have any questions concerning this Order or its contents. Thank you.

Respectfully submitted,

Ken

Kenneth L. Childs
kchilds@childs-halligan.net

/dsr
Enclosure

c: Mr. Robert W. Gantt (w/o enclos.)
John M. Reagle, Esq. (w/o enclos.)

BOARD OF TRUSTEES OF SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES	)))	IN RE: KIM MURPHY RESIDENCY

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(1) No later than February 13, 2013, the parties will exchange via electronic mail or hand delivery the same date, a copy of any documentary evidence the party intends to submit at the hearing, along with any pre-hearing brief the party wishes to submit. These will be sent to me via electronic mail with a copy to the other party via electronic mail or hand delivery the same date. Materials not submitted by this time may be refused consideration.

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Following the hearing, the transcript will be expeditiously ordered so that I may produce my Report and Recommendations to the Board as quickly as possible. This report and the record will be filed with the Board with a copy sent to the parties. The Board, and not the undersigned, is charged with making the final determination in this matter.

Issued the 1st day of February, 2013.

G. Thomas Cooper, Hearing Office

BOARD OF TRUSTEES OF SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES	)	IN RE: KIM MURPHY RESIDENCY
	)	**AFFIDAVIT OF Debbie Childs**

PERSONALLY APPEARED BEFORE ME Debbie Childs, who being first duly sworn, deposes and says as follows:

1. I am a part-time employee of Childs & Halligan.

2. On Monday, February 4, 2013, I went to Kim Murphy's home, located at 154 Old Laurel Lane in Chapin, South Carolina 29036, at approximately 6:30 p.m. Two cars were in the driveway and lights were on in the home. I knocked on the front door several times, but the door was not answered.

3. I left two copies of the attached letter and Order in a sealed envelope, one in Ms. Murphy's mailbox and one inside the front door, along with some other uncollected mail.

4. A copy of the attached Order was e-mailed to Ms. Murphy at KWMurphy@lexrich5.org Friday afternoon, February 1, 2013.

AFFIANT FURTHER SAYETH NAUGHT.

Debbie Childs

Debbie Childs

SWORN TO BEFORE ME THIS 7th
DAY OF February, 2013

Dawnne S. Robey

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 05-16-2021

The State
South Carolina's Homepage™

Posted on Wed, Feb. 06, 2013

Kim Murphy's home may be in wrong county, officials agree

By TIM FLACH
tflach@thestate.com

Coming up

Retired circuit judge G. Thomas Cooper will listen to a discussion of the residency dispute at 10 a.m. Feb. 15 at Lexington-Richland 5 headquarters, 1020 Dutch Fork Road, Irmo. Board member Kim Murphy is invited to make her case. Cooper subsequently will advise board members on what to do.

Some Richland County officials are ready to accept a border change in the Chapin area, increasing trouble for Lexington-Richland 5 school board member Kim Murphy's fight against ouster.

School leaders are looking at a boundary change recommended by state geographers that would make Murphy ineligible to remain on the panel as a Richland County representative.

The adjustment would shift her residency just inside adjoining Lexington County.

Long-accepted borders on which Murphy is relying as proof of Richland County residency probably are wrong, officials said this week.

"It appears she lives in Lexington," Richland County Assessor John Cloyd said.

County election officials say Murphy is eligible to remain in the board post she was elected to in November 2010, based on borders in place for the past century.

But Cloyd now says those borders in Murphy's neighborhood likely are incorrect.

Modern mapping equipment is discovering minor mistakes in boundaries often based on features set in colonial days more than 250 years ago, officials said.

Adjustments of county lines are "sort of a continuing thing, " Cloyd said. County officials rely on the expertise of state officials to settle questions that normally happen when a parcel is developed for homes and businesses.

Most are easily fixed without consequence, officials said.

"This is bigger than usual," Lexington County Assessor Rick Dolan said of the impact on Murphy.

Besides Murphy, one other family would be affected. Taxes on both homes total nearly $6,600, records show.

State officials recommend moving the boundary on the edge of Murphy's home a few blocks northeast.

The dispute puts the other six board members – most of whom are at odds to Murphy – in a quandary.

Murphy is a political lightning rod in supervision of classrooms for 16,000 students in the Irmo, Chapin, Harbison and Dutch Fork areas. Schools there are rated among the best in South Carolina.

To Murphy's supporters, she is a crusader against waste and high taxes. To her critics, she is an obstructionist.

Murphy says she is the victim of a vendetta, characterizing the residency fuss as "bickering" without merit and a waste of time.

Other board members say the question of her residency can't be ignored.

"This is not a situation where one board member is singled out," board vice chairwoman Beth Burn Watson said, adding "we don't have a choice" but to review it.

Murphy's problem led Watson to make sure she lives just inside Lexington County under the new lines. All other board members live, as board chairman Robert Gantt described, "deep inside" the district.

The board brought in retired circuit Judge G. Thomas Cooper of Camden to review Murphy's residency and recommend what to do. While having the final say, board members could ask for a legal ruling on his findings.

Meanwhile, Cloyd and Dolan await the await the outcome of the battle before moving to make the border change permanent.

"We're going to wait until all the dust settles and we're in total agreement on that line," Cloyd said.

Reach Flach at (803) 771-8483.

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COLUMBIA NEWS & ARTS

What County Does School Board Member Kim Murphy Live In?

by : Al Dozier

On Feb. 15 retired Circuit Judge Thomas Cooper will hold a hearing to decide if Lexington/Richland District 5 School Board member Kim Murphy is a legal resident of Richland County — and a legal holder of the Richland County seat she was elected to serve.

The situation appears a bit strange.

Her driver's license says she lives in Richland County. She's been paying taxes to Richland County for the past 12 years. She is a registered voter in Richland County.
Her garbage collector is Richland County.

Could her enemies have gotten so fed up with what they call her "political grandstanding" that they conspired with other government officials to cook the books and change her residency so she could be kicked off the board?

Nope. That didn't happen, says Bobby Bowers, director of the Office of Research and Statistics for the state Budget and Control Board.

"We didn't change any county lines," says Bowers. "They have been there since 1913."

Board chairman Robert Gantt asked Bowers to check out Murphy's residency in December, writing, "it has come to my attention, from sources which I deem reliable" that she might not live in Richland County.

Bowers has carefully documented his findings. He cites three different sources: the U. S. Census Bureau, precinct maps and research conducted by the S.C. Geodetic Survey.

Bowers says the entire street of Old Laurel Lane where Murphy lives is located in Lexington County.

In fact, Bowers said there is another residence on Old Laurel Lane that is also misidentified as a Richland County residence.

Murphy, one of the district's three school board members elected by Richland County voters (the other four are elected by Lexington County voters), insists she is a resident of Richland County, as indicated by her personal records.

Murphy accuses the board of wasting time and money engaging in "back and forth bickering" while "pursuing personal agendas."

The ongoing rift between the outspoken Chapin resident and the rest of the school board has never been wider.

Several board members often dismiss her comments during board meetings as "political statements" and accuse her of wasting time on irrelevant issues. They also blame her for what they say is the loss of taxpayer funds totaling $12 million resulting from an unsuccessful lawsuit she filed trying to protect a creek bed at a Chapin High School construction site.

The incident involving Murphy is no anomaly, Bowers says. Close scrutiny of county lines often presents challenges to the legal status of a person's residence near a county line. It's not just Richland and Lexington, but every county in the state.

Dean Crepes, director of the voter registration and elections for Lexington County, agrees with Bowers that the aged mapping of county lines presents a problem, especially in areas once sparse that are now heavily populated.

"We need to come up with more accurate property lines," he says.

Crepes says there are often problems settling residency questions when a property is close to two different county lines.

Residents are now living on properties that were not clearly identified in the maps of the past.

"Back in the day, it may have been a field. It wasn't populated," Crepes says.

It's not just a problem with county borders, but also state borders, as indicated by the boundary disputes between North and South Carolina.

The boundary between the two states, drawn up in the 1700s, was revisited last year and found to be 150 feet too far to the north after GPS systems and computer calculations determined a new location.

That computation resulted in 93 property owners discovering that their residences were in a different state.

The bitter battle between Murphy and the board is likely to go on for some time.
Even if she loses her seat, supporters say she would likely try to run again.

Let us know what you think: Email news@free-times.com.

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Exhibit 3

BOARD OF TRUSTEES OF
LEXINGTON DISTRICT FIVE OF
LEXINGTON AND RICHLAND COUNTIES

IN RE:

KIM MURPHY RESIDENCY



H E A R I N G

BEFORE THE HONORABLE G. THOMAS COOPER,

HEARING OFFICER

DATE: Friday, February 15, 2013

TIME: 10:13 a.m.

LOCATION: School District Five of Lexington and Richland Counties Board Room
1020 Dutch Fork Road
Irmo, South Carolina

REPORTED BY: SHERI L. BYERS
Registered Professional Reporter

- -

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APPEARANCES:

ATTORNEYS FOR THE LEXINGTON RICHLAND SCHOOL DISTRICT FIVE:

CHILDS & HALLIGAN
BY: KENNETH L. CHILDS, ESQUIRE
JOHN M. REAGLE, ESQUIRE
KEITH R. POWELL, ESQUIRE
1301 Gervais Street, Suite 900
Columbia, South Carolina 29201
kchilds@childs-halligan.com
jreagle@childs-halligan.com
kpowell@childs-halligan.com

(EXHIBIT 1, Letter Dated December 20, 2012, was marked for identification.)

(EXHIBIT 2, Letter Dated January 11, 2013, was marked for identification.)

(EXHIBIT 3, Richland and Lexington County Census Blocks, was marked for identification.)

(EXHIBIT 4, South Carolina House Districts, was marked for identification.)

(EXHIBIT 5, South Carolina Senate Districts, was marked for identification.)

(EXHIBIT 6, Richland and Lexington County Voting Precincts, was marked for identification.)

(EXHIBIT 7, Code of Laws of South Carolina, Section 4-3-460, was marked for identification.)

(EXHIBIT 8, Survey Dated December 5, 1921, was marked for identification.)

(EXHIBIT 9, "On the Orthophotography" with Map, was marked for identification.)

(EXHIBIT 10, Photographic Map, was marked for identification.)

(EXHIBIT 11, Act 326, was marked for identification.)

(EXHIBIT 12, Kim Murphy On-the-Record Statement, was marked for identification.)

(EXHIBIT 13, Plat of Laurel Springs, was

4

marked for identification.)

THE HEARING OFFICER: Good morning, ladies and gentlemen. My name is Tom Cooper. I am a retired state court circuit judge previously of the Fifth Judicial Circuit, which includes Richland and Kershaw counties. I live in Camden in Kershaw County. Most of my work was in Columbia or Richland County -- or in Richland County.

Now, as of January 1st of this year, I retired. The state has a mandatory age limit on judges, which I may not agree with, but nevertheless, I was retired. I am now serving part-time for the judicial system in a capacity called a retired active, which means basically that I hold court two weeks a month and the other two weeks a month, I'm free to sleep late or do whatever else I might choose to do.

Several weeks ago, the District Five school board, through their attorneys, contacted me and asked if I would serve as a hearing officer in reference to the matter of Ms. Murphy's residence. And the questions had been raised about her residence and whether or not she is or was eligible to run for the school board as a candidate from Richland County, there being some indication that her residence may be in Lexington County.

The school board asked that I would conduct a hearing on this issue and make recommendations based on the law and the evidence as presented at this hearing, whether or not Ms. Murphy does, in fact, live in Lexington or Richland County and make recommendations to the board as to what remedies they have or would have.

The statute that authorizes this procedure says that whatever the recommendation may be, that Ms. Murphy would also have the opportunity to appear before the board, the board would have to have a separate hearing to determine this issue one way or the other.

So the purpose of this hearing this morning is to address the residency issue. After that, I will take what is provided by either side in terms of legal argument and take the testimony that's being -- will be recorded this morning and make a recommendation to the board.

I have no authority to do anything other than conduct this hearing as authorized by the board. I have no authority to do anything with regard to Ms. Murphy other than to take this testimony for the record and that will be the purpose of this hearing.

The press has been notified. The public has

been notified. Ms. Murphy has been notified of this hearing. And that's all I need to say about that.

All right. Mr. Childs, if you wish to proceed, you may do so.

MR. CHILDS: Your Honor, on behalf of the School District, I would like to make just a brief opening or public statement.

First of all, we appreciate your willingness to serve the School District in this matter, and we want to say to the public, the citizens of Lexington Five, that I'm sure all of the board members and superintendent, the District staff regret the necessity of this proceeding and the disruption that's associated with it. We have much more important things to do in the School District.

And it's an honor to represent this District. You have an excellent board. You have an excellent superintendent, wonderful students and teachers. And we regret that we're occupied with this issue.

However, it is an important issue. It's a very fundamental issue because the statute clearly provides, and I was involved when we made the agreement to -- it used to be Lexington Five board was composed of five representatives from Lexington County and two from Richland County. And that wasn't fair because of

the increased population of Richland County, so we passed a statute to change the composition of the board to four representatives in Lexington County and three who must be, the statute is clear, residents of Richland County.

When I first heard there was some question about Ms. Murphy's residence, I didn't believe it frankly. I just couldn't think that it was possible. But I suggested to the chair the way to resolve the matter was to write a letter to a gentleman who's popularly known as the state demographer at the Budget and Control Board, the Department of Research and Statistics, Mr. Bowers. The chair did that. I think the letter was sent sometime in December before Christmas. I believe on January the 11th, Mr. Bowers responded. And both of these letters are in the record, the public record.

Mr. Gantt, the board chair, received Mr. Bowers' letter actually on January the 12th, and he informed the board of both letters on January the 14th. And on January 15th, he wrote a polite letter to Ms. Murphy saying that here are the two letters that we have, please let us know how you would like to -- how you propose to proceed.

Ms. Murphy hired John Moylan with the Wyche

firm. He wrote us a letter on January the 18th. That's all in the record. Mr. Moylan is a part of one of the most respected law firms in South Carolina. It's basically a Greenville firm, but they have a Columbia office. Most of the members of that firm are Harvard and Yale graduates. It's an outstanding law firm.

Mr. Moylan began representing her. We got his letter on the 18th of January. I assume it was several days prior to that.

On the 28th of January, he informed me that all he could ethically say was that he no longer represented her. Nevertheless, on January the 22nd, the chair wrote a letter to Judge Cooper, which is also in the public record, asking -- and we've had -- there's precedent for this in South Carolina. Sometimes when there's a dispute that involves board members, it's useful to have an outside independent party look at the situation and make recommendations.

And that's what the board has done in this situation, although they have made it clear that the final decision is the board's. But this hearing, as you know, is being held publicly. Judge Cooper's recommendations and order, whatever it may be, will be public, and then the board will have to act on it.

Now, you may also wonder, well, I informed you that Mr. Moylan said he told us on the 28th, at least ten days after he had been hired, that he only could say ethically that he no longer represented Ms. Murphy. My partner and I heard from another attorney by the name of Todd Kincannon yesterday at 12:59. We got an e-mail from him raising all kinds of issues about the proceedings today.

We have elected to proceed today. They have elected not to participate. They nevertheless will be -- we have a court reporter here. Ms. Murphy or her representatives will have a copy of the transcript. They will have the opportunity to present any legal objections that they want to anything that's done here, to the board.

And once the board makes a decision, they have the opportunity, clearly under the statutes, to raise any questions or objections they have with the courts of South Carolina, a circuit court, Court of Appeals, Supreme Court. They also could try to enjoin the proceedings in federal court if they're not satisfied with it. We want to get this thing over with in an orderly, expeditious manner.

Most of what I've said is I didn't want to unduly review the procedure here, but Mr. Gantt wrote

Judge Cooper a letter on January the 22nd. It's part of the public record. Judge Cooper immediately notified both attorneys, Mr. Moylan, who was representing Ms. Murphy at the time, and us, that he would hold a conference on February 1st in the South Carolina Bar building. So Ms. Murphy was on record for that. She didn't show up at the February 1 meeting.

Following the February 1 meeting, Judge Cooper issued a two-page order, which is in the public domain. And one of the things he said to the parties is give me your evidence and your documents by Wednesday of -- what was Wednesday of this week -- February 13th, the day before Valentine's Day.

This is our submission. Mr. Bounds has copies of it. It's all available to the public. This was given to the judge. It's part of the record in this proceeding. And much of what I just referred to is set forth in these documents.

So without further ado, you can tell I'm not feeling too well today, Mr. Reagle will present the witnesses and evidence on behalf of the District.

THE HEARING OFFICER: Mr. Reagle.

MR. REAGLE: Thank you, Your Honor.

Before I start, I just want to introduce

briefly. There are five employees of the Budget and Control Board's Division of Research and Statistics here today: Mr. Bobby Bowers, Mr. Will Roberts, Mr. Alan-Jon Zupan, and Sid Miller, and Matt Wellslager. I hope I pronounced everyone's name correctly. But I wanted to recognize their being here.

We only anticipate calling two witnesses, Mr. Bowers and Mr. Miller. I have premarked 13 exhibits. If it's okay, I just put them on the witness table for convenience.

THE HEARING OFFICER: Yes, sir.

MR. REAGLE: At this time we would call Mr. Bobby Bowers and ask that he be sworn in.

BOBBY MERLE BOWERS, being first duly sworn, testified as follows:

THE HEARING OFFICER: It's good to see you again.

EXAMINATION

BY MR. REAGLE:

Q. Good morning, Mr. Bowers.

A. Good morning.

Q. Can you please state your full name for the record.

A. Bobby Merle Bowers.

Q. And, Mr. Bowers, you are the director of the

South Carolina Budget and Control Board's Division of Research and Statistics; is that correct?

A. That's correct.

Q. Okay. Can you please describe your responsibilities as director and the responsibilities of the Division of Research and Statistics?

A. I man a staff of approximately 80 persons with digital mapping, economic research, E911 statewide coordinations, demographics, health statistics, geodetic surveys, mapping coordination, and I'm on the South Carolina Boundary Commission.

Am I going too fast?

Okay. Do this if I go too fast.

Q. How long have you been the director of the Division of Research and Statistics?

A. Close to 30 years. I forget the exact day. I've got 54 years in the State system.

Q. Is 30 years --

A. I've been in the Division since 1967.

Q. And what are generally the responsibilities of the Division of Research and Statistics?

A. We do the geodetic mapping for the state. We have these disks all over the state for latitude and longitude mapping. As I said, I'm on the Boundary Commission. Mr. Miller, who is going to testifying, is

chairman of the South Carolina portion of the State Boundary Commission. We are negotiating the commissions between North Carolina and South Carolina to try to get amicable resolution to the North Carolina/South Carolina boundary.

We also are involved in many county disputes, many county boundaries where there's a resolution that needs to be brought to a county boundary. One of the most recent one -- well, not recent -- we did -- was the Greenville/Spartanburg boundary right before BMW located up there, and that was passed into law.

I also am over statewide 911, funding, training and mapping. I distribute the money for the 911 system.

The state's chief economist works for me. He is also my deputy director, and he is over economic research in my state. We do all of the precinct analysis for the legislature. We do all the 2,000 precincts for the legislature for them to introduce.

We work very closely with the U.S. Justice Department for making submissions to our South Carolina Attorney General's Office.

We also are now -- or we were involved in the county redistricting after the 2010 census. We did not do the redistricting for the House and Senate and

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Congress after the census because my staff and I were appointed to the federal court to mediate with the federal court and advise them as technical adviser.

The redistricting we are doing now is for cities, school districts, and some public service issues within the counties. I've got the largest health data manpower system probably in the nation in my office. We do all the manpower records for health services.

Q. And have you testified, I think you mentioned working at the federal court in regard to census and mapping information, have you otherwise testified as an expert witness or a special --

A. I've been involved in some six federal court cases, assigned as a technical adviser to the federal bench. I have testified in Georgia, North Carolina, Florida, Texas, Alabama. And recently after the 2010 census, I was appointed to the New Hampshire Supreme Court as their technical adviser and drew a line for the New Hampshire Supreme Court.

Q. Is it common for the Division of Research and Statistics to determine county and other political boundary lines?

A. This is a too-often occurrence for us now. There are some 2,300 boundaries in South Carolina,

county boundaries that were established in the 1860s. Mark -- notch on the tree, stake in the ground, rock on the bank. Most of them are not there now.

We get involved -- any time there's a wreck close to a county boundary, we get involved trying to establish the county boundary so they'll know which county to bring a lawsuit in. We've got several others right now that we will be working with, so it's a common occurrence.

Q. Was the Division of Research and Statistics asked to determine the Richland/Lexington County boundary line in the area of 154 Old Laurel Lane in Chapin?

A. Yes, it was. I got a letter from the chairman.

Q. What was your understanding of why this request was being made to your office?

A. According to the letter we got, there was a question whether she lived in Richland County or Lexington County. And so I had my technical staff, before I actually responded to Mr. Gantt, to do the research, all the research we could do, and we did it in three different areas to verify our conclusion that we wrote in our letter.

Q. What determination did the Division of

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Research and Statistics make regarding the Richland/Lexington County boundary line in the area of 154 Old Laurel Lane in Chapin?

A. That boundary was actually established back in the early 1900s, 1922, I believe. In 1995, my staff was pulled in when there was a lot of commercial activity going on in that area. And we verified the boundaries. So we were actually going back at the time to verify statistically and geographically where that boundary was at. And the conclusion in three different methods we used was that she was definitely and that whole address was in Lexington County.

Q. And by "she," who are you referring to?

A. Ms. Murphy's address.

Q. Okay.

A. There was another address there we found, too, to be in the same area.

Q. Is that address 154 Old Laurel Lane?

A. Yes.

Q. And can you -- you have a stack of exhibits in front of you. Can you please turn to Exhibit 1 -- Exhibit 1 and identify that.

MR. REAGLE: Your Honor, I'll give you a copy of that.

THE WITNESS: Yes, sir.

BY MR. REAGLE:

Q. What is that document marked as Exhibit 1?

A. This is a letter from Mr. Gantt, chairman of the Board of Trustees, to me requesting that we look at this address.

Q. Okay. In the second paragraph of this letter, what does Mr. Gantt say the purpose of his letter to you is?

A. He says, "The purpose of my letter is to request the South Carolina Budget and Control Board, Office of Research and Statistics make a determination as to whether or not Ms. Murphy resides in Richland County as required by law, and whether she is, in fact, a resident of Richland County legally qualified to represent Richland County on the School District Five Board."

Q. As director of the Division of Research and Statistics, in your view was it appropriate for Mr. Gantt to direct his question regarding Ms. Murphy's residence to your office?

A. Yes.

Q. And why is that?

A. Well, we've got all the records of -- geodetic records. We've got all of the 911 record addresses for the whole state. We are the coordinating

unit for the Census Bureau, and we do the precinct analysis for all legislature. So we've got a whole host of areas that we can research to make a determination where an address is at.

With the 911 address, I can tell any citizen that I've got which county they are in, which city they are in, which House District, Senate District, Congressional District, any of them just by that address.

Q. Is it unusual for your office to receive requests from public officials to determine legal boundaries?

A. No.

Q. And can you please turn to Exhibit 2 and identify that exhibit, please.

A. That's the letter I wrote back to Mr. Gantt explaining the reasons that we had determined that Ms. Murphy and that other address was in Lexington County. We used three different methodologies to do that.

Q. And if you please describe the process your office went through to determine the county location of residence of Ms. Murphy.

A. I asked staff -- first of all, we looked at the Census Bureau and that official file for all

redistricting nationwide. It's called PL94-171 Database. Shows that this address is in U.S. census block, and I even list the census block 45063, a long term, and that puts Ms. Murphy in the state of South Carolina, Lexington County, in Tract Number 21204, Block 2059 from the Census Bureau.

Based on that database, the entire street of Old Laurel Lane is located in Lexington County. They were counted in Lexington County when the census was taken. Back when the redistricting was done, that boundary was used for redistricting. That put that address technically in Lexington County instead of Richland County.

The second method we used was since we are the official precincts maps in our file, we looked at all the precincts. As established in 1-11-360, our office serves as the focal point for verifying official precinct information for the counties and serves as the official repository for all the maps on our files.

The map on file in this office is P -- it's actually P-64, I think it is, instead of 63. Showing that Ms. Murphy is a resident of Lexington County and should be voting in Lexington County, Chapin precinct, House District 85 instead of House District 71, and Senate District 18 instead of Senate District 20, and

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the Lexington County Council District 6 instead of Richland County District 1.

In addition, as I said, Ms. Murphy's address had come to our attention, and another address located on Old Chapin Lane is also in the incorrect voting, incorrect precinct, incorrect district.

THE HEARING OFFICER: Chapin Lane?

THE WITNESS: Sir?

THE HEARING OFFICER: You say Old Chapin Lane or Old Laurel Lane?

THE WITNESS: Old Laurel Lane, excuse me.

The third method we used, since we have the geodetic file, I got my geodetic people out at my office, geodetic office, to look at all boundaries, establish the boundaries as was established in 1995 by code, in 1976 code, and reaffirm that boundary was the boundary that should be separating Richland and Lexington County.

And Mr. Miller will be the one that can verify that since I'm not a registered land surveyor like he is. But he was former chief of my geodetic survey. He now is chairman of the South Carolina portion of the State Boundary Commission negotiating with North Carolina.

And all three of those show that Ms. Murphy's

address is a resident of Lexington County.

BY MR. REAGLE:

Q. Now, referring to the first paragraph of your letter, can you please describe how you determined Ms. Murphy's residence at the address of 154 Old Laurel Lane, Chapin, 29036?

A. That address was given to me at the time we started the analysis, and then we followed from that into the address from our file, all three files.

Q. Okay. You reference the South Carolina Voter Registration Database. What is that?

A. That's the registered database which all of elections are conducted from. We have the election database for the entire state, working closely with the State Election Commission, and we use that when we do the precinct analysis. We give them a list of the registered voters by precinct with the address list that we've got.

We can actually tell them -- we can run it through our geocoded system and tell a county if they've got people in the wrong precinct or the wrong election district or not, which we do very frequently.

Q. Was 154 Old Laurel Lane the residence listed for Ms. Murphy on the registration database?

A. It is. It's on Richland County's database

22

1 right now.

2 Q. Referring to the second paragraph of your

3 letter, you indicate your office used three sources to

4 determine the county location of Ms. Murphy's

5 residence.

6 Can you describe again, and I want to go

7 through with the documents with you, why you used these

8 three sources. If you can start with Exhibit 3 in

9 front of you and identify that document, please.

10 A. Exhibit 3 is the Richland/Lexington County

11 census blocks that is published by the federal

12 government, PL94-171 data file. That is where the

13 census was conducted. That's the database that we use

14 for all of restricting the County Council District,

15 House District, Senate District. And if there had been

16 a cut in the Congressional District, that would have

17 also been used there. So that's the official file.

18 That file is the same file that the courts

19 used in analyzing data. It's the same file that the

20 Justice Department uses when they are submitting data

21 from South Carolina.

22 Q. And what does this map show about where

23 Ms. Murphy's residence is located?

24 A. Without any question, this map shows she's in

25 Lexington County. There is a block number and a census

tract number denoted on there, too.

Q. If you can turn to Exhibit 4, please.

A. Exhibit 4 shows the House District line between House District 71 and House District 85. She presently is voting in 81. She should be voting -- she's voting in 71, she should be voting in 85, according to this map.

This is the official map that's on file with the Code of Laws of South Carolina that were submitted to the federal court that I was assigned to and submitted to the U.S. Justice Department for their review.

Q. And what does this official precinct map show about what House District Ms. Murphy resides in?

A. She resides according to the redistricting, House District 85.

Q. And what does this official precinct map show about what county Ms. Murphy resides in?

A. She resides in House District 85.

Q. What county is that in?

A. Lexington County.

Q. If you can turn to Exhibit 5, please, and identify that exhibit.

A. That's the South Carolina Senate Districts between Lexington and Richland County. And where they

do not split counties, this is one area where they did not have to split this county, this shows House District 18 where she resides. She's voting in -- instead of 18, she resides -- she votes in Senate District 20. The line is definitely between the two of them.

Q. Okay. What does this official precinct map show about the county Ms. Murphy resides in?

A. Her residence shows, again, she's in Lexington County.

Q. Okay. Now, just going back to that exhibit, and some of the previous ones have indicated this as well, it is written on there "Kim Murphy residence" with an arrow pointing to aerial photo of the house.

A. Right.

Q. What's your understanding of what address that is?

A. That's that same address. That's 154 Old Laurel Lane. Shows every indication that's where it's at.

Q. Can you identify Exhibit 6, please.

A. Exhibit 6 is the original Lexington County voting precincts.

Q. What does this official precinct map show?

A. It shows Ms. Murphy lives in the Chapin

voting precinct, although she is registered in the Richland voting precinct.

Q. Is the Chapin voting precinct a Lexington or Richland County voting precinct?

A. It's in Lexington County.

Q. Turning back to Exhibit 2, which is your letter to Mr. Gantt, at the top of page 2 you describe the third source of information your office used in determining Ms. Murphy's -- that Ms. Murphy does not reside in Richland County; is that correct?

A. That's correct.

Q. And you described this source as research and fieldwork conducted by the South Carolina Geodetic Survey; is that correct?

A. That's correct.

Q. What is the South Carolina Geodetic Survey?

A. That is my group that sets the geodetic marks all over the state for surveyors and realtors to use. We put the little disks in the ground. We do all the survey work. We now have a VRN system, which is Virtual Reference Network system, with 35 receivers that bounce off of satellites. We can give business and industries. We've got a lot of farmers using the VRN system to do their planting, do their plowing on the equipment.

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We've established that with the Department of Transportation so that when they're ready in building roads, they can cut down a lot on costs. They said we saved them money the first year they did that.

But that unit, all the geodetic mapping, which is vertical latitude, longitude. We get called in when there's a system -- a problem at the coast with a flood plain. We get called in when there's a hurricane. In fact, in Hugo, it erased a number of our disks. We had to have the federal government come in put the disk back down. And we do a lot of work with the counties in trying to resolve some of the county issues. We've got several of them right now that's still pending.

Q. Okay. Can you just generally please describe the research and fieldwork that was done here in determining Ms. Murphy's residence.

A. Well, I called my staff and they went out, Sid Miller and Alan-Jon Zupan, they both worked with Matt Wellslager, who is my chief of geodetic mapping. And they went out and did the fieldwork to verify that that boundary was the boundary that was established and verified in 1995, the same boundary. They did all the latitude and longitude that they needed to do with survey instruments to be sure it was correct.

Q. Okay. And you reference here that at the top of page 2 of your letter, Section 4-3-460 of the Code of Laws of South Carolina, defining the Richland County boundary.

Can you turn to Exhibit 7, please, and identify whether that's the statutory provision.

A. That is the -- currently the Richland County boundary with Lexington County that my staff concluded where she was at. That gives all the boundaries, latitude, longitude, number of feet, describing the distances and everything.

Q. Is that the legal definition of the boundary between Richland County and Lexington County in that area?

A. That's correct. Yes.

Q. And if you could please turn to Exhibit 8.

A. 8?

Q. 8.

A. Okay.

Q. And let me back up and read from Section 4-3-460. It references at the bottom there a survey of plat of said property completed on November 25th, 1921, by W.A. Counts and J.C. Wessinger, surveyors. The plat being filed in the Office of the Secretary of State.

A. Correct.

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Q. Is the document Exhibit 8 a copy of that plat filed with the Secretary of State?

A. That's correct.

Q. Does it indicate -- I think it's two-sided -- on the other side it was filed with the Secretary of State's office?

A. Yes. A copy of the survey right there.

Q. In 1921?

A. Yes. May 25, 1921.

Q. Okay. Is the Rocky Ford referenced in the statute, 4-3-460, clearly indicated on this plat?

A. Yes.

Q. Okay. Just generally --

A. Yes.

Q. -- identify -- it's right in the middle of the document.

A. The Rocky Ford, yes.

Q. Okay. Can you identify Exhibit 9, please. Titled "On the Orthophotography," and that includes, for the hearing officer's reference, it's consolidated with Exhibit 10. So it will be the document "On The Orthophotography" and then a photographic map.

A. This goes all the way back to February 13th of 1913 in terms of it states the Richland County line. And it lists the number of feet north of a stake

marking the point and gives a legal description of that boundary. And it was incorporated in the Code of Laws of South Carolina in 1922.

Q. Okay. Does this, on the orthophotography, describe what is being pictured by the lines on --

A. Yes.

Q. -- the map?

A. It does. Rocky Ford is right there, and you see the lines going in two directions. Yes.

Q. Is this a blow-up of --

A. That's a --

Q. -- that map?

A. -- blow-up of Exhibit Number 9, yes.

MR. REAGLE: I'll put this up.

BY MR. REAGLE:

Q. Can you describe what these red lines show on here?

A. Those are the red lines that are described in the statute from Rocky Ford that show exactly where the boundaries are.

Q. Okay. And this is Rocky Ford, which is identified in the statute?

A. Right.

Q. And it's also identified on the plat prepared by Counts and Wessinger and filed with the Secretary of

State?

A. Yes, it is.

Q. And where does this document show Ms. Murphy resides?

A. Lexington County.

Q. In your letter, you state, "Plotting this information on orthophotography demonstrates that Ms. Murphy's house is in Lexington County about .1 mile northwest of the boundary."

Does Exhibit 9 reflect this?

A. Yes, it does.

Q. The red lines are not -- I'm having a hard time seeing it. So this is the red line coming south as described in the statute?

A. Her residence is identified.

Q. And this is her residence right there?

A. Correct.

Q. This is about 500 feet down there. So is it correct, this is --

A. Right.

Q. -- more than 500 feet?

A. A little bit more than 500 feet.

Q. Can you please identify Exhibit 10.

A. Exhibit 10 shows the Lexington/Richland County boundary as defined in the Code of Laws of South

Carolina. Defined by USGS county boundary from topographic map. Shows the Lexington County GIS boundary, Richland County GIS boundary, and the U.S. Census Bureau boundary. There's a whole host of boundaries on the same map.

Q. Okay. And is this an orthographic map prepared by your office?

A. It is, yes.

Q. Can you describe generally what orthophotography is.

A. Orthophotography is photography taken from an airplane that we use or counties use for tax purposes with a certain grid, certain number of feet per grid. That's what this is, but we imposed the boundaries on that showing the residence.

Q. Okay. Is this a blow-up of Exhibit 10?

A. It is, yes, sir. You can see the hot spot and boundaries on there.

Q. Can you describe these various colored lines on here?

A. Orange line that you see in there is the Lexington/Richland County boundary as defined by the Code of Law.

Q. This one?

A. That's it from Rocky Ford. The blue dash

line is USGS county boundary from topographic map. This is Rocky Ford. The green dash line is Lexington County GIS boundary.

Q. This is Lexington's line here, this green dash line?

A. Right. The yellow, or whatever that color is, is Richland County line.

Q. Orange?

A. Richland County, yeah, orange. Lighter orange than the other one. And then the yellow one is U.S. Census Bureau boundary. Five colors on there.

Q. Is this some question of color, this solid line here --

A. That's the one in the statute.

Q. That's the statutory -- the line like in the statutory?

A. Statutory boundary.

Q. And so of all of these lines, the boundary lines, USGS, Lexington County, U.S. Census, and the statutory line plotted by your office, they all reflect Kim Murphy's residence to be in what county?

A. Lexington County.

Q. Okay. And the only one that reflects Kim Murphy's residence in Richland County is arguably the Richland County --

A. Like it goes through the residence actually.

Q. Okay. And again, that shows her residence to be within at least one-tenth of a mile into Lexington County?

A. That's correct.

Q. What conclusions do you draw from the map on Exhibit 10 as director of the Division of Research and Statistics about what county Ms. Murphy resides in?

A. Except for the boundaries established by Richland County, all the other four show she is definitely in Lexington County.

Q. Finally, you conclude in your letter, going back to Exhibit 2, that all three sources show that Ms. Murphy is a resident of Lexington County. Act Number 326 of 2002 requires that four members be elected from Lexington County portion of the School District, and three members are to be elected from the Richland County portion of the District; is that correct?

A. That's correct. We actually participated in drafting of that legislation from the data we had from the Census Bureau.

Q. Is that for purposes of preclearance --

A. Yes.

Q. -- from the federal government?

A. Preclearance, yes.

Q. If you could turn to Exhibit 11.

A. Okay.

Q. You've mentioned in that final paragraph, Act Number 326. Can you identify Exhibit 11?

A. That is Act 326, Code of Laws of South Carolina.

Q. And if you turn to page -- it says 6 of 8 at the very top. Under section 9.

A. Okay.

Q. It states, "Notwithstanding, another provision of law, in Richland-Lexington School District Five: Three trustees must reside in Richland County and four must reside in Lexington County."

A. That's correct.

Q. Referring back to your letter in the final paragraph, what did you, as director of the Division of Research and Statistics, conclude based on this statute in your determination of Ms. Murphy's residence is it, in fact, in Lexington County?

A. As Ms. Murphy was elected in 2010 for a seat in Richland County while residing in Lexington County, she was definitely not qualified to hold that position from Richland County. She lives in Lexington County.

Q. Is that still your conclusion, position

today?

A. Yes, it is. All three methodologies we use shows her to be in Lexington County.

Q. So you testified today that your position is she's not qualified to hold her position for which she has been elected?

A. That's based on the statute that gave Richland County three and Lexington County four. As you said, it used to be five and two. And we were the ones that provided the population data when they drafted the bill that put three in Richland County and four in Lexington County.

Q. Are the sources of information you rely upon in reaching these conclusions in your letter the type of data the Division of Research and Statistics commonly relies upon or customarily relies upon about making determinations about boundary lines?

A. Yes.

Q. As the director of the Division of Research and Statistics, is there any doubt in your mind that based on the statutory boundary of Richland and Lexington County, Ms. Murphy's residence is located in Lexington County?

A. Absolutely. All we've got shows she's in Lexington County.

Q. Who prepared the geodetic survey discussed in your January 11, 2013, letter?

A. Sid Miller and myself.

Q. Does Sid Miller have experience resolving boundary disputes?

A. He is the chairman of the South Carolina portion of the South Carolina/North Carolina Boundary Commission. He was chief of my geodetic survey a year before he retired. I kind of pressed him back into service to help me with some North Carolina boundary since he helped with the South Carolina/Georgia boundary. And he works part-time for me as chairman of the Boundary Commission.

Q. So Sid Miller has been involved in resolving state boundary disputes between Georgia and South Carolina?

A. Yes. He was the one at the time working with the South Carolina/Georgia boundary that we were told by Attorney General's Office lasted 16 years and $20 million. We are trying to amicably serve the citizens and solve the North Carolina/South Carolina boundary now without going to court. I think we've got a small piece we've got to meet on in May, and hopefully, we'll have that resolved by the end of this next year.

He is chairman of that commission and all the

negotiations with the North Carolina Geodetic Survey.

Q. And why did you ask Sid Miller to head up this survey?

A. Mr. Miller used to be chief of my geodetic survey, he is a registered land surveyor, and he worked in Washington. He has experience in all the capacities I needed him in.

Q. And did your office provide information and maps to Ms. Murphy at her request after you had issued your letter?

A. Yes, we did.

Q. If you can turn to Exhibit 12, please.

A. Okay.

MR. REAGLE: This is a new exhibit, Your Honor. It's included in our material, but I just --

BY MR. REAGLE:

Q. This is, I'll represent to you, is a public statement that Ms. Murphy put on the record at the board meeting on January 28, 2013. And I would just ask you if you could turn to the second page of the document entitled Richland County Map.

A. This is a map that's 2009 from the Richland County GIS system. Why they did not pick up on the 1995 correction verification of the boundary, I do not know.

Q. Okay. Is this map showing the boundary line to Richland County reflect -- is that consistent with this orange line showing Richland County GIS boundaries?

A. Yes, it does.

Q. Can you read the disclaimer at the bottom of this map?

A. This is common a lot of times in some of the surveys. "Disclaimer: This is a product of Richland County GIS Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state, and local government agencies. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map."

Q. Okay. Now, it says that it's been developed with extensive cooperation from other county departments, but does it align with any of these other county or governmental boundary lines?

A. No, it does not.

Q. If you can turn to the last page of Exhibit 12 and identify that document, please.

A. These are the residential taxes for that property.

Q. Okay. There should be one page following

that.

A. And that is the registration certificate for Ms. Murphy --

Q. Okay.

A. -- signed by Lillian McBride.

Q. Okay. What does that show her address to be?

A. She votes at Lake Murray Elementary. Shows her address as 154 Old Laurel Lane.

Q. Okay. And so in terms of this registration -- voter registration, is the Senate District correct, District 20?

A. No.

Q. Is the House District, House 71 correct?

A. No. The only one that's correct is the congressional district and the school district. Congressional District 2.

Q. Is the precinct listed as Springville precinct, is that correct?

A. She should be listed in Chapin precinct.

MR. REAGLE: Thank you very much.

If the judge has any questions, please answer them.

THE HEARING OFFICER: Do you know how the Richland County GIS boundary was established?

THE WITNESS: No, sir, I do not. I know

each -- a lot of counties have their own GIS department. And, of course, we did not have any cooperation when that line was drawn. We said with the federal, but I don't remember us having any input into Richland County GIS system when drawing that line.

THE HEARING OFFICER: That's all I have.

MR. REAGLE: Thank you, Mr. Bowers.

We would call Sid Miller.

THE HEARING OFFICER: Come around, Mr. Miller.

MR. REAGLE: Let's reorganize the exhibits.

SIDNEY MILLER, being first duly sworn, testified as follows:

THE HEARING OFFICER: State your full name for the record.

THE WITNESS: Sidney Crafton Miller.

EXAMINATION

BY MR. REAGLE:

Q. Mr. Miller, can you please describe your employment relationship with the Division of Research and Statistics.

A. Yes. I was a former chief of the South Carolina Geodetic Survey. I retired late 1990s. And at the time we were working, just had begun work on the North Carolina/South Carolina boundary and

incorporation of North Carolina to reestablish the boundary that had been originally established in the 1700s and the very early 1800s. And I was asked if I would stay as a part-time employee until we brought that to conclusion. I had no idea it was going to take this long.

But it's a 334-mile boundary between South Carolina and North Carolina. We're finished now with the exception of 31 miles. I primarily work on the state line. That's my primary job right now. I only work a couple of days a week doing that. As a secondary mission, if there's a boundary that comes up that's on the county boundary or local boundary, I assist in that as well.

Q. Can you please describe your background and professional expertise in mapping and surveying.

A. Yes. I graduated from civil engineering at Clemson College, back then. And in '57, I started to work with the U.S. Coast and Geodetic Survey. At that time, I did geodetic surveys and nautical charting surveys all over the United States, Alaska, and Puerto Rico, Virgin Islands, and all of the waters of the United States.

And towards the end of that career, South Carolina asked for a representative to come down

and help South Carolina start their own geodetic survey, and I lobbied for that job and was able to come down and do that.

And then there was a break there, and I did private land surveying practice for about four years. And then I was asked to come back and be the chief of South Carolina Geodetic Survey, which I did for a few years. And then I retired in late 1990s. Since then, I've been involved on a part-time basis. I have about 55 years, a little bit over 55 years surveying and mapping experience at various -- of various types.

Q. Are you a licensed surveyor?

A. Yes. I'm licensed in the state of South Carolina.

Q. What agency issued the license?

A. LLR.

Q. Now, you mentioned geodetic survey, Mr. Bowers mentioned that. What is a geodetic survey?

A. A geodetic survey basically takes into consideration the fact that we live on a spheroid rather than a flat surface. So plain surveyors primarily do property surveys and most any size tract of land that's just an ordinary property survey, you know, 500 acres. You can do that and assume that the surface you're working on is flat, and the corrections

that you have to make are so small that it -- you never notice it on that plat.

But once you start working on areas the size of a county or certainly a state, then those distortions, you try to force it into a flat plain, the distortions that come up will be reflected in the maps that you produce and the maps won't fit together. And currently, we have -- by using the geodetic survey in South Carolina, we have about 10,000 control monuments around the state that are based on geodetic control.

In other words, you use spherical geometry instead of plain geometry and put everything on the actual surface of the earth. All the mapping -- all the county mapping systems that we have now are based on geodetic surveying as opposed to plain surveying, so it's seamless. Every county has an accurate mapping system now based on a seamless system, based on geodesy, based on a coordinate system. That's a North American coordinate system that we've adopted.

And so all the maps that we have in South Carolina, for instance, Lexington County, Richland County, you put them together, butt them up, they fit exactly. You can't tell there's a seam in there at all. And so that's what geodesy is. It enables you to put together large scale maps.

Also, it's the global positioning system is based on geodesy. So with a GPS receiver, you can get -- you can take a coordinate and plot that coordinate on any of these maps that we have, county maps we have in South Carolina. And they plot exactly on the ground where they're physically located.

Q. Okay. Another term that's come up, if you could describe what it is, is orthophotography.

A. If you're doing aerial photograph, a single aerial photograph, the surface that you get on that image has all kind of distortions in it because the point directly below that photograph, the ground point is directly below that center of that photograph, will be at one scale because you're closer to that.

Out to the extremities of that will be at another scale because you're further away. Also many hills, valleys that are in there show up at a different scale. And other reasons you have a lot of distortions, distortions in a single area of the photograph.

What orthophotography does, it uses a system called differential rectification. I won't go into that, but it takes all the distortions out of what looks like an aerial photograph. And what you end up with with these orthophotos is a very accurate map.

It's accurate to the one-thirty -- one-fortieth of an inch in scale of that map, which is basically like a pencil line. If you draw a pencil line within the scale of that map, that photographic will be that accurate. You can hardly tell there's any -- there's inaccuracy in orthophotography.

Q. Okay. Can you could look at Exhibit 9, the photograph on the left, is that an orthophotograhic map?

A. It's a orthophoto.

Q. And the red line that is drawn on there, can you describe what that red line is that goes through Rocky Ford?

A. Yes, I can.

Q. Please continue. If you want -- if it's easier for you to look at a smaller version of this.

A. I can see this. The point that you see that says it's Rocky Ford. Back in '95, when we were asked to do a project at Highway 26 where there had been an accident and to establish the county line at that point. And when we were doing that project, we realized that there was a survey done in that area. This is a different area. I'm just giving you a little background. In a different area where from the Saluda River in an arc up to Irmo that they set concrete

monuments, and those concrete monuments were in danger of all being destroyed because of so much development in that area.

So at that time we went ahead and did that part of the Richland/Lexington County line and positioned those points and positioned the points that were missing, as well, off the data we had.

And while we were working on the Richland/Lexington County line at that point, we had the whole statutes. We pulled the statutes for the entire county line in that area. And so we spent a little bit of time doing a reconnaissance survey on the rest of the Richland/Lexington County line in that area. And the reconnaissance was for the purpose of let's see if we can find other geographical features that -- on the ground that are called for in the statutes.

And it's very common that it's very difficult to find points on the ground that are called for in the statutes. A lot of times it's a stake. You don't the stake -- could be a wooden stake that's long since rotted, or it could be a wagon axle that's buried -- that's like this there, and you get it from a metal detector.

We went around a good bit of the line in this

area looking for geographical features that were still in place. We didn't have very much success, but we found Rocky Ford. And it's very visible ford. It has a road coming into it, road going out of it. The local residents remembered it being named Rocky Ford.

We positioned that point and that -- the designation there, Rocky Ford, is the middle of that ford. And we positioned it with GPS, plotted it on that map. And it's the center of that Rocky Ford, which is very much visible at this point.

Then the bearing -- the line going up on that sheet is the bearing that comes from the state statutes. And it's also on that -- on what is the 1921 plat. And that's -- and that bearing also fits very well geographically. There's a creek on there at the very end of it. If you extend that line all the way up to that creek, it graphically fits that bearing. So we've got Rocky Ford, we positioned with GPS, it fits that map.

We've got the bearing that's from the statute that goes north. It fits geographically the creek, Wateree Creek. And then the bearing going out this way is the bearing -- is the statute bearing, the bearing from the 1776 statutes. And if you carry that -- if you put all of those calls in, bearing the distances,

all the way around to the next arc that comes off of Lake Murray, it fits that point graphically. Now, there's not -- I'm not saying it's accurately, but it fits graphically.

So we verified that the bearings going off of that point are graphically accurate, and that's what the two lines represent. At that particular area on the Richland/Lexington County line, we can say with confidence, assurety, really, that that's where the county line is in that particular area.

Q. By "that particular area," you mean the area of Kim Murphy's residence?

A. Anything that's on that map right there.

And I will say in 1995, we didn't -- all we did was locate that ford. We did not put a -- we did not do anything else on the county boundary for the simple reason that we couldn't. With the little amount of time that we had to do that, this would take -- this is a big project that we established that entire county line. And we didn't have -- we were involved with some time critical work on the state line. We didn't have time to put a lot of effort into it.

But I can say that Rocky Ford is Rocky Ford as is plotted on that map, and the bearings coming off, those first two calls off in each direction are very

active.

Q. Rocky Ford is --

A. Yeah.

Q. -- described in the statute --

A. Right.

Q. -- as a feature in the boundary line?

A. So that boundary right there is what is called for in the 17 -- in the 1976 state statute. That's the statute boundary.

Q. Okay. You're referring to the red line drawn on what's Exhibit 9?

A. Yes. Yes.

Q. In determining the county line in this area, did you also determine which county the residents at 154 Old Laurel Lane is located?

A. Well, not until about two weeks ago. We were asked -- when we were asked to do this a couple of weeks ago, we went back and pulled the 1995 coordinate back out. And it has since been verified again in the field.

And so we did that over, and then we drew this map. That's a couple of weeks ago. And with the address that we were given, there's two addresses. What is it? One of them is 145 and the other one is 154 or something like that. There's two addresses

associated with that one house, but the address associated with the house plots right on top of that house.

Q. Okay.

A. It's noted on the map.

Q. Where it says "Kim Murphy residence"?

A. Yes.

Q. Now, which county did you determine the Kim Murphy residence at 154 Old Laurel Lane to be located?

A. That house is in Lexington County.

Q. And you spent some time describing the procedure you went through. Is that identifying the statutory boundary line between Richland/Lexington County, is that procedure generally accepted in the field of surveying and mapping?

A. Yes. That's generally the procedure that we -- you know, this is not what you would call a traditional survey where you get on the ground and run traverse around. But it's generally accepted -- the procedure we did with GPS is standard accepted GPS procedure for that -- positioning that point. And then the research and the preliminary work we did on putting those two red lines up there would be generally accepted procedure for doing that kind of project.

Q. Now, are you certain of your finding that 154

Old Laurel Lane identifies Kim Murphy's residence on that map --

A. Yes.

Q. -- is located in Lexington County and not in Richland County?

A. Oh, yes. Absolutely. This is not -- this is really not a very difficult call, this particular -- we get asked to do a lot of different locations like this, and this is -- most of them require a lot more effort and research and fieldwork. But, you know, but this particular location right here, because of Rocky Ford, because of those two calls coming off, the absolute geographic position of that ford, it's not -- wasn't real difficult for us. And the house is 500 feet from that line.

Q. You referenced a couple of times the calls coming off it. Can you refer to Exhibit 9.

A. 9.

Q. I think I got it in numerical order.

A. Yes. I got it.

Q. Okay. There's a document that's part of Exhibit 9 called "On the Orthophotography."

A. Uh-huh.

Q. And there's a couple of highlighted portions that your office had highlighted.

A. Okay.

Q. Are those -- it says like on the first page, "Advance north 56 degrees, 35 feet east, 3,920 feet to a point of Rocky Ford on Wateree Creek." And then the other one says, "Thence turning and running south 23 east 142.5 chains."

Are those the calls?

A. Yes.

Q. Which one -- the one on the first page -- which one of the calls on this document describes the line going north and west from Rocky Ford?

A. Well, let me see. You're going to have to -- Okay. Good. Okay.

THE HEARING OFFICER: What exhibit is this?

MR. REAGLE: This is Exhibit 9, the document that says "On the Orthophotography." Quoting from the statute.

THE WITNESS: Okay. This is coming up from the south. This one right here.

BY MR. REAGLE:

Q. So on the first page --

A. Yeah.

Q. -- you got a quote from the statute.

A. Uh-huh.

Q. Where it says, "Beginning with advance north

56 degrees," that's this bottom --

A. No, no. Yeah. That -- the second page right here, thence turning and running south 23 -- I'm not sure.

That's right, what I said before. This one is the one that's running south, coming down, and this is coming -- okay. This one right here is coming up.

Q. Okay. Like I said, that's the one on the first page --

A. Yeah.

Q. -- of the document --

A. Yeah.

Q. -- north 56 degrees southeast.

A. That's going out from there.

Q. That's the south --

A. Yeah, right.

Q. -- southeastern line?

A. Right. The other one is coming up here.

Q. And the other one, the second page, quoting from the statute, that's running -- turning and running 23 degrees east?

A. Southeast.

Q. Is that turning from Rocky Ford and running?

A. Running down to Slice Creek, uh-huh. That's the one --

Q. But it starts from up here, the description, and runs down to Rocky Ford?

A. Right.

Q. Southeast?

A. Right.

Q. If you can turn to Exhibit 2, the top of the second page.

A. Okay.

Q. In that paragraph sort of towards the bottom, it talks about the northwestern trending line from Rocky Ford and the southwest trending line segment from Rocky Ford. Do you see that?

A. Which paragraph?

Q. It's Exhibit 2 on the second page.

A. Okay. All right.

Q. Take your time to read it.

A. Okay. Which part am I supposed to read?

Q. Just the top paragraph where he's describing the geodetic survey.

A. Okay. Yeah, okay.

Q. References an azimuth of 343 degrees, and the azimuth of 243 degrees. Can you describe that and show how it's illustrated on the map up there, Exhibit 9.

A. Okay. Now, this is the first time I've seen this particular letter. Okay. An azimuth is 360

degrees in a circle. That's what an azimuth -- and you take that particular point on the circle. So 343 would be -- like west is 270, it would be a little bit more to the west. And typically surveyors would call that a north certain number of degrees west.

Geodetic surveyors use a 360-degree circle, and they don't get confused with northwest, southeast, and all that. So that's just a geodetic way of describing that bearing going up that way.

Q. Okay. That's going up to the north and west of Rocky Ford?

A. Uh-huh. And the 243 is just a way of describing you're not west but you're southwest. The 243 is coming around on circle 180, and you go up about halfway between there and you got 243. That lets -- that's narrowing that line.

Q. And this is --

A. Beg your pardon?

Q. J-- strange terminology to most people, so that's why I'm trying to make sure it's clear.

A. Yeah.

Q. So this line here, running from Rocky Ford north and west, is the azimuth of 343 degrees of distance?

A. Yes, right.

Q. 9,405 feet?

A. Right.

Q. And this line right from Rocky Ford down towards the southeast --

A. Yes.

Q. -- is the azimuth of --

A. Right, 243.

Q. -- 243?

A. Right.

Q. And those are the statutory --

A. That's the statutory, yes.

Q. -- definition of the boundary?

A. Yes.

Q. Okay. Can you turn to Exhibit 13, and I pulled that out. It's the oversized -- it's right there.

A. Yes. Okay.

Q. Can you describe what the two documents at Exhibit 13, can you describe what those are.

A. Yes. 13 is a boundary survey that was done of a tract, and it's described as Laurel Springs. It's the subdivision survey of a large -- subdivision of a larger tract, and it's described as a subdivision plat for Laurel Springs.

Q. Okay. And who is this plat done by and when?

A. That was Mr. Lucius Cobb.

Q. Okay. And who was it done for?

A. It was done for Mr. Jay Murphy and Mr. Moffatt Burris, Jr.

Q. And when was this done?

A. It was done in 199--- let's see. April 1997.

Q. Okay. And what's the -- does this include that area that -- if you look at Exhibit 9, does this plat include that area where Kim Murphy's residence is identified on --

A. Yes, it does.

Q. -- Exhibit 9?

A. Yes.

THE HEARING OFFICER: I don't think I have that.

THE WITNESS: This one. Well, you have --

MR. REAGLE: I think I have a large copy.

THE WITNESS: You have that. This right here is overlaid on that orthophotography.

MR. REAGLE: Those two documents together make Exhibit 13.

THE WITNESS: That document in your right hand is overlaid on the photograph.

THE HEARING OFFICER: I see.

THE WITNESS: It's shrunk down a good bit.

THE HEARING OFFICER: This is what, 13?

MR. REAGLE: Both of them together I have as 13.

BY MR. REAGLE:

Q. Now, on this survey done by -- okay. So the second document, Exhibit 13, is an orthophotographic map of Exhibit 9 with that survey done by Lucius Cobb overlaid on it?

A. Yes.

Q. Now, looking at the survey, there is identified on there, somebody says "approximate county line."

A. Right.

Q. And what does the designation "approximate" signify to you as a licensed surveyor?

A. He doesn't know where the county line is. He he's not -- might I also add, he's not required to know where the county line is.

I'm a former member of the State Board of Examiners for Engineering and Land Surveyors, and that is not one of the requirements on the land survey to establish a political boundary. A lot of these political boundaries are so indefinite, the surveyor would spend more trying to do the political boundary than he would the survey.

The counties don't -- unfortunately, don't really have the resources, I guess, but they don't maintain their county boundaries. And if you go to the county and ask them where the county boundary is, a good percentage of the time they don't know exactly where it is.

We have an awful lot of county lines that are overlapping, and there are gaps between county lines. And so a surveyor is really at a dilemma when he has a project that's right on the county line.

So what -- when they call our office, we advise them if you don't know where the county line is or if you're not really sure of it, if it's not well documented, not well-monumented, to put a disclaimer on there to say it's approximate. And because you don't want to accept liability that you don't have to accept.

And so this is exactly what I would do on a situation when I didn't -- I couldn't be told where the county boundary is, I would put "approximately" on there.

Q. So this survey is not purporting to identify where the county boundary is?

A. No. No. Not by any means.

Q. Now, the dotted line that Mr. Cobb identifies as the approximate county line, is that -- the line he

draws, is that consistent with the GIS line drawn on Exhibit 10 here for Richland County, this orange line here?

A. Yes. I've looked at that before and that's very -- that's consistent with what Mr. Cobb has on his map here.

Q. And that's what was showing the line going right through the Kim Murphy residence?

A. Yes.

Q. Okay. Now, does Mr. Cobb on his survey identify Rocky Ford?

A. Yes, he does.

Q. Where does he identify Rocky Ford?

A. It's over on the -- it would be on the extreme -- well, not extreme, but it's the right -- lower right-hand point. You can see he has old road -- there's a little thing, little dog-eared down there that has a road. And then Rocky Ford is over on the right-hand side.

You see that, Your Honor?

THE HEARING OFFICER: Yes, sir.

THE WITNESS: Okay.

BY MR. REAGLE:

Q. It's actually written in on the survey, isn't it?

A. Yes.

Q. Rocky Ford?

A. Yes.

Q. And looking at the overlay map that the Office of Research and Statistics prepared, does Mr. Cobb identify Rocky Ford to be in the same place that you did?

A. Yes. Yes.

Q. So there's no question between Mr. Cobb's survey and your fieldwork and survey as to the location of Rocky Ford?

A. That's right.

Q. And why is the location of Rocky Ford significant to the location of the county boundary lines?

A. It's called for in the statutes. Those statutes, you know, there's been some -- there's been, like, three annexations since 1900 in that area. And these -- if you read these statutes, published 1776 statutes, it's very confusing. It's not a straight -- you don't get the whole county line in one -- if you read Lexington's description, you don't get the entire county line. And if you read Lexington, you don't get the entire county line. You have to go to the other one to read that. And so it's very complex reading

that. That particular description along there is not straight forward at all in the statutes.

But, I mean, if you pore through it, put it together, Rocky Ford is the statute point there.

Q. And from there it's just a question of determining the degrees of azimuth --

A. Yeah.

Q. -- coming off of Rocky Ford?

A. But, now, when we -- when we positioned that in 1995, we didn't do any more work except position that one point. And we didn't -- you know, we didn't fix -- go back and fix the line all around where it goes to Broad River, for instance, or back the other way towards Irmo. So we did a minimal effort when we did that, and then we went back recently and redid it.

So it wasn't enough that we could actually publish anything that would be useful to a surveyor who would normally come to us and ask us where is the county line. That was not available.

Q. Back in 1995?

A. Yeah. In '95, it wasn't. It was just reconnaissance project that we did back then.

Q. Now, if you can turn back to Exhibit 2, which is the letter that Mr. Bowers wrote. Look at the second page.

A. Okay.

Q. The last sentence of -- can you read the last sentence of that top paragraph?

A. The last sentence of the top paragraph?

Q. Yes, please.

A. Okay. Okay. "Plotting this information on the orthophotography demonstrates that Ms. Murphy's house is in Lexington County, about one-tenth of a mile northwest of the boundary."

Q. Okay. And do you agree with that conclusion?

A. Yes.

Q. And is that what Exhibit 9 reflects?

A. Yes.

Q. Now, have you personally been to this area located at Rocky Ford?

A. Yes, I have.

Q. Have you stood on -- in the ford or in the river on a rock?

A. Sit on the rock, wading in the creek. Positioned it with a GPS accurately. I mean, the other thing, the GPS that we use is not like, you know, something that you have in your car that tells you where to get to McDonald's. This GPS is accurate to like centimeters. Less than a tenth of a foot. So we position that point very accurately in the middle of

Rocky Ford.

Q. So based on the statutory definition of the boundary between Lexington County and Richland County, is there any doubt in your mind that Kim Murphy's residence is in Lexington County?

A. There's no doubt.

MR. REAGLE: Okay. Out of a abundance of caution, in case the issue comes up, we would move for Sid Miller's testimony to be accepted as an expert --

THE HEARING OFFICER: All right.

MR. REAGLE: -- in the area of mapping and surveying.

THE HEARING OFFICER: Based on his qualifications, I'll accept it.

MR. REAGLE: And we would move to accept the exhibits in evidence.

THE HEARING OFFICER: Granted.

MR. REAGLE: Can we take a brief break?

THE HEARING OFFICER: Mr. Miller?

THE WITNESS: Yes, sir.

THE HEARING OFFICER: Would you look at what I have as Exhibit 7, which are the statutes.

Mr. Reagle, these --

MR. REAGLE: This is --

THE WITNESS: Okay.

MR. REAGLE: This back page is a clearer, printed out version of the same.

THE HEARING OFFICER: But I want him to look at the original statute, if you will.

THE WITNESS: Okay.

THE HEARING OFFICER: You got it?

THE WITNESS: Got it.

THE HEARING OFFICER: If you look at the Section 4-3-370, have you got that Lexington County description of the property -- of the boundary?

THE WITNESS: Yes, sir, I have.

THE HEARING OFFICER: All right. Over on the second page of that, it looks like 119, about the middle of the page, it refers to Rocky Ford. Do you see that?

THE WITNESS: Yes.

THE HEARING OFFICER: You do?

THE WITNESS: Yes, sir.

THE HEARING OFFICER: All right. Then if you will turn over to 460, 43460, and look on page 127, the second page of that description, about the middle of the page, you also see Rocky Ford.

THE WITNESS: Yes, sir.

THE HEARING OFFICER: Is that correct?

THE WITNESS: Right.

THE HEARING OFFICER: Am I correct in assuming, then, that both Lexington County and Richland County property -- boundary lines establish Rocky Ford as a common reference point?

THE WITNESS: They do. Yes, sir.

THE HEARING OFFICER: That's correct?

THE WITNESS: That's correct.

THE HEARING OFFICER: Does that reinforce your opinion that you've given here today?

THE WITNESS: Does it reinforce my opinion?

THE HEARING OFFICER: Yes, sir.

THE WITNESS: Yes. You mean --

THE HEARING OFFICER: As to the location of this residence.

THE WITNESS: Well, of course, I was -- you mean was I not aware of this?

THE HEARING OFFICER: No. I assumed you were aware of it.

THE WITNESS: I just misunderstood your question.

Yes, I was -- that did -- that's -- basically that is the strong point that we have, that Rocky Ford is the point there that --

THE HEARING OFFICER: Common point?

THE WITNESS: Common point.

THE HEARING OFFICER: Both counties?

THE WITNESS: Both counties.

THE HEARING OFFICER: Both counties identify it in the statutes?

THE WITNESS: Yes, that's right. That's correct.

THE HEARING OFFICER: I just wanted to --

THE WITNESS: Yes, sir.

THE HEARING OFFICER: -- make that clear for the record. That's all I have.

MR. REAGLE: I think we're close to being able to wrap up. Can we just have a brief break for counsel?

THE HEARING OFFICER: Certainly. Let's take a ten-minute break. Thank you.

(A recess transpired.)

(EXHIBIT 14, Photographs, was marked for identification.)

(EXHIBIT 15, Procedural and Notice Records of Murphy Residency Issue, was marked for identification.)

THE HEARING OFFICER: All right. Ladies and gentlemen, come to order, please. We are now ready to continue with the hearing.

Mr. Reagle.

BY MR. REAGLE:

Q. Mr. Miller, I want to show you what's been marked as Exhibit 14 and ask if you can identify those photographs.

A. This is Rocky Ford, and it's -- then one of them shows the old road coming and going -- or two of them, one on one side and one on the other. The old road that crossed Rocky Ford.

Q. Okay. Are these true and accurate photographs of Rocky Ford?

A. Yes. I didn't take these particular pictures. They were taken yesterday afternoon by Mr. Zupan. But I was here and I recognize -- this morning he showed them to me, and I recognize them as being where we did the GPS project there.

Q. Okay. And if you can turn -- just one final question here. I'll show you what's been marked as Exhibit 8 and ask if you can identify Exhibit 8.

A. Yes. That's the survey Mr. Wessinger and Mr. Counts did in 1921. I think they did it in '21 and the in '22.

Q. And this survey is referenced in the statutory definitions for Lexington and Richland County boundary lines?

A. Yes.

Q. And does this survey, as well, identify Rocky

Ford?

A. Yes, it does.

Q. And does it identify Rocky Ford in the same place where you identified Rocky Ford on your survey maps?

A. Yes.

Q. And does it identify Rocky Ford in the same place that Mr. Cobb identified Rocky Ford on his survey maps?

A. Yes, it does.

MR. REAGLE: That's all I have. Thank you very much.

MR. CHILDS: Your Honor, if I may, just to sort of bring things to a conclusion. I think that that's all the testimony that we feel that we need to present today. And we feel that the two issues that are identified in the prehearing order you issued on February the 1st are for your determination as to whether or not Ms. Murphy's residence is in Richland County. And if her residence is not in Richland County, then whether the board may remove her for cause under this particular statute. Those are the two issues.

Now, just a couple of things of clarification. At the outset of the hearing, I made

reference to the first attorney that Ms. Murphy employed was John Moylan of the Wyche firm, and that he informed us on the 28th of January he longer represented her. And yesterday at 12:59, Mr. Todd Kincannon identified himself as representing Ms. Murphy. He did come today. He objected to these proceedings. He contended that they violated the Voting Rights Act.

We've made clear to him that he could make those objections to the School Board. After the School Board rules on those objections, he can raise them in the South Carolina Court -- circuit court and up through the court system.

Also, of course, we have a court reporter here and even though she told me she'd work all weekend and have this transcript ready Monday, I'm not sure that's necessary. But we would like for it to be available as soon as possible. Of course, a copy of the transcript will be made available to the judge. We will make one available to Ms. Murphy. Make one available to Mr. Bounds that will here at the District office if anybody wants to examine it.

And then, Your Honor, you had indicated a little bit about your schedule, and you might just want to say to the public what your schedule is. Because

it's not really obvious to me that you've retired. You appear to still be working, and I don't know what all your responsibilities are.

THE HEARING OFFICER: Well, I just -- I informed counsel and Mr. Kincannon that next week is my wife's birthday, and we have a trip planned. So I will be unavailable next week. And then as I mentioned at the beginning of the proceedings, I'm required to hold court for two weeks a month, and it just so happens that my two weeks holding court in Richland County will be the week we return and the following week, even though it spans a month there.

So I will not be able to put any time in on this matter other than at home, and I may be able to devote some time to it, but as far as any other proceedings, until the 11th of March. I made that clear to both you and Mr. Kincannon. So that's pretty much my schedule.

I'm not sure it was made clear from this record that Mr. Kincannon and Ms. Murphy came and left and have not been a part of this proceeding. I don't know if that's been made clear on the record. But I thought I would just state it for the record.

That's all I have.

Anything further?

MR. REAGLE: Just as a housekeeping matter. If we could move -- just make sure we move to introduce Exhibit 14 into evidence as well.

THE HEARING OFFICER: Granted.

MR. REAGLE: Because Mr. Kincannon did raise some procedural and notice concerns, we would also move to be introduced into the record what's collected as Attachment B to our hearing memorandum, which has the title of Procedural and Notice Records.

THE HEARING OFFICER: Yes.

MR. REAGLE: Which reflect correspondence and notice. And for clarify, if I could have these marked as Exhibit 15 and entered.

THE HEARING OFFICER: Certainly.

MR. REAGLE: Thank you, Your Honor. That's all.

THE HEARING OFFICER: Anything further?

MR. CHILDS: No, Your Honor.

THE HEARING OFFICER: This hearing is concluded. Thank you very much for your attendance today, ladies and gentlemen. I'm sure you will hear something as this matter progresses.

(The hearing concluded at 12:00 p.m.)

CERTIFICATE OF REPORTER

I, Sheri L. Byers, Registered Professional Reporter and Notary Public of the State of South Carolina at Large, do hereby certify:

That the foregoing proceedings were taken before me on the date and at the time mentioned on page 1 and the proceedings were recorded stenographically by me and were thereafter transcribed under my direction; that the foregoing transcript as typed is a true, accurate and complete record of the proceedings to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 20th day of February, 2013, at Columbia, Richland County, South Carolina.

Sheri L. Byers,
Registered Professional Reporter,
Notary Public
State of South Carolina at Large
My Commission expires:
January 5, 2014

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EXHIBIT 4

G. Thomas Cooper, Jr.
1 Sycamore Place
Camden, South Carolina 29020

Certified Circuit Court
Arbitrator and Mediator

803-432-5455

March 14, 2013

Mr. Robert W. Gantt
Chairman, Board of Trustees
Richland Lexington School District 5
1020 Dutch Fork Road
Irmo, South Carolina 29063

Re: Kim Murphy

Dear Mr. Gantt:

Enclosed is my Report to the Board as a result of the hearing conducted by me on February 15, 2013. It has my pleasure to assist the Board in this matter. Please transmit copies of the Report to the necessary parties.

Enclosed also is my statement for services rendered.

Very truly yours,

G. Thomas Cooper, Jr.
Hearing Officer

Judge, 5th Judicial Circuit- Retired/Active

BOARD OF TRUSTEES OF SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES	))))	**IN RE: KIM MURPHY RESIDENCY**

Findings and Recommendations of
G. Thomas Cooper, Jr.
Hearing Officer Presiding

This matter comes before me as a result of a request by the Lexington Richland County Board of School Trustees, District Five (District Five), to inquire into and conduct a hearing to determine the location of the legal residence of Mrs. Kim Murphy. Mrs. Murphy presently sits as member of the Board of Trustees from Richland County. The disputed issue is whether Mrs. Murphy actually resides in Richland or Lexington County. The enabling statutes have strict residency requirements for sitting on the combined Board of Trustees for each of these contiguous counties. A hearing was conducted by me at 10:00 a.m. on Friday February 15, 2013 at the District Five Board Room, 1020 Dutch Fork Road, Irmo, South Carolina.

Appearing at the hearing, which was properly noticed to the parties, the public and the press, were Robert W. Gannt, Chairman of the Board of Trustees, and the Board's counsel, Mr. Kenneth L. Childs and Mr. John M. Reagle of Childs & Halligan. Neither Mrs. Murphy nor her counsel made an appearance.

The Board has the statutory authority to remove a Board member from the Board. Pursuant to S.C. Act No. 601 of 1994 (Lexington) and Act No. 141 of 1969 (Richland), the Board exercises all of the powers and has all of the duties and obligations of both a Board of Trustees under S.C. Code § 59-19-10, et seq. and of a County Board of Education under S.C. Code § 59-15-10 et seq.

Included among the Board's other powers and obligations is the power to remove a Board

member for cause upon notice and an opportunity to be heard by the Board. S.C. Code Ann. § 59-19-60; 2005 WL 1609288, *3 (S.C.A.G. June 27, 2005) ("the board of trustees of Lexington-Richland District Five would now most probably possess the authority to remove a board member pursuant to the procedures specified in § 59-19-60."); 2008 WL 1960281 (S.C.A.G. Apr. 2, 2008). This code section provides: "School district trustees shall be subject to removal from office for cause by the county board of education . . ." Any such removal order, however, must specify the grounds for removal, the manner of notice, and the manner of hearing accorded the removed member. Further, a Board member removed from office has the right to appeal her removal to the Court of Common Pleas.

In addition to this statutory authority, the South Carolina Constitution, Article III, § 27 provides that "officers shall be removed for incapacity, misconduct, or neglect of duty, in such a manner as may be provided by law, when no mode of trial or removal is provided in this Constitution". No mode of trial or removal is specified in the South Carolina Constitution relative to school board members. Consequently, the General Assembly's authorization of school boards to remove trustees from office is wholly appropriate, lawful, and consistent with the Constitution, as long as "cause' for removal is limited to those grounds specified in the Constitution, i.e., incapacity, misconduct, or neglect of duty. *See, State v. Seigler,* 94 S.E. 2d 231 (S.C. 1956); 2005 WL 1609288 (S.C.A.G. June 27, 2005).

As the Attorney General's Office has repeated several times in opinions, the term "cause" in such statutes has a legal meaning, *i.e.*,

> for reasons which the law and sound public policy recognize as sufficient warrant for removal, that is, legal cause, and not merely cause which the appointing power in the exercise of discretion may deem sufficient. ... The cause must relate to and affect qualifications appropriate to the office ... and must be restricted to something of a substantial nature directly affecting the rights and

interests of the public.

2005 WL 1609288, *3 (S.C.A.G. June 27, 2005) (*quoting* 63C Am.Jur.2d § 183 (1997)), 2008 WL 2614992 (S.C.A.G. June 13, 2008), 2007 WL 655619 (S.C.A.G. Feb. 16, 2007) *and* 2006 WL 2382449 (S.C.A.G. July 19, 2006).

Here, the Board contends Mrs. Murphy's lack of residency in Richland County would constitute incapacity to hold a seat on the Board for which residency in Richland County is mandated by statute, Act 326 of 2002. Consequently, legal cause for removal exists if she is not a resident of Richland County.

Mrs. Murphy's residence is 154 Old Laurel Lane, which is east-southeast of Chapin, SC, and west of Interstate 26. With Geographic Information System (GIS) tools a residence at that location can be located which corresponds to land transaction and assessor records referencing Lot 4 of "Final Subdivision Plat of Laurel Springs" dated April 4, 1997 (Exhibit 13), ("1997 Plat"). On the 1997 Plat there is an "Approx. County Line," which line also appears to have been incorporated into Richland County's own tax mapping computer database. Richland County has levied property taxes on the parcel containing Mrs. Murphy's residence, and Richland County has granted "elector" status to Mrs. Murphy. *See*, S.C. Const. Art. VII, § 9.

However, Lexington County, the United States Geological Service, and the U.S. Census Bureau all have *other* county boundary lines in the area that are meant to denote the boundary between the counties near Mrs. Murphy's residence (Exhibit 10).

In South Carolina, the General Assembly alone has the power to set or change a county boundary. S.C. Const. Art. VII, §§ 7, 12. S.C. Const. Art. VIII, § 2. However, counties also depend on self-generated or self-maintained maps or surveys for various county purposes. But,

> In the absence of statutory authority, a county may survey its boundaries for the temporary guidance of its officers, *but a survey*

> *so made is not binding on the adjoining county nor on the public generally.*

20 C.J.S. Counties § 29 (emphasis added). Location of a disputed boundary line is a question of fact. *Williams v. Moore*, 733 S.E.2d 224, 230 (S.C. App. 2012). Neither Richland County nor Lexington County can establish or move a county boundary – the boundaries must be set by the General Assembly. Errors in an unauthorized map (there does not appear to have been a *survey* done by either county) cannot change a legislated boundary line.

The boundary of Lexington County is established by S.C. Code § 4-3-370 and that of Richland County by S.C. Code § 4-3-460. Both of these sections reference "a point in Slice Creek known as Rocky Ford" which is shown on "the plat of said property, completed on November 25, 1921, by W.A. Counts and J.C. Wessinger, surveyors, said plat being filed in the office of the Secretary of State." *Id.* This plat, a true copy of which was submitted into evidence (Exhibit 8) is "[a]n ancient survey, [which] if made by competent authority, recorded or accepted as a public document, and produced from property custody is admissible in evidence without further verification to prove the location of a boundary line." 12 Am. Jur. Boundaries § 109. Not only is the survey proof of the boundary line itself, it has been adopted by the General Assembly itself as such. *C.f.*, *Marsha v. Richland County*, 62 S.E. 4, 6 (S.C. 1908). Interestingly, the 1997 Plat (Exhibit 13) itself shows Rocky Ford, but the "Approx. County Line" on the 1997 Plat does not run through Rocky Ford. Obviously, a map or survey that does not show the county line in this vicinity passing through a feature called Rocky Ford, particularly when there *is* a feature called Rocky Ford on the same plat, should not be considered competent proof of the *actual* county line. One or the other is out of place on the 1997 Plat.

Testifying before me were two witnesses, Mr. Bobby M. Bowers, Director of the Division of Research and Statistics of the South Carolina Budget and Control Board, and Sidney

C. Miller, former Chief of South Carolina Geodetic Survey. Mr. Miller also works on a part time basis for Mr. Bowers' agency and is a licensed professional surveyor.

South Carolina statues give the Geodetic Survey the responsibility and authority to coordinate mapping activities within the State to insure consistent, accurate, and reliable county and state maps for a myriad of purposes. (See S.C. Code Ann. §27-2-85, §27-2-9 and §27-2-10).

Both Mr. Bowers and Mr. Miller testified that there is "absolutely" no doubt that Mrs. Murphy's residence at 14 Old Laurel Lane is located in Lexington County. They arrive at these separate conclusions from three different sources. (1) The U.S. Census Block database, (2) official voting precinct maps maintained by the Division of Research and Statistics and (3) the South Carolina Code of laws which recites the statutory boundries for Richland and Lexington Counties. All three sources place Mrs. Murphy's residence in Lexington County. There is no survey matching the statutory description of the boundaries of Richland or Lexington Counties. Of the three sources relied upon by the witnesses, my decision relies most heavily on the statutory description of the boundaries of Lexington and Richland Counties. The fact that the South Carolina code sections 4-3-370 & 4-3-460 refer to a common geographic feature "a point in Slice Creek known as Rocky Ford" is conclusive to me (Exhibit 8 and 9). The fact that Mr. Miller was able to find Rocky Ford on the ground, exactly where it is described to be in the statute, (Exhibit 14) makes my decision even more conclusive.

In my opinion there is clear and convincing evidence that Mrs. Murphy's residence at 15 Old Laurel Lane, Chapin is in Lexington County. There has been no evidence submitted to me to the contrary.

The voter registration *cum* "elector" status of Mrs. Murphy is irrelevant, because the office of Trustee of the Board carries with it the express statutory requirement that, in addition to

being an elector, the Trustee must be *resident* "[n]otwithstanding another provision of law." S.C. Act 326 of 2002, § 9. The Act requires that "three trustees must reside in Richland County and four must reside in Lexington County." The phrase "must reside" is in the *present tense*.

"[A]s to offices established only by legislative acts, the General Assembly may prescribe other and additional qualifications which are reasonable in their requirements." *McLure v. McElroy*, 44 S.E.2d 101, 108 (S.C. 1947). Here the General Assembly created an express and continuing "must reside" requirement, which it was free to do with this statutory office.

Mrs. Murphy's status as an "elector" registered by the officials of Richland County is therefore irrelevant, as is Richland County's *ad valorem* taxation of the property on which the residence is situated. Both of these factors are matters of Richland County's administration of its internal duties, and not within the purview of this hearing or the Board's determination of "cause" for removal due to failing to meet the continuing "must reside" requirement.

The map or whatever other method that Richland County uses to allow elector registration and to impose *ad valorem* tax are both examples of the principle noted above, that "[i]n the absence of statutory authority, a county may survey its boundaries for the temporary guidance of its officers, but a survey so made is not binding on the adjoining county nor on the public generally." 20 C.J.S. Counties § 29. The Attorney General has observed that "the fact that an individual is registered to vote in a particular county strongly indicates *(but is not dispositive of the fact)* that he is a resident of that county." 2008 WL 903972 (S.C.A.G. Mar. 31, 2008) (emphasis added).

Not only does Mrs. Murphy's residence in Lexington County deprive her of the qualification for the office, but the disqualification of a Trustee under a mandatory statutory residency requirement specially imposed by the General Assembly is "something of a substantial

nature directly affecting the rights and interests of the public." 2005 WL 1609288, *3 (S.C.A.G. June 27, 2005). In adopting S.C. Act 326 of 2002, § 9, the General Assembly transferred one of seven Board seats from Lexington to Richland counties – in fact this was the only portion of the Act that passed Justice Department "preclearance" under the Voting Rights Act. The purpose of the move was to accommodate the changing balance of population in the two portions of the District to comply with Constitutional one-man-one-vote requirements for local representation, whereby, "[i]f voters residing in oversize districts are denied their constitutional right to participate in the election of state legislators, precisely the same kind of deprivation occurs when the members of a city council, school board, or county governing board are elected from districts of substantially unequal population." *Avery v. Midland County, Tex.*, 390 U.S. 474, 480-81 (1968). The very purpose of the Act was to assure Richland County the constitutionally required level of representation on the Board.

In addition to the concern that Mrs. Murphy apparently did not qualify to represent Richland County at the time of her election, there is now the *present* and *ongoing* concern that she is not answerable to the Richland County electors once it is established that she is not qualified by residency to be one of their three trustees. "Area representation is a familiar form of local representative government. ... The purpose is to give each and every part of the city or town representation. 'Such legislative plan is modeled in accordance with the national and state systems. It is designed to render the council a popular branch and keep it more directly in touch with the people.'" *Gaud v. Walker*, 53 S.E.2d 316, 327 (S.C. 1949) (quoting, McQuillen, Municipal Corporation, 2d Ed., Volume 2, § 598).

The Board has fiscal autonomy, *i.e.*, the power to set its own operating millage within the general law's limitations. Besides being a governmental power requiring compliance with one-

man-one-vote rules, the South Carolina Supreme Court has also noted that the "taxing power is one of the highest prerogatives of the General Assembly. Members of this body are chosen by the people to exercise the power in a conscientious and deliberate manner. If this power is abused, the people could, at least, prevent a recurrence of the wrong at the polls." *Crow v. McAlpine,* 285 S.E.2d 355, 358 (1981). Similarly, the exercise of the Board's taxing and other governmental powers and duties, *see, e.g.,* S.C. Code Ann. § 59-19-90 (*inter alia* to provide suitable schoolhouses, employ and discharge teachers, control educational interest of the school district, and transfer and assign pupils), must also be done in a conscientious and deliberate manner, and those who exercise it must be subject to the public's ability to have some supervisory control over their representatives through elections to the office of Trustee.

Should Mrs. Murphy remain a member of the Board of Trustees, numerous potential negative legal problems could arise for District Five. Bonding authorities may not be willing to issue bonds based on Mrs. Murphy's vote. Suspensions or dismissal of district personnel, or students may be questionable based on Mrs. Murphy's vote. Can her presence be counted for existence of a quorum? Could Mrs. Murphy represent the district at a public forum or at statewide meetings? Could she be elected Chairperson of the Board given the irrefutable evidence that she does not meet the "must reside" provision of the statute? These and any other issues should give District Five Board of Trustees grave concerns. In my opinion the only appropriate course of action is to recognize the existence of "cause" under S.C. Code § 59-19-60, thus granting the Board the power to proceed with the removal process as outlined in the statute.

Respectfully submitted,

March 14, 2013

G. Thomas Cooper, Jr.
Hearing Officer