SCAC steering committees presented policy positions for the 2019 Session of the S.C. General Assembly at the County Council Coalition (CCC) Meeting in Columbia on October 24. Guest speakers also addressed several topics.

CCC President Jeanie Brown-Burrows (Williamsburg County Council Member) presided over the meeting, and SCAC Board Member Waymon Mumford (Florence County Council Member) provided the meeting’s invocation.

Steering Committees Present Policy Positions

The following four SCAC policy steering committees previously met at the Association’s Office in Columbia on September 19 and 20 to discuss policy positions:

- County Government and Intergovernmental Relations, chaired by Joseph B. Dill, Greenville County Council Member;
- Land Use, Natural Resources and Transportation, chaired by Charles T. Edens, Sumter County Council Member;
- Public Safety, Corrections and Judicial, chaired by Julie J. Armstrong, Charleston County Clerk of Court; and
- Revenue, Finance and Economic Development, chaired by Belinda D. Copeland, Darlington County.

At the CCC Meeting, SCAC Legislative Committee Chairman Dwight L. Stewart Jr. (Clarendon County Council Chairman) presided as SCAC chairmen presented their committee reports.

Delegates, representing South Carolina’s 46 counties, reviewed and discussed each committee’s recommendations to help shape SCAC’s legislative policy positions. The policy positions will be presented to SCAC’s Legislative Committee at the Association’s 2018 Legislative Conference in Charleston (Nov. 29 – 30).

(Continued on next page)
The CCC Meeting included three speakers. Curtis Loftis, S.C. State Treasurer, highlighted the Local Government Investment Pool (LGIP), administered by the S.C. State Treasurer’s Office, which the S.C. General Assembly created in 1983.

The LGIP’s participations include: 32 counties, 84 municipalities, 57 school districts, 51 special purpose districts and 17 other political subdivisions. Valued at $6.4 billion as of June 30, 2018, the LGIP provides local governments opportunities to maximize returns on investments and concentrate on serving their communities. Federal Reserve increases in the Federal Funds rate have made investing in LGIP an attractive proposition for many local governments.

Loftis encouraged county officials to visit the State Treasurer’s website for more information on LGIP participation at: http://www.treasurer.sc.gov/

W. Hartley Powell, Director, S.C. Department of Revenue (SCDOR), said the mission of the SCDOR is to administer and enforce the revenue laws of the state, and that he wanted to strengthen the partnership that exists between the SCDOR and counties.

According to Powell, the SCDOR processed 5 million tax returns last year; 69 percent of tax returns are now processed electronically; and about 90 percent of taxpayers are voluntarily filing taxes each year. The SCDOR, he noted, works hard to ensure that the remaining 10 percent comply.

Powell explained the huge problem that refund fraud is causing nationwide, and how the SCDOR has modernized its tax processing system. He also explained how the SCDOR works hard to ensure compliance, and that SCDOR operates a 50-person call center and five offices to help taxpayers.

Powell talked about the Setoff Debt Collection Program...
Newly-Elected Officers of the County Council Coalition

President
Willis H. Meadows
Greenville County Council Vice Chairman

Vice President
W. Brian Carnes
Lancaster County Council Member

Secretary
Calvin “Chip” Jackson
Richland County Council Member

Treasurer
James T. McCain Jr.
Sumter County Council Chairman

Frank A. Rainwater, Executive Director, S.C. Revenue and Fiscal Affairs Office, addressed a broad range of topics related to economic trends in South Carolina over the years, from personal income fiscal year growth rates and changes in county populations to the S.C. General Fund revenue as a percentage of total personal income and more.

He then explained how the Wayfair decision allows South Carolina to start collecting additional tax on E-commerce sales.

According to Rainwater, the SCDOR will be issuing its policy and begin collecting sales tax on E-commerce sales in November for the last half of FY 2018–19. The S.C. Revenue and Fiscal Affairs Office estimates that collecting the tax will raise an additional $74.4 million in revenue each year.

Rainwater wrapped-up his presentation by discussing the Local Government Fund, comparing actual funding to the statutory formula since FY 1990–01, total assessed property growth by county from 2010 to 2016, and the millage rate increase limitations from FY 2012–13 to 2017–18.
SCAC Policy Steering Committees Meet Before and After County Council Coalition Meeting

SCAC’s four policy steering committees met on September 19 and 20 at the SCAC Office to discuss SCAC policy positions prior to the CCC Meeting on October 24.

Delegates, representing South Carolina’s 46 counties, then reviewed and discussed each committee’s recommendations at the County Council Coalition Meeting.

Following the CCC Meeting, the four committees met again on November 7 and 8 at the SCAC Office to finalize their positions. The committees will present their recommendations to SCAC’s Legislative Committee at the Association’s 2018 Legislative Conference in Charleston, which will be held November 29 – 30 in Charleston.

Charles T. Edens (right) chaired the Land Use, Natural Resources and Transportation Committee meeting on September 20 (below) and on November 8.

Julie J. Armstrong (left) chaired the Public Safety, Corrections and Judicial Committee meeting on September 19 (above) and on November 7.

Joseph B. Dill (left) chaired the County Government and Intergovernmental Relations Committee meeting on September 19 and November 7 (above).

Belinda D. Copeland (right) chaired the Revenue, Finance and Economic Development Committee meeting on September 20 and November 8 (below).
The School Foundation Honors SCAC Board Member Waymon Mumford

SCAC Board Member Waymon Mumford (Florence County Council Member) was honored as a Distinguished Graduate by The School Foundation of Florence at its 17th Annual Gala on October 23.

Mumford graduated from the 133rd FBI National Academy in 1983 and served the City of Florence for 25 years as a law enforcement officer, retiring as chief of police. He has served as a member of Florence County Council since he was first elected in 1994.

A lifelong resident of Florence, Mumford graduated from Wilson High School in 1967. He received his A.S. in Criminal Justice from Florence-Darlington Technical College in 1980 and B.S. in Business Administration from Limestone College in 1992. He also graduated from The Interdenominational Theological Seminary in 2003.

Mumford serves as a pastor of Central Baptist Church in Florence. He also serves as a board member of the National Association of Counties, the South Carolina Association of Counties, and the S.C. Baptist Church Convention and National Baptist Convention. He served as SCAC President from 2004 to 2006.

Institute of Government for County Officials Offers Courses

The Institute of Government for County Officials offered four courses on October 23, the day before the County Council Coalition Meeting: Level I—Managing and Conducting Meetings, and Understanding and Seeking Differences; and Level II—Decision-Making in a Political Environment, and Financial Management.

The SCAC holds the Institute of Government for County Officials in cooperation with the Joseph P. Riley Jr. Center for Livable Communities, College of Charleston, and the Strom Thurmond Institute of Government and Public Affairs, Clemson University. The Institute of Government provides county officials the opportunity to enhance their skills and abilities to function more effectively.

Photos of the instructors and two of the classes are shown below:
The South Carolina Counties Workers’ Compensation Trust (SCCWCT) and the South Carolina Counties Property & Liability Trust (SCCP&LT) held the annual continuing education seminar on September 26 in Columbia. The 110 attendees heard several speakers address a myriad of risk management topics.

After the introduction of Ariel staff attending the seminar, attendees were reminded that the SCCP&LT provides cyber liability coverage to all members. They were also told that it was important to employ “proper cyber hygiene” because claims are rapidly increasing due to alleged online defamation.

Next, Will Lyon, Willson, Jones, Carter & Baxley, P.A., provided an update on emerging workers’ comp issues and specifically, the case of Clemmons v. Lowe’s Home Centers, Inc:

In early 2017, the S.C. Supreme Court issued an opinion that will substantially increase workers’ compensation awards for certain injuries. The issue in Clemmons v. Lowe’s Home Centers, Inc. was whether an employee’s ability to work affects his or her entitlement to disability benefits under the S.C. Workers’ Compensation Act.

While on the job assisting a customer, the plaintiff slipped and fell, severely injuring his back. Several physicians evaluated Clemmons, assigning him impairment ratings greater than 70 percent and permanent work restrictions. Lowe’s agreed to accommodate those restrictions, and Clemmons returned to work as a Lowe’s cashier.

The law states that in cases where there is 50 percent or more loss of use of the back, the injured employee shall be presumed to have suffered total and permanent disability.

The S.C. Supreme Court held that “the mere fact that a claimant continues to work [alone] is insufficient to defeat the presumption of permanent and total disability.” Therefore, it is possible for an individual to be permanently and totally disabled and still be gainfully employed. The result will increase costs for employers, and will potentially decrease the usefulness of return-to-work programs for certain injuries.

Next, Linda Edwards, Gignilliat Savitz & Bettis Law Firm, provided a legal update on employment law issues. In her opening comments, she said that lawsuits against elected officials continue to increase. She mentioned that an employer cannot discriminate against an employee who has depression or PTSD unless the employee poses a “direct threat” to safety or unless the employee simply cannot perform the requisite job functions.

Importantly, she stated that a county could be sued for negligence for not checking out job applicants online including Facebook, Pinterest and Linked In, etc. Never require a job applicant’s password for any of the aforementioned websites. You can review the applicant’s posts, but you cannot hide your identity or pose as someone else. Online searches may provide you more background information than you are legally entitled to ask. For example, whether or not the applicant has children...
or a gofundme page for cancer treatment.

Edwards also mentioned that an employer can prohibit personal use of social media during worktime, and it is important to adopt and distribute a written policy that advises your employees that their electronic communications will be monitored.

Edwards addressed the issue that public employees have no constitutional “right” to speak out on matters of a private concern; however, public employees do have a constitutional right to speak out on matters of public concern. However, even if an employee speaks on a matter of public concern, a balance test is created between the employee’s right and the employer’s interest in efficient operation of government.

After lunch, the always popular Round Table Forum featured Major Kevin Jones, Lexington County Jail Administrator; Van Henson, Training Supervisor, Labor, Licensing and Regulation (LLR); Linda Edwards, Gignilliat Savitz & Bettis; Hardee Horne, Risk Management Administrator, Saluda County; and Will Lyon, Willson, Jones, Carter & Baxley, P.A.

Several important statements were generated by the lively discussion:

- It is a “best practice” to engage an outside agency to conduct background checks on job applicants to ensure you comply with the many laws that apply.

- A county cannot refuse to hire an applicant due to a bankruptcy.

- “Off-duty” misconduct can be prosecuted.

- Represented claimants can be required to participate in light duty work.

- Employees are very pleased to have an on-site health clinic and some counties have seen a reduction in health insurance premiums.

- Random placement of GPS devices on county vehicles will reduce the number of accidents, speeding and fast braking. Deployment of GPS on heavy equipment will increase productivity.

- Detention centers should weigh the cost of hiring a food service contractor versus paying more in inmate workers comp claims.

After the Round Table Forum, John Jervey, SCCP&LT Claims Manager, explained what procedures to follow if your county is not at fault in auto accident. First, call the at-fault driver’s insurer and secondly, secure an FR-10 and police report. An FR-10 is not a police report; instead it is used to provide evidence of insurance.

Next Van Henson, Training Supervisor, LLR, provided an update on recent OSHA developments. He explained the importance of the FORM 300A in detail.

In the final segment of the day, John Henderson, SCAC Director of Insurance Services, and Robert Benfield, SCAC Director of Risk Management Services, provided a risk management update and made note of specific dates for upcoming risk management and insurance meetings. The complete list can be found on our website at www.SCCounties.org.

Henderson thanked all in attendance since the average experience modification factor has dropped from 1.00 to 0.97. The three best trust-wide experience modification factors are:

1. Chester County .52
2. Abbeville County .55
3. Greenwood County .55

Chester County saved 48 percent (1.00 less .52) of its workers’ compensation premium.

Benfield discussed the complimentary online “In the Line of Duty” streaming videos with accompanying accredited hours. He also stated (Continued on next page)
Due to significant growth occurring in many parts of South Carolina, the U.S. Postal Service (USPS) is working with builders, developers, municipalities, and counties to coordinate the mode of delivery that is most efficient for customers and cost effective for USPS.

National policy states that USPS has discretion to establish service called Cluster Box Units (CBUs) in new areas. The factors considered are customer convenience, the aesthetics of the area, and the economy of USPS operations.

Because central delivery is the most cost-effective means of mail delivery, the USPS prefers to use this method whenever appropriate. Because the type of delivery to be provided is determined before many residents move into a development, the USPS consults with the developer rather than prospective residents before deciding the mode of delivery.

Centralized delivery to CBUs is by far the most cost-effective method of delivery. The USPS decides to install CBUs at a specific location only when it determines that this type of delivery offers the most efficient service for the particular situation. CBUs also provide unique advantages to postal customers, including:

- Protection of both incoming and outgoing mail from theft (CBUs are locked and vandal resistant);
- Potential reduction of home burglaries (the unit shows no buildup of mail as do other types of boxes);
- Centralized delivery sites are equipped with customer mail collection slot;
- Decreased fuel consumption, improved air quality, and reduced traffic congestion;
- Decreased costs for developers and homeowners;
- Increased sense of community for homeowners and expansion of the “Protected Territory” concept;
- Reduction of dog bites for letter carriers; and
- Improved neighborhood appearance.

To access the portion of the USPS Postal Operations Manual outlining this policy, visit: http://www.sccounties.org/Data/Sites/1/media/about/recent-news/postal-operations-manual.pdf.

In order to minimize confusion, local governments are encouraged to include a brief statement of this policy in subdivision regulations.

For additional information, please contact:

Wayne McCall
Operations Programs Support Specialist
Growth Management Coordinator
Space Constraints and Post Office Review Coordinator
(864) 244-1896
(803) 206-4862
dwayne.mccall@usps.gov
SCAC launched the 2019 Setoff Debt Collection program and the Government Enterprise Accounts Receivable (GEAR) program for county participants with a full-day workshop, held on August 16 at Embassy Suites in Columbia. These programs assist county entities with collecting debts that may otherwise go uncollected.

The Setoff Debt Collection program allows the S.C. Department of Revenue (SCDOR) to collect delinquent debts through state tax return garnishments. The GEAR program allows the SCDOR to use additional collection tools such as payment plans and wage garnishments.

About 300 local government officials and staff representing participating or interested entities in all 46 counties attended the free training.

Guest speakers included: Hartley Powell, Director, SCDOR; John DeLoache, SCAC Senior Staff Attorney; Alex Smith, SCAC Staff Attorney; Theresa Gosnell, S.C. Court Administration; and Bill Walsh, Five Star Computing.

SCAC staff works closely with SCDOR staff and provides comprehensive program, legal, and technical assistance to counties participating in the programs.

(Continued on next page)
SCAC services are offered free to those entities participating in the programs.

The Set-Off Debt and GEAR Collection programs have proven very successful in allowing county participants to collect delinquent debts. SCAC is currently assisting more than 280 county entities with participation in these debt collection programs.

To date in 2018, SCAC has returned more than $100 million to participants. Since 2002 when counties began to participate in the debt collection programs, SCAC has returned more than $1 billion to the counties.

For additional information about the SCAC’s debt collection programs and services, please contact SCAC staff at 1-800-922-6081.

Kershaw County Named 2018 All-America City

Kershaw County was named a 2018 All-America City by the National Civic League at its annual awards ceremony, held on June 24 in Denver, Co.

Twenty finalists were selected to provide a community presentation to the panel of award judges. Following the presentations, Kershaw County was chosen as one of the 10 award winners. The National Civic League recognized Kershaw County for “embracing the changing faces of its rapidly growing community, balancing its rural past and suburban future with its business owners, residents, and elected officials reflecting that diversity and building programs to ensure equity in healthcare, education, and economic growth.”

Doug Linkhart, President of The National Civic League, said, “each winner leveraged civic engagement, inclusiveness, and innovation to successfully address challenges facing their community.”

Kershaw County’s Clinton Washington received the 2018 Youth Leadership Award, which recognized his community commitment. With help from Johnny Deal, Kershaw County also received the Social Media Award for its exceptional social media presence and activities.

The Kershaw County delegation was comprised of leaders from all areas of the county including: state, county and municipal elected officials, civic organization leaders, healthcare professionals, and area youth leaders. Members of the 2018 team included:

- Sophia Alteri
- Caroline Anderson
- Julian Burns, Kershaw County Council Chairman
- Jaelen Bussey
- Elizabeth Carpenter
- Laurey Carpenter
- Vic Carpenter, Kershaw County Administrator
- Michael Conley, Kershaw County Planning/Zoning Director
- Johnny Deal
- Kimberly Dixon
- Richard Dixon Jr.
- Alfred Mae Drakeford, Mayor of the City of Camden
- Melissa Emmons, Mayor of the Town of Elgin
- Amy Eudy
- S.C. Rep. Laurie Slade Funderburk (District 52)
- Ed Garrison
- Evelyn Gibson

Lancaster County Coroner Karla Knight Deese Named S.C. Coroner of the Year

Lancaster County Coroner Karla Knight Deese was named S.C. Coroner of the Year at the S.C. Coroner’s Association Annual Conference on June 27.

“Karla is very passionate about bringing awareness to our county with the hope that she may make a small difference in someone’s life,” said Jennifer Collins, Lancaster County Deput Coroner.

Deese was recognized for her outstanding work during the past year in fighting the growing opioid epidemic. She speaks regularly to addicts and their families, and she has spoken to more than seven other location addiction programs so far.

Most recently, Deese co-founded an opioid forum titled, “BATTLE,” which stands for “Bringing Awareness To The Local Epidemic.” The forum consisted of a 14-person panel that included Coroner Deese, EMS personnel, law enforcement, first responders, Department of Social Services, a physician, a forensic toxicologist and several recovering addicts.

Deese has served the Lancaster County Coroner’s office
since 2005. She first served as deputy coroner from 2005 to 2007, and became Lancaster County’s first chief deputy coroner in 2007, serving as such until 2017.

Deese received the Life Point Dove Award for outstanding commitment to organ and tissue procurement in 2011. She has been certified as an American Board of Medicolegal Death Investigator. In fact, she is currently the first and only person in Lancaster County to hold this certification. An avid community advocate, Deese serves as the Secretary and a Board member for Care Health as well as the Training Director for the S.C. Coroner’s Association.

South Carolina’s 2019 Directory of County Officials is scheduled to be published and distributed in February. So, order a copy if you want to know “Who’s Who” in South Carolina county government.

The Directory identifies all elected and appointed county officials in the state. This popular, award-winning publication also identifies SCAC’s Officers, Board of Directors and Corporate Supporters; Regional Councils of Government; Federal and State Officials; and State Senators and Representatives. Addresses and telephone numbers are included for all county officials, state officials and members of the S.C. General Assembly.

Cost: $25.00 per copy (including tax, postage, shipping and handling).

To order your copy of the 2019 Directory of County Officials, please contact:

Public Information Director
South Carolina Association of Counties
P.O. Box 8207
Columbia, S.C. 29202-8207
(803) 252-7255
E-mail: smorgan@scac.sc
When and How to Recuse Yourself

According to the Ethics Reform Act of 1991, if as a public official, public member or public employee you are ever faced with making a decision which affects your economic interest, the economic interest of a family member or the economic interest of a business with which you are associated, you must recuse yourself. In order to properly recuse yourself you must (1) prepare a written statement describing the matter requiring action and the nature of your conflict; (2) if you are a public employee, you must provide this written statement to your supervisor; and (3) if you are a public member or public official you must provide this written statement to the presiding officer of your board and they must place it into the official record. You may not take any further action regarding the matter from which you have recused yourself.

For more information, please refer to Section 8-13-700(B) of the Ethics Reform Act or call the State Ethics Commission at (803) 253-4192.