COVID-19

coronavirus

COVID-19 ... One Year Later

One Hundred Percent Federal Funding Available to Reimburse COVID-19 Response

Staff Training Opportunities During COVID-19

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Date of Issue: May 2021

A Washington Update

By U.S. Representative Joe Wilson (R-SC-02)

The past year has certainly been a challenge as we continue to recover from the pandemic that abruptly shook our country and way of life. Prior to February of last year, South Carolina had record job growth with unemployment at a historic low of 2.5 percent. In Congress, efforts to address the pandemic were rapidly deployed to help those most in need and restore jobs that thrive from small businesses. As we look ahead at a new Congress, I am continuing to work for the people of South Carolina to ensure that our state is both recognized and rewarded for its response to the pandemic and continued success in creating jobs.

Spending

President Barack Obama's Chief of Staff, Rahm Emanuel, once said "You never want a serious crisis to go to waste." There is no doubt that since the Democrats have been in control of the House, Senate, and White House this has certainly been the case.

Under President Donald Trump, we passed four coronavirus bills that directly funded vaccine development, personal protective equipment for first responders, paid leave for those directly impacted, schools, and small businesses, amongst many other critical priorities. These funds were tailored to where the country needed it most.

Unfortunately, even as we have seen our economy begin to recover, my colleagues on the other side of the aisle

U.S. Rep. Joe Wilson

continue to follow Mr. Emanuel's advice. Just last month, Democrats passed a bill with a $1.9 trillion price tag of which 8.5 percent went directly to responding to the COVID-19 pandemic. They have created partisan wish lists for wasteful big cities, leaving taxpayers in states like South Carolina, who have done their due diligence in mitigating unemployment fraud, on the back burner. But it does not stop with "pandemic" spending.

President Joe Biden is now pushing a two trillion-dollar infrastructure plan that is sadly, bloated with partisan, wasteful, and job-destroying policies that barely focuses on our country's actual infrastructure needs. Infrastructure plans should be thoughtful, pro-worker, and

not burden America's future generations with debt. Less than half of the planned spending goes toward the infrastructure needs we see every day like roads, highways, airports, and bridges. Instead, trillions of dollars are focused on helping big labor expand Medicaid and advancing the dangerous Green New Deal. This plan is not good for Americans and I will continue to work for actual infrastructure.

Open for Business

I am grateful that our country is once again open for business. Credit is absolutely due to former Vice President Mike Pence and Operation Warp Speed; without this initiative we would not be where we are today. With vaccines now available to all adults in South Carolina, we are ready for life to get back to normal.

Businesses are beginning to reopen, and it is important that schools follow suit. This is why I joined my Congressional colleagues in sending a letter to the Centers for Disease Control urging them to reopen schools. The science speaks for itself and students are suffering. In addition to a 66 percent increase in mental health-related emergency visits among school-age children in 2020 compared to the same period prior to the pandemic, working parents are also struggling to juggle childcare and work. If we expect for our workforce to recover, our schools must reopen.

Additionally, we must not become a society that encourages sole reliability on the government. It was understandable that during the peak of the pandemic, unemployment payments required supplements when a significant amount of businesses had to close. However, our economy and jobs in South Carolina have climbed back close to pre-pandemic levels.

Yet, the federal government is continuing to pay additional unemployment benefits. In many cases, this has resulted in people making more from unemployment than they would at their jobs. We are now seeing the negative impacts of this as businesses struggle to hire employees due to competition with unemployment benefits. We must return to pre-pandemic norms to avoid mandated government dependency.

I remain committed to working for jobs and American workers in Congress throughout the pandemic. This Congress, I introduced the National Right to Work Act with over 60 original co-sponsors. I, along with over 80 percent of the American people, believe that every worker should have the power to decide whether to negotiate for themselves with their employer. This bill would simply listen to the majority of American workers. South Carolina has witnessed first-hand the benefits of being a right-to-work state with a growing manufacturing sector comprised of pharmaceuticals, machinery, aerospace products, and tires, among many others. I look forward to continuing to promote deregulation and infrastructure development that will enable South Carolina to build on this success.

Freedoms

Although we have been through an unprecedented year, it is important that we continue to safeguard what we as Americans value most—our freedom.

With full control over both Congress and the White House, Democrats are us-

SCAC's Digital Communications:

Are You in the Know on the S.C. General Assembly's Actions and Association Events?

SCAC is now distributing *Friday Reports*, *Legislative Alerts*, and conference registration information digitally through social media, Constant Contact emails, and on its website. Paper copies will no longer be mailed. As local leaders, SCAC wants to make sure all county officials and staff members continue to receive critical legislative and conference information. If you have not been receiving the *Friday Report* e-mails, please contact Jennifer Haworth, SCAC Member Services Coordinator, at **jhaworth@scac.sc** or (803) 252-7255.

Follow SCAC on Facebook, Twitter, and LinkedIn to learn what's happening at the State House and how SCAC's programs, services, and conferences can benefit your county. Find us at SCCounties on Facebook and Twitter, and South Carolina Association of Counties on LinkedIn. Help us amplify your county's good news by tagging SCAC in your posts and/or using the #SCCounties, #LocalLeaders, and #StatewideStrength hashtags.

SCAC's 2021 Directory of County Officials

SCAC's *2021 Directory of County Officials* was published and distributed in March. 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 Partners; 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.

2021 Directory of County Officials

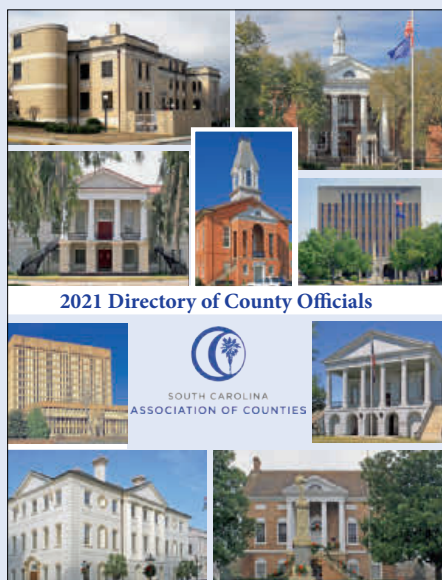Cost: $25.00 per copy (including tax, postage, shipping and handling).

● To order your copy of the *2021 Directory of County Officials,* please contact:

SOUTH CAROLINA ASSOCIATION OF COUNTIES

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E-mail: smorgan@scac.sc

Washington ...

ing this power to try and limit our Second Amendment freedoms. The best way to address gun violence is to hold actual criminals accountable, not punish law-abiding gun owners.

Another issue that has come to light now that more people have been vaccinated is the issue of vaccine passports. Vaccine passports are not only a threat to personal liberty but also medical privacy. I remain committed to working with my colleagues in Congress and S.C. Governor Henry McMaster in blocking any potential implementation of such a mandate. This month I joined the Republican South Carolina delegation in sending a letter to Gov. McMaster, reiterating our opposition to the use of vaccine passports. Staying healthy and safe is important but we can do this as a country without sacrificing personal liberties and privacy. Governor McMaster has been a staunch leader for South Carolinians throughout this pandemic and I am grateful for his leadership.

There is no doubt that we are still on a path of recovery, but I stand ready to continue serving South Carolinians in Congress I am grateful to represent South Carolina's Second District in Congress and will continue to work hard for families, jobs, and prosperity for the Palmetto State.

THANK YOU

Thank you county employees and elected officials for all you are doing in this time of crisis — and everyday — for all you do to serve and protect your communities. You are the **Local Leaders** who create **Statewide Strength**.

COVID-19 ... One Year Later

By Joanie Winters, Attorney at Law
Chester County Attorney

I doubt any of us thought that we would still be dealing with COVID-19 one year later, but here we are. The issues for employers have grown over that year and will likely result in additional surprises. Unlike a year ago, we are now grappling with reopening, possible mandatory testing and vaccines, and managing potential liability that may be lurking out there for our counties. Many of our counties never shut down. Some created a hybrid of virtual services and in-person services.

Whatever you did, as we have crept back to fully open and ready for business, we must be certain to take appropriate measures to keep everyone safe, or we will go full circle. Ask the questions— Does our physical location allow for social distancing? Can we protect the well-being and health of our employees if they all return to the same working hours in the same offices? Can we protect the citizens we serve? These are all significant questions and need complete and satisfactory answers before you return to status quo. Although the COVID-19 situation appears to be turning toward a positive road, we should still have a plan in place in case closing (or slowing) down must occur again. We simply must have a plan.

Whether you have continued full operations or permitted employees to work from home, if you are preparing to return to full staffing status there are some additional questions you must ask. First, is the county going to require testing of returning employees, employees who have been out on leave, new employees, and employees who continued to work onsite throughout the prior year? We must concern ourselves with whether this constitutes a medical exam or a medical inquiry. The Americans with Disabilities Act and its amendments (the "ADA"), which prohibits discrimination in employment against qualified individuals with disabilities, requires that employee medical exams be job related and consistent with business necessity or the employer has the reasonable belief that the employee poses a threat to himself or others. Since the Equal Employment Opportunity Commission (the "EEOC"), the federal agency charged with enforcing the ADA, has told us that COVID does meet the direct threat standard and if an employer can show this reasonable belief, COVID testing of employees is permissible. Be sure you maintain a written analysis of how and why you came to this conclusion in the event of a challenge.

Mandatory COVID testing is not without legal landmines. The threshold issue is whether the testing is job related, consistent with business necessity, and there is a reasonable belief that the employee poses a threat to himself or to others. Tests used must be reliable and may not test for antibodies. Although you must report the name of an employee who has tested positive for COVID to SC DHEC, all testing information must be kept confidential. Treat all of this information as if protected under the

Health Insurance Portability and Accountability Act (HIPAA) because it is. Wage and hour challenges may arise if we require employees to be tested off the clock or they must stand in line for mandatory testing before clocking in. Testing employees who work from home or who have been out on leave and not actively working in county facilities is problematic. It will be very difficult to argue that these employees pose a threat to others when they are not even in your facilities. Tread carefully with these employees. Upon reentry into county facilities, you may now require testing of an employee who has been working remotely or on leave.

A pressing and timely question is whether the county can require its employees to get a vaccine. The U.S. Food and Drug Administration (FDA) has issued an Emergency Use Authorization (EUA) in accordance with its determination that the known and potential benefits outweigh the known and potential risks of the vaccine. This triggers the availability and use of medical countermeasures, including vaccines, during public health emergencies, which certainly would describe the current COVID-19 pandemic. Any individual receiving a vaccine under an EUA must be informed, as best we have knowledge, of any recognized and potential benefits and risks. Employees must also be given the option to accept or refuse the vaccine and be advised of available alternatives to the product.

So how does the EUA play into a county making a vaccine mandatory? The EUA clearly says that the recipient must be informed and have the option to accept or refuse the vaccine. However, employees will also be informed either through written policy or statement that their option to refuse does not immunize them to the consequences that may be imposed by the employer for failure to obtain the mandated vaccination. There is no federal requirement that employers provide or offer to provide a vaccine and conversely there is no federal prohibition on employers mandating or recommend-

ing the vaccine. As a result, these types of decisions are left to employers. Be aware that there is current litigation challenging mandatory vaccines in the public sector. There are many legal challenges to think through and to prepare for, and best practices to create and implement to minimize these challenges.

Similarly as with testing employees, the ADA plays a huge role in COVID-19 vaccines. The EEOC has acknowledged that it does not consider the vaccination to be a medical examination. Although administering a COVID-19 vaccine will not trigger the ADA, if the employer (or a third-party contractor working for the employer) asks pre-screening questions before administering the vaccine this could lead us into troubled waters. The questions asked must be job related and consistent with business necessity. The questions may not be related to possible disabilities. Requiring an employee to provide proof of vaccination may be permissible up to a point, but, again, proceed with caution. If the employee cannot provide the proof because they chose not to be vaccinated for either medical or religious reasons, the employer cannot ask why they have not gotten the vaccination. To do so could be eliciting information regarding a disability.

Employers are permitted to have a qualification standard that includes a requirement that an individual not pose a direct threat to the health or safety of individuals in the workplace. If used in COVID-19 decisions, and that qualification standard screens out or could screen out an individual with a disability, then an employer must show that an unvaccinated employee would pose a direct threat due to a significant risk of substantial harm to the health or safety of the individual or others, a threat that cannot be eliminated or reduced by a reasonable accommodation. The EEOC has applied the same "direct threat" standard to vaccines along with the business necessity argument, but this argument will be more difficult to make than it will be for mandatory testing. For some positions within the county, it should be

intuitively obvious where we can have a strong position on direct threat but with those not-quite-as-clear areas, you will want to consult with legal counsel.

If you decide to have a mandatory vaccination program, understand that this will trigger requests for reasonable accommodation for medical, mental health, or religious reasons. You may have to be creative in working toward an accommodation. Keep detailed and accurate records of your efforts to provide a reasonable accommodation. These records will be critical should you be presented with a legal challenge wherein the employee claims you did not attempt to provide any reasonable accommodation. Also remember that you do not have to provide the specific accommodation requested by the employee. Although the request of the employee should be given primary consideration, what you provide must be reasonable, reliable, and effective, and may be something other than what the employee has requested.

So, if an employee is insisting that they be permitted to continue to work from home and that is not feasible, but you have provided a protected area in the county facility in which an employee can work safely, that could be a reasonable accommodation. Accommodations such as modified duties or workstation setting, modified work hours, teleworking, face shields, glass surround, or limited access are just a few examples of what an employer can consider. If you choose to provide teleworking as an option, be certain that the essential functions can be done from home. Have a written policy on this so you can monitor the quality of work, and consider having a telework agreement, non-contractual, with appropriate at-will disclaimers where all the expectations are explained to the employee. This is not only helpful if the need for disciplinary action arises, it will also be a strong argument for the employer's part in the required interactive process of the ADA for a reasonable accommodation.

Some employees may object to vac-

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cination due to a religious prohibition. The term religion includes all aspects of religious observance as well as belief, and is protected by Title VII of the Civil Rights Act. Since the definition of religion is broad, we must assess each request on a per case basis and avoid assumptions or stereotypes about what constitutes a religious belief or what type of accommodation is appropriate for that belief. Because this protects faiths that we may not recognize, an employer should ordinarily assume that a request for religious accommodation is based on a sincerely held religious belief. Employers may request additional supporting information just like you would with a request for medical exemption. Personal preference is insufficient for a religious exemption so the employee who does not "believe in shots" does not qualify for a religious exemption.

All information obtained in testing, vaccinations, or reviewing exemption requests is likely protected by the Health Insurance Portability and Accountability Act (HIPAA) and should be treated as such.

Another consideration for mandatory vaccination is Title II of the Genetic Information Nondiscrimination Act (GINA). Just as with disabilities, if the administration of the vaccination requires pre-screening questions regarding genetic information, such as family member's medical histories, then you will violate GINA.

We have looked at mandating vaccines. What about "encouraging" vaccines in place of mandating them? How

can we do that as an employer? There is great discussion regarding Wellness Programs and the insertion of a requirement for a pandemic vaccine. Many Wellness Programs currently have a requirement for a flu shot. Why not a pandemic vaccine? I would postpone any thought right now of editing your Wellness Program. Wellness Programs are under consideration by the EEOC with specific attention to the ADA and should be presented to us very shortly. Without EEOC guidance, any policy or program changes could be on a slippery slope and may need further revisions almost immediately. Many employers are considering incentives to encourage vaccination. Things such as paid time off, cash, and gift cards have been viewed as potential incentive items. Recently, the EEOC also promised guidance in this regard, but we have not seen any final version to date. What has been provided by the EEOC is that their position right now would be that any incentive given to employees would have to be deminimus. In attempting to quantify that, the EEOC has suggested an incentive might be a bottle of water. Although I am not certain that this would be a motivator for our employees, it is what the EEOC considers deminimus. No argument here: it certainly is deminimus but likely not encouraging.

An issue of serious consideration on incentives is how to handle this with the employees who have qualified for an exemption? If you give them the incentive, you will have backlash from those employees who elected not to take the shot. If you fail to give incentives to employees with an exemption, you may be triggering a charge of discrimination because the only reason they did not receive the incentive was due to a medical reason or a religious reason. Either way, this is a problem. There is some guidance that employers should hold "town meetings" to educate employees on the benefits of being vaccinated. Be prudent in these efforts so that you are not coercing or pressuring employees to get vaccinated.

No matter whether you opt for mandatory testing/vaccines or voluntary, there will be issues. Disciplinary action for refusal, paid leave for adverse reac-

tions, exemption review policy consideration, and workers compensation issues for adverse reactions are only some of the concerns employers will have to be prepared to face in the months ahead. Counties will want to make their decision and be proactive in preparing for these challenges.

Finally, the CDC and the Governor for the State of South Carolina have suggested relaxing any requirement to wear masks if an individual is "fully vaccinated." Since we have been masked up for almost a year, this came as welcome news. Masks were tossed away en masse that same day. The CDC provides guidance based on medical and scientific data. They do not consider OSHA, the EEOC, HIPAA and other factors that must be considered when deciding whether to eliminate the use of masks in County facilities. The misconception is that the CDC guidance and the Governor's most recent Executive Order says that the wearing of masks is no longer required. That isn't entirely accurate. What is no longer permitted is a county-wide requirement to wear a mask in public, in fact the Governor has said that such an ordinance would be preempted by his Order. The most recent Order also prohibits the requirement for the presentation of a Vaccine Passport. The Order does acknowledge Home Rule authority for counties to promulgate guidelines for the use of masks by its employees or in government offices, buildings, and facilities that are consistent with guidance from DHEC. The Governor has not declared the end of masks. There are still so many unanswered questions before we toss our mask away. Do we understand the term "fully vaccinated", are we prepared to handle employees who have a vaccination or mask exemption, how do we know which citizens coming into our facilities have been vaccinated? Counties must proceed with caution and with a careful reading of this most recent Order. We must remain vigilant but prepared.

For more information, please contact Joanie Winters at (803) 581-8190 or joanie@winterslawsc.com.

SOUTH CAROLINA ASSOCIATION OF COUNTIES

SC ASSOCIATION OF COUNTIES IS NOW ON

SOCIAL MEDIA

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For more than 50 years, SCAC has helped **Local Leaders** create **Statewide Strength** through advocacy, education, and collaboration. By connecting county officials and employees to tools and resources, our county leaders can affect statewide change and build stronger communities.

Follow us on the social media platforms below to learn what's happening at the State House and how SCAC's programs and services can benefit your county. Share what's happening in your county. Let's promote the many ways our counties are making a positive difference for our citizens across the state.

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Like and follow us on Facebook to learn what's happening at SCAC and in counties across the state

TWITTER
Follow @SCCounties on Twitter for up-to-the-moment news on legislation that affects counties

LINKEDIN
Find us on LinkedIn to find out about training opportunities and to network with colleagues

#SCCounties   #LocalLeaders   #StatewideStrength

SCAC's Commitment to South Carolina Counties and Cybersecurity

Given the increasing number of cyber attacks at all levels of government, counties are encouraged to make cybersecurity a priority for county operations, employees, and citizens alike. Reading headlines across the country and in South Carolina it is evident that cyber criminals do not discriminate based on a local government's population or budget.

The South Carolina Association of Counties (SCAC) is committed to sharing cybersecurity news and resources with counties. County officials and employees are encouraged to take advantage of the following resources:

- The U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) is the federal agency committed to helping federal, state, and local agencies protect data and infrastructure. Many of CISA's resources are offered to government agencies at no charge or a significantly reduced rate. To learn more about CISA's resources, visit **www.cisa.gov/ransomware**

- NACo Enterprise Cybersecurity Leadership Academy is an online 12-week program geared for county employees dedicated to cybersecurity, IT, and risk management. Through a new SCAC/NACo partnership, South Carolina counties are eligible for a registration fee of $1,545 (instead of the $2,495 retail price). For additional information regarding this training and to register, visit **www.naco.org/resources/education-and-training/naco-enterprise-cybersecurity-leadership-academy**

- NACo is offering online cyber simulations free of charge to all NACo member counties. These simulations are designed for cybersecurity managers, their teams, and others in the county responsible for risk defense, protection, and recovery (including managers in HR, policy management, finance, public safety, and emergency services). There are four week-long simulations designed to take approximately 45-90 minutes per day for one week. Activities can be completed on the participant's schedule. To learn more, visit **www.naco.org/naco-cyberattack-simulation or contact Rita Reynolds at rreynolds@naco.org**.

- The NACo County Tech Xchange is an online portal designed to connect county CIOs, IT Directors, CISOs, and other county IT leadership. This portal provides valuable resources in a central location that counties can use to improve their overall technology infrastructure. To learn more, visit **www.naco.org/resources/signature-projects/county-tech-xchange** or contact Rita Reynolds at **rreynolds@naco.org**.

- In 2018, SCAC partnered with Willis Towers Watson Insurance Company

to offer a free cybersecurity webinar for South Carolina counties. To access SCAC's Cybersecurity Strategies for County Government webinar, visit SCAC's online educational library. These webinars provide an overview of cybersecurity issues and serve as a good starting point for those seeking to gain greater understanding of this emerging threat.

For additional information or general questions, please contact John Henderson, SCAC Director of Insurance Services, at **jhenderson@scac.sc** or (803) 252-7255, ext. 327.

Microsoft Exchange Server Vulnerabilities Threaten County Cybersecurity

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Government agencies and businesses in the United States that use an on-premises Microsoft email service were recently compromised in an aggressive hacking campaign that was likely sponsored by the Chinese government, according to Microsoft, and should immediately patch their systems and look for evidence of network compromise. The number of victims is estimated to be in the tens of thousands and could rise, according to security experts, as the investigation into the breach continues.

The U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) became aware of this in early March and is working closely with Microsoft and other partners to get the word out to local governments.

NACo received additional communications from the White House on March 9, saying as follows:

The Microsoft Exchange Server vulnerability is a significant threat that is poised to grow exponentially. When this happens, it will disproportionately hit state, local, and tribal governments; small and medium sized businesses; and school systems and academic institutions. As bad as it may seem now, the attacks are still limited to a small set of bad actors. That is about to change, because now that the patch is out, criminals and other actors will soon be able to copy the attack and will almost certainly use it to deploy ransomware and other destructive attacks on a massive scale. We have a very short window—measured in days, not weeks—to get every vulnerable organization to protect their servers. Organizations also need to look to see if they're already compromised—patching will protect you against future attacks but won't kick out an attacker who is already on your system. Every server that is patched is one less target for the criminals.

According to CISA, the seriousness of this vulnerability cannot be overstated; the exploitation of it is widespread and indiscriminate. The exploitation of this vulnerability permits an adversary to compromise identity and trust in your network, which is likely to persist even after patching Microsoft Exchange. Please immediately speak with your IT officials to determine what steps your organization has taken. If your organization does not have the technical capability to verify network integrity, please consider engaging a third party to assist you as soon as possible.

Counties using Microsoft Exchange on-premise products should immediately:

- Patch Microsoft Exchange with the vendor released patches.
- If unable to patch immediately or remove the Microsoft Exchange from the network immediately, CISA strongly recommends following alternative mitigations found in Microsoft's blog on Exchange Server Vulnerabilities Mitigations. This should not be taken as an adequate solution for patching.
- Check for signs of compromise.
- If evidence of compromise is found, assume that your organization's network identity has been compromised and begin incident response procedures.

Additional key points for counties:

- If you are in a hybrid situation (where you also still have an on-premise exchange server), patching and remediation steps still need to be taken.
- If your county information technology is not centralized under one de-partment, ensure that other agencies or entities you are connected with have taken remediation steps.
- If you or your IT department have applied the patches, you MUST still check for indicators of compromise.
- If you believe that your county is secure because you do not use the Microsoft on-premise product, you are highly encouraged to share this with other agencies and organizations that you conduct business with, as they may use the Microsoft products.

Below are some resources from Microsoft and CISA to help your county. These are being regularly updated so please check back often at **cisa.gov/ed2102**:

- CVE-2021-27065 - Security Update Guide - Microsoft - Microsoft Exchange Server Remote Code Execution Vulnerability
- Multiple Security Updates Released for Exchange Server – updated March 8, 2021 – Microsoft Security Response Center
- HAFNIUM targeting Exchange Servers with 0-day exploits - Microsoft Security
- Remediating Microsoft Exchange Vulnerabilities | CISA
- Detect and Prevent Web Shell Malware
- Contact CISA for any questions or to report an incident regarding this vulnerability
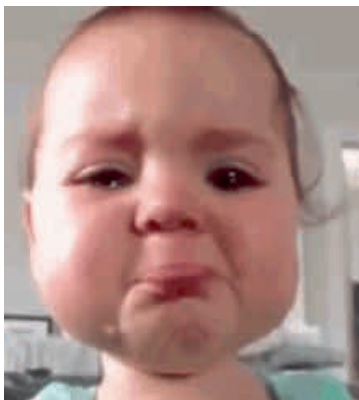
One Hundred Percent Federal Funding Available to Reimburse COVID-19 Response

Based on adjustments to federal policy in the new presidential administration, reimbursement of eligible county and state government costs for COVID-19 response is now 100 percent federally funded.

SCEMD

The federal disaster declaration South Carolina received for COVID-19 in March 2020 (FEMA-DR-SC-4492) required a 25 percent non-federal match (the local or state entity had to provide 25 percent of total project costs). The President can approve a higher federal share, and on Jan. 21, 2021, President Joe Biden issued policy that makes Public Assistance (PA) reimbursement for eligible costs 100 percent federally funded (no match required).

PA reimbursement is available for eligible applicants incurring eligible costs in the performance of eligible work. Foundational PA eligibility criteria are:

- Applicant must be a state, county/local, or tribal government or government entity, or qualifying private non-profit and have legal responsibility for the activity and expense.
- Work must be eligible. Guidance can be found in the PA Program and Policy Guide v3.1 and CO-VID-19 PA guidance from March, September, and November; the latter specifically address vaccina-

tion distribution and administration expenses.

- o Eligible work is for the management, control and reduction of immediate threats to public health and safety from CO-VID-19. Expenses caused by COVID that are not related to response, including technology to support telework of regular county employees, are not PA-eligible. See Table 1 for types of eligible work.
- o Personnel costs are limited to overtime, contract and temporary staff, and personnel pulled off leave to work the incident. Regular time is not a PA-eligible

expense. Pay must align with the organization's pay policy in place at the start of the incident.

- Costs must be reasonable and procured in accordance with entity's procurement policies and federal regulations in 2 CFR §200.
- Expenses cannot be covered by another funding source.

PA is a reimbursement program, so documentation of costs is vital. *(See Table 1, next page)*

PA Application Process

Eligible applicants begin the application process by submitting a Request for Public Assistance (RPA) in FEMA's

online Grants Portal at **https://grantee.fema.gov**. The request is reviewed by South Carolina Emergency Management Division (SCEMD) PA staff and then approved by FEMA. The applicant then completes a project application in the Grants Portal describing the type of work performed and documenting costs for which reimbursement is sought. For most project applications, documentation of incurred costs is required (including invoices/payroll, proofs of payment, and procurement). Once the application is complete and submitted, FEMA reviews the application in detail and "obligates" the amount it determines to be eligible.

An applicant can submit one or multiple project applications. SCEMD recommends grouping costs in a rational way, such as for a period of time (e.g., first quarter), a site, or a related set of activities. Vaccination administration and vaccination site support costs should be in a project or projects that include only vaccination-related expenses, and the project title should include "vaccination." As of February 2021, FEMA was prioritizing review of vaccination-related projects.

SCEMD PA staff are available to assist and answer questions throughout the process and will work with applicants to refine and improve applications before submission to FEMA.

The FEMA application review process can be lengthy. The agency is currently backlogged with the volume of project applications and has most projects on hold while it revises eligibility guidance to align with President Biden's January 2021 memorandum.

Two options can help speed the process for certain types of projects:

1. Projects with total costs less than $131,100, which FEMA defines as "small projects," can be reimbursed upon obligation by FEMA based on estimates without the need for additional documentation or review.

2. For projects above $131,100, an applicant can request an expedited project application. An expedited project application will include estimates of what the applicant expects to spend on the eligible work for 30, 60, or 90 days and provide an explanation of how it calculated the estimates. FEMA will review for eligibility of work and projected costs and obligate 50 percent of the total eligible amount, which can be paid by SCEMD to the applicant/subrecipient with no additional documentation. Documentation and reconciliation of actual costs will be required later—before additional funds are obligated and eventually to comply with regulations for project closeout. The subrecipient will be asked to return funds not expended *(Continued on next page)*
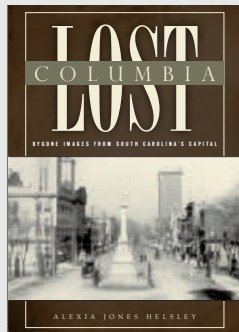
Table 1.

COVID-19 emergency protective measures generally	Security and law enforcement (but not necessarily for reopening or enforcing executive orders)
Emergency operations center costs	Communications of general health and safety information to the public
Training specific to the declared event	Search and rescue to locate and recover members of the population requiring assistance
Disinfection of eligible public facilities (but not for reopening general public buildings or spaces; may be capped at one-time disinfection for some facilities)	Reimbursement for state, tribe, territory and/or local government force account overtime costs (for COVID-19 response)
Technical assistance to state, tribal, territorial or local governments on control of immediate threats to public health and safety	**Specific to support for COVID-19 vaccination distribution and administration, examples of eligible expenses include:**
Emergency medical care: • Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility • Related medical facility services and supplies • Temporary medical facilities and/or enhanced medical/hospital capacity • Use of specialized medical equipment • Medical waste disposal • Emergency medical transport	Personal protective equipment
	Supplies required for storing, handling, distributing/transporting, and administering COVID-19 vaccines (not covered by another funding source); includes freezers, temperature monitoring devices, dry ice, and vaccine storage units.
Medical sheltering • Sheltering must be conducted in accordance with standards and/or guidance approved by HHS/CDC and incorporate social distancing measures • Non-congregate medical sheltering	Transportation support, including transport security when reasonable and necessary
	Facility support costs, including leasing space for storage
	Additional staffing, e.g., overtime and contract (not covered by another funding source and adhering to PA labor policies)
Household pet sheltering and containment actions related to household pets in accordance with CDC guidelines	Onsite infection control
Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment and hazardous material suits (PPE supply for up to 60 days)	Emergency medical care associated with vaccine administration
	Medical waste disposal
Movement of supplies and persons	Communications to disseminate public information regarding vaccinations

on eligible work or not documented in accordance with federal regulations.

Reimbursement Process

Once a project is obligated by FEMA, documents submitted as part of the application in Grants Portal are moved to SCEMD's South Carolina Recovery Grants system (**https://screcovery-grants.org**). The applicant county, now a subrecipient, will need to create one or more requests for reimbursement in the system and link relevant documentation to support expenses claimed. Additional documentation can be added. Similar types of expenses can and should be grouped in one reimbursement request (for example, submitting materials and equipment costs supporting February vaccination sites in one reimbursement request). Each subrecipient is assigned an SCEMD grants specialist who does an initial review for alignment with the FEMA-approved scope of work and federal policy and regulations.

The SCEMD grants specialist may ask the county for additional documentation or explanation to advance the reimbursement request in the SCEMD approval process. Once the request is approved, it generally takes one to two weeks to receive the payment (electronic is preferred, but paper is possible).

Additional Resources

FEMA Public Assistance (PA) eligibility fact sheets for COVID-19 and guidance for vaccination distribution and administration-related costs can be found at **https://screcovery-grants.org/site/covid19.cfm** and **https://www.fema.gov/disasters/coronavirus/governments#finsupport**.

The SCEMD PA team (email: **pa@emd.sc.gov** or phone: 803-367-7756) is available to address questions and assist with the process, including submitting project applications in FEMA's Grants Portal.

SCAC/NACo Partnership Offers New Online Leadership Academy

SCAC recently announced a new partnership with NACo to build strong county leaders. The NACo High Performance Leadership Academy is an online 12-week program that empowers county government professionals with the leadership skills to deliver results for counties.

The NACo Enterprise Cybersecurity Leadership Academy is similarly structured and geared for county employees dedicated to cybersecurity, IT, and risk management. Through the SCAC/NACo partnership, South Carolina counties are eligible for a registration fee of $1,545 (instead of the $2,495 retail price).

For more information about High Performance Leadership Academy, visit: https://www.naco.org/resources/education-and-training/naco-high-performance-leadership-academy.

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SCAC CORPORATE PARTNER PROGRAM

NEW OPPORTUNITIES ...

The South Carolina Association of Counties (SCAC) offers a NEW way to market your company—both efficiently and cost-effectively—to South Carolina's 46 counties! SCAC's Corporate Partner Program provides a comprehensive marketing opportunity to showcase products and services directly to county leaders. The program also offers year-round exposure to county officials and employees at multiple SCAC events, and opportunities to advertise in the Association's quarterly magazine and annual directory. It is never too late to join more than 25 other companies that have already made this investment.

ACCESS ...

If you are looking for ways to build and strengthen relationships with county governments, this new program is for you. As an SCAC Corporate Partner, you will be able to maintain contact with county officials throughout the year. You will also be updated on trends in county government and legislative initiatives.

COST EFFECTIVE ...

This "one stop shop" approach will minimize costs and make it easier for you to budget because you will be able to support the SCAC as a partner at one of the levels for an entire calendar year. Still, "a la carte" options will remain available if you choose to purchase exhibit space at SCAC's Annual Conference and/or advertise.

BENEFITS OVERVIEW ...

- Four levels of partnership — $1,500, $3,000, $5,000, or $10,000
- Complimentary/discounted rates to attend (including premier exposure) two SCAC events — Annual Conference in August, and County Council Coalition Fall Meeting in October. In addition, all Partners will be recognized during the Virtual Legislative Briefing in March.
- Advertising in *County Focus Magazine* and annual *Directory of County Officials* will be included in the top levels and discounted advertising may be purchased at the lower levels.
- Complimentary/discounted rates to attend and exhibit at SCAC's Annual Conference.
- Complimentary promotion on SCAC's website and Annual Conference app.
- Exclusive benefits and exposure at the top levels.
- Complimentary subscription(s) to *County Focus Magazine* and copies of the annual *Directory of County Officials*.
- Benefits will be available on a calendar year basis, and
- Much more!

To learn more about SCAC's Corporate Partner Program, please visit:

www.sccounties.org/corporate-partner-program

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It is not too late! For more information regarding SCAC's New Corporate Partner Program, please visit **sccounties.org/corporate-partner-program** or contact Tish Anderson at **tanderson@scac.sc**. Participation as an SCAC Corporate Partner shall not imply, nor be considered or presented as, an endorsement by SCAC of any service or product provided by the company.

SCCOUNTIES.ORG

S.C. ASSOCIATION OF COUNTIES

SCCounties.org is the primary resource for information about South Carolina's counties and issues affecting county government.

Visitors to the site will find conference schedules, legislative initiatives, and numerous Association publications, including the *Friday Report* and *Legislative Alerts*.

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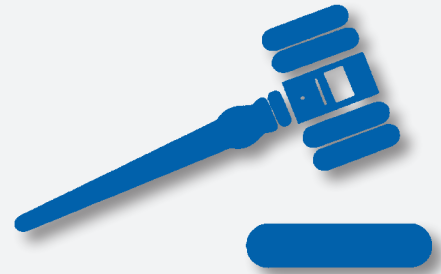
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WHAT IS THE SCAC?

South Carolina Association of Counties, chartered on June 22, 1967, is the only organization dedicated to statewide representation of county government in South Carolina. A nonpartisan, nonprofit organization with a full-time staff in Columbia, SCAC is governed by a 29-member Board of Directors selected by county officials at the Association's Annual Conference.
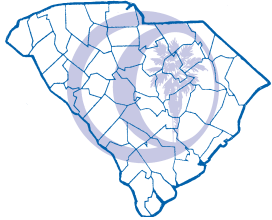
Counties have made tremendous progress since the enactment of the Home Rule Act in 1975. County government has also become more diverse in order to meet the increasing needs of its citizens. SCAC is dedicated to providing programs and services that equip county officials with the tools to govern effectively.

CONFERENCES

■ SCAC provides many opportunities for county officials to meet and learn, among them:

★ Mid-Year Conference — Held in late winter in Columbia, this conference enables all county officials to become better informed about the Association's legislative program. The Association also hosts a reception for all members of the S.C. General Assembly during this conference.

★ Annual Conference — Held in August, this conference is open to all elected and appointed officials. The conference includes a business session, general session, workshops, group meetings, and exhibits of county products and services.

★ Legislative Conference — Held in December, this conference allows members of the Legislative Committee to discuss and adopt a legislative program for the upcoming year. The committee is composed of each council chairman along with the Association's Board of Directors.

EDUCATION

■ The Association, in cooperation with the Joseph P. Riley Jr. Center for Livable Communities at the College of Charleston, conducts the Institute of Government for County Officials (Level I, Level II, and Advanced levels). Clemson University's Master of Public Administration program is a sponsor of the Institute.

This certificate program helps county officials enhance their skills and abilities. Courses are offered at the Annual and Mid-Year Conferences and at the County Council Coalition Meeting in the fall.

SCAC also sponsors a number of webinars on a variety of topics for county officials and employees throughout the year at no charge to counties. Recordings of the webinars are made available in the Association's online educational library via **SCCounties.org/webcasts-and-webinars**.

FINANCIAL SERVICES

■ SCAC offers a number of financial services to its member counties. The Association sponsors two self-funded insurance trusts to provide workers' compensation and property and liability coverage. The trusts are designed specifically to meet the unique needs of local governments.

SCAC also offers the following services through affiliate organizations: GovDeals internet auction of surplus assets; and competitive purchasing discounts through Forms and Supply, Inc. and the U.S. Communities purchasing cooperative.

LEGAL ASSISTANCE

■ SCAC provides legal assistance to county governments by rendering legal opinions, preparing *amicus curiae* briefs, drafting ordinances, and consulting with other county officials.

The Association provides support to counties involved in litigation that might affect other counties. It also sponsors the Local Government Attorneys' Institute, which provides six hours of continuing legal education for local government attorneys.

SETOFF DEBT PROGRAM

■ South Carolina counties are able to collect delinquent emergency medical services debts, magistrate and family court fines, hospital debts, as well as other fees owed to the counties through SCAC's Setoff Debt Collection Program.

Debts are submitted through the Association to the S.C. Department of Revenue to be matched with income tax refunds. The debt is deducted from a refund and returned through SCAC to the claimant.

LEGISLATIVE INFORMATION

■ The S.C. General Assembly convenes each January in Columbia and adjourns *sine die* in May. One in every four bills introduced affects county governments.

SCAC monitors each bill as it is introduced and keeps its members up-to-date on all legislative activity with a weekly *Friday Report*. The Association also dispatches Legislative Alerts and publishes *Acts That Affect Counties* each year.

PUBLIC INFORMATION

■ SCAC publishes an annual *Directory of County Officials* listing addresses and telephone numbers of county offices and their elected and appointed officials. The Association also publishes *Carolina Counties Newsletter* five times a year to keep the Association's membership informed about legislation and various county news. *County Focus Magazine* is published four times a year and features articles on county trends, innovations, and other subjects of interest to county officials—including a "County Update" section.

RESEARCH AND TECHNICAL ASSISTANCE

■ SCAC provides research and technical assistance in many areas to those counties that request it. The Association staff annually responds to hundreds of inquiries from county officials ranging from simple requests for a sample ordinance to more complex questions requiring considerable research. The Association also develops technical research bulletins and conducts surveys on a variety of subjects. Regular publications such as the *Wage and Salary Report*, *Home Rule Handbook*, *A Handbook for County Government* in South Carolina, and *Case Law Affecting Local Government* are made available to county officials.

SCAC's website address is:

SCCounties.org

The site provides county officials with the latest information on SCAC programs, services, and meetings as well as legislative information, research and survey results, and links to other local government resources.

SOUTH CAROLINA ASSOCIATION OF COUNTIES

Advocacy. Education. Collaboration.

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SCAC-Sponsored Insurance Trusts

SCCWCT
South Carolina Counties Workers' Compensation Trust

SCCP&LT
South Carolina Counties Property & Liability Trust

History of the Trusts

The S.C. Counties Workers' Compensation Trust (SCCWCT) was formed in 1984 with only 11 counties. Today, the membership consists of 41 of South Carolina's 46 counties and an additional 47 county-related entities. SCCWCT is approved as a self-insured trust by the S.C. Workers' Compensation Commission in accordance with South Carolina statutes. It provides statutory workers' compensation coverage for its members.

The S.C. Counties Property & Liability Trust (SCCP&LT) was formed in 1995 due largely to the success of the Workers' Compensation Trust. SCCP&LT started with only four members and now has 24 members, including 16 counties.

Boards of Trustees

The Trusts were designed by and for county government with the goal of providing insurance to counties at the lowest rates possible, while providing services uniquely tailored to the needs of county governments. The Boards of Trustees are made up of county officials who are elected by the SCAC's Board of Directors. Although not a requirement, both boards currently share the same membership.

Risk Management

Because member contributions (premiums) are based both on the accident histories of the individual counties (experience modifiers) and on the membership as a whole, both Trusts employ very aggressive risk management strategies. The philosophy adopted by the Trusts is that, if accidents are caused, they can be prevented. Risk Management services are provided by the SCAC staff. The payoff is lower premiums and a safer working environment.

Claims Administration

SCAC's staff administers the S.C. Counties Workers' Compensation Trust and S.C. Counties Property & Liability Trust. ■

Staff Training Opportunities During COVID-19

By Robert Benfield, ARM, AINS, SCAC Director of Risk Management Services, and
Van Henson, CPM, SCAC Risk Manager

During these challenging times with so many employees working from home and reduced staffing levels, it can be difficult to conduct training and provide educational opportunities for your employees.

While the SCAC is still providing on-site training, hazard assessments, and other site-specific services, we also offer access to a variety of FREE online training programs and resources.

Safety Source

This resource contains more than 700 online videos, broken out by 24 categories. These videos range in topic and duration and are an effective way to enhance your risk management program.

In the Line of Duty

We contract with a vendor named In The Line of Duty who provides FREE access to online reality-based law enforcement and detention center training for all of our Insurance Trusts' members.

Their website provides access to more than 300 training videos which are approved by the South Carolina Criminal Justice Academy for continuing law enforcement education credits. There are currently more than 5,000 officers in South Carolina signed up to receive this training.

SCAC Risk Management Webinars

We have a variety of resources and videos available on our website for your review. Please visit **www.SCCounties.org**, hover over the Programs tab, select Insurance Trusts, and select Online Video Library. This link provides you with access to archived streaming videos and handouts from SCCPL&T and SCCWCT webinars and webcasts. Here are some of the topics available:

2021 Risk Management Awards
Robert Benfield, ARM, AINS, SCAC Director of Risk Management Services
Van Henson, CPM, SCAC Risk Manager

Effective Property and Liability Claims Reporting and Investigation
Mark McKinney, SCCPLT Claims Manager
Chris Hinson, SCCPLT Senior Adjuster

OSHA 300 Recordkeeping and Injury & Illness Reporting Requirements
Van Henson, CPM, SCAC Risk Manager

SCAC Resources

SCAC has a variety of resources and videos available on its website for your review. Please visit **www.SCCounties.org** and click on the tabs for Resources, Events & Education, or Programs to access various resources and information.

Here are some of the archived webinars and webcasts available under the Events & Education, Webcasts and Webinars section:

Henry H. Livingston III
Newberry County
Council Chairman

Gary M. Mixon
Sumter County
Administrator

Debra B. Summers
Lexington County
Council Member

Steve Willis
Lancaster County
Administrator

SECRETARY/ TREASURER
Timothy C. Winslow
Executive Director, SCAC

Families First Coronavirus Response Act
Joanie Winters, Winters Law Firm
Chris Johnson, Gignilliat, Savitz and Bettis, LLP

HR Considerations for Re-Opening County Operations
Joanie Winters, Winters Law Firm
Marshall Newton, Gignilliat, Savitz and Bettis, LLP

Anti-Harassment: The Obvious and Not So Obvious
Linda Edwards, Gignilliat, Savitz and Bettis, LLP

Preventing Workplace Violence
John Henderson, ARM, ALCM, SCAC Director of
Insurance Services
Van Henson, CPM, SCAC Risk Manager

Your employees are your county's greatest asset and providing them with access to training is critical to their safety and security. If you do not already have online access to any of the training programs offered above, please contact Robert Benfield, **Rbenfield@scac.sc**, or Van Henson, **Vhenson@scac.sc** to discuss these training opportunities.
We look forward to talking with you soon.

Dust Control - Road Stabilization

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County Land Use Boards and Commissions

By John K. DeLoache, SCAC Senior Staff Attorney

The S.C. Comprehensive Local Government Planning Enabling Act (Planning Act) encourages counties to develop long-term land use planning programs. The Planning Act empowers counties to create two main land use planning bodies to oversee aspects of the county's comprehensive planning program: the Planning Commission and the Board of Zoning Appeals. Each of these bodies is endowed with its own legal authority, functions, and limitations that are established by the General Assembly in the Planning Act. Because the authority of these bodies is established by statute, they can't be alternatively performed by county councils.

The Planning Commission

Counties that choose to engage in the regulations of land development in the unincorporated areas must establish a Planning Commission. After its creation, the Planning Commission is charged with the continuous planning effort for physical social and economic development of the county—SC Code Section 6-29-340(A). County councils should appoint commission members representing a "broad cross section of the interests and concerns" of the county. Councils should also consider a prospective member's professional expertise and knowledge of the community.

To achieve the Commission's statutory goals, the Planning Act gives the Commission the following powers:

- To create and recommend to county council the adoption and subsequent amendment of a comprehensive plan that promotes the public health, safety, morals, efficiency, economy prosperity and general welfare of the county. The plan must include specific elements set out by the Planning Act in SC Code Section 6-29-510(D) and be based on comprehensive surveys and studies of existing conditions and probable future development.
- To develop and recommend for adoption by county council land development ordinances, regulations, and policies, such as a Zoning Ordinance and subdivision regulations.

- To administer the land and subdivision regulations that have been adopted by council. All development regulations should have an established procedure for the Planning Commission to follow, upon which the body will approve or reject plans/plats submitted by developers.

While the Planning Commission has authority to administer land development regulations generally, they do not have the authority to grant variances, or special exceptions to individuals from the requirements of the county's zoning ordinance. The Planning Act specifically reserves those functions to the county's other main planning body: The Board of

Zoning Appeals.

The Board of Zoning Appeals

Nearly three-quarters of South Carolina's counties have adopted some form of zoning in at least part of the unincorporated area of the county. The Planning Act requires that if a county intends to use zoning to regulate land use, it must establish a Board of Zoning Appeals (ZBA). Unlike the Planning Commission, the Planning Act does not specify any particular expertise or experience that county council has to consider when appointing members.

A ZBA is a quasi-judicial board whose powers include:

- Hear and decide appeals from the decisions of the county zoning administrator or professional staff.
- Grant or deny of variances or special exceptions from the county zoning ordinance if strict application of the ordinance would create a hardship on the landowner due to some unique aspect of the property. The ZBA however does not have the authority to allow a use that is contrary to the current zoning classification.
- In cases where a party or witness before the ZBA is found to be in contempt of the board during a hearing, the board has the authority to certify the facts to the circuit court for the imposition of penalties.
- The authority to remand a matter to the zoning administrator/professional staff if the ZBA believes it does not have adequate information for review.

The ZBA must issue a written decision that sets out each of its findings of fact and conclusions of law. The written decision must be sent to the parties by certified mail and maintained by the county as a public record. The decisions of the ZBA are subject to appeal only to the applicable circuit court.

For more information on the authority of Planning Commissions, Boards of Zoning Appeals, or land use planning in general, SCAC has published the *Guide to Land Use Planning For South Carolina*. You can find it on the SCAC website under the publications tab at **www.SCCounties.org/resources**.

Programs Help Expand Broadband in Rural Counties Across South Carolina

By Landon Masters, Community Outreach & Communications Manager
S.C. Office of Regulatory Staff

The closure of most workplaces and schools nationwide made clear the importance of internet access for all Americans. In identifying this need, federal, state, and local governments are working together to provide funding to help expand broadband access across South Carolina.

The S.C. Office of Regulatory Staff (ORS) successfully completed the administration of Coronavirus Aid, Relief, and Economic Security or "CARES Act" funds in December 2020 and launched a Rural Broadband Grant Program in March 2021 to help expand broadband to rural counties in the state. The CARES Act provided additional funding for broadband infrastructure deployment to enhance distance learning, telehealth services, as well as other needs.

The S.C. General Assembly passed Act 142 authorizing the ORS to expend up to $50 million for broadband initiatives related to COVID-19. Through the Online Learning Initiative, Broadband Infrastructure Program, and mapping and planning efforts, many more South Carolinians now have access to reliable, high-speed broadband internet. The Online Learning Initiative procured more than 100,000 mobile hotspots and wired internet service for qualifying student households in more than 115 school districts and institutions of higher learning statewide. The program was transferred to the S.C. Department of Education in December 2020 to manage service through June 2021.

The ORS launched the state's Broadband Map in December 2020, creating an accessible platform for the public to see where broadband is—and isn't—available in South Carolina. Based on broadband data provided, users can input their address to show download speeds, the connection type, and the providers offering service to their address. The map does not reveal the provider, if any, a consumer may currently have service with at the particular address.

The ORS has an agreement with Ookla to obtain Speedtest Intelligence data for fixed broadband networks in South Carolina. Any South Carolina resident can download the free app and begin testing their networks to instantly tell if their home is receiving the FCC-recommended service level of 25/3 Mbps (download/upload). The S.C. Broadband Map leverages the data and will get more accurate every time a consumer launches the app and runs a Speedtest.

The Broadband Infrastructure Program helped to expand broadband access to almost 20,000 structures in the state. The ORS funded 78 applications for projects in 27 counties. Until completion, companies were required to report on the progress of their projects to the ORS. Fourteen companies completed infrastructure projects in December 2020, thereby helping to expand broadband availability to homes, businesses, educational institutions, and health-care facilities in South Carolina.

The ORS also partnered with SCETV, USC Salkehatchie, Allendale County School District, the Allendale Hampton Jasper Regional Library, and Revolution D, Inc. to launch a pilot program allowing free Wi-Fi to students and/or the public, together with residential broadband service, in Allendale County. Project partners worked with Palmetto Rural Telephone Cooperative to get fiber backhaul and Dominion Energy to get electricity to the SCETV towers located in Allendale County. Equipment was installed on the towers that will provide approximately 1,000 residents with fixed wireless (citizen broadband radio service) access to broadband service.
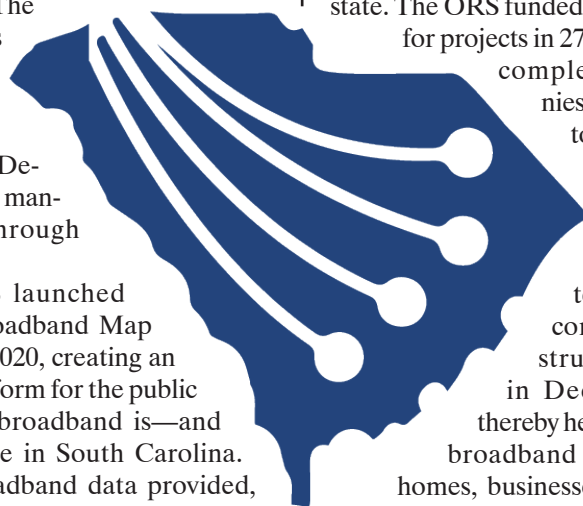
In March 2021, the ORS launched a $30 million competitive grant program called the 2021 SC Rural Broadband Grant Program (RBGP). The program is a collaboration between the S.C. Department of Commerce and the ORS. RBGP was created to provide funding for high-speed broadband projects to support economic development and enhance quality of life in eligible rural counties. The program will provide financial assistance to install and deliver broadband infrastructure in unserved areas of 14 eligible counties and 15 contiguous counties in South Carolina. Applicants are required to provide a 1:1 match of nonpublic funds for any project receiving grant funds, and the funds may only be spent in eligible counties.

The ORS has developed an "Areas of Need" broadband availability map showing premises meeting 25/3 Mbps (download/upload) speeds. Projects will be prioritized based on areas with the most need.

There are many opportunities for the expansion of broadband infrastructure in South Carolina, and projects will focus on providing access to counties in some of the most rural areas of the state. Local government and counties can reach out to potential broadband companies to see if their area is included in an eligible project. Local government and counties can also contact the ORS to share information on potential areas that do not currently have access to— but would benefit from— broadband access. Projects are expected to be completed by Oct. 31, 2022.

More information can be found at **ORS.SC.GOV/broadband**.

SCAC's 2021 Directory of County Officials

SCAC's *2021 Directory of County Officials* was published and distributed in March. 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 Partners; 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 *2021 Directory of County Officials,* please contact:

SOUTH CAROLINA ASSOCIATION OF COUNTIES

PO Box 8207
Columbia, SC 29202-8207

803-252-7255
E-mail: smorgan@scac.sc

A Roadside Guide to Dillon County

The County's Role in the American War for Independence

By Alexia Jones Helsley
www.historyismybag.com

Dillon County's Role in the American War for Independence

Dillon, created in 1910, is one of South Carolina's newer counties. At the time of the American Revolution, Dillon was part of Old Cheraw District. After the Revolution, the area that became Dillon was in upper Marion District.

Consequently, much of the Revolutionary activity in Dillon reflected the unstable conditions of the Pee Dee as Loyalists and Patriots (Whigs) vied for control. Several skirmishes and raids occurred in Dillon County. Given the uncertainty of the times, these are probably only the tip of the proverbial "iceberg."

Lost Columbia: Bygone Images of South Carolina's Capital City
(Charleston: the History Press, 2008)

Lost Columbia combines an overview of the turbulent history of Columbia with rare and little seen images of the city's destruction in 1865, the Assembly Street farmers' market, the changing face of Main Street and lost institutions and neighborhoods.
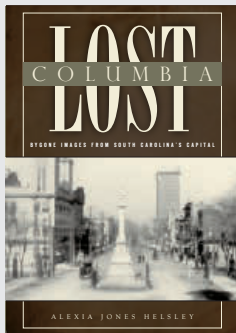
Lost Columbia is available in bookstores such as Barnes & Noble, from Amazon.com, or by mail from AJH Historical Enterprises, P.O. Box 3683, Irmo, SC 29063.

Clashes between Loyalists and Patriots were inevitable.

Rouse's Ferry (September 1780)

Rouse's Ferry on the Pee Dee River was the site of a skirmish between Patriot and Loyalist militia. Among the Patriots fighting that day was Jarratt Whittington. Lt. Whittington fought under Captain Clayborne/Claiborne/Clayburn Hinson and Lt. Colonel Lemuel Benton in 1779 and 1780. Benton, according to Bobby Moss, served under Francis Marion. At Rouse's Mill, fighting with Hinson and the Cheraw militia, he was wounded. A shot through his right foot left Whittington crippled. According to J. D. Lewis, Hinson's troops were scavenging for cattle when they unexpectedly encountered Loyalist militia.

Bear Swamp (October 30, 1780)

In October 1780, North Carolina militiamen commanded by Colonel Thomas Brown were camped in Bear Swamp near the Little Pee Dee. Captain Jesse Barefield/Barfield and a force of Loyalists surprised the encampment. The Patriots grouped and successfully defended their position. Brown's troops killed and captured several Loyalists, but enemy fire mortally wounded Captain Samuel Anderson. Earlier in October, Brown received intelligence that Barefield planned to rally Loyalists in the vicinity of the Little Pee Dee. Brown remained in the area in order to disrupt Barefield's activities. Although wounded, perhaps shot through the hand, Captain Barefield escaped. Barefield is also considered responsible for the death of Gabriel Maron, Francis Marion's nephew.

Hulin's/Hulen's Mill (April 27, 1781)

*(*William Thomas Sherman's *Calendar and Record of the Revolutionary War in the South 1780-1781* gives the date as April 10, 1781.*)*

Hulin's Mill was on Catfish Creek. Near the mill, Patriot troops commanded by Colonel Abel Kolb, Major Lemuel Benton and Captain James Dabbs unexpectedly encountered a force of Loyalists. John Deer and Osborne Lane

Dillon County ...

(Continued from P. 41)

commanded the Loyalist contingent. Patriots killed Deer, wounded Lane (who escaped) and hanged Caleb Williams. Deer, Lane and Williams were prominent Loyalists who raided Patriot families in the area. Kolb was a key link in limiting Loyalist actions in the Pee Dee region and supported the efforts of Brigadier General Francis Marion.

This example of Kolb's determined suppression of Pee Dee Loyalists was a factor in his brutal murder. On July 28, 1781, Captain Joseph Jones recruited a group of Loyalists and surrounded Kolb's home near Society Hill. As Kolb emerged, they shot and killed him within view of his wife and children. The Loyalists then looted and burned the Kolb home. Within a few minutes, the Kolb children were fatherless and homeless.

The Revolutionary years were a dangerous time. Bands of Patriots and Loyalists raided the countryside and occasionally clashed as the war for American Independence unfolded.

CORRECTION

In the previous Roadside Guide Column on Darlington County's Role in the War of the American Revolution, published in the winter issue of *County Focus Magazine* (Vol. 31, No. 4), please ignore the Marr's Bluff/ Hunt's Bluff discussion as neither site is in Darlington County.

SCAC's Digital Communications:

Are You in the Know on the S.C. General Assembly's Actions and Association Events?

    SCAC is now distributing *Friday Reports*, *Legislative Alerts*, and conference registration information digitally through social media, Constant Contact emails, and on its website. Paper copies will no longer be mailed. As local leaders, SCAC wants to make sure all county officials and staff members continue to receive critical legislative and conference information. If you have not been receiving the *Friday Report* e-mails, please contact Jennifer Haworth, SCAC Member Services Coordinator, at **jhaworth@scac.sc** or (803) 252-7255.

    Follow SCAC on Facebook, Twitter, and LinkedIn to learn what's happening at the State House and how SCAC's programs, services, and conferences can benefit your county. Find us at SCCounties on Facebook and Twitter, and South Carolina Association of Counties on LinkedIn. Help us amplify your county's good news by tagging SCAC in your posts and/or using the #SCCounties, #LocalLeaders, and #StatewideStrength hashtags.

The Palmetto Directory

Businesses selling products and services to South Carolina's counties

Also see advertising index, page 52

A New SCAC and NACo Partnership:
Take Your Leadership Skills to the Next Level by Attending NACo's Leadership Academies

SCAC is pleased to announce a new partnership with NACo to build strong county leaders. The NACo High Performance Leadership Academy is an online 12-week program that empowers frontline county government professionals with the leadership skills to deliver results for counties. The NACo Enterprise Cybersecurity Leadership Academy is similarly structured and geared for county employees dedicated to cybersecurity and IT.

NACo launched these programs in partnership with the team from the Professional Development Academy, including General Colin Powell, Dr. Marshall Goldsmith, and many other executives from both private industry and government agencies.

Over 1,600 counties have enrolled emerging and existing leaders since the launch of the program last year, with incredible feedback and results. In fact, the positive feedback and demand for this NACo program has been truly unprecedented.

99% State Participation

💼 **3,300+** County Participants

🗺️ **1,600+** Counties

$ **4m+** In Scholarship Savings

The programs have proven relevant and practical for leaders and are convenient and non-disruptive to busy schedules. The 12 weeks of content are expertly facilitated online, and it takes about 4-5 hours per week for participants to fully engage in the program.

> $1,545 per enrollee for South Carolina counties. The retail price is $2,495.

To enroll visit the NACo High Performance Leadership Academy and NACo Enterprise Cybersecurity Leadership Academy webpages at naco.org/skills. For questions and assistance in enrolling please contact Luke Afeman at lukea@pdaleadership.com, Professional Development Academy/NACo Leadership Academy.

"This is a transformational leadership program that has proven to be the most scalable, cost effective, and efficient way to make your leaders better."

General Colin Powell

"The commitment of time and energy towards this program served as an important reminder of the value of continued learning and professional development...for all levels of public servants/leaders. The High Performance Leadership Program completely reignited my passion and commitment to my career in local government service."

Beth Goodale
Georgetown County (SC) Recreation
& Community Services Director

"I think it would be helpful to all levels of leadership in the organization, but especially to mid-level managers that are seen as "rising stars"...I thought it was an excellent program."

Clay Killian
Aiken County (SC) Administrator

The more energy you need,
the more you need
an energy company like us.

More companies with energy-intensive needs are choosing to call
South Carolina home. Why? Because we are delivering affordable energy
with unmatched reliability. What's more, they also enjoy easy, streamlined
connections and a strong business climate. Find out how we can help
power your business too.

Dominion Energy®

Actions Speak Louder℠

County Update

Keeping you informed about what's happening in South Carolina's counties.

Bamberg County

● The Accounting Firm of Love, Bailey, and Associates announced on April 5 that Bamberg County had earned an Unmodified Opinion on the county's financial audit for the Fiscal Year 2019-20. An unmodified opinion (clean record) indicates that the independent auditors found the county's financial statements are appropriately presented and comply with generally accepted accounting principles. This is the best opinion a county government can earn, and this is the sixth consecutive year the county has earned one in its audit.

● Bamberg County announced on March 11 that the county's Emergency Services had received a supply of COVID-19 tests at no cost from the S.C. Department of Health and Environmental Control (DHEC). The tests, manufactured by Maverick Health, were approved for at-home COVID-19 testing using a saliva sample that is sent to a laboratory for PCR analysis.

Charleston County

● Charleston County announced on April 7 that the U.S. Treasury had awarded $12.4 million to implement an Emergency Rental Assistance Program (ERAP) to help stabilize housing and provide greater peace of mind to the county's most vulnerable renters. Payments for eligible applicants will be made directly to the landlord, property management agency or utility provider for rent or utilities accrued after March 13, 2020 and up to a maximum of 12 months.

The funding is part of $25 billion allocated through the federal Consolidated Appropriations Act to help states and local governments with populations over 200,000 establish ERAP programs. Funding will help low-income renter households at risk of experiencing homelessness or housing instability, and where one or more household members qualify for unemployment benefits or have experienced financial hardship due, directly or indirectly, to the pandemic. The priority will be to cover housing-related payments that are past due.

● Mercedes-Benz Vans, LLC, a part of the global Mercedes-Benz Vans production network, announced plans on April 7 invest $59 million to build the next generation eSprinter van in Charleston County. Based on a new Electric Versatility Platform announced at the end of 2020, the next generation of the eSprinter targets new customer segments and markets, including the USA and Canada. The eSprinter van will be built in three locations: North Charleston, Düsseldorf and Ludwigsfelde in Germany.

Located at 8501 Palmetto Commerce Park in North Charleston, Mercedes-Benz Vans, LLC assembles the world's leading large van—the Sprinter. The company has operated its current van assembly operations in North Charleston since 2006. This location had assembled more than 200,000 Sprinter and Metris vans, which have been delivered across the United States.

★ Counties Reporting in This Issue of County Update:

Abbeville	Greenwood
Aiken	Hampton
Allendale	★ Horry
Anderson	Jasper
★ Bamberg	Kershaw
Barnwell	Lancaster
Beaufort	Laurens
Berkeley	Lee
Calhoun	Lexington
★ Charleston	Marion
Cherokee	Marlboro
★ Chester	McCormick
Chesterfield	Newberry
Clarendon	Oconee
Colleton	Orangeburg
Darlington	Pickens
Dillon	Richland
★ Dorchester	Saluda
Edgefield	Spartanburg
Fairfield	Sumter
★ Florence	Union
★ Georgetown	Williamsburg
Greenville	York

SCAC Now Offers Orientation for Newly Elected County Officials Webinars Online!

SCAC has now made the Orientation for Newly Elected County Officials webinars available online! Both part one and part two have been combined into a single course on SCAC's Learning Portal.

County officials can take this online course to learn important information on topics such as the structure of county government, the roles and responsibilities of county council, and the various services and programs SCAC offers among many other topics.

Upon completion, participants will receive credit in the Institute of Government for County Officials for both Orientation to County Government I and Orientation to County Government II, which are both Level I required courses.

This is a great opportunity for county officials to begin earning credit towards a Level I certificate.

In order to access the course on SCAC's Learning Portal, officials will need to first have an account with SCAC. For assistance, please contact Ryan Tooley, SCAC, at **rtooley@scac.sc** or (803) 252-7255.

Lancaster County Courthouse

Horry County Judicial and Administration Complex

York County Government Complex

Enhancing the
Experience

Scan to learn more

Through a recent acquisition, **Stevens & Wilkinson joined SSOE Group's** national platform, expanding its Southeast presence, capabilities, and overall portfolio.

SSOE | Stevens & Wilkinson creates sustainable environments that are culturally and socially significant, projects that have a lasting and positive impact on our communities.

1501 Main Street, Suite 730 Columbia, SC 29201 | www.ssoe-sw.com

SSOE®

S&W

County Update ...

Production of the eSprinter is expected to start by second half of 2023.

- Charleston County's Public Safety Directorate has received its Unified Mobile Command Unit (UMC). The UMC will allow multiple public safety agencies to work together to manage emergency situations and improve public safety communication.

The UMC will be shared between Charleston County's Consolidated 9-1-1 Center, Emergency Management, Emergency Medical Services, the Awendaw-McClellanville Fire Department and the Charleston County Sheriff's Office. The UMC will be used for large crowd events, such as the Cooper River Bridge Run and PGA. Other counties and agencies will also have the ability to utilize it for major public safety incidents.

- Charleston County EMS (CCEMS) won first place at the S.C. EMS Symposium, held on March 12 in Myrtle Beach. **Brandon Darby** and **Michael Bisnett**, who won a regional competition earlier this year that qualified them for the state championship, competed against four other teams from across the state to win the top award.

- Charleston County Council hired **Natalie Ham** as county attorney on March 4. Ham, who served as General Counsel for Charleston County School District when she was hired, previously served as Assistant City Attorney for the City of Columbia, and Assistant Attorney General under Gov. Henry McMaster.

She received a Bachelor of Science, Masters in Public Health and Juris Doctorate from the University of South Carolina. She is a member of the board of directors for the Charleston Symphony Orchestra, the S.C. Bar's Judicial Qualification Committee and a Riley Fellow Graduate of the Riley Institute's Diversity Initiative.

- Van Henson, SCAC Risk Manager, presented Charleston County Council and the County Risk Management and Safety (RMS) Department the Outstanding Safety Achievement Award on March 1 for the county's efforts to better report and track workers' compensation claims. Each year, the SCAC recognizes counties that have made significant achievements in risk management and safety programs.

- T-Mobile US, Inc., one of the largest wireless network operators in the country, announced plans on March 3 to expand its operations in Charleston County. The $10.2 million investment in its Customer Experience Center is expected to create up to 540 new jobs, bringing the Charleston County location to a total of approximately 1,540 full-time employees. Headquartered in Bellevue, Wash., T-Mobile delivers a large and fast nationwide 5G network that offers reliable connectivity for customers.

Chester County

- Alliance DriveAway Solutions, Inc. has purchased the former I-77 Speedway track, located at 2657 Lancaster Highway in Chester, and announced a $4.5 million project to build its corporate headquarters, driving training facility and storage lot for semi tractors at the 29-acre site. The track, established in the 1980s and closed since 2013, will be demolished.

- The Chester County Courthouse's Register of Deeds Office announced in April that it had: revamped security with cameras, metal detectors, security guards and security monitors; increased awareness for COVID measures including temperature scanning, masks, social distancing protocols, and hand sanitizer dispensers, glass in courtroom and offices; and implemented protocol measures for extreme weather conditions, fire, bomb threats, active shooter etc.

- The Register of Deeds Office also announced that it had scanned deed records as far back as the 1790s; that, beginning in July, mortgages (currently scanned back to 1974) will be scanned as far back as 1965; that all records, which are indexed and scanned, are now available online for viewing and printing at **SCLANDRECORDS.COM**; that E-recording is in place for anyone who wishes to file and submit documents electronically, for both the Register of Deeds and Common Pleas/Civil Court; that technology had been implemented to permit virtual courtroom and digital court reporting; and that debit cards will now be used to pay jurors more efficiently and easily.

Webcasts and Webinars

NEW!

SCAC has now made the Orientation for Newly-Elected County Officials webinars available online! Both part one and part two have been combined into a single course on SCAC's Learning Portal.

For assistance, please contact Ryan Tooley at rtooley@scac.sc or (803) 252-7255.

SCAC's 2021 Conference Calendar

July 30 – Aug. 1	**Institute of Government for County Officials**
Aug. 1 – 3	**Annual Conference**
	Hilton Head Marriott

You can register and pay online for SCAC conferences at www.sccounties.org/meetings.

NACo's 2021 Conference Calendar

July 9 – 12	**Annual Conference**
	Prince George's County, Md.
	Gaylored National Resort and Convention Center

Dorchester County

● On March 16, Dorchester County Fire-Rescue Training Chief, **Shaun Gadsden**, earned the designation of Chief Fire Officer. Chief Gadsden is one of only 1,550 CFOs, worldwide.

● On March 19, **Phil Hart** joined Team Dorchester County as the Deputy Director of Human Resources.

● On March 28, Dorchester County announced (virtually) that the County's new Emergency Operations Center is under construction.

● On April 9, **Tiffany Norton**, Dorchester County PIO, graduated from the Local Government Leadership Institute.

● On April 16, **Craig Lloyd**, Dorchester County Communication Coordinator, completed the Advanced Public Information Course.

● On April 16, **Jason L. Ward**, County Administrator, and **Kiera Reinertsen**, Planning & Zoning Director, graduated from the High-Performance Leadership Academy.

● On April 16, **Jason Walters**, Chief Information Officer, graduated from the Cybersecurity Leadership Academy.

● On April 16, CPL **Forrest Thompson** was honored as the Sheriff Deputy of the Year.

● On April 19, **Lori Cox**, **Sandy Bartram**, and **Lisa Irwin**, with Dorchester County EMS earned their Ambulance Coder Certifications from the National Academy of Ambulance Compliance.

● On April 29, the S.C. Chapter of the Public Relations Society of America announced Dorchester County as a Silver Wing Award recipient for the County's (external) Quarterly Newsletter, *Your County. Your News*.

● On April 29, the S.C. Chapter of the Public Relations Society of America honored **Tiffany Norton**, Dorchester County PIO, as the Chapter Volunteer of the Year for her work and dedication on the Board of Directors in 2020.

● On May 18, Dorchester County held a ribbon-cutting ceremony for the Trident Technical College Dorchester Campus.

Florence County

● **Dusty Owens**, Director of Florence County Emergency Management, will retire on May 28. After serving in the U.S. Army for 12 years, Owens worked for the S.C. Emergency Preparedness Division (SCEPD) from 1992 to 1997. His last assignment with the SCEPD was as State Exercise and Training Officer.

Owens served as Emergency Services Director for the Pee Dee Chapter of the American Red Cross in 1997. He was hired to serve as Florence County Emergency Preparedness Manager in 1998 and promoted to Emergency Preparedness Director in 1999.

Florence County merged the services provided by the 9-1-1 Central Dispatch Center, 9-1-1 Addressing Office, Radio Communications Department and Emergency Preparedness in July 2000 under a newly created Department of Emergency Management. Owens, who served as director, led the department as it grew from a 2 to 56 employees. He was credited with playing a key role in the success of the department's restructuring.

Owens, a native of Florence, received his Bachelor of Science degree from Francis Marion University in 1980 and Master of Science degree in Emergency Management from Jacksonville State University in 2013.

Georgetown County

● Georgetown County, which recently upgraded its email system, announced on March 31 that it will be launching an improved and much more user-friendly website on May 1. The address will remain **gtcounty.org**, but it will have some great new features, including an alert center where you can decide exactly how much information you would like to receive from the county and how often.

● **Karis Langston**, a longtime employee of Georgetown County's Finance Department, was recently promoted to department director. She has served as interim director since September. Langston joined Georgetown County's staff in 1998 as a budget and financial analyst, and has served the county for more than 20 years.

Prior to joining the Georgetown County team, she worked in finance for several private companies in Georgetown and Mount Pleasant. She studied at Purdue University in Indiana and later received her Associate's degree in accounting from Horry-Georgetown Technical College. She is currently pursuing her bachelor's degree in accounting from Western Governors University.

● **Ray C. Funnye**, Georgetown County's Director of Public Services, recently received the American Medical Association's (AMA) prestigious Award for Outstanding Government Service. Funnye, who grew up in Plantersville, has served Georgetown County for almost 30 years., where he oversees more than 100 employees and seven divisions.

He ensures public health by managing the County Stormwater Division and safeguarding access to clean water in coastal communities. As founder and executive director of The Village Group, he also engages the Plantersville community through literacy, after-school, and summer programs for local youth. The Village Group also takes children on field trips to museums, universities, and businesses.

● **Maj. Sharon Morton** retired on March 19 after working for the Georgetown County Detention Center for 35 years.

The Sheriff's Office hosted a send-off luncheon for her, attended by Morton's family and co-workers, Sheriff **Carter Weaver**, Chief Deputy **Wayne Owens**, Detention Center Director **Neil Johnson** and **Claude Bibb**, who

Counties and County Seats of South Carolina
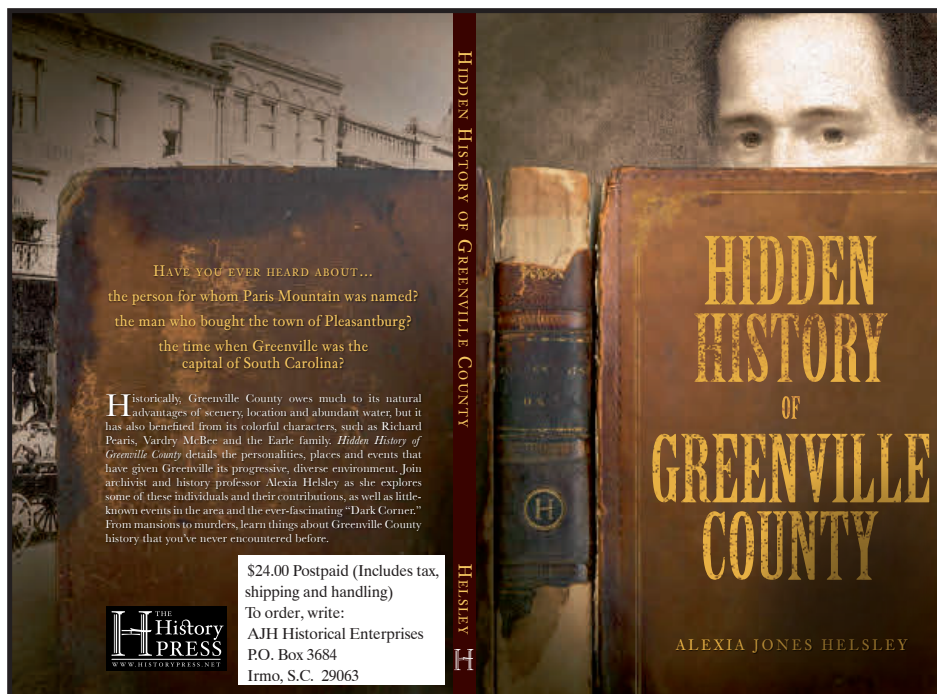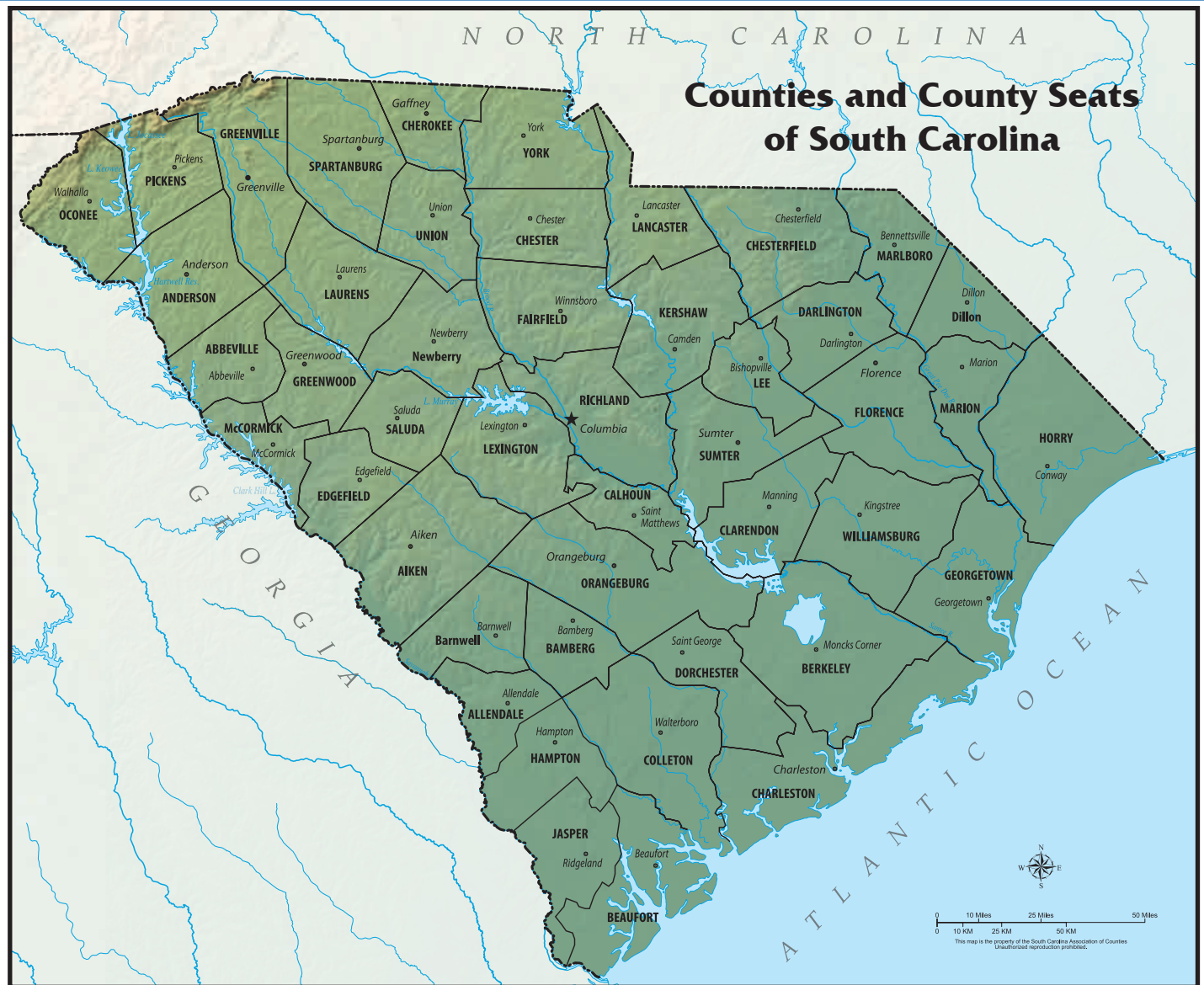
asked Morton to apply for the job back in 1986. Sheriff Weaver presented Morton with a shadow box containing her badge, patches, a key and other memorabilia from three and a half decades in law enforcement. Capt.

Joanne Clarey presented her with a framed and officially signed "certificate of release."

Horry County

● The Horry County Parks & Open Space Board, Horry County Parks & Recreation, *(Continued on next page)*

Horry County Planning & Zoning, and Keep Horry County Beautiful held a Discovery Trail Installation and Keep Horry County Beautiful Recognition Event on April 17 at the South Strand Recreation Center, located at 9650 Scipio Lane, in Myrtle Beach.

Volunteers planted gardens and trees, spread mulch, painted sidewalk murals, and installed signage along the trail. The event was held to help celebrate Keep Horry County Beautiful volunteers, adoption groups, and partners who graciously assist with reducing litter in the county.

The Discovery Trail installation was partially made possible through a S.C. Recreational Trails Program (RTP) grant that contributed $85,000 toward trail improvements at the South Strand Recreation Center. Additional landscaping items (plants, mulch, etc.) will be added thanks to funding from Keep Horry County Beautiful and the Parks and Open Space Board. The event was free and open to the public.

● The S.C. Disaster Recovery Office SCDRO on March 9 announced the approval of CDBG-mitigation funding for Horry County that will help buy out properties from flood victims in the Socastee area of the county. SCDRO approved $13 million in buyout funding to purchase approximately 60 homes and to fund two major mitigation projects in the Bucksport area.

The program will pay the cost of purchasing, demolishing, and stabilizing lots for more than 60 flood-prone homes along the Intracoastal Waterway in Socastee. Homes outside of the targeted area will apply directly to SCDRO—more information is available on their website at **https://florence. scstormrecovery.com/**.

The Palmetto Directory Index

(See page 44)

What is a secured load?

A load is secure when nothing can slide, shift, fall, or sift onto the roadway, or become airborne. Tie down using rope, netting, straps, or chains; or cover your load with a tarp.

Loose items — lightweight or heavy, individual items and bagged, can fly out of a vehicle or truck bed. Each year, heavy items such as large truck tires, spools of wire, and large pieces of wood fall from vehicles and end up on our roadways creating hazards for motorists.

Take the time to always secure your load.

Even with a small load, items can shift and become loose or airborne. Don't risk it – secure your load.

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Litter Trashes Everyone

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