



MINUTES
Special Meeting
Sumter County Council
Tuesday, September 14, 2021 - Held at 5:30 p.m.
County Administration Building -- Third Floor
County Administration Conference Room
13 E. Canal Street, Sumter, SC

*Social Distancing Is Required At All of County Council's Meetings,
And Seating Is On A First Come First Serve Basis.*

COUNCIL MEMBERS PRESENT: James T. McCain Jr., Chairman; James R. Byrd, Vice Chairman, Artie Baker, Eugene R. Baten, Charles T. Edens, Vivian Fleming McGhaney, and Carlton B. Washington.

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Gary Mixon, Mary Blanding, Johnathan Bryan, Lorraine Dennis, Uvette Rogers, Keysa Rogers, and Joe Perry.

MEDIA: The Item Newspaper, Shelby Goulding

MEMBERS OF THE PUBLIC: Approximately eight members of the public were present at this meeting.

CALL TO ORDER: Chairman Of County Council, the Honorable James T. McCain, Jr., called the meeting to order.

INVOCATION: Invocation was given by Clerk to Council, Mary W. Blanding, during an earlier Committee Meeting.

APPROVAL OF AGENDA: Chairman McCain stated that he would entertain a motion to approve the agenda as presented.

ACTION: MOTION was made by Councilman Baker, seconded by Vice Chairman Byrd, and unanimously carried by Council to grant approval of the agenda as prepared.

NEW BUSINESS:

- (1) Discussion and Possible Action Concerning A Presentation Regarding The American Rescue Plan Act.

County Administrator, Gary Mixon, introduced this item to Council. Mr. Mixon said that this is a community He stated that Mrs. Lorraine Dennis, Assistant County Administrator, and Uvette Rogers, Finance Director, worked diligently to prepare this document for Council's consideration. Mr. Mixon said that this portion of the ARPA Funds is called the Mini Grant program and it is Phase I of the grant process. It is recommended by staff that each grant applicant can apply for up to \$15,000 during this phase. There is \$500,000 from the ARPA Funds which has been set aside for the grant application process for local 501c3 organizations.

Mrs. Lorraine Dennis stated that the application packet was developed with information from what was already developed by Clarendon County with input from Councilman Washington from an application process that he developed and it also included information from Clarendon County.

1. Federal Employee Identification Number and Information from IRS.
2. The Project must be located in Sumter County.
3. Project requests must not exceed \$15,000.
4. There will be one application for each 501c3 organization.
5. The application questions can use these funds as matching funds to obtain funds from other Federal or State grants.
6. An organization must divulge whether or not they have received other ARPA funds.
7. There must be an estimated start date for the project and a completion date.
8. The application will be placed on the Website by Monday, September 20, 2021.
9. The approval process will be handled through the Finance Department of Sumter County (Grants Coordinator).

Council members voiced their concerns about the number of applications a non-profit organization could apply for and the amount that was limited to each organization. It was suggested that each 501c3 's application is evaluated whether or not it is for \$15,000, more or less, and then allow a decision to be made about the need for those funds.

Mr. Mixon stated that the staff can do that; however, it is still necessary to set a cap so that each organization can be working with the same number and if there is a need for more funds, the staff can evaluate that during the evaluation process.

It was suggested by Mrs. Dennis to allow for the application process to be capped at \$15,000; and if an organization needs more funds and the staff evaluation of the application is that it is worthy of more funds, the project would be brought to Council to ask for permission of the additional funds.

ACTION: MOTION was made by Councilman McGhaney, seconded by Councilman Baker, and unanimously carried by Council to approve the grant application and the grant application process as discussed during this meeting.

(2) Request To Send A Letter To S. C. Attorney General – Reference S. C. Opioid Litigation.

Johnathan Bryan, the County Attorney, provided a letter to Council in reference to the S. C. Opioid Litigation. The Law Firm, Harrison White PC, has requested that those County's that are a part of the South Carolina Opioid Litigation to write a letter to the S. C. Attorney General to express the County's support for a South Carolina Term Sheet between the political subdivisions and the Attorney General. The letter expresses the County's support for an allocation whereby the political subdivisions will receive the majority of any opioid settlement dollars directly. A template of the letter was provided (see template below). After review of the letter, Council took action on the request from the Attorney.

ACTION: MOTION was made by Vice Chairman Byrd, seconded by Councilman Edens, and unanimously carried by Council to authorize the Chairman of Council to prepare and deliver a letter to the Attorney General as requested by the Harrison White Law Firm based on the South Carolina Opioid Litigation.

Dear Attorney General Wilson:

We write regarding the opioid litigation in South Carolina. As you know, in addition to the lawsuits filed by your Office, forty-one counties and five municipalities in South Carolina have opioid lawsuits pending in state court.

We, in our roles as leaders of your local governments of South Carolina, filed these lawsuits because we have been on the frontlines of the opioid epidemic. Our police, emergency personnel, and EMTs are the first to respond when there are problems. Our jails and medical personnel are on the frontlines of caring for individuals who are addicted. Our communities have been directly impacted by this scourge in so many ways.

We have already incurred millions of dollars in costs, efforts, and man hours associated with combating the epidemic, and funds are desperately needed at the local level to replace what has been spent. Therefore, we are strongly in favor of the local governmental entities receiving a large majority of the settlement proceeds directly.

Within the state court opioid proceedings, there are three bellwether cases that are conducting discovery and actively moving their cases toward trial. As you know, the litigation of these cases is an expensive and time-consuming undertaking for all involved, including our local governments who felt an obligation to pursue these cases. We also understand that your Office has been involved in litigating against some of these defendants and thereby creating pressure and driving settlement. We are so thankful for your efforts.

With respect to settlement, we know that lawyers representing the local governments have been involved in discussions with your Office regarding a proposal for how to allocate any dollars received in South Carolina from any global resolutions with opioid defendants, and we want to also thank you for those efforts. It would be in the best interests of all involved for the State and the local governments in South Carolina to reach such an agreement. We are counting on you to help us recover what our communities and citizens have lost and continue to lose.

We understand there have been discussions about creating an abatement fund. We are against this proposal. A system whereby funds are awarded by a grant-type process could become too political and bureaucratic, and it would not focus on the fundamental fact that the local governments have already been damaged and deserve to be compensated by those who caused the damages.

We respectfully ask that the vast majority of the proceeds recovered through the various litigation efforts be allocated to the local governments where the costs have been and are being incurred. We understand that the lawyers have discussed appropriate language requiring that the funds be used for opioid-related purposes.

We appreciate the work you have done on these cases and for engaging with the local governments about how opioid funds should be allocated. We are hopeful that your Office and the local government representatives will reach an agreement in the near future that will inure to the benefit of all and will provide for any opioid payments to quickly flow to the local communities where the costs and damages continue to occur.

If we can assist or if you would like to talk about this issue, please do not hesitate to contact us.

- (3) It May Be Necessary To Hold An Executive Session For Council To Discuss One Or All Of The Following: Contractual Matter, Legal Briefing, Employment/Personnel Issue, etc. And Take Appropriate Actions After The Executive Session As Necessary.

No executive session was held.

OLD BUSINESS

- (1) There was no old business.

ADJOURNMENT

After all comments and discussions, MOTION was made by Councilman Baten, and seconded by Vice Chairman Byrd to adjourn the meeting at 6:06 p.m.

Respectfully submitted,

Mary W. Blanding

Mary W. Blanding
Clerk to Sumter County Council

Approved: September 28, 2021

American Rescue Plan Act of 2021
Sumter County Community Grant Program Application
(AMERICAN RESCUE PLAN ACT 2021)



THIS APPLICATION REQUEST IS NOT TO EXCEED \$15,000 IN FUNDS PROVIDED BY SUMTER COUNTY COMMUNITY GRANT PROGRAM MADE POSSIBLE BY THE **AMERICAN RESCUE PLAN ACT OF 2021 (ARPA). IN ORDER TO APPLY, APPLICANTS MUST BE A 501 (C) (3) ORGANIZATION OR OTHER RECOGNIZED RELIGIOUS OR CHARITABLE ORGANIZATION IN GOOD STANDING. **NOT ALL APPLICATIONS WILL BE APPROVED.****

Please type and answer each question as thoroughly as possible. You may include additional pages if necessary. Please provide relevant documentation to support responses and requested by Sumter County. An incomplete application will not be considered. Please submit one original application and two copies.

Organization Name _____

Trade name or “doing business as” _____

Federal Employer Identification (FEIN) _____

(Please attach a copy of 501 (c) (3) determination letter or other proof of charitable/ religious status and 2020 IRS 990 Form)

Primary Address _____
Street Address or PO Box City State Zip Code

Contact Address _____
Street Address or PO Box City State Zip Code

Authorized Contact Person _____ Telephone _____

Email Address _____

Mission Statement _____

Overview of Organization _____

Project description and proposed use of funds (**Project Must Be in Sumter County**)

Explanation of request (explain why project is good use of taxpayer funds) _____

Grant Funds Requested \$ _____ (**Must Not Exceed \$15,000**)

Project Budget (Please submit as an attachment)

Budget Narrative (**Please provide a detailed explanation of how you arrived at the figures in each line item of the budget and demonstrates that all listed costs are justified and reasonable. *Amounts listed in Budget section and Budget Narrative Must match.**)

Has (is) the proposed use of funds been (being) funded from any other source _____ Yes _____ No

If yes, please list other funding source (s) and why additional funds are being requested from Community Grant

Program _____

Have you received any other Federal or State COVID Relief Funding _____ Yes _____ No

If yes, please explain the use of those funds _____

Estimated start date _____

Estimated completion date _____

APPLICANT REPRESENTATIONS:

Under penalty of perjury, the undersigned, authorized representative of the applicant, for and on behalf of the applicant, certifies that:

- (a) He or she is sufficiently familiar with the requirements of the Sumter County Community Grant Program and all related materials, including, for example, Exhibit A with its exhibit(s), which includes guidance from the United States Department of Treasury (“Treasury Guidance”), to be able to complete this Application;
- (b) He or she has appropriate authority to bind, and does hereby bind, the applicant to the requirements of the Sumter County Community Grant Program and all related materials, including, for example, Treasury Guidance;
- (c) He or she is sufficiently familiar with the applicant’s operations to be able to make the representations about the applicant contained in this Application and any attachments to this Application;

- (d) The information contained in this Application and any attachments to this Application are true and correct in all respects and conform in all respects to the applicant’s information, including the applicant’s books and records;
- (e) The applicant’s books and records are available for inspection by an authorized agent(s) of Sumter County, the United States Department of Treasury, and the United States Internal Revenue Service, or any combination of the same;
- (f) He or she understands that the applicant’s failure to comply in all respects with the requirements of the Sumter County Community Grant Program and all related materials, including, for example, Treasury Guidance, may result in recoupment of grant funds with penalties, criminal prosecution, and other sanctions;
- (g) He or she understands that the Sumter County Community Grant Program is a discretionary program, on a first-come, first- served basis, based on available financial resources provided by ARPA as allocated by the County;
- (h) He or she understands that the decision regarding whether to make a grant award and how much to award, if any, remain discretionary with Sumter County; and
- (i) He or she understands that Sumter County is entitled to discontinue this Community Grant Program at any time even if and after an application has been approved for a grant award.

Name of Organization: _____

Authorized Signature: _____

Printed Name: _____

Title: _____

Date: _____

RETURN TO: Sumter County Administration Building
Sumter County Finance Department
Attention: Christin Russell, Grants Administrator
13East Canal Street
Sumter, South Carolina 29150

SUMTER COUNTY FINANCE DEPARTMENT USE ONLY

Application Number: _____

Date/ Time Received: _____

EXHIBIT A

FORM OF SUMTER COUNTY ARPA SLFRF

COMMUNITY GRANT PROGRAM SUB-RECIPIENT AGREEMENT

(With Exhibit A)

{33 PAGES}



**SUMTER COUNTY ARPA SLFRF
COMMUNITY GRANT PROGRAM SUB-RECIPIENT AGREEMENT**

{Recipient Entity Name- To be updated prior to execution}

Sumter County Council
Sumter, South Carolina

Sumter County Administrator
Sumter, South Carolina

Dear Members of Sumter County Council and Mr. Gary M. Mixon, Administrator:

The undersigned entity is authorized to execute this Sub-Recipient Agreement (“Agreement”) and deliver the same to Sumter County, South Carolina (“County”), effective as of the date written below. This Agreement relates to the receipt, acceptance, and expenditure of community grant funds, which have been received by the County according to the American Rescue Plan Act of 2021 (“ARPA”), and which have been approved by the Sumter County Council on _____ (“Grant Program”). You are entitled to rely on this Agreement with no duty to investigate or confirm the information contained in this Agreement and no liability for any misstatements contained in this Agreement. Each capitalized term used, but not defined, in this Agreement has the meaning ascribed to that term in the US Department of the Treasury Guidance (Part 1 and Part 2), a copy of which is attached as Exhibit A (“Treasury Guidance”).

In this regard, in exchange for Sumter County’s grant in the amount of \$_____ under the Grant Program, the undersigned entity acknowledges and agrees:

1. The undersigned entity is a 501 (c) (3) organization or other recognized religious or charitable organization in good standing and shall remain so through the final expenditure of any funds awarded pursuant to the Grant Program.
2. The County’s award of funds pursuant to the Grant Program constitutes a sub award of SLFRF.
3. The undersigned entity constitutes a “pass –through” entity as defined under 2 CFR § 200.1.
4. The undersigned entity shall comply with all requirements of the SLFRF pursuant to CFR § 200.332.
5. The undersigned entity shall comply with, and assist Sumter County in complying with, the Treasury Guidance.

6. The undersigned entity shall otherwise satisfy all compliance requirements for use of SLFRF.
7. The undersigned entity shall otherwise satisfy all reporting requirements for use of SLFRF.
8. The undersigned entity shall not use, directly or indirectly, or permit others to use, directly or indirectly, funds supplied by the Grant Program for any purpose that would violate any Grant Program requirements, including the use of SLFRF.
9. The undersigned entity has never been delinquent, in any respect, in its management of state, federal, or private grant and/or other funds.
10. The undersigned entity has never received an audit of its financial statements that resulted in less than an unqualified opinion from its external auditor.
11. The undersigned entity has never been subject to an audit of state, federal or private grant and/ or other funds that were not resolved in favor of the undersigned entity.
12. The undersigned entity maintains internal controls, policies, and procedures to ensure appropriate oversight of fiscal management and physical money handling, including, for example, for the avoidance of fraud, negligence, and mismanagement of funds.
13. The undersigned entity's books and records are and shall remain available for inspections by any authorized agent (s) of Sumter County, the US Department of Treasury, and the US Internal Revenue Service (IRS), or any combination of the same.
14. The undersigned entity's failure to comply in all respects with the requirements of the Grant Program and the use of SLFRF may result in recoupment of any grant funds, with penalties, criminal prosecution, and other sanctions.
15. The undersigned entity shall maintain all records related to the Grant Program and the use of SLFRF for no less than seven (7) years from the date of receipt of Grant Program funds.
16. The undersigned entity shall provide additional information Sumter County may, from time to time request.

[Name of Entity]

Executed Date: _____

Signature: _____

Printed Name: _____

Title: _____

EXHIBIT A
US DEPARTMENT OF THE TREASURY GUIDANCE (Part 1 and Part 2)
(See attached 34 pages)