



Executive Committee Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls
Complex 100 Ribaut Road, Beaufort

Tuesday, September 07, 2021
1:00 PM

AGENDA

COMMITTEE MEMBERS:

PAUL SOMMERVILLE, CHAIRMAN LAWRENCE MCELYNN
ALICE HOWARD STU RODMAN
MARK LAWSON

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES- June 7, 2021
6. **CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes (a total of 15 minutes) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**

AGENDA ITEMS

7. DISCUSSION OF COVID-19 AD HOC COMMITTEE RECOMMENDATIONS
8. DISCUSSION OF AN ORDINANCE PROPOSING AMENDMENTS TO BEAUFORT COUNTY CODE OF ORDINANCES: CHAPTER 46, ARTICLE II, SECTIONS 46.26 THROUGH 46.33
JULY 26, 2021: COUNCIL VOTED WITHOUT OBJECTION TO DEFER TO SEPTEMBER EXECUTIVE COMMITTEE MEETING
9. A DISCUSSION REGARDING THE ELEMENTS OF THE RULES AND PROCEDURES HANDBOOK
10. LOWCOUNTRY WORKFORCE BOARD RE-APPOINTMENT OF SARAH MARSHALL, DIRECTOR OF COMMUNITY SERVICES BEAUFORT, JASPER EOC

- [11.](#) REAPPOINTMENT OF STEPHEN MURRAY TO BEAUFORT COUNTY ECONOMIC DEVELOPMENT WITH AN EXPIRATION OF 2024
- [12.](#) REAPPOINTMENT OF RICHARD GOUGH TO BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION EXPIRES 2024
13. ADJOURNMENT



Executive Committee Meeting Beaufort County, SC

This meeting was held both in person at Executive Conference Room, 100 Ribaut Road, Beaufort, and also virtually through Zoom.

Monday, June 7, 2021
1:00 PM

MINUTES

1. CALL TO ORDER

County Council Chairman Passiment called the meeting to order at 1:00 PM

PRESENT

Committee Chairman Sommerville
Council Member Passiment
Council Member Cunningham
Council Member Dawson
Council Member Hervochon
Council Member McElynn
Council Member Howard
Council Member Rodman
Council Member Lawson
Council Member Glover

2. PLEDGE OF ALLEGIANCE

County Council Chairman Passiment led the Pledge of Allegiance

3. FOIA

County Council Chairman Passiment stated public notice of this meeting had been published, posted, and distributed in compliance with the SC FOIA Act.

4. APPROVAL OF AGENDA

Motion: It was moved by Council Member McElynn, Seconded by Council Member Dawson to approve the agenda. Motion approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Howard, Seconded by Council Member McElynn to approve the minutes of May 3, 2021. Motion approved without objection.

6. CITIZEN COMMENTS

No Citizen Comments

EXECUTIVE SESSION

Motion: It was moved by Council Member Rodman, Seconded by Council Member Dawson to go into Executive Session to discuss item number 7, Pursuant to SC Code Section 30-4-70 (A)(2) Receipt of Legal Advice where the Legal Advice Relates to Pending, Threatened or Potential Claims. Motion approved without objection.

7. PURSUANT TO SC CODE SECTION 30-4-70(A)(2) RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO PENDING, THREATENED OR POTENTIAL CLAIMS

AGENDA ITEMS

8. MATTERS ARISING OUT OF EXECUTIVE SESSION

Motion: It was moved by Council Member Howard, Seconded by Council Member Dawson to move to County Council the recommendations of the Attorney regarding the matters discussed in Executive Session, item number 9: First Reading of an Ordinance Proposing Amendments to Beaufort County Code of Ordinances: Chapter 46, Article 11, Sections 46.26 through 46.33.

Discussion:

- Moving too fast, doesn't need to go to Council on Monday
- Being that the information is public, ok to move forward

The Vote- Voting Yea: Council Member Howard, Council Member Dawson, Council Member Lawson, Council Member Rodman, Council Member Sommerville, Council Member Passiment. Voting Nay: Council Member Cunningham, Council Member Hervochon, Council Member McElynn Abstain: Council Member Glover. The motion passed 6:3 1 Abstained

11. PRESENTATION FROM FRANK RAINWATER REGARDING REDISTRICTING

To view discussion and presentation: <https://beaufortcountysc.new.swagit.com/videos/122454>

Motion: It was moved by Council Member Rodman, Seconded by Council Member Howard to move to County Council the recommendation to use the South Carolina Revenue and Fiscal affairs Offices for redistricting services. Motion approved without objection.

10. SOUTHERN CAROLINA ALLIANCE PRESENTATION AND DISCUSSION

To view discussion and presentation: <https://beaufortcountysc.new.swagit.com/videos/122454>

12. REVIEW OF BEAUFORT COUNTY RULES AND PROCEDURES HANDBOOK- PREAMBLE AND CHAPTER 1

Committee Chairman Sommerville asked that the backup material be read through and contact him with any questions

13. ADJOURNMENT

Meeting adjourned at 2:09 PM.

Ratified:



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
First Reading of an Ordinance Proposing Amendments to Beaufort County Code of Ordinances: Chapter 46, Article II, Sections 46.26 through 46.33
MEETING NAME AND DATE:
Executive Committee June 7, 2021
PRESENTER INFORMATION:
Thomas J. Keaveny, II Deputy County Attorney Laura J. Evans, Esquire Shumaker Loop & Kendrick (Charleston Office)
ITEM BACKGROUND:
Beaufort County's Ordinance regarding Beaufort Memorial Hospital has been in effect without revision for approximately 40 years (since at least 1982). The Ordinance needs to be updated.
PROJECT / ITEM NARRATIVE:
Staff recently had reason to review Beaufort County's Ordinance which relates to Beaufort Memorial Hospital. The County retained Laura Evans, managing partner of the Charleston office of Shumaker Loop & Kendrick to assist in that review. Ms. Evans limits her practice primarily to health care law, and health care administration law. Ms. Evans recommends Beaufort County update its Ordinance in a number of important particulars all as set forth in the proposed amended Ordinance which is attached.
FISCAL IMPACT:
None
STAFF RECOMMENDATIONS TO COUNCIL:
Amend the Ordinance as recommended by Ms. Evans.
OPTIONS FOR COUNCIL MOTION:
◇ Allow the existing ordinance to remain as it is; ◇ Amend the existing ordinance as recommended by Ms. Evans; ◇ Amend the existing ordinance incorporating some of the recommendations of Ms. Evans.
Next step: County Council June 14, 2021 to review Committee recommendations. First reading of an Ordinance to amend existing ordinance.

ORDINANCE 2021/ _____

**TEXT AMENDMENTS TO BEAUFORT COUNTY CODE OF ORDINANCES:
CHAPTER 46, ARTICLE II, SECTIONS 46.26 THROUGH 46.33.**

WHEREAS deleted text is stricken through; added text is underlined.

Adopted this _____ day of _____, 202____.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Joseph Passiment, Chairman

ATTEST:

Sarah w. Brock, JD, Clerk to Council

First Reading:

Second Reading:

Third reading:

~~ARTICLE II.— BEAUFORT COUNTY MEMORIAL HOSPITAL BOARD OF TRUSTEES~~ Sec. 46-26. - Purpose; ~~agency created~~form.

The ~~board of regents~~ Beaufort County Council ("County Council") is charged with enacting ordinances necessary and proper for preserving the health of Beaufort County residents. The Board of Trustees of Beaufort County Memorial Hospital (~~referred to as the~~ "board") is constituted ~~an agency as a board~~ of the county council in order to equip, maintain and operate Beaufort County Memorial Hospital and such other ancillary facilities and services as ~~the board~~ may ~~find~~be necessary to serve the health care needs of the citizens of the county. The board shall be known as the Beaufort County Memorial Hospital Board of Trustees. The board shall adopt an official seal and shall keep minutes of all meetings and records of all transactions in accordance with applicable law.

Sec. 46-27. - Membership; organization; terms of office.

- (a) ~~The initial board of trustees shall be composed of the existing nine members of the Beaufort Memorial Hospital Boards of Regents. The initial board members shall complete their terms as defined at the time of their most recent appointment. Hereafter, vacancies in the board of trustees of Beaufort County Memorial Hospital shall be filled by the county council from nominees submitted by the board. Section 2-193 shall not govern the number of voting members of the board, which shall be determined by the board, provided that the board is comprised of a minimum of seven voting members. The board shall have a total of thirteen (13) members as follows, all of whom must be residents of Beaufort County and be registered to vote therein: (i) eleven (11) members appointed by County Council; (ii) the hospital's medical staff chief; and (iii) the Beaufort Memorial Hospital Foundation chairperson. At least one member of County Council shall act as an advisory member, with no voting rights. Vacancies on the board shall be filled by the county council from nominees based upon selection criteria outlined in Sec. 2-193(d). Each county district shall have at least one board member representing the district.~~
- (b) The members of the board ~~of trustees~~ shall elect a chairman and such other officers as the board ~~of trustees~~ may deem necessary. ~~Subsection 2-193(g) shall not govern officers' eligibility for reelection, which shall be determined by the board.~~
- (c) Board members shall serve three (3) year terms and may serve more than one (1) term, all subject to the provisions of Sec. 2-193(b).

Sec. 46-28. - Powers and duties.

The board ~~of trustees of Beaufort County Memorial Hospital~~ shall have the following powers and duties:

- (1) Adopt and use a corporate seal;
- (2) Adopt such bylaws, rules and regulations for the conduct of its business and expenditure of its funds as it may deem advisable, including the development and implementation of a procurement policy;
- (3) Acquire, by gift, purchase, lease or otherwise, all kinds and descriptions of real and personal property;
- (4) Accept gifts, grants, donations, devises and bequests;
- (5) Enlarge and improve any hospital building that it may acquire or construct, subject to budgetary constraints and the authorization of the County Council;
- (6) Adequately staff and equip any ~~hospital~~health care facility that it may operate;
- (7) Employ a competent administrator or contract for management services to execute policies established by the board for the operation of the facilities maintained by the board, except that any contract for management services must be authorized by the County Council;
- (8) Provide and operate outpatient departments;

- (9) Establish and operate such clinics as the board may deem necessary to the health of the residents of the county;
- (10) Employ such personnel as it may deem necessary for the efficient operation of the several facilities maintained by the board;
- (11) Establish and promulgate reasonable rates for the use of the services and facilities afforded by the board;
- (12) Provide reasonable regulations concerning the use of the facilities maintained by the board, including reasonable rules governing the conduct of physicians, nurses and technicians while on duty or practicing their professions in the facilities maintained by the board;
- (13) Define eligibility requirements for patients for charity services, operate and maintain necessary services for such patients, contract with third parties for reimbursement for the cost of services rendered to such patients, and collect partial payment from patients unable to pay the rates established by the board;
- (14) Arrange with proper authorities of any adjoining county, upon such financial terms as are agreeable to each, to admit and care for charity cases from adjoining counties, provided that patients may be admitted to the hospital from any place whatsoever;
- (15) Expend the proceeds derived from the charges made for the use of the services and facilities of the hospital for the operation and maintenance thereof;
- (16) Expend any funds received in any manner, including the proceeds derived from the issue of bonds, to defray any costs incident to establishing, constructing, equipping and maintaining any hospital;
- (17) Apply to the federal government and any other governmental agency for a grant of monies to aid in the construction and equipment of any hospital;
- (18) Dispose by sale, lease, or otherwise of any property, real or personal, ~~that it may possess, provided that the county council and the board of trustees shall, from time to time, inform each other of their plans to dispose of real property so that mutual needs can be assessed~~ so long as the disposal does not interfere with the maintenance of Beaufort Memorial Hospital.;
- (19) Borrow funds for use in constructing, equipping, operating and maintaining the facilities afforded by the board, provided that the board shall have no authority to create any financial obligation on the county except as may be approved by the council;
- (20) Enter into contracts for hospital care with any association or agency of the federal government having a hospital care program; and
- (21) ~~Exercise~~ With the authorization of the County Council, exercise the power of eminent domain in the manner provided by the general laws of the state for procedure by any county, municipality or authority created by or organized under the laws of this state or by the state highway department or by railroad corporations.
- (22) Equip, maintain, and operate Beaufort Memorial Hospital and any ancillary facilities or services in accordance with applicable law and in a manner to protect and maintain its tax-exempt status.

Sec. 46-29. - Indigent care.

The board ~~of trustees of Beaufort County Memorial Hospital~~ shall be charged with the responsibility of providing health care for the county's indigent ~~county~~ citizens. The county shall provide monies, in amounts deemed appropriate through the county's budgetary process, to contribute toward the cost of indigent care provided by the hospital and/or its ancillary facilities and services.

~~Sec. 46-30. — Management and control.~~

~~The board of trustees of Beaufort County Memorial Hospital shall manage and control the hospital and its financial affairs. The board shall be exempt from section 2-193, provided that the board shall maintain written personnel and purchasing procedures.~~

Sec. 46-31. - Additional capital funding: Loans.

- (a) The ~~county council~~County Council and the board ~~of trustees of Beaufort County Memorial Hospital~~ recognize and acknowledge that it will be necessary, from time to time, to secure funds for expansion or improvement of the hospital and related ancillary facilities or services. The council and the board pledge their cooperation in formulating and executing programs designed to fund necessary ~~long-term~~long-term capital improvements of facilities maintained by the board.
- (b) The board may borrow money and obtain loans from, and issue notes to, banks or other lending institutions or other governmental entities in amounts up to Five Hundred Thousand and No/100 Dollars (\$500,000.00) and secure such loans with a pledge of hospital revenues and assets, including mortgaging or granting security interests in real and personal property of Beaufort Memorial Hospital, provided such loans: (i) shall be authorized by a resolution of the board, without the necessity of obtaining consents or approvals from any other party or entity; (ii) shall be under such terms and conditions as established by the board; and (iii) shall not require a public bid from such banks or other lending institutions or other governmental entities. In addition to these requirements, any borrowing or loans in excess of Five Hundred Thousand and No/100 Dollars (\$500,000.00) must be authorized by County Council.
- (c) The board shall have no authority to create any financial obligation or debt on the county without the County Council's authorization.
- (d) Bonds of the hospital, for whatever purpose, shall be issued only by the council and only or by third-parties with the council's authorization. Funds received from such issues shall be deposited with the county treasurer.

Sec. 46-32. ~~—~~ Audit; Budget Requests; Regular Reports; Records.

The board ~~of trustees of Beaufort County Memorial Hospital~~ shall file a copy of an annual audit of the financial operations of the hospital with the county administrator. During April of each year, the board shall furnish the council with its budget requests for the succeeding fiscal year. On a quarterly basis, the board shall supply County Council with the following information: (1) copies of minutes of all regular, special, and emergency board meetings, as well as all board committee meetings; (2) income statement summary, balance sheet, and cash flow statements from each month in the quarter, including any data regarding any physician network; (3) days of cash on hand for each month in the quarter; (4) maximum debt service coverage for each month in the quarter; and (5) debt to capitalization report for each month in the quarter. Records relating to the hospital and its ancillary facilities and services shall at all times be available for inspection by County Council or its authorized representative.

~~Sec. 46-33.—Amendments.~~

~~This article shall not be amended, nor shall the agency's relationship created by this article be modified or terminated without the express mutual consent and approval of the council and the board of trustees of Beaufort County Memorial Hospital.~~

~~Secs. 46-34—46-90.—Reserved.~~

Document comparison by Workshare 9.5 on Tuesday, June 1, 2021 1:51:17 PM

Input:	
Document 1 ID	interwovenSite://DMS/iManage/15305021/1
Description	#15305021v1<iManage> - Original Ordinance
Document 2 ID	interwovenSite://DMS/iManage/15145309/1
Description	#15145309v1<iManage> - redlined ordinance
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	33
Deletions	32
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	65

June 7, 2021

Joe Passiment
Chairman Beaufort County Council

Re: Beaufort County LWB Re-Appointment

Dear Mr. Passiment

We are seeking the re-appointment of Sarah Marshall to the Lowcountry Workforce Board seat to be filled by Beaufort County representing Community Based Organization and Youth Build.

Ms. Marshall has served the LWB extremely well and has asked to be re-appointed for another three-year term. We are pleased that she wants to continue to serve and provide her services to the LCOG Workforce Board.

Please consider re- appointing this nominee by signing and returning the original, appointment form to me. This can be done either by scanning and emailing the original or hard copy via mail. A timely turnaround of this re- appointment is greatly appreciated as we must submit approval and re- appointment to the board by July1,2021.

If you have any questions or concerns, please don't hesitate to call. Thank you so much for all of your help.

Sincerely,

Michael V. Butler
Workforce Development Director
Lowcountry Workforce Area

Lowcountry Workforce Board Appointment

June 7, 2021

The following Beaufort seat requires re-appointment on the Lowcountry Workforce Board:

One (1) CBO Eligible Youth

The following nominations have been received:

Community Based Organization Representatives/ Youth Build

Sarah Marshall, Director of Community Services Beaufort, Jasper EOC

As Chief Elected Official for Beaufort County, I hereby re- appoint the individual listed above to serve as Beaufort County representatives on the Lowcountry Workforce Board.

Joe Passiment
Chairman
Beaufort County Council

Date



TECHNICAL COLLEGE
OF THE LOWCOUNTRY

February 25, 2021

John O'Toole Executive Director
Beaufort County Economic Development Corporation

BY EMAIL

Dear John,

It is my intent, as President of the Technical College of the Lowcountry, to continue serving on the Beaufort County Economic Development Corporation Board of Directors. We look forward to continuing to work together as we strengthen and diversify the area's economy. I understand this is a four year term ending in September of 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard J. Gough". The signature is fluid and cursive.

Dr. Richard J. Gough

President

William A. Prokop
CITY MANAGER
843-525-7070
FAX 843-525-7013



CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

COUNCIL MEMBERS:
Stephen D. Murray III, Mayor
Phil Cromer, Interim Mayor Pro Tem
Mitch Mitchell
Neil Lipsitz

January 25, 2021

John O'Toole
Executive Director
BCEDC
Delivered via email

Dear John,

It is my intent to continue serving as the City of Beaufort's appointee to the Beaufort County Economic Development Corporation Board of Directors. I look forward to our continued work together as we expand economic opportunity, build a more sustainable tax base, and lift the economic prosperity of our citizens.

In Service,

A handwritten signature in black ink, which appears to read "Stephen D. Murray III".

Stephen D. Murray III
Mayor



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
APPROVAL FOR REAPPOINTMENT
MEETING NAME AND DATE:
EXECUTIVE COMMITTEE MEETING <ul style="list-style-type: none">AUGUST 2, 2021
PRESENTER INFORMATION:
COMMITTEE CHAIMAN SOMMERVILLE
ITEM BACKGROUND:
REAPPOINTMENT OF RICHARD GOUGH TO BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION <ul style="list-style-type: none">
PROJECT / ITEM NARRATIVE:
REAPPOINTMENT OF RICHARD GOUGH TO BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
APPROVE, MODIFY, OR REJECT
OPTIONS FOR COUNCIL MOTION:
MOTION TO (APPROVE, MODIFY OR REJECT)REAPPOINTMENT OF RICHARD GOUGH TO BEAUFORT COUNTY ECONOMIC DEVELOPMENT CORPORATION



TECHNICAL COLLEGE
OF THE LOWCOUNTRY

John O'Toole Executive Director
Beaufort County Economic Development Corporation

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Dr. Richard J. Gough

President