



Coronavirus Ad Hoc Committee
March 23, 2020 – 2:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

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|----------------|-----------------|------------|-------------|-----------------|
| Yvonne McBride | Paul Livingston | Joe Walker | Dalhi Myers | Chakisse Newton |
| District 3 | District 4 | District 6 | District 10 | District 11 |

- 1. **Call to Order** – Mr. Livingston called the meeting to order at approximately 2:00 PM.

Mr. Livingston stated the primary purpose of this meeting is to get a good handle on the issues related to the virus by looking at the broad goals of what we want to accomplish. We talk about funding and how to distribute those funds, with the understanding that we cannot do everything, and we are not responsible for everything. We are responsible for setting the tone, and providing the guidance and resources, but not the everyday things. We do not have the skills and talent to do that, and we will never have enough resources to do so. Down the road we will address a recovery plan.

- 2. **Adoption of Agenda** – Mr. Livingston requested to add an “Update from the Administrator” and “Other Items” to the agenda.

Mr. Walker moved, seconded by Ms. Newton, to adopt the agenda as amended. The vote in favor was unanimous.

- 2(b). **Update from County Administrator** – Mr. Brown stated we are working with our directors, as well as the other agencies in our facility, to make sure that we maintain minimal staff. We have gone to a process out each morning. This morning there were approximately 25 people in the building, which included Operational Services and Community Planning and Department. The departments are phasing out, based on their needs. All employees, whether full-time or part-time, will be paid through this process consistent with their normal schedules. Additionally, working with State Department, they had some concerns about access to the building. Since initial conversations with them, they have come back and are supportive, and are trying to keep people out of the building, as well. We may be coming back to the committee to tell you that they are going to stand up an area outside, so people can come by and receive services and not enter the building.

Mr. Byrd stated EOC is up and running with limited staff in the EOC. Everyone else is connected virtually. They are constantly monitoring the information coming from the Federal and State government, so they can have situational awareness of exactly where South Carolina is in this pandemic, and where the County stands. There is an additional 14 cases in Richland County, which brings the total to 43. DHEC is responsible for monitoring those individuals, and issuing guidance on self-isolation. We do have an issue with DHEC, as well as every other county in the State, in getting the information where these people are specifically located. It has an impact on our First Responders knowing what they may be going into when they get an emergency call. This is an issue that we are trying to address with the Governor’s Office. Our understanding, from DHEC’s attorneys, is there is a lot of legal issues involved in that. We also received several pallets of expired personal protective equipment from the Strategic National Stockpile. The equipment was originally earmarked to go to nursing homes. DHEC and the State expanded that and gave us discretion on where that goes. They are trying to identify what organizations will be receiving that equipment. They currently have approximately 70 task orders from organizations, and government entities, who have requested supplies from us. They cannot fulfill it, so we move it up to the State Emergency Management Division for them to fulfill

those requests, or identify vendors for us and those agencies. Several vendors were identified today, and they are trying to move that information out, as well. One of the keys issues is ordering additional supplies of PPEs, and finding vendors that can fulfill those requests.

Mr. Livingston stated his main concern is public health and safety. He believes what would be most beneficial is for the Administrator to tell the committee what he needs now.

Mr. Byrd responded, from the requests they have received, and the conversation they have had with other agencies, we are all concerned about PPEs (masks, face shields, gloves, etc.).

Mr. Livingston requested a list of costs for those items.

Mr. Byrd stated he would provide that information. The costs will include all of the agencies in Richland County government that have identified that they have an issue (i.e. Sheriff's Department, Coroner, Fire Service, etc.).

{Unintelligible}

Mr. Byrd stated the CDC, and DHEC, have given approval to use the expired equipment. In some cases, the packaging the equipment is in is what has the expiration date on it, and not the actual equipment. There have been guidelines coming down from the Federal government, and through the State, to us that says we can send those supplies out, and they can be used.

Mr. Livingston stated he is not in a position to ask questions about what equipment would do, or who we are going to get it from. He is more concerned about getting the general picture of what we need, and this is how much we believe it will cost, so we can go ahead and do it.

{Unintelligible}

Mr. Livingston stated he is hoping staff has that information and plans to do that.

{Unintelligible}

Mr. Byrd responded we do have a task order from them, but we will reach out to them and make sure they do not need anything.

{Unintelligible}

Mr. Byrd stated funding is a major concern that we do have the money available when we locate the supplies. They have orders in to several of the vendors that we normally use; however, they cannot meet that demand right now because of the supply chain disruption. As soon as the supply chain builds back up, and the distributors get the material in and start shipping to end users, like Richland County, then we will have to pay for that. Right now we have purchase orders issued to start that process. As we go forward, funding will be an issue, if this event extends beyond another month. As far as our reserves, he cannot speak specifically to every agency, and every department, but we are down to several weeks' worth of certain supplies. We have some more time in other supplies. Some agencies that do not typically stock a lot of PPEs are in worse shape than others.

Mr. Livingston reiterated the decision, for us, is to get an amount and appropriate it. If we do not need it, we do not spend, but we need to make sure the money is available and appropriated, so we can move quickly, in terms of purchasing.

Mr. Brown stated Mr. Hayes is in attendance to speak to some of the historical things you have dealt with, as a County, and how we budgeted before. If the committee wanted to make a decision, or have something to deal with today, you would have some precedence, as it relates to the flood.

Mr. Byrd stated, for clarification, the expired equipment we received from the Strategic National Stockpile is going to be a stop gap. The objective is to get that out there to fill the gaps until we get the full orders in.

{Unintelligible}

Mr. Byrd stated they are on a conference call with the State Emergency, which includes a representative of the Governor's Office and they hear the message that we have to solve supply chain issues. We have to solve other issues that Richland County, and other counties are dealing with. It has been pushed up to the Office of Governor, and the Governor himself has said he is working hard to try to solve some of these issues.

Mr. Hayes stated, as it relates to FY20, Council approved a General Fund Budget expenditures of \$174M, and transfers out were \$9M, so the total General Fund Budget was \$183M. Currently, as it relates to how expenditures are tracking, at the end of January, which was the last closed month we have, General Fund expenditures have averaged about \$14M per month. When he has done projections out, and put in an inflation factor, the worst case scenario would be approximately \$168M. The only problem with that is these funds are in department budgets now, and would take a Council motion to do a reassignment. The other option is using funds in fund balance. Mr. Brown alluded to the fact that in 2015 there was a precedent with the flood, in which Council passed a motion to use \$1.5M in Disaster Recovery, which was used as seed funding until we started getting grant funds from FEMA. Per Ms. Hamm, at the end of June 30, 2019, we have approximately \$900,000 of those funds left in assigned fund balance for disaster recovery. In addition, there is \$1M in the committed fund balance. The committee funds are placed in the fund balance by Council. Assigned fund balance can be assigned by the County Administrator. The total amount of disaster recovery funds in fund balance is \$1.9M.

Mr. Brown inquired if Mr. Hayes believes any funds need to be moved, at this point.

Mr. Hayes stated, if this stretches on, and you need more funding to pull from your current budget, it would take Council action to limit spending by departments.

Mr. Walker inquired how do potential collections, or lack of collections, forthcoming, given our current economic environment, impact the already budgeted \$168M, plus inflation.

Mr. Hayes stated what he spoke on earlier was on the expenditure side. When he looked at revenues at the end of January, the General Fund was 62% collected, which would normally be 58%, so it is above normal. He projected out 2 numbers: what we would normally get, and we would have a surplus of \$4M, but he ratcheted it back after discussions with the Auditor. Local option sales tax is a major part of General Fund revenue, but with a lot of businesses, particularly restaurants, not being able to operate at the moment, he back the revenue number down to a more conservative figure. Even with that, we would trend to come in higher. He stated he purposely budgets revenue very conservatively knowing we will probably get more than what was budgeted for that reason.

Mr. Walker inquired about what percentage of annual funds are historically collected by the end of February.

Mr. Hayes stated after February it should be approximately 66%. As long as we are tracking at 66% by February we would still be on target.

Mr. Livingston stated we want to move forward with getting an amount to present to Council regarding public health.

Mr. Hayes stated normally a budget amendment requires Three Readings and Public Hearing, but because we were operating under an emergency resolution in 2015, it allowed staff to activate those funds.

{Unintelligible}

Mr. Livingston stated his concern if looking at different categories. In other words, simply getting an idea of how much we need to appropriate for the public health area, for the businesses, food and shelter, etc.

Mr. Walker inquired if it would be appropriate, now that we have identified budgetary availability, and constraints, for the Administrator to take that information and populate the exact type of plan (i.e. categorical needs of the County). We know we have seed funding available up to \$1.9M. He inquired if it would not be appropriate for the Administrator to assemble his staff and put together a “bucket of needs”, as opposed to us guessing at what the real needs of the County are. He would suggest that the committee be presented a plan that the committee could opine on, instead of the committee members trying to craft a plan.

Mr. Livingston requested the committee to at least come up with some categories we want the Administrator to concentrate on, so we can look at “buckets” of money, and the resources related to those “buckets.”

Mr. Walker inquired if the Administrator has a recommendation, for the committee, on the various sectors of spending that may or may not be needed, in response to the current crisis.

Mr. Brown responded one of the things he was hoping would come out of the committee was business and budget. Under the business and budget group, we would have individuals such as a Council member (Mr. Walker), to work alongside the County’s business folks (i.e. Jeff Ruble, Erica Wade). Out of that, understanding what those business needs that we are hearing. That way, when we are getting that information, we know exactly what to come back and present to Council, as it relates to those measures. The information coming to the ad hoc committee would have vetted information from a combination of administrative staff, as well as Council members, who were tasked with certain groups of information we need. We have information for our staff needs, but from a larger perspective, within the County, there may be some information and needs that we are not considering that we would want feedback from those subcommittees on. Senior Resources is something that we heard, but whether or not that is vetted through the subcommittee and then comes back to the ad hoc, he believes it would be handled best that way. The information that we had, which we could present to you, Mr. Byrd stated we can get a list of immediate needs for, but those things are different from some of the community-related needs the body may want to address.

Mr. Livingston stated what he is looking at, for example, business and budget, we have OSBO and Economic Development offices. We should be able to get those offices together and say, we have looked at these options, and here is what we perceive as the immediate needs to move on. He does not want us to spend 2 weeks, or a period of time, trying to figure out how to resolve the problem. He is more concerned about what we need to do for the next month. If we take 2 weeks to figure out what we need for the next 2 weeks, we would have missed it. He is concern is what we do quick, and right now, to help a business. Staff could ask a Council member a question if they have a certain expertise.

Mr. Walker stated the ad hoc committee was assembled to be just what Mr. Brown is recommending. As staff presents their ideas, the committee has the right to weigh in on any different idea. Subcommitteeing and committeeing this thing to death is going to create paralysis, which is what the Chair is speaking to. The Administrator’s subject matter experts could put it together, and present the plan. The ad hoc committee applies its various subject matters expertise to it, we put out a work product, and we execute it.

Mr. Brown stated, for clarification, he would continue to take the same action, but it would it not include a Council member. The whole point of the conversation was to say, to task our folks with getting the information back quickly, but to the extent that there may be opportunities our folks may miss.

Mr. Walker stated he thinks the communal effort of this committee, as the plan is presented, we can say, “Yesterday, I heard XYZ, and I think it is a great amendment to the plan.” If we at least have that skeleton, adding flesh to the skeleton is going to be easier than all of us trying to build the skeleton.

{Unintelligible}

Mr. Livingston stated he thinks it is important, and thinks staff realizes, from past experiences, when it comes to certain issues there is United Way, Senior Resources, and other community partners they can utilize as they work to present something to us. They did it in the past when we had the issue with Allen-Benedict Court. He is looking at the same kind of thing here.

Mr. Walker stated he knows we have to have a crisis response plan at the county. He would imagine the crisis response plan contemplates a team of subject matter experts who are ready and assembled at a moment's notice to take off and enact various parts of that plan. He inquired if anyone can speak to where we stand on executing on our standing Richland County action.

Mr. Byrd stated we do have an emergency operation plan. It is all hazard integrated. We have implemented that plan for this event. A lot of the support functions are not activated. For example, we are not currently having to shelter or feed people that have been moved out of their homes. This is more of a health/medical event, so most of the health/medical side is up and running.

Mr. Walker stated, it sounds like, buried in the plan, are contingencies for overflow housing, medical facilities, etc. that may be needed down the road in this pandemic. He stated, speaking for himself, there appears to be a disconnect because he did not know we had a crisis action plan enacted, and certain pieces of it up and running. Now, it would be certainly the assumption of someone who has been in these type things before that has happened. He believes educating the committee, and ultimately Council, on the crisis action plan, what facilities are built into that plan. For instance, there are members of this committee out looking for potential overflow medical space. He stumbled into a facility that said, "You know there is already an agreement out there, in your crisis action plan, where if you need the space this is available." There are things out there that we do not need to double and triple work on. He would think, when Mr. Brown brings back the plan, it will be in concert with the County's crisis action plan.

Mr. Byrd stated there is a pandemic annex to the plan that puts DHEC in control through the Emergency Health Powers Act. As far as surge capacity, that would be monitored and recommended by DHEC, and they do have certain places identified. They would work in conjunction with hospitals across the State. As of Friday, they were giving us a number between 5,000 – 6,000 open beds in the hospitals, so right now that is not a critical issue.

{Unintelligible}

Mr. Livingston stated people are getting what they need from the County, as a whole. There may be something unique to a particular district, but he thinks it is more important for us to get the picture out to everybody. It would concern him to try to spread the resources out to unique districts, when everybody can get the same urgent information from one source.

{Unintelligible}

Mr. Livingston stated he wanted to try to deal with specific categories to try to get a little more focus, in terms of trying to leave out of here with some understanding that we are doing something to move forward. He talked about Council asking staff to come up with something, in various categories, so we look at what we need to do, and how we need to move forward.

Mr. Walker moved, seconded by Ms. Myers, to direct the County Administrator to work with Emergency Service, and provide back to committee, a skeletal plan identifying the areas of need within the Council, and any other appropriate information pertaining to those areas, in which this committee can expound upon at its next meeting. This motion would basically cover everything on the agenda. Soup to nuts, here is the plan. Here is the implementation strategy. Here is how it works in concert with the existing crisis management plan, and the facets in which they have already put into place, to include: Do we need to prepare for significant Sheriff, EMS, and Fire overtime, supplies, etc.?

Mr. Walker inquired about much time the Administrator and staff will need to draft this plan.

Mr. Brown responded, based on what he is hearing right now, he will follow-up with the committee tomorrow to give a definitive timeframe for when he would be able to provide the "skeletal plan".

The vote in favor was unanimous.

Mr. Livingston inquired if Mr. Brown needed anything else from the committee.

Mr. Brown responded that if you know of other Council members that have been asking specifically how they can participate, to provide that information to him, so they know their request to help is being considered.

Mr. Walker stated he believes it would be incumbent for the Chair, of this committee, to update his fellow Council members, and make sure the communication flows through you to the Administrator, to maintain continuity in the communication chain.

{Unintelligible}

Ms. McLean stated Council gave the Chair power over some budget items, during this crisis, which is appropriate. What they did not do was give any specific maximum amounts, and that is something we would recommend be considered. In addition, Ms. Judy Carter has brought up the issue of the FOIA. Right now, there is no staff here to fulfill FOIA requests. If you could consider suspending FOIA, during the emergency, it would help Ms. Carter, and us, figure out where we are going to go with this. If we continue to get the FOIAs on the clock, we need to have something to do with those requests. She stated this falls out of the normal legal realm. There is no specific authority for this, but as it is almost impossible to fulfill these requests right now, it is the best place to go.

Mr. Livingston inquired what suspending FOIA means.

Ms. McLean responded that would be suspending the fulfillment of FOIA requests for documents, not FOIA rules in general. We do not have staff to pull those documents in the departments. In addition, we do not have the Ombudsman's Office staff here to run that process.

{Unintelligible}

Ms. McLean stated, if we did not want to suspend, and you believe you can get the staff here to fulfill these requests, that is up to Council. As for the law on this, clearly our emergency declaration states we can suspend statutes in an emergency. Like anything else, we would have to make an argument later this was in light of the emergency this is what we felt we had to do. There is no specific authority we have to suspend, at this time.

{Unintelligible}

Ms. McLean responded in the first part of the disaster declaration it states, "Council (not the Chair) could suspend statutes." She stated we have an issue we need to deal with. Other counties have already implemented a suspension of FOIA, and are sending out letters saying, "We will address your FOIA request when we can." We can do that, or not. Or, we can do a delay. We do not outright have the authority. Our ordinance, and our disaster declaration, do give us some leeway. Would that hold up in court? She does not know.

{Unintelligible}

Mr. Livingston stated he would rather not honor the timeframe, and see what the consequences are going to be instead of suspending FOIA.

Ms. McLean stated, to her, legally there is not a big difference, but she can understand. Either way, we are in violation of FOIA.

{Unintelligible}

Mr. Livingston stated he would rather just not honor the requests, and tell the requestor why we cannot honor the requests in that timeframe.

{Unintelligible}

Ms. McLean stated she has not spoken to Mr. Smith about an AG's opinion, although we have talked about the issue. She cannot think of anything beyond the Governor, as a part of an Executive Order, giving us some leeway, which he has not done yet. He cannot think of any reason why the Attorney General would say that we have the authority to do this. These emergencies put us between a rock and a hard place.

{Unintelligible}

Mr. Livingston stated, since they asked me to make this decision, his recommendation is going to be to simply let folks know because of the emergency we cannot meet the timeframe associated with FOIA.

Ms. McLean inquired if Mr. Livingston would like legal to draft a letter, and forward to him for his approval prior to them being provided to the requestors.

Mr. Livingston stated the budgetary item will be placed on a future agenda for action.

3. **Emergency Relief Goals/Categories** – This item was incorporated in the previous motion.
4. **Sources of Funds/Broad Amounts** – This item was incorporated in the previous motion.
5. **Process for Distribution – Need for Expert Advisors, Community Partnerships** – This item was incorporated in the previous motion.
6. **Austerity Measures** – This item was incorporated in the previous motion.
7. **Recovery Planning** – This item was incorporated in the previous motion.
8. **Adjournment** – The meeting adjourned at approximately 3:05 PM.