

## COMMITTEE OF COUNCIL AS A WHOLE REPORT

### **Council Members:**

Roy Costner, Chairman  
Chris Bowers, Vice Chairman  
Wes Hendricks, Vice Chairman Pro-Tem  
Carl Hudson  
Trey Whitehurst  
Ensley Feemster

### **Staff in Attendance:**

Ken Roper, County Administrator  
Meagan Nations, Clerk to Council  
Les Hendricks, Contract Attorney

**The Committee of the Whole met in the Main Conference Room, at the Pickens County Administration Facility, on Monday, September 21, 2020. All members of the committee were in attendance, with Chairman Roy Costner presiding.**

### **WELCOME AND CALL TO ORDER:**

Chairman Roy Costner called the Committee of the Whole meeting to order. Councilman Carl Hudson led the invocation and Pledge of Allegiance.

### **COMMITTEE OF THE WHOLE:**

Chairman Roy Costner stated the meeting will begin with *Log No. 124* – AN ORDINANCE NO. 573 ESTABLISHING A TRUST FUND FOR INDIGENT MEDICAL TREATMENT IN PICKENS COUNTY PURSUANT TO THE PROVISIONS OF THE MEDICAL INDIGENT ASSISTANCE ACT; TO FURTHER DEFINE REQUIREMENTS AND PROCEDURES FOR DISBURSEMENT FROM THE TRUST FUND; AND MATTER RELATED THERETO.

### **AN ORDINANCE NO. 573 ESTABLISHING A TRUST FUND FOR INDIGENT MEDICAL TREATMENT IN PICKENS COUNTY PURSUANT TO THE PROVISIONS OF THE MEDICAL INDIGENT ASSISTANCE ACT; TO FURTHER DEFINE REQUIREMENTS AND PROCEDURES FOR DISBURSEMENT FROM THE TRUST FUND; AND MATTER RELATED THERETO. – Log No. 124**

- Mr. Roper stated back in June, Council passed third reading of the ordinance that enabled us to move forward with medical indigent program. He stated the question now is what the next step is.
- Mr. Hendricks stated this ordinance is already in the books since it passed third reading, it is just a matter of implementing the ordinance. He stated the process is that we are accessed each year by the state under this medical indigent application. He stated County governments are assessed an additional thirteen million dollars annually for use as matching funds for Medicaid services. He stated that comes out to be \$190,000 a year that Pickens County pays. He stated there is a provision in this statute, that if a trust fund has been established in a county to fund indigent care, contributions on behalf of the county must be credited against the county assessment. Mr. Hendricks stated in order to this, we have to establish a trust. Mr. Hendricks explained the process:

#### **1. Create a trust document**

- The administrator has authority under the ordinance to execute all documents deemed necessary, upon advice of legal counsel, to create the Pickens County Medical Indigent Trust Fund. These documents can be created and executed in the next two weeks, prior to the next meeting of County Council, when council may choose to select the trustees. Important terms of the trust, include 1) limiting the amount to be disbursed to the amount assessed by the state, 2) complying with the

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requirements of the trust set forth by the ordinance and the state statute and 3) determining criteria as to direct the trustees in their disbursement of funds.

### **2. County Council selects three trustees**

- County Council has the authority to select three electors who will each serve a term of two years as a trustee of the Pickens County Medical Indigent Trust Fund.

### **3. Trustees create rules and procedures**

- The trustees will meet and create the necessary procedures for applicants to receive funds. This will necessarily require deadlines, criteria for granting funds, and other processes necessary to fulfill the intent of the trust. The creation of the trust should provide guidance as to these procedures.

### **4. Trustees disburse funds**

- The trustees will receive applications for funds and, using their rules and processes they have created, disburse funds for the trust purposes.

### **5. Trust disbursements credited against assessed amounts**

- All amounts that are disbursed by the trust fund should be deducted from the assessment amount. Counsel for the County will provide a letter with a copy of Ordinance 572 and the amount disbursed.

- Council, the Administrator and the Attorney thoroughly discussed Ordinance 573.
- Vice Chairman Bowers stated we will have to look for conflicts of interest in these trustees. He stated the ideal candidates to serve as trustees would be an attorney, an accountant, and a retired medical field citizen.
- Councilman Whitehurst stated we want to make sure this money is spent the way it is supposed to be spent. He asked if Council could have the final vote on the way this money will be spent.
- Vice Chairman Bowers stated as a part of the trust, you must have an application process.
- After much more discussion between Council, Mr. Roper stated we will come up with a draft trust document for Council to review while they think about the three people they would like to appoint.
- Councilman Whitehurst stated independence of the trust is very important and these trustees cannot do something outside of what the trust states.
- Councilman Hudson stated he will trust three citizens, which we pick, to make the right decisions more than someone we do not know.
- Chairman Costner stated he wants to make sure we do this the best we possibly can. He stated the next step is for the Administrator and Attorney to draft the document for council to review.

### **❖ No Action Taken by the Committee.**

### **SCENIC HIGHWAY OVERLAY – Log No. 157**

- Mr. Roper stated this is a recommendation that came up in the Marketing Study. He stated where staff is on this project is researching ordinance examples. He stated the timeline is six months. He presented Council with a memorandum from Chris Brink, Community Development Director. He stated Mr. Brink is recommending us wait until after the Comprehensive Plan to start on the scenic highway overlay. Mr. Roper stated he would like for ACOG to get involved with this project as well. Mr. Roper also gave council some ordinance examples. He stated this will fall into four key elements – **1) Design Guidelines, 2) Signage Standards, 3) Density Guidelines and 4) Illumination Standards.**
- Mr. Roper presented photo examples in Greenville County on Highway 11, Oconee County on Highway 11, setbacks and design standards in Oconee County, RV Park and Dollar General on Highway 11, photos of

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table rock and highway 11, Holly Springs Grocery, etc.

- Mr. Roper stated these are things they would like for Council to think about. He stated he would recommend Chris Brink's recommendation, where ACOG gets involved and we wait until after the Comprehensive Plan, which will end in 2020. He stated he believes the next step, from a staff point of view, is to get ACOG involved.

### ❖ **No Action Taken by the Committee.**

#### **AN ORDINANCE NO. 590 AMENDING THE UNIFORM ORDINANCE FOR FIRE PROTECTION DISTRICTS (AS PREVIOUSLY ENACTED BY ORDINANCE NO. 404, AS AMENDED BY ORDINANCE NO. 405 AND ORDINANCE NO. 571) TO CONSOLIDATE CERTAIN EXISTING FEE PAYOR FIRE PROTECTION DISTRICTS THROUGH THE CREATION OF A NEW UNIFIED FIRE PROTECTION DISTRICT; AND OTHER MATTERS RELATING THERETO.– Log No. 151**

- Mr. Roper stated Council has the proposed Ordinance that comes from Lawrence Flynn. He stated Gary Pope wrote the original ordinance years back. Mr. Roper stated this is the second draft of the title, because the first title included abolishing. Mr. Roper stated we are not abolishing anything. Mr. Roper stated he recommended this alternate language, *"Regardless of the transfer of any and all assets of each of the Fee Fire Districts into the County (as applicable), the individual common public identities (necessary to properly denote the historical and geographical characteristics of such facilities) of the individual fire stations shall be maintained. However, nothing shall prohibit the Pickens FSA from purchasing, designing and up-fitting any facilities with updated signage, color schemes, graphics or other insignia which ascribe representation of and with the Pickens FSA."*
- He stated the idea is here is to let people know we are doing a budget thing.
- Councilman Whitehurst stated the idea is we are creating one district within the 11 entities.
- Mr. Roper stated the whole point of these fire districts is that they are separate taxing entities from Pickens County. He stated this is going to be something where communication will have to be key. He explained the "Free Room," in the County Administration Building, where the public can come in to see these fee structures and ask any questions. He stated we will also be holding three public fire fee meetings, at three different fire stations, from October 12-14.
- After much more discussion regarding the proposed ordinance, Councilman Whitehurst stated before Council moves, he would like to see another copy of this language.
- Chairman Costner agreed, stating he understands it has to be done in a legal way, but he feels this isn't understandable to the public.
- Mr. Roper stated he has a call tomorrow morning, with Lawrence Flynn, and he will state Council's concerns to him and get a new proposed drafted ordinance. He stated the next step for Council would be to move out of Committee for second reading.
- Councilman Whitehurst stated he would like to be able to have the language changed before second reading. He stated he would rather keep it in committee, get the language before the next committee meeting and go from there.
- Mr. Roper stated he is asking that the Committee recommend second reading, to be discussed at the next Council Meeting for approval. He stated the Clerk can send out the ordinance when it is available by email.
- Chairman Roy Costner made a motion to move this out of the Committee for second reading, with the provisions of changing the language and to be recommitted back to the Committee of the Whole. Vice Chairman Chris Bowers and the motion carried unanimously (6-0).

### ❖ **Chairman Roy Costner made a motion to move this out of the Committee for second reading, with the provisions of changing the language and to be recommitted back to the Committee of the Whole. Vice**

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**Chairman Chris Bowers and the motion carried unanimously (6-0).**

### **PROCUREMENT PROCESS – Log No. 152**

- Mr. Roper stated Council has the Procurement Ordinance in their agenda packets. He stated the procurement process Ordinance No. 256, was adopted back in May 1998. He stated most of this language comes from 1998. The ordinance was amended twice, once in 2000 and once in 2020, but 98% of the language come from 1998.
- Mr. Roper presented a memorandum to Council from Finance Director Ralph Guarino, in which Mr. Guarino gave his thoughts on changing one section of the ordinance as it relates to quotes. Mr. Guarino believes the current dollar value we have in place is impractical, considering the cost of inflation has risen since this ordinance was established. The changes Mr. Guarino would like for Council to consider changing are:

Sec. 2-325. - Small purchases.

- (a) *General.* Any contract not exceeding ~~\$20,000.00~~ *(\$25,000.00)* may be made in accordance with the small purchase procedures authorized in this section. Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section.
- (b) *Small purchases under \$4,000.00* ~~(\$2,500.00)~~ *Any purchase not exceeding \$4,000.00* ~~(\$2,500.00)~~ may be accomplished without securing competitive quotations if the prices are considered to be fair and reasonable. Action to obtain competitive quotations need only be taken when the procurement officers suspects the price may not be fair and reasonable, e. g., comparison to previous price paid, personal knowledge of the price range of the item involved. Every effort should be made to distribute such purchases equitably among qualified suppliers.
- (c) *Small purchases over \$4,000.00* ~~(\$2,500.00)~~ *but not exceeding \$5,000.00* ~~(\$10,000.00)~~. Insofar as it is practical, solicitations of verbal or written quotes from a minimum of two qualified sources of supply shall be made and documentation of the quotes recorded on or attached to the purchase requisition. The award shall be made to the lowest responsive/responsible source.
- (c) *Small purchases over \$5,000.00* ~~(\$10,000.00)~~ *but not exceeding \$20,000.00* ~~(\$25,000.00)~~. Insofar as it is practical, solicitations of verbal or written quotes from a minimum of three qualified sources of quotes shall be made and documentation of the quotes recorded on or attached to the purchase requisition. The award shall be made to the lowest responsive/responsible source.

(Ord. No. 256, § 3-105, 5-18-1998; Ord. No. 279, § 1, 2-21-2000)

- Vice Chairman Bowers stated we have talked a lot about procurement and bids over the years. He stated he knew this was a pretty old ordinance. He stated he asked for it to be in the Committee so he could better understand this ordinance.
- After more discussion regarding the procurement process in Pickens County, Mr. Roper stated over the years we have merged the purchasing clerk, and the purchasing manager in with the duties of the Finance Director. He explained the process to Council on how we are saving the taxpayers money.
- Chairman Costner stated he is trying to figure out why there is only one person who is doing all of the purchasing, and why is there not a separate department.
- After much more discussion between Council, Vice Chairman Bowers stated he has had some concerns from constituents where the guy who is the procurement officer is also the one who writes the checks. He stated this falls under the Administrator and day to day operations. He stated it does say the Procurement Officer answers to the Finance Director, but nowhere in the ordinance does it state where the Procurement Officer and Finance Director is the same person. He stated if something were to happen to Mr. Guarino tomorrow, would we feel comfortable with someone sliding into that position with the same authority we trusted Mr. Guarino. Vice Chairman Bowers stated at what point we will revisit this.

### **❖ No Action Taken by the Committee.**

### **ADJOURN:**

Hearing no further Committee business, Chairman Roy Costner called for a motion to adjourn. Motion was made by Vice Chairman Chris Bowers, seconded by Councilman Wes Hendricks and carried unanimously (6-0).