



AGENDA
KERSHAW COUNTY COUNCIL CALLED MEETING
JUNE 4, 2020 5:30 P.M.
 COUNTY COUNCIL CHAMBERS / KERSHAW COUNTY GOVERNMENT CENTER
 515 Walnut Street, Camden, SC 29020

Call to Order

Invocation/Pledge of Allegiance Chairman Julian Burns

Adoption of Agenda

Old Business

- Small Business Stabilization Grant ProgramA

Resolutions

1. Resolution approving and authorizing the execution of Transition Agreement by and among Kershaw County, Kershaw Hospital, LLC, Kershaw Clinics, LLC, and KershawHealth d/b/a The Health Services District of Kershaw County and approving and authorizing the execution of Exhibit A attached theretoB
2. Resolution approving and authorizing the execution of Bridge Payment Agreement by and among Kershaw County and KershawHealth d/b/a The Health Services District of Kershaw CountyC

Adjournment

Individuals who need auxiliary aids for effective communication concerning the above meeting should contact the Clerk to Council at 425-1500, 24 hours prior to the scheduled meeting. This institution is an equal opportunity provider and employer. The public may access the internet as a guest through the County's Wi-Fi and locate the agenda on the County website.: www.kershaw.sc.gov

PUBLIC COMMENT GUIDELINES

(Amended by Kershaw County Council, August 12, 1997)

1. Public Comment:
 - > is an opportunity for members of the public to share information with Council
 - > is not a time for debate with or questions and answers from Council
 - > is a time for Council to receive input
 - > is not a time for Council responseIn short, during Public Comment Council will LISTEN to public comment, but not COMMENT on public comment.
2. Offensive and inappropriate comments will not be tolerated and comments should be limited to statements and rhetorical questions.
3. If a group would like to speak to Council, we request that a spokesperson be selected and that this person indicate the group he/she is representing on the sign-up sheet and in his/her comments.
4. Public comment is a time to discuss issues, not individuals. Other avenues exist for individual personnel complaints.
5. Public comment period is limited to 30 minutes with 5 minutes maximum allowed per individual speaker.

PUBLIC HEARING GUIDELINES

(Amended by Kershaw County Council, January 28, 2020)

1. Prior to the public hearing persons wishing to speak should sign up to speak.
2. Immediately prior to the public hearing, it shall be announced that persons wishing to speak must identify that they wish to speak.
3. When the public hearing is opened, that persons be notified as to how many people have signed up, and identified, and in what order.
4. Persons will speak in the order in which they signed up, and identified, and in the order they have identified themselves as wishing to speak.
5. Each person can speak a maximum of ten minutes.
6. Comments at public hearings should be germane to the matter subject to the public hearing which should be liberally construed.

PUBLIC PRESENTATIONS GUIDELINES

(Amended by Kershaw County Council, January 28, 2020)

These rules may be varied by county council by a single vote at the time of the presentation.

1. A "public presentation" as an agenda item is limited to non-governmental organizations that wish to make requests or present information to County Council involving matters which are within the purview or statutory scope of County Council's authority.
2. A public presentation is limited to no more than three per meeting. The maximum time allotted for a public presentation is 20 minutes. No action is taken by County Council as a result of a public presentation.
3. Governmental entities, agencies of Kershaw County, or boards of Kershaw County can likewise present a public presentation as an agenda item. Governmental entities, agencies of Kershaw County, or boards of Kershaw County or entities that have a contractual relationship with Kershaw County can likewise request to be put on the agenda under New Business.
4. A request to be put on the agenda as a public presentation, or new business (if applicable) shall be accompanied by a written request which shall state the nature of the public presentation and the substantive content of the proposed presentation.
5. Individuals or representatives of organizations that wish to express concerns to County Council or to comment as to public matters are more appropriate to present their concerns or comments during the "public comment" section on the Council agenda.

Kershaw County Mission

It is the mission of Kershaw County Council to provide policy leadership, work to ensure adequate resources are available, monitor the consequences of policy decisions and make changes as necessary to ensure goals are being met in order to move the county in the direction of realizing its vision for the future.

Kershaw County Values

In meeting the needs of the citizens of Kershaw County, Council will be guided by the values of honesty, transparency, courageous leadership, civility, respect and understanding issues and concerns through active listening.

Kershaw County Vision

Kershaw County Government seeks to create an environment in which partnerships between the private and public sectors are developed for the purpose of improving the prosperity and quality of life for our citizens. Kershaw County will foster a climate conducive to increased economic development and improvement of the educational, social and cultural opportunities for our citizens. Kershaw County will provide the leadership to ensure citizen participation in the governance of the county as it works to deliver the highest quality of services in the most cost-effective manner.

ORDINANCE NO. 346.2020

AN EMERGENCY ORDINANCE BY KERSHAW COUNTY COUNCIL REAFFIRMING AND DECLARING A STATE OF EMERGENCY AND APPROPRIATING ONE MILLION DOLLARS FROM THE KERSHAW COUNTY DISASTER RESERVE ESTABLISHED BY RESOLUTION OF KERSHAW COUNTY ADOPTED JUNE 14, 2018, TO BE USED FOR ENSURING THE HEALTH, SAFETY, AND/OR WELFARE OF THE COUNTY AS PROVIDED HEREIN, FOR ECONOMIC DISASTER RELIEF

WHEREAS, the Home Rule Act, S.C. Code Ann. §4-9-130, provides in part that “To meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances...by the affirmative vote of at least two-thirds of the members of council present. and

WHEREAS, by Ordinance No. 345.2020 Kershaw County adopted “An emergency ordinance to establish safety measures, virtual meeting attendance, and operating procedures regarding postponing and/or rescheduling Kershaw County Council Meetings,” which is referenced in its entirety and in which the council “orders a State of Emergency”; and

WHEREAS, Kershaw county Council established a Disaster Reserve by Resolution dated June 14, 2018; and

WHEREAS, the Chairman of Kershaw County Council appointed an Ad Hoc Committee for the purpose of accessing, supporting and sustaining county businesses and agencies in the crisis; and

WHEREAS, the Ad Hoc Committee submitted its report to County Council on April 14, 2020; and

WHEREAS, the report is denominated “Kershaw County Small Business Stabilization Task Force Final Report” and made findings and made finite recommendations to Kershaw County Council as to the emergency needs, the recommended funding, and funding parameters, identified grants as the means by which to assist county businesses during the crisis, and outlined the method for reviewing grant applications and determining which businesses receive the grants; and

WHEREAS, Kershaw County Council received the report and now therefore effectuates the findings and enacts the findings and recommendations from the report by the Ad Hoc Committee; and

WHEREAS, the proposed grants serve a public purpose as set forth in the report and this ordinance; and

WHEREAS, the Kershaw County small business entities receiving the grants will submit as set forth in the report an application for review and recommendation and funding and that current economic uncertainty makes the grants necessary to support ongoing operations of the grant recipients and serve a public purpose of preserving and supporting ongoing economic operations in Kershaw County; and

FILED
2020 APR 14 PM 1:04
KERSHAW COUNTY, S.C.
CLERK OF COURTY

WHEREAS, by this emergency ordinance Kershaw County Council appropriates One Million (\$1,000,000.00) Dollars in emergency aid from the emergency Disaster Reserve to Kershaw County businesses and other non-profits that receive funding from Kershaw County all of which serves a public purpose including, but not limited to, creation of jobs, the preservation of Kershaw County businesses, and the general improvement and sustainment of the economic welfare of the County; and

NOW, THEREFORE, Kershaw County Council, by the power granted to it by the South Carolina Constitution and General Assembly through the Home Rule Act, hereby declares, enacts, ordains, and orders a State of Emergency and provides for Disaster Relief as follows:

1. That a State of Emergency Exists and is reaffirmed and declared and action is taken by this Emergency Ordinance.
2. That One Million (\$1,000,000.00) Dollars is hereby appropriated from the Disaster Reserve created by Resolution of Council to a fund to be known as the Emergency COVID-19 Small Business Disaster Relief Fund (the "Fund") and administered in part as the Small Business Stabilization Program (SBSP).
3. That the Fund is to be used for the public purpose of providing Emergency Disaster Relief as set forth herein and supporting ongoing operations of the grant recipients.
4. Attached are the following exhibits which are incorporated herein and authorized according to their terms.

- Kershaw County Small Business Stabilization Task Force Final Report (as modified). Attached hereto as **Exhibit A**.
- Grant and Committee Guidelines. Attached hereto as **Exhibit B**.
- Small Business Stabilization Grant Application (as modified). Attached hereto as **Exhibit C**.
- Small Business Stabilization Grant Program (SBSGP) – Attached as **Exhibit D** for reference.

5. That the oversight committee will report periodically as grants are approved and funded to Kershaw County Council.
6. That this ordinance will expire on the sixty-first (61st) day after enactment.

ORDAINED, ENACTED, AND ORDERED THIS 20th DAY OF April, 2020

Handwritten signature: [Signature]
Kershaw County Council
Handwritten note: KC STRONG!

ATTEST:

Handwritten signature: Merri M. Seigler
Merri M. Seigler
Clerk to Council

Exhibit A

Kershaw County Small Business Stabilization Task Force Final Report

As Modified by Kershaw County Council

1. Determining the state and condition of small businesses and non-profits.
 - a. Identifying areas of concern
 - *Small businesses with 20 or fewer employees*
 - *Top 5 types of businesses impacted: Restaurants, Personal Care (Hair, Nails, Massage, Fitness, etc.), Retail, Event Businesses (Caterers, Florists, Rental Spaces, Rental Supplies, etc.), & Childcare Centers*
 - *All non-profits (increased needs, declining financial donations, canceling of fundraisers, etc.), including churches*
 - b. Monitoring closures and distressed business status, providing periodic updates

As of March 30, 2020:

 - *At least 46 businesses closed in Camden & Elgin; 5% of Elgin business licenses; 18% of Camden retail business licenses*
 - *At least 34 businesses in Camden with adjusted hours*

Additional businesses have closed since the end of March (as mandated by the Governor). However, we do not have specific counts available at this time.
2. Determining the impact and effect on local small businesses, agencies and non-profits of the recently passed Federal Stimulus program, as well as the recently approved State of South Carolina Emergency response, particularly as they address those area of concerns identified in 1a.
 - *Paycheck Protection Program (PPP) – loans offered through local lenders to businesses and 501(c)3 non-profits with less than 500 employees, sole proprietors, self-employed and independent contractors; loan can cover payroll, health benefits, salary and employee commissions, interest on mortgages, rent, utilities, and interest on debt. The federal government will defer payments for up to 1 year and forgive up to 8 weeks of pay for payroll, mortgage interest payments, rent, utilities, or other interest.*
 - *Economic Injury Disaster Loan (EIDL) – loans offered through the Small Business Administration to businesses and non-profits with fewer than 500*

employees, cooperatives, sole proprietors, self-employed and independent contractors; loan can cover mortgage, payroll, accounts payable, and other bills that can't be paid because of the disaster's impact; payments can also be deferred for 1 year and the government will provide a \$7,500 cash advance that is not required to be repaid.

Note: Businesses can apply for both programs above but must use the funding for different expenses. Local funds do not neg impact getting these funds.

- *Business Tax Provisions - tax credits for employee retention; delay payment of employer payroll taxes; modifications to net operating losses, and tax refunds for employers paying staff who are out on leave due to the coronavirus.*
 - *Expanded Unemployment Rules—employers are not required to contribute to employees' unemployment if they had to lay them off or furlough them related to the coronavirus pandemic; self-employed business owners and non-profit workers can now apply for unemployment.*
- a. Advise how Council, municipalities and agencies may leverage these assets quickly.
 - b. Expedite SBA loans and means available to Kershaw County to expedite in this county as the hardest hit of all in the state of South Carolina:
 - i. Terms
 - ii. Guidelines
 - iii. Practicality

The federal government is asking for patience as they clarify their processes and rules. The message from a recent call with Representative Ralph Norman included go ahead and apply, and let things be worked out on the back end; his office is ready to assist anyone who is having trouble receiving the funds they need.

3. Determine gaps in coverage that exist between the issues identified in Federal stimulus programs – expecting delays to the local level.

The following gaps have been identified:

- *No coverage of local fees, taxes or licenses*
- *Funding needed to buy new and seasonal inventory or supplies – businesses don't have the income to cover new purchases*
- *Delays in getting funding – many businesses are still waiting to hear back from the SBA on the EIDL program; however, money is slowly beginning to be distributed by the local lenders through the PPP*

- *Non-profits and churches loss of income – fundraisers and weekly collections have been canceled and reduced, respectively, while in many cases, the need for these organizations' support has increased; funds are not available for additional supplies or equipment needed to adjust to these new conditions*
- *Possible needs 6-12 months from now*
- *Concerns about the impact of perception – Kershaw County and Camden have been described as the epicenter and starting location for the virus in South Carolina; therefore, advertising is needed to help turn perception around*

4. Researching possible areas identified in 3 above that can be addressed through local efforts

a. Kershaw County

Kershaw County is providing the following resources or aid:

- *Waiving of late fees and penalties for late payments of sewer bills*
- *Waiving of late fees and penalties for vehicle taxes*
- *Providing ongoing outreach, support and resources to our industries through dedicated staff, assisting in the official determination of "essential industry" status*

b. City of Camden

The City of Camden is providing the following resources or aid:

- *Fees will be waived for credit or debit card payments, and late fees will be waived for all residential and commercial utility bills until further notice.*
- *Disconnect for nonpayment has been suspended until further notice.*
- *The City will waive late fees on local hospitality tax payments made through June 20, 2020.*
- *Any customers who have COVID-19 related emergency circumstances should contact City Hall to arrange payment for outstanding balances. The City will assist with payment options and direct customers to other community resources, based on need.*
- *The City will make staff available to assist business owners from across the county as they apply for the Small Business Administration's Economic Injury Disaster Loans and Loan Advances.*
- *The City continues to provide support to businesses through its façade grant program, and development incentives available for new businesses.*

c. Towns of Elgin & Bethune

The Town of Elgin is tracking which businesses have closed due to the current situation, and Mayor Emmons will be proposing to Council that they consider waiving the license renewal fees for the year. They will also extend the deadline from April 15th to July 15th. The Town of Elgin is available to assist businesses with other COVID-19 resources. Town Hall can be reached at 803-438-2362.

The Town of Bethune is encouraging safe distancing, checking on the elderly, and helping those in need with their water costs. They sent out a letter to all citizens telling them to call Town Hall if they need assistance. Most businesses are still open, except for hairdressers.

d. Chamber of Commerce

The Kershaw County Chamber of Commerce is providing informational resources to their members and community including but not limited to covering topics on federal loan programs, unemployment, and tax credits and refunds. The Chamber is offering call or email assistance to any business in Kershaw County who has questions about these initiatives. The Chamber is also gathering information from businesses in an effort to identify business needs and possible solutions.

e. Social agencies

The demand for social agencies has increased due to COVID-19 and its impact on individuals and businesses. Each social agency is working through its partners at the federal, state and local levels to address the increased need. Resources, volunteers and finances are stretched thin but these groups are dedicated to providing as much support as possible. Any additional assistance would be helpful.

5. Researching the financial implications of any possible local efforts, determining where local funds, if any would be derived and the impact of such use of funds may have on the various entities providing the fund.

- By using the county's emergency reserves, there would be minimal impact on the county's ability to operate. Revenues are in for the year and there are not any expectations of mid-year budget cuts from the state. The county still has \$1.5 million in emergency reserves (after these funds are removed) and 3 months in cash management reserves.*

- *The County does not expect much reduction in tax receipts. Property tax payment rates tend to be high, even during difficult times. The local options sales tax will be down significantly.*
- *The County has authority to give funds that support health and safety. The county would prefer to distribute the funds to a 3rd party group that would need to decide who to fund and not to fund. Liability is not on the county; once funds are distributed to the 3rd party, they have the responsibility. They would need to act in a good faith effort to ensure their actions are appropriate and they need to be operating within the parameters given by county.*

6. Grant and Committee Guidelines

a. Description

*On April 14, 2020 the Kershaw County Council approved funds to launch the **Small Business Stabilization Grant Program (SBSG)**. The SBSG program was designed to provide short-term grant relief to businesses within the corporate limits of Kershaw County, South Carolina that are experiencing a reduction in revenue as a result of the COVID-19 pandemic. The Kershaw County Council recognizes the need to support small businesses that are struggling to access capital and keep their doors open in response during COVID-19. Each SBSG grant could be awarded in an amount of up to \$7,500 in an effort to mitigate losses experienced by our small business community. This amount may be adjusted to provide immediate assistance to as many small businesses as possible. In accordance with policy set by Kershaw County Council, a small business is defined as a business with twenty (20) employees or less.*

b. Priority will be given to:

- *Businesses who are still in operation*
- *Businesses who have been shut down as non-essential due to COVID-19*
- *Businesses with revenue decreases by 20% or more due to COVID-19*
- *Businesses that are the most vulnerable business owners (businesses with a demonstrable lack of capital resulting from the impact of the COVID-19 virus, and documented business-related expenses)*

c. Requirements

An application (see "Appendix A – Application Options") must be submitted by qualified for-profit, privately held small businesses that have been in business for at least a year (as of April 1, 2020). All qualified applicants must illustrate the economic injury suffered as a result of COVID-19. Applications will be submitted to the Grants Review committee, which will, weekly, make determinations.

d. Qualifications

- *Businesses with twenty (20) or less employees – not including family members, and must be located at a physical location(s) in Kershaw County at the time of application submission.*
 - *Priority will be given to our most vulnerable businesses as defined as businesses with a demonstrable lack of capital resulting from the impact of the COVID-19 virus, and documented business-related expenses.*
 - *Grant recipients must provide an accounting and verification of the expenditures of Small Business Stabilization Grant Program (SBSP).*
- e. *Ineligible Applicants, include but are not limited to:*
- *Hotels & Motels*
 - *Liquor/ABC/Red Dot Stores*
 - *National/Regional Chain Businesses*
 - *Financial Institutions*
 - *Private Membership Businesses*
 - *Fraternal Organizations*
 - *Adult Oriented Businesses*
 - *Lobbyist*
 - *Businesses owned in part or fully by Governmental officials living or working in Kershaw County, including Staff, Administration and Elected Officials*
- f. *Summary*
Kershaw County Council has determined to provide the immediate financial relief needed to strengthen our local small business enterprises that have been affected by the COVID-19 pandemic. This program has been created to provide temporary support as alternative revenue sources are sought or other private and/or public financing options are made available by these businesses.
7. *Concluding and recommending back to Kershaw County Council possible responses from the various local Kershaw County entities.*

The Task Force recommends the following:

1. *Funding - \$1 million dollars should be taken from the county's emergency reserves to help businesses and organizations affected by COVID-19*
 - *\$750,000 should be set aside for grants to small businesses (as outlined in the guidelines section above)*
 - *\$190,000 should be set aside for support of non-profits*
 - *Up to \$60,000 should be set aside for administrative costs*
2. *Non-profits – The funding for non-profits should be managed by county administration. These organizations will need to request these funds in the same manner that they request support in any other year.*

3. *Small Businesses – The funding for small businesses should be provided to a 3rd party for administration. The 3rd party recommended by this group is the Kershaw County Chamber of Commerce (pending final agreement from their Board of Directors). The Chamber will not decide which businesses receive the funds but will distribute the funds based on direction from an oversight committee. See next item for details. The Chamber would be paid at a rate of 8% of the distributed funding amount.*
4. *Oversight Committee – A small group of local volunteers should be responsible for reviewing grant applications and determining which businesses receive the funding. The task force recommends the following individuals:*
 - *Laurin Burch*
 - *Pam Delk*
 - *Margaret Lawhorn*
 - *John Lee*
 - *Greg Newman*
 - *Charles Baxley (alternate)*
 - *Dennis Stuber (alternate)*

EXHIBIT B

1. Grant and Committee Guidelines

a. Description

*On April 20, 2020 the Kershaw County Council approved funds to launch the **Small Business Stabilization Grant Program (SBSG)**. The SBSG program was designed to provide short-term grant relief to businesses within the corporate limits of Kershaw County, South Carolina that are experiencing a reduction in revenue as a result of the COVID-19 pandemic. The Kershaw County Council recognizes the need to support small businesses that are struggling to access capital and keep their doors open in response during COVID-19. Each SBSG grant could be awarded in an amount of up to \$7,500 in an effort to mitigate losses experienced by our small business community. This amount may be adjusted to provide immediate assistance to as many small businesses as possible. In accordance with policy set by Kershaw County Council, a small business is defined as a business with twenty (20) employees or less.*

b. Priority will be given to:

- *Businesses who are still in operation*
- *Businesses who have been shut down as non-essential due to COVID-19*
- *Businesses with revenue decreases by 20% or more due to COVID-19*
- *Businesses that are the most vulnerable business owners (businesses with a demonstrable lack of capital resulting from the impact of the COVID-19 virus, and documented business-related expenses)*

c. Requirements

An application (see "Appendix A – Application Options") must be submitted by qualified for-profit, privately held small businesses that have been in business for at least a year (as of April 1, 2020). All qualified applicants must illustrate the economic injury suffered as a result of COVID-19. Applications will be submitted to the Grants Review committee, which will, weekly, make determinations.

d. Qualifications

- *Businesses with twenty (20) or less employees – not including family members, and must be located at a physical location(s) in Kershaw County at the time of application submission.*
- *Priority will be given to our most vulnerable businesses as defined as businesses with a demonstrable lack of capital resulting from the impact of the COVID-19 virus, and documented business-related expenses.*
- *Grant recipients must provide an accounting and verification of the expenditures of Small Business Stabilization Grant Program (SBSP).*

e. *Ineligible Applicants, include but are not limited to:*

- *Hotels & Motels*
- *Liquor/ABC/Red Dot Stores*
- *National/Regional Chain Businesses*
- *Financial Institutions*
- *Private Membership Businesses*
- *Fraternal Organizations*
- *Adult Oriented Businesses*
- *Lobbyist*
- *Businesses owned in part or fully by Governmental officials living or working in Kershaw County, including Staff, Administration and Elected Officials*

f. *Summary*

Kershaw County Council has determined to provide the immediate financial relief needed to strengthen our local small business enterprises that have been affected by the COVID-19 pandemic. This program has been created to provide temporary support as alternative revenue sources are sought or other private and/or public financing options are made available by these businesses.

2. *Concluding and recommending back to Kershaw County Council possible responses from the various local Kershaw County entities.*

The Task Force recommends the following which recommendation is adopted:

1. *Funding - \$1 million dollars should be taken from the county's emergency reserves to help businesses and organizations affected by COVID-19*
 - *\$750,000 should be set aside for grants to small businesses (as outlined in the guidelines section above)*
 - *\$190,000 should be set aside for support of non-profits*
 - *Up to \$60,000 should be set aside for administrative costs*
2. *Non-profits – The funding for non-profits should be managed by county administration. These organizations will need to request these funds in the same manner that they request support in any other year.*
3. *Small Businesses – The funding for small businesses is provided to a 3rd party for administration. The 3rd party recommended and approved is the Kershaw County Chamber of Commerce (pending final agreement from their Board of Directors). The Chamber will not decide which businesses receive the funds but will distribute the funds based on direction from an oversight committee. See next item for details. The Chamber would be paid at a rate of 8% of the distributed funding amount.*
4. *Oversight Committee – A small group of local volunteers should be responsible for reviewing grant applications and determining which businesses receive the funding. The following individuals are recommended:*

- *Laurin Burch*
- *Pam Delk*
- *Margaret Lawhorn*
- *John Lee*
- *Greg Newman*
- *Charles Baxley (alternate)*
- *Dennis Stuber (alternate)*

5. The Chamber will report and account to County Council as to distribution of funds and as to the recipients of the grant funds on a periodic basis as the funds are distributed.
6. The Chamber is authorized to engage professional services (including but not limited to CPAs, Attorneys, IT Specialists, Administrative) using its administration fees as it determines.

Exhibit C

**Appendix A –
Application**

**Kershaw County
Small Business Stabilization Grant Application**

Business Legal Name: _____

Trade Name: _____

Business Primary Address: (No P. O. Box)

Street: _____

City: _____

State: _____

County: _____

Zip: _____

Business Phone: _____

Alternate Business Phone: _____

Business Fax: _____

Business Email: _____

Date Business Established: ____ - ____ - _____

Business Type: (circle one)

Sole Proprietorship

General Partnership

LLC-Limited Liability Corporation

Cooperative

LLP-Limited Liability Partnership

Trust

LP-Limited Partnership

Independent Contractor

C-Corporation

Other

S-Corporation

Date Business Established: ____ - ____ - _____

Current Ownership Since: ____ - ____ - _____

Number of Employees: (as of January 31, 2020) __

Number of Employees: *(as of April 6, 2020)* __

Number of Employees on Furlough: __

Amount Requested: *(not to exceed \$7500)* _____

Please provide details of the COVID-19 impact on your business:

If awarded, state the purpose(s) for which you will use the Grant Funds: _____

Gross Revenues for the twelve (12) months prior to the date of COVID-19 January 31, 2020: _____

Have you been compensated from other sources received as a result of COVID-19: *(If yes, who?)* _____

Applicant has twenty (20) or less Employees: *(provide number)* __

Applicant Business is located in the County of Kershaw County SC:

(circle one) **Yes or No**

Business Activity: *(circle one)*

- | | |
|--|--------------------------------------|
| Automotive Repair | Manufacturing |
| Automotive Sales & Gas Service Station | Mining & Natural Resource Extraction |
| Business Services | Miscellaneous Services |
| Communications | Personal Services |
| Construction & Contractors | Retail Services |
| Eating & Drinking Places | Storage |
| Educational Services | Transportation |
| Entertainment Services | Wholesale |
| Food & Beverage Stores | Other |

Owner/Agent:

Name: _____

Cell Number: - - _____

Title/Office: _____

Ownership Percent: _____

Email Address: _____

Place of Birth - *(City & State)* _____

U. S. Citizen - *(circle one)* Yes or No

Residential Address *(No P.O. Box)*

Street: _____

City: _____

State: _____

County: _____

Zip: _ _ _ _ _

Do you own other businesses: *(circle one)* Yes or No

If yes, please list: _____

Do you have any immediate relatives employed by any governmental entity that lives in your household: *(circle one)* Yes or No

If yes, please explain:

Applicant's Name: *(please print)* _____

Applicant's Signature: _____

Title: _____

Date: _ _ - _ _ - _ _ _ _

Terms and Conditions:

Successful applicants:

1. Will be required to furnish pertinent information, to allow the funds to be successfully transferred.
2. Cannot be employed, or have close family members that are, by any governmental entity located in Kershaw County.
3. Must sign an agreement guaranteeing their provision of necessary financial information to verify the use of the funds.

Name of Business

Date

By: _____

Authorized Officer or Agent

By receipt of Small Business Stabilization Grant funds the recipient agrees to use the funds in accordance with the approved application and agrees to verify the use of the funds. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment to the fullest extent allowed by law.

Authorized Agent or Officer

Name of Business

Exhibit D – For Reference

Kershaw County Small Business Stabilization Grant Program (SBSGP)

This is a summary in addition to the Emergency Ordinance No. _____ and is for reference

I. TO APPLY

Eligible small business owners may apply for the Small Business Stabilization Grant Program subject to the Guidelines. Emergency Disaster Relief Ordinance No. _____ may be accessed at _____. Applications are available by sending your request to _____ and may be obtained online at _____ or physically obtained by _____. Completed applicants can be sent to: via email: _____ or _____ via U.S. Mail or physically delivered by _____. Applications will be accepted on an ongoing basis, reviewed regularly and are contingent on the availability of funds. Approved applications will be processed immediately.

II. PURPOSE

SBSGP funds are designed to provide immediate financial relief needed to strengthen our local small business enterprises that have been affected by the COVID-19 pandemic. The purpose of the SBSGP loan is to provide immediate financial assistance to our small businesses for a period of time as alternative revenue sources are sought or other private and/or public financing options are made available. The maximum amount of the grant is \$7,500.00.

III. ELIGIBILITY

Applications will be accepted by qualified for-profit, privately held small businesses that have been in business for at least a year (as of April 1, 2020) and located within Kershaw County, South Carolina. All qualified applicants must illustrate the economic injury suffered as a result of COVID-19.

a. Eligible Applicants:

- Businesses with 20 or less employees at the time of grant application;
 - Priority will be given to our most vulnerable businesses
- Businesses with a physical establishment within Kershaw County;
- Businesses with documented or exhibited losses due to COVID-19; and

- Applicants must agree to provide a summary and verification report after grant funds have been exhausted, the report must indicate how the grant funds were spent and include supporting documentation.

b. Ineligible Applicants, include but are not limited to:

- *Hotels & Motels*
- *Liquor/ABC/Red Dot Stores*
- *National/Regional Chain Businesses*
- *Financial Institutions*
- *Private Membership Businesses*
- *Fraternal Organizations*
- *Adult Oriented Businesses*
- *Lobbyist*
- *Businesses owned in part or fully by Governmental officials living or working in Kershaw County, including Staff, Administration and Elected Officials*

IV. USES OF GRANT FUNDING

Due to the universal financial impact of COVID-19 on our business community, we realize that the needs of our individual small business owners will vary. As a small business owner you are making a number of very difficult decisions and adjustments to save your business. To assist you during this crisis, the grant funds may be used by the business owner to pay debts, cover payroll and other bills that will help sustain a small business in the short-term until other sources of assistance or revenue have been identified by the business owner. The grant funds are supplemental and duplicative of other funding. The maximum amount of the grant is \$7,500.00.

V. RIGHT OF REFUSAL

Any request for grant funding which is deemed inappropriate or not contributing to the purpose of the SBSGP loan program may result in denial of funding by the Oversight Committee.

VI. It is recommended in order to gauge the demand that at the discretion of the Oversight Committee funds be granted and distributed in three (3) phases. Phase I 40%; Phase II 30%; and Phase III 30%.

VII. The funding is available for sixty (60) days beginning April _____, 2020.

VIII. Applications will be made available by April 24, 2020.

Guidelines for Non-Profit Support

PURPOSE

In answer to this COVID crisis, and to help meet the unique and time sensitive needs of, and to ensure the viability of, local nonprofit organizations located in Kershaw County, the Kershaw County Council has created a stabilization fund. Thus providing a lifeline of support when all other avenues have been exhausted.

APPLICABILITY

The first round of consideration will begin on April 21st, 2020 and end on May 5th, 2020 and applies to all non-profits physically located in Kershaw County. A second round will begin on May 6th, 2020 and last until May 15th, 2020.

PROCEDURES

In looking at a funding request, close attention will be directed at the revenues of the organization, and the actual impact that the Coronavirus epidemic has had on them. Systemic issues already in place prior to the epidemic are not, in and of themselves, sufficient cause for the County to provide support.

Additionally, a close look will also be directed as to whether the organization has made changes to the way it operates. Has it made efforts to reduce spending where appropriate? Refocused its mission to address the current actual needs?

In making a request, agencies are tasked with providing the following information to The County Administrator at the following address:

Vic Carpenter
Kershaw County Administrator
515 Walnut Street
Camden SC 29020.

- 1) A report detailing the breakdown of revenues and expenses for the previous fiscal year.
- 2) A current report of its revenues and expenses - with an explanation as to how the current crisis has affected both revenues and expenses.
- 3) A breakdown of measures taken to help ensure the ability of the organization to survive financially.
- 4) A breakdown of how requested funds would be used - salaries, programs, etc with an explanation of why these funds are needed in those particular areas.
- 5) A listing of all other sources of funding that have been requested or received, and the uses anticipated for those funds.
- 6) A narrative explaining the general needs of the organization, the work it has been doing, and the outcome if funds are not received.

Additional information may be requested at any time during the process of determination.

Finally, any organization receiving support must be prepared to submit to The County, upon conclusion of the crisis at a time and date set by The Administrator, a report indicating how the funds were used and the impact that those funds had. Where possible, uses of funds should be by dollar amount with the total adding up to the amount received.

RESOLUTION No. 159.2020

A resolution approving and authorizing the execution of Transition Agreement by and among Kershaw County, Kershaw Hospital, LLC, Kershaw Clinics, LLC, and KershawHealth d/b/a The Health Services District of Kershaw County and approving and authorizing the execution of Exhibit A attached thereto.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by Kershaw County by and through the Kershaw County Council that:

The Transition Agreement is entered into this 4th day of June, 2020, by and among Kershaw County, South Carolina (the “**County**”), a body politic and corporate subdivision of the State of South Carolina; Kershaw Hospital, LLC (“**Kershaw**”), a South Carolina limited liability company; Kershaw Clinics, LLC (the “**Clinics**”), a South Carolina limited liability company; and KershawHealth d/b/a The Health Services District of Kershaw County (the “**District**”), a South Carolina statutorily created body corporate of perpetual succession (each a “**Party**,” collectively the “**Parties**”) is approved and the execution is authorized.

IT IS SO RESOLVED by Kershaw County Council this 4th day of June, 2020.

KERSHAW COUNTY COUNCIL

By: _____

ATTEST:

Merri M. Seigler
Clerk to County Council

EXHIBIT A

RESOLUTION OF THE KERSHAW COUNTY COUNCIL

The undersigned Chairman of the Kershaw County Council (the “**Council**”) certifies that the following resolution was duly adopted by the Council at its meeting on the ___ day of June, 2020, which was properly noticed in accordance with the South Carolina Freedom of Information Act (S.C. Code Ann. §§ 30-4-10 *et seq.*).

WHEREAS, Kershaw County (the “**County**”) is a body politic and corporate subdivision of the State of South Carolina, acting by and through its governing body, the Council; and

WHEREAS, KershawHealth, d/b/a The Health Services District of Kershaw County (the “**District**”), is a special purpose district and political subdivision of the State of South Carolina, charged with doing all matters necessary or convenient for the construction, establishment, and maintenance of a hospital for the benefit of the public residing in the County, and having knowledge of the factors contributing to the health care of the residents of the County; and

WHEREAS, the District and Kershaw Hospital, LLC (“**Kershaw**”) entered into that certain Asset Purchase Agreement, dated September 25, 2015, pursuant to which, Kershaw purchased KershawHealth Medical Center (the “**Hospital**”), along with certain other assets; and

WHEREAS, Kershaw now operates the Hospital and provides healthcare services to the residents of Kershaw County; and

WHEREAS, the District retained ownership of the real property on which the Hospital is located; and

WHEREAS, the District and Kershaw entered into that certain Lease Agreement, dated October 30, 2015, pursuant to which Kershaw leased from the District said real property, for an initial term of forty (40) years; and

WHEREAS, in December, 2019, Prisma Health – Midlands (“**Prisma**”) (f/k/a Palmetto Health Alliance) requested that the South Carolina Department of Health and Environmental Control (the “**Department**”) review a proposed transaction whereby Prisma would acquire certain assets owned by LifePoint Health (“**LifePoint**”), the parent company of Kershaw, to include the Hospital (the “**Acquisition**”), and determine whether the proposed Acquisition would materially impact the Certificate of Public Advantage (“**COPA**”) held by Prisma; and

WHEREAS, on February 28, 2020, the Department issued its decision that the conditions of the COPA would be amended to provide for the acquisition of the Hospital and other assets, upon consummation of the Acquisition (the “**Department’s Decision**”); and

WHEREAS, pursuant to a resolution dated March 19, 2020, the District expressed its findings with respect to the Acquisition to the Department; and

WHEREAS, the District has found, and the County believes, that the Acquisition has the potential to create long-term stability for the County’s healthcare delivery system, as it will place the healthcare assets in the hands of a well-respected, South Carolina based, not-for-profit

provider, which will give the County's residents access to a full continuum of coordinated, locally-delivered, healthcare services; and

WHEREAS, the Council has been assured that Prisma has committed to honor the remaining obligations contained within the Asset Purchase Agreement and the Lease, including the continued maintenance of the Hospital as an acute care hospital in the County, the provision of certain core healthcare services, and the commitment to make capital investments in the County's healthcare delivery system; and

WHEREAS, having considered the Acquisition in light of the County's overall mission to act in the best interests of the residents of the County and in light of Prisma's reputation for providing high-quality, state-of-the-art healthcare services; and

WHEREAS, the Acquisition will place the County's Hospital in a South Carolina based system with significant scale. In modern healthcare, having significant scale enables efficiency and quality. Scale allows hospitals to implement best practices, monitor outcomes, and, ultimately, provide more and better healthcare. Not every patient population is the same. The Midlands, including the County, has a unique patient population in many ways. Prisma's South Carolina based operations are of a sufficient size that it can fashion and implement programs, policies, and procedures that are tailored to bring the benefits of this community-specific scale to the County's patients; and

WHEREAS, the Acquisition will ensure that the Hospital's back office support is local. Right now, many of the back office functions required to operate the Hospital are performed in Tennessee. By keeping more of those back office functions in the Midlands, the County's residents will have more direct access to the professionals and other team members that make the Hospital work. This makes it easier for community members to have their concerns addressed promptly and efficiently, and it encourages a higher level of accountability. It also results in more South Carolina based jobs; and

WHEREAS, the Acquisition enables a patient that presents for treatment in the County to have a seamless transition to the highest levels of care, if needed. For example, if a baby is born prematurely in Camden, such that the child requires Level III NICU services, the child can be transferred to Prisma's NICU without any need for a transfer agreement, without any need to reconcile differing electronic medical record systems, and without breaking the continuity of care teams (which can be caused by medical staff limitations). As another example, a patient severely injured in an accident can present at the emergency room in Camden and be transferred to Prisma for Level I trauma services without any administrative burden and, consequently, without incurring any additional trauma activation fees (which can be substantial); and

WHEREAS, the Acquisition will help recruit physicians and other staff to serve the County's patients. Prisma is a teaching facility, which trains a significant number of physicians and nurses. County Council understands that Prisma intends to circulate residents through the hospital. This is significant, as there is a strong, well-documented correlation between where physicians perform their residency and where they ultimately settle. County Council believes that the Acquisition will result in more healthcare professionals working in the County; and

WHEREAS, Prisma prioritizes its clinical staff. In October 2019, Prisma announced a significant pay raise for its clinical front-line staff. Nurses already on staff got an average increase of \$3 to \$5 an hour. New graduate nurses now earn \$29 an hour as a starting salary. Prisma is investing in its front-line, hourly team members in many roles, including nurses, environmental services, and laboratory technicians. That will benefit the Hospital's employees directly, but it will also benefit the community more broadly; and

WHEREAS, Pursuant to its COPA, Prisma is required to make a "tithe," which means it must spend 15% of its excess revenue over expenses on community health/benefit projects. The current hospital operator is not obligated in any way to devote excess revenue to community health projects. County Council expects that some of the tithe will ultimately be put to work in the County. This tithe requirement provides County Council with additional comfort that the Acquisition will benefit the residents of the County; and

WHEREAS, for the foregoing reasons, the Council supports the Acquisition and desires to express and demonstrate its support for the Acquisition;

NOW, THEREFORE, BE IT RESOLVED that, pursuant to applicable law, the Council hereby directs that the Council Chairman is authorized, empowered, and directed to express publicly, on behalf of the Council, the Council's support for the Acquisition pending regulatory approval, including, but not limited to, communicating with any agency or entity as determined necessary and appropriate and by participating in any proceedings or interviews pertaining to the Acquisition; and

BE IT FURTHER RESOLVED that the Council Chairman is authorized to take such other and further actions as may be necessary to express the Council's support for the Acquisition.

This action is effective this ____ day of _____, 2020.

ATTEST CHAIRMAN
KERSHAW COUNTY COUNCIL:

Julian Burns

RESOLUTION No. 160.2020

A resolution approving and authorizing the execution of the Bridge Payment Agreement (“**Agreement**”) is entered into this 4th day of June, 2020, by and among Kershaw County, South Carolina (the “**County**”), a body politic and corporate subdivision of the State of South Carolina, and KershawHealth d/b/a The Health Services District of Kershaw County (the “**District**”), a South Carolina statutorily created body corporate of perpetual succession (each a “**Party**,” collectively the “**Parties**”).

NOW, THEREFORE, IT IS HEREBY RESOLVED, by Kershaw County by and through the Kershaw County Council that:

The Bridge Payment Agreement (“**Agreement**”) is entered into this 4th day of June, 2020, by and among Kershaw County, South Carolina (the “**County**”), a body politic and corporate subdivision of the State of South Carolina, and KershawHealth d/b/a The Health Services District of Kershaw County (the “**District**”), a South Carolina statutorily created body corporate of perpetual succession (each a “**Party**,” collectively the “**Parties**”) is approved and the execution is authorized.

IT IS SO RESOLVED by Kershaw County Council this 4th day of June, 2020.

KERSHAW COUNTY COUNCIL

By:_____

ATTEST:

Merri M. Seigler
Clerk to County Council

**RESOLUTION OF THE BOARD OF TRUSTEES
THE HEALTH SERVICES DISTRICT OF KERSHAW COUNTY**

WHEREAS the Health Services District of Kershaw County believes it is in the best interests of the citizens of Kershaw County that Prisma Health acquire the assets and obligations of Kershaw Hospital, LLC so as to improve the health services provided to our citizens;

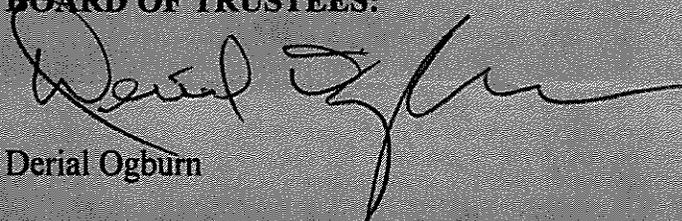
WHEREAS, the Health Services District of Kershaw County recognizes that this acquisition will negatively impact the revenues of Kershaw County government used to operate Emergency Medical Services for its citizens;

THEREFORE, the Health Services District of Kershaw County authorizes the disbursement of \$500,000 from appropriate accounts within its control to the Kershaw County in fiscal year 2022 to assist the County in filling the financial gap it will experience from acquisition of Kershaw Hospital, LLC by Prisma Health. This disbursement is contingent on Kershaw County dropping its appeal to the Administrative Law Court relating to Prisma Health's acquisition and the successful closing of the acquisition by Prisma Health.

FURTHERMORE, the Health Services District of Kershaw County authorizes its Chairman to enter into any necessary and binding legal agreements required to effectuate this disbursement and facilitate the acquisition of KershawHealth by Prisma.

This action is effective this 1st day of June, 2020.

**ATTEST CHAIRMAN
BOARD OF TRUSTEES:**


Derial Ogburn