

Lancaster County Stormwater Advisory Council Thursday, December 1, 2022 2:30 pm

Del Webb Library – Meeting Room 7641 Charlotte Highway Indian Land, SC 29707

Regular Meeting Agenda

- 1. Call to Order Regular Meeting
- 2. Introductions
- 3. Approval of the Agenda
- 4. Approval of Minutes of the Meetings of May 4th and August 4th, 2022
- 5. Board Members subject to the Ethics, Government Accountability and Campaign Reform Act of 1991. See Chapter 5, Ethics and Public Service, from SC Association of Counties Handbook
- 6. Overview of Activities
 - SCRIA, SC Infrastructure Investment Program (SCIIP) Grant Application submission September 12th
 - SCOR, American Rescue Plan Act- Stormwater Infrastructure Program (ASIP) Grant Application submission October 31st
 - Flood warning river level sensors
 - Van Wyck established UDO
 - Public service announcement award
 - 45 +/- active construction projects
- 7. Project updates:
 - Black Horse Run
 - Old Bailes Road Culvert Replacement Project
- 8. Schedule for next meeting:
- 9. Roundtable discussion/Member & Citizen Input
- 10. Adjournment



Lancaster County Stormwater Advisory Council

Minutes of the Meeting of May 04, 2022

Council Members Present:

Scott Edgar, Jon Hardy, Theodore Hoover and Benjamin Levine

Council Members Absent:

Shannon Catoe, Jeff Catoe, Rox Burhans

Staff Members Present:

Terrance Barr, Dennis Marstall, Judy Barrineau, Stephen

Blackwelder, Elizabeth Evans, Andy Rowe and Christina Stalnaker

Members of the Public:

None present

Call meeting to order

Scott Edgar called the meeting to order at 2:30 p.m.

Approval of the Agenda

Council approved the agenda

Approve Minutes

Ben Levine made a motion to approve the June 30, 2021 minutes and Jon Hardy seconded the motion.

UNANIMOUS

MOTION CARRIED

<u>Draft Stormwater Ordinance Review</u> (See Exhibit A)

Scott Edgar discussed key sections of Draft Ordinance see following pages/sections:

Pg. 7 – Sec. 9,3 (b), Pg. 8 – Sec. 10,3, Pg. 11 – C (4), Pg. 12 – C, Pg. 14 – D, Pg. 18 (a) iii, Pg. 20 ii – (i), Pg. 21 (pink highlight top of page), Pg. 24 Sec. 2 (a), Pg. 26 top of page (j), Pg. 30 (pink highlight top of page)

Permanent Stormwater System Maintenance and Responsibility Agreement

Scott Edgar discussed new implementation of required form to be completed for every site acknowledging required maintenance plan. (See Exhibit B)

- Inspect BMP facility at a minimum of once every two (2) years to ensure the safe and proper functioning of the facilities
- Requirements for Notice of Termination (NOT) submission

Environmental Outreach Update

Elizabeth Evans discussed and provided samples of new resources she created for the Environmental Outreach Program.

- No Dumping Drains to Creek Door Tags & Magnets
- Various events with local Girl Scouts
- Children's booklet "Wonders of Water"

PowerPoint Presentation/Growth Impacts

- NPDES Permit Responsibilities
- Aging and Failing Infrastructure
- Project reviews & inspections steadily increasing
- Catastrophic failures due to pressures beyond capacity are exerted on infrastructure
- Review responsibilities expanded: Traffic Impact Analyses (TIA), 100-year floodplain permitting concerns, Carolina Heelsplitter Overlay District, CHOD, Wetlands & Waters of the state
- Monthly Water Sampling of 24 sites in County No trend can be determined based on limited data
- Polluted Runoff
- General Facts 73+ active projects, 9,500+ structures, 85+ miles of pipe, 16,558 residential & 435 non-residential, 23,736 ERUs

Schedule for next meeting

Discussed changing meeting date to first Thursday of the month at 2:30 p.m. Ben Levine Council member is also on the Planning Commission Board and it would be helpful to attend both meetings on the same day due to work schedule.

Roundtable discussion & Handouts

Mead & Hunt Technical Memorandum – Black Horse Run Neighborhood Drainage Study (See Exhibit C)

Draft Stormwater Enforcement Response Plan – Purpose of plan, Revise Table 1, Coordination with other Agencies, Type of Enforcement, Enforcement Actions Overview, Roles & Responsibilities, Duties of Staff Performing/Coordination Enforcement and Escalation of Enforcement Actions. (See Exhibit D)

Catawba-Wateree Habitat

Duke Energy funds available for fish and wildlife habitat enhancement projects along Catawba-Wateree River (See Exhibit E)

The meeting was adjourned at 4:07 p.m.



Lancaster County Stormwater Advisory Council

Minutes of the Meeting of August 4, 2022

Council Members Present: Scott Edgar, Jon Hardy, Rox Burhans

Council Members Absent: Shannon Catoe, Jeff Catoe, Theodore Hoover, and Benjamin

Levine

Staff Members Present: Terrance Barr, Joyce Mullis, Elizabeth Evans, Andy Rowe, Christina

Stalnaker, and John Bodner

Members of the Public: None present

Call meeting to order

Scott Edgar called the meeting to order at 2:30 p.m.

Approval of the Agenda

Council approved the agenda

Approval Minutes

Unable to approve Minutes from the May4th meeting due to lack of quorum.

Review DRAFT Enforcement Response plan, ERP (See Exhibit A)

Scott Edgar discussed key sections of Enforcement Response Plan.

Ordinance status – stormwater – legal/admin review (See Exhibit B)

Jon Hardy would like to see more outreach. It was discussed that since COVID we have been unable to target the schools. For the 2022/23 school year the Lancaster County school district has lifted the restrictions and we will be able to focus more to that part of our outreach. In the past it has only been with small groups. It was also discussed that Liz is up for the South Carolina Public Service Announcement award for a commercial that she made for the Stormwater Department. There was a discussion that the ordinance needed to be in by November, or it had to be moved to the 2023 year.

Overview of Activities

DHEC Annual Report Submission – We handed out copies to review. No comments or concerns regards to the Annual Report.

General Floodplain information – copies were received in the handout Scott Edgar discussed key sections of the Engineering and Environmental services General Floodplain information. No comments or concerns to the General Floodplain information.

South Carolina infrastructure Investment Program (SCIIP) Grant application – A spreadsheet was displayed to show what information that we are gathering for this grant.

Project updates

Black Horse Run – is in the design phase, more information to follow.

Old Bailes Road Culvert Replacement Project – Paving today, should be finished by next week. John Bodner mentioned about doing a public opening for when we open the road back up.

Schedule for next meeting

November 4th at 2:30 p.m.

Roundtable discussion & Handouts

Jon Hardy asked when DEHC will expand stormwater service area to cover the rest of the county? Scott replies we don't know as of this moment.

Scott asked the question do we need more people on the Advisory Council, Rox Burhans agreed that we need new faces with new options and/or input.

Rox recommended that the county do a public opening on the Old Bailes project since it has been an impact on the community, like a ribbon cutting ceremony.

The meeting was adjourned at 3:30 p.m.



Ethics and Public Service

Edwin C. Thomas, Formerly with the University of South Carolina

Introduction

Ethics is often defined as:

- · The discipline dealing with what is good and bad and with moral duty and obligation;
- · A set of moral principles or values;
- · A theory or system of moral values;
- · The principles of conduct governing an individual or group.

Michael Josephson provides a more practical definition:

Ethics refers to standards of conduct, standards that indicate how one should behave based on moral duties and virtues, which themselves are derived from principles of right and wrong. As a practical matter, ethics is about how we meet the challenge of doing the right thing when that will cost more than we want to pay.

There are two aspects of ethics...the ability to discern right from wrong, good from evil and propriety from impropriety....[and]...the commitment to do what is right, good and proper. Ethics entails action.¹

For a variety of reasons—scandals, media attention, the complex policy issues facing government, the impact of continued fiscal stress and increasing partisan rancor—the credibility of govern-

Everything you do must not only be right, it must also look right.

ment and government officials continues to erode. The public does not trust its government. As a public official, one of the most important responsibilities is to safeguard the public trust. Because of this, individual public officials, and the county government as a whole, are held to a very high standard of conduct. Everything you do must not only be right, it must also look right.

But what is the right thing to do? What are the standards that we are held to? What does the public expect of public servants? Let us start with the law. Obedience to the law is the most basic level of ethics.

The Ethics, Government Accountability, and Campaign Reform Act of 1991

In the wake of Operation Lost Trust, the legislature passed the State Ethics, Government Accountability, and Campaign Reform Act² in 1991 in an effort to restore public trust in governmental institutions and the political process. This act overhauled the existing ethics, campaign finance and lobbying laws.

The act is heavily based on disclosure requirements, which are designed to ensure that all individuals have a fair and equal opportunity to participate in the governmental process, to control fundraising and contributions by special interest groups, and to avoid conflicts of interest.

¹ Michael Josephson, Making Ethical Decisions (Josephson Institute of Ethics, 2000).

² S.C. Code Ann. §§ 8-13-100 et seq.

The preamble of the act states:

The trust of the public is essential for government to function effectively. Public policy developed by elected officials affects every citizen of the state, and it must be based on honest and fair deliberations and decisions. This process must be free from all threats, favoritism, undue influence and all forms of impropriety so that the confidence of the public is not eroded.

The Ethics Reform Act applies to all public officials, public employees and public members of the state and political subdivisions, with the exception of members of the judiciary. The law also covers probate judges, candidates for public office, and committees or groups working on behalf of candidates. The major provisions of the act that affect county officials are discussed below.

Article 7, Rules of Conduct

This section of the Ethics Reform Act regulates the actions of elected officials and public employees at all levels of government and includes a number of prohibitions that are designed to avoid conflicts of interest. The major prohibitions include:

• Using one's office or position for personal gain. The rules of conduct define personal financial gain and conflict of interest to include a situation where a member of the official's or employee's immediate family or a business associate is involved, as well as the individual official or employee. When facing a matter in which an official has a conflict of interest, the act requires the official to prepare a written statement describing the matter requiring action or decisions and the nature of the potential conflict of interest with respect to the action or decisions.

If the official is a *public employee*, he must furnish a copy of the statement to his superior, if any, who must assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he must take the action prescribed by the State Ethics Commission.

If a *public official*, other than a member of the S.C. General Assembly, he must furnish a copy of the statement to the chair of the governing body on which he serves. The statement must be printed in the minutes. The member must be excused from any votes, deliberations or other actions on the matter on which the potential conflict of interest exists. The reasons for the disqualification must be noted in the minutes.

- Using or disclosing confidential information which was obtained during the course of one's duties as a public official or employee.
- Consulting for a fee for services which are a part of the public official's or employee's
 official duties. In a parallel prohibition, employees and officials are not to represent
 others before the county or an agency or subunit of the county with which they are
 associated.
- Causing the employment, appointment, promotion, transfer or advancement of a family member to an office or position in which the public official or employee supervises or manages. Additionally, the official or employee may not participate in an action relating to the discipline of the family member.
- Lobbying one's former government or, in some cases, accepting employment by a business which had dealings with one's governmental unit for a period of one year after terminating public service or employment.

³ S.C. Code Ann. §§ 8-13-700 et seq.

• Directly or indirectly giving, offering or promising anything of value to public officials and/or employees with an intent to influence the discharge of their official responsibilities. Anything of value includes meals, beverages, travel, entertainment and lodging, although officials and employees may accept reimbursement for actual expenses incurred in connection with speaking engagements. It does not include such things as plaques and mementos of an occasion, promotional items made available to the public, and printed or educational material. A person who violates these provisions is guilty of a felony and, upon conviction, must be punished by imprisonment for not more than 10 years and a fine of not more than \$10,000 and is permanently disqualified from being a public official or public member.

Article 11, Disclosure of Economic Interests

Individuals who must file a statement of economic interests with the State Ethics Commission include all public officials; all candidates for public office; the chief administrative official of each county, municipality and political subdivision (such as libraries, airport commissions and hospitals) and the chief finance official and chief purchasing official of each county, municipality and political subdivision.⁴

In a statement of economic interests, an official is required to disclose information such as:

- Associations with regulated businesses;
- Business relationships with lobbyists:
- · Interests in government contracts;
- Gifts of \$25 or more per day or \$200 per calendar year by persons with regulated business or contractual interest;
- Income of \$500 or more from governmental entities;
- Real estate interests if such interests can reasonably be expected to be the subject of a conflict of interest, or if there have been any public improvements of more than \$200 on or adjacent to the real property;
- · Sale, lease or rental of real or personal property to a governmental entity;
- · Loans of more than \$500 other than from credit cards or financial institutions; and
- Identity of every business or entity in which the filer or a member of the filer's immediate family held or controlled, in the aggregate, securities or interests constituting five percent or more of the total issued and outstanding securities and interests which constitute a value of \$100,000 or more.

The statement of economic interests <u>must be filed electronically</u> at the time of filing as a candidate, upon assuming the duties of the office, and prior to March 30 of each subsequent year as long as the position is held. The statements of economic interests are maintained by the State Ethics Commission and the clerks of court offices. These statements are matters of public record and open for public inspection upon request.

Article 13, Campaign Practices

The campaign practices section of the Ethics Reform Act contains the biggest departures from the former law, particularly in the area of campaign finance.⁵

⁴ S.C. Code Ann. §§ 8-13-1110 et seq.

⁵ S.C. Code Ann. §§ 8-13-1300 et seq.

The act outlines a number of restrictions, including:

- · Contributions from individuals to candidates are limited to \$1,000 for a local race.
- Cash contributions are limited to \$25 and must be accompanied by a record of the amount of the contribution and the name and address of the contributor.
- Contributions from committees are limited to \$3,500 per year.
- · There can be no use of public funds or property in an election campaign.
- A candidate for local office may not accept more than \$5,000 from a political party.
- Anonymous contributions are prohibited, except at a ticketed event where food and beverage are served or where political merchandise is distributed and where the price of the ticket is \$25 or less and goes to defray the cost of food, beverages, or the political merchandise—either in part or in whole. Anonymous contributions that do not comply with this provision are to be sent within seven days to the Children's Trust Fund.

In addition, the Ethics Reform Act requires that all candidates for public office and any committee submit to the State Ethics Commission a campaign disclosure form which provides the total funds received or expended; a listing of the names, addresses, dates and amounts of all contributors of more than \$100; and an itemization of all expenditures. The campaign disclosure form must be filed electronically at the following times:

- Within 10 days after receiving or expending \$500;
- Thereafter, within 10 days following the end of each calendar quarter either before or after each election, whether or not contributions have been received or expenditures made; and
- Fifteen days prior to each election showing contribution and expenditure activity current as of 20 days prior to the election.

A committee must immediately report an independent expenditure of more than \$2,000 for a local race made within the 20-day period prior to the election. A final report is filed when the campaign account is closed.

Penalties

The information about the Ethics Reform Act in this chapter is an overview and is in no way intended as a definitive listing of all the requirements and provisions of the act. There are numerous requirements and restrictions. Every public official and employee should read the act and keep a copy for reference. All of this information and more is available at the State Ethics Commission website. Specific questions should be referred to the county attorney, the South Carolina Association of Counties and/or the State Ethics Commission.

It is important to know that there are penalties for failure to comply with the provisions of the act. For example, anyone who is found guilty or pleads guilty or nolo contendere to violating the rules of conduct may be fined up to \$5,000, imprisoned for up to one year, or both. Any criminal activity is subject to prosecution by the Attorney General's Office.

Any person who is late in filing a report or who fails to file a report with the State Ethics Commission may be assessed a fine of \$100, if the form is not filed within five days after the established deadline and a fine of \$10 per calendar day for the next 10 days.

The fine then increases to \$100 per calendar day until the form is filed, not to exceed \$5,000.6 Any fine that is not paid or received by the State Ethics Commission will be referred to the S.C. Department of Revenue for setoff debt collection from any tax refund due to the filer.

Any person who does not file the statement of economic interests or campaign disclosure form may be subject to complaint action filed against them by the State Ethics Commission. In addition, the State Ethics Commission has a web page that lists the name, jurisdiction, position and debt amount of anyone who has been fined for failure to comply with the reporting requirements.

Ethics is More than the Law

While the Ethics Reform Act sets minimum legal standards for ethical conduct, it is a fallacy to assume that just because something is legal, it is also ethical. Michael Josephson makes the point that:

One can be dishonest, unprincipled, untrustworthy, unfair, and uncaring without breaking the law. Ethical persons measure their conduct by basic ethical principles rather than by laws and rules; they do not walk the line of propriety; they do more than they have to and less than they are allowed to.⁷

Simply stated, if the only reason a public official is or is not doing something is because it is required by law, that does not necessarily make him/her ethical. There is a difference between doing things right and doing

the right thing.

Aside from obeying the law, the ethical public official must take affirmative action to foster trust in govern-

There is a difference between doing things right and doing the right thing. ®

ment. This starts by understanding and adhering to a set of ethical principles.

Principles of Public Service Ethics

Josephson has outlined five broad principles of public service ethics that set a higher standard for public officials. The principles which "specify moral obligations which exist independently and transcend obligations imposed by laws and formal codes of conduct" are described below.

- 1. Public office as a public trust. Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.
- 2. Principle of independent objective judgment. Public servants should employ independent, objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences.
- 3. Principle of accountability. Public servants should assure that government is conducted openly, effectively, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

⁶ S.C. Code Ann. § 8-13-1510(A)(2).

Michael Josephson, Power, Politics and Ethics: Ethical Obligations and Opportunities of Government Service (Josephson Institute of Ethics, 1989).

⁸ Michael Josephson, Preserving the Public Trust: Principles of Public Service Ethics (Josephson Institute of Ethics, 1990).

- 4. Principle of democratic leadership. Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
- Principle of respectability and fitness for public office. Public servants should conduct their professional and personal lives so as to reveal character traits, attitudes and judgments that are worthy of honor and respect and demonstrate fitness for public office.

In order to regain and preserve the public trust, it is essential that public officials live up to these principles.

Creating an Ethical Organizational Culture

In addition to adhering to a high standard of personal ethics, public officials have a responsibility to work proactively to foster an ethical organizational culture in county government. If the

The ethical tone of any organization is set at the top—by the council, the chief administrative officer and the management team.

ethical principles identified in this chapter are to have any meaning, they must be put into action by the public official in the course of carrying out his duties. The ethical tone of any organization is set at the top—by the council, the chief administra-

tive officer and the management team. The members of the organization take their cues as to what is acceptable from the behaviors of those above them. It is not enough to say that we value these things; we must institutionalize these principles by creating an ethical culture within our organizations:

- 1. The council must set the tone for a high standard of conduct by clearly articulating the organization's values. Josephson has proposed the following values as essential to ethical practices.⁹
 - Honesty. This is the most basic level of ethics. Everyone has the responsibility to be truthful, straightforward and sincere in their dealings with others.
 - Integrity. Integrity requires the courage to act on one's values, beliefs and
 convictions, and to do what is right rather than what is expedient.
 - Keeping Promises. The ethical public official must live up to the spirit as well as the letter of agreements and commitments that have been made.
 - Fidelity. The trustworthy public official is loyal to the organization and the principles of public service.
 - Fairness. Because the public official is in a position to exercise discretion, it is
 imperative that the decision-making process be fair. There must be a commitment to justice, equal treatment and tolerance. The public official must
 be open-minded and willing to consider diverse opinions.
 - Caring. The ethical public official manifests an attitude of concern for the well being of others and conducts the affairs of the organization with compassion and kindness.

⁹ Josephson, 1989.

- Respect. It is imperative that public officials demonstrate respect for human dignity and privacy.
- Citizenship. Public officials have the responsibility to serve as role models for others to encourage participation in and respect for the democratic process of decision-making.
- Excellence. Public officials must be well-informed and prepared to carry out their responsibilities. They must be diligent, reliable and committed. They must insist that the organization strive for excellence in carrying out its activities.
- Accountability. The public official has a special obligation to be accountable
 for his or her actions and the actions of the organization.
- Avoidance of the appearance of impropriety. Because the public official is responsible to safeguard the public trust, what they do must not only be right, it must also look right. In the words of Michael Josephson:

The concept of trust is as much a creature of perceptions and beliefs as it is of reality. Therefore, public servants have a special responsibility to avoid conduct which is likely to generate cynical attitudes and suspicions about government and the people who administer it. Conduct which creates in the minds of reasonable observers the perception that government office has been used improperly may violate the public servant's obligation to safeguard public trust even if the conduct does not actually misuse public office. 10

- 2. Council and management should understand how supervisors and peers can influence behavior.
- 3. Council members and management should understand that their actions must be consistent with their expectations for employee conduct.
- 4. An ethics training program should be developed and implemented.
- 5. A discussion of ethics should be included in orientation programs for new members of the council and the staff.
- 6. Performance against ethical standards should be monitored and made a part of the performance appraisal process.
- 7. Ethical dilemmas that the organization faces or could face should be discussed regularly at all levels of the organization.
- 8. The organization's code of ethics should be communicated and enforced.
- 9. An ethics committee should be formed to focus on ethics policy and issues.
- 10. The organization should conduct ethics audits. In addition to the annual financial audit and the occasional performance audit, an ethics audit can be an effective strategy to foster an ethical organizational culture. Such audits can involve the use of culture assessment questionnaires; interviews with staff and stakeholders; and a review of policies, training, operations and internal controls.¹¹

¹⁰ Josephson, 1990.

¹¹ Carol W. Lewis, The Ethics Challenge in Public Service: A Problem Solving Guide (Jossey-Bass, 1991).

Making Ethical Choices and Decisions

The most difficult and challenging issues facing public officials often come in the form of ethical dilemmas. An ethical dilemma is a situation in which there may be two or more competing right things to do, or in which there may be conflicts in values. For example, what if doing what is in the best, long-term interest of the county requires making a decision that is unpopular with voters? What if a decision council is faced with conflicts with a council member's personal values? In these cases, the public official's ethical reasoning and decision-making abilities are critical.

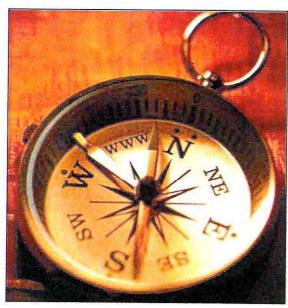
Terry L. Cooper suggests that "ethics involves thinking more systematically about the values that are imbedded in the choices we otherwise would make on practical or political grounds alone." ¹²

Public officials, in their decision-making processes, generally address practical concerns (e.g., are there sufficient funds to provide a particular service?) and political concerns (e.g., which individuals or groups will be alienated, if a service is or is not provided?). Unfortunately, all too often the political ramifications of a decision override other considerations. This leads to an ethical trap, perhaps best stated by Hendrick Herzberg:

From the best of motives he begins to make compromises. He wishes to build his effectiveness. He seeks to accumulate credits that will be used at some future date in some unspecified way on some issue he doesn't know about yet. And then he begins to put his soul in danger. He begins to imagine that his ... advancement is so important to the cause of good and right that the cause of good and right is served by his advancement in and of itself.¹³

One approach that can be used to ensure that ethical decisions are made is to ask the following questions:

- Is the action legal? If you take this action, will it violate civil law or organizational policies?
- 2. Is the action balanced? Is it fair to all concerned? Does it violate the principles of caring and respect? Does it promote win-win relationships?
- 3. How will this action make you feel about yourself? Would you feel good about the action if it were published in the newspaper? Would you feel good about it if your family knew of the action?



The most difficult issues facing public officials often come in the form of ethical dilemmas—situations in which there may be two or more competing right things to do, or in which there may be conflicts in values.

Terry L. Cooper, The Responsible Administrator: An Approach to Ethics for the Administrative Role (3rd Ed. Jossey-Bass, 1990).

Hendrick Hertzberg, "The Education of Mr. Smith," Esquire (February, 1986).

A more detailed set of questions that may help identify the practical, political and value dimensions of a decision has been suggested by Laura Nash:14

- 1. Have you defined the problem accurately?
- 2. How would you define the problem, if you stood on the other side of the fence?
- 3. How did this situation occur in the first place?
- 4. To whom and to what do you give your loyalty as a person and as a member of the organization?
- 5. What is your intention in making this decision?
- 6. How does this intention compare with the probable results?
- 7. Whom could your decision or action injure?
- 8. Can you discuss the problem with the affected parties before making your decision?
- 9. Are you confident that your position will be as valid over a long period of time as it seems now?
- 10. Could you disclose without qualm your decision or action to your boss, the council, your family, society as a whole?
- 11. What is the symbolic potential of your action if understood? If misunderstood?
- 12. Under what conditions would you allow exceptions to your position?

The Ethics Resource Center suggests a set of four "ethics filters" that can be applied at key points in a decision-making process and that serve as a good ethics test. The filters are:

- 1. Policies. Is this action consistent with your organization's policies and procedures?
- 2. Legal. Is this action acceptable under applicable laws and regulations?
- 3. *Universal*. Does this action conform to the universal values and principles your organization has adopted?
- 4. Self. Does this action satisfy your personal definition of right, good and fair?

These decision guides can help public officials identify and consider any ethical components of the decisions they are making, but they do not guarantee that decisions or actions are ethical. As stated at the beginning of this chapter, ethics involves both the ability to discern right from wrong <u>and</u> the commitment to do the right thing even when the cost is more than one wants to pay.

In the end, an ethical government requires public officials with extraordinary moral courage. The preservation of the public trust demands nothing less.

Laura L. Nash, "Ethics without the Sermon," Harvard Business Review (November-December, 1981).

Additional Resources

- For more information about ethics and public service in South Carolina, visit the S.C. State Ethics Commission website at http://ethics.sc.gov.
- View the National Conference of State Legislatures' Center for Ethics in Government page at www.ncsl.org for more information about ethics and state legislatures.
- For more information pertaining to ethical leadership, visit the Ethics Resource Center website at www.ethics.org.
- To learn more about the projects and services of the Josephson Institute of Ethics, visit the institute's website at http://josephsoninstitute.org.
- To review the programs and resources offered by The Markula Center for Applied Ethics, visit <u>www.scu.edu/ethics</u>.

A. Need:

Lancaster County Engineering, Emergency Management, Public Works and Administrative Officers have compiled and prioritized a list of Lancaster County roadway crossing culverts that experience significant flooding during storm events with as little as 3" of rainfall on the contributing watershed. To alleviate roadway flooding and improve safety, Lancaster County has developed a plan for infrastructure replacement at eighteen of our most high-risk roadway crossing points. Flooding, road failures, property damage and erosion occur during roadway overtopping events. These failures create dangerous driving conditions, expensive repairs for property owners, long detour routes, damage to drainage systems and negative ecological impacts.

- 294 homes are affected by the flooding events at these points
- Emergency service vehicles can be delayed in responding to calls for service because of flooded roadways. In some cases, they are unable to access deadend streets.
- Road closures are more detrimental in rural areas where the road network is not
 as dense as in urban areas. When a creek floods during a storm typically all the
 parallel roads on that creek tributary become unpassable as they all have
 undersized culverts. This creates a dangerous situation when the designated
 detours are unavailable to the traveling public and emergency services. Many of
 our Fire and Emergency Medical Service (EMS) districts are bisected by creeks
 which frequently flood causing delays in response time to incidents.
- We have six major Natural Resources Conservation Services (NRCS) flood control
 dams which are designed to retain large storm events by elevation of normal
 pool of pond by as much as seven feet.
- Some of the roadways immediately upstream of these dams may be inundated for as long as a week as the runoff is slowly discharged to minimize downstream flooding.
- It is recognized that we experience higher intensity storms than our existing infrastructure is designed to accommodate.
- Water testing in these areas have confirmed high levels of fecal coliform and suspended solids have been detected in local streams and creeks.

Addressing these serious needs now will have a transformational impact on the area's growth potential, safety of residents and will provide much needed relief to Emergency Services and Public Works who have been tasked with installing temporary fixes during weather events. This investment in infrastructure will strengthen critical services by creating a more resilient community for residents and businesses in addition to helping to protect our precious natural resources.

B. Background:

Lancaster County, S.C., abuts the south Charlotte urbanized areas of Mecklenburg and Union Counties in North Carolina on the northeastern and northern borders of Lancaster County. The growth rate of these two N.C. counties is among the highest in the region. Most of the projects in this application package are directly affected by stormwater runoff from exponential urban growth in N.C. on the south side of Charlotte.

The implementation of the Clean Water Act in N.C. focuses on minimizing denuded conditions during the construction period to meet water quality requirements with multiple small temporary sediment pits. These pits are typically removed upon project completion. This approach does very little to minimize peak flow rate, (PFR) impacts upon full project buildout which inevitably occurs downstream. When land use changes from rural to urban, the PFR and volume of runoff generated are raised exponentially. Lancaster County is on the receiving end of the resulting increases in stream energy downstream of NC. These changes in flow characteristics overload the receiving system of streams and road crossings downstream. This results in unstable stream banks. There does not appear to be any slowdown in urbanization of south Charlotte in the foreseeable future, therefore, most of our primary stormwater conveyances will be impacted, some of which are included in this application package.

C. Project Description:

We have included stream road crossing improvements for eighteen projects in the application package. We plan to construct in the order of priority ranking determined by key staff members from Engineering, Emergency Management and Administration. The preliminary scope for these projects is typically to replace the existing culverts with bottomless aluminum arches as the base estimate. Most of the project stream/road crossings are unnumbered A zones in the floodplain. The FEMA model indicates that they are submerged during a 1% storm as confirmed by Lancaster County staff and residents. A generalized project scope for each of the sites is attached hereto. Tasks associated with the projects will typically include the following as noted in the project specific cost opinions attached hereto:

- Surveys
- Clearing and Grubbing
- Barricade placement
- Erosion control measures
- Compost or mulch filter sock
- Silt fence
- Excavation
- Grading
- Earthwork inspection
- Drilling and blasting, if required
- Dewatering, if required

- Arch foundations installed
- Cross vane weirs installed
- Backfill and re-establishment of daylighted stream channel
- Aluminum arch and headwalls set
- Elevating roadway with fill, if required
- Rebuilding and widening Roadway surface of replacement section to minimum standards, if necessary.

D. Feasibility:

- In 2007 our County Engineer was the bond program manager of a \$15 million stormwater bond for another municipality. The project included improvements at 40 sites and was divided into three groups which were assigned to three different consultants to secure survey, develop solution alternatives, and prepare project construction documents. Soon after the project kick off, our nation went into a recession, which presented additional hurdles but despite these challenges, we were able to successfully complete the projects and meet our goal of correcting the legacy flooding areas for 40 separate projects. Building on the many lessons we learned from this experience, we plan to use a similar process for this project in Lancaster County. Lancaster County has four on-call consultants who are eager to assist with this program. We are confident that they will carry out the scope of these projects successfully.
- A standardized plan has been developed to address fifteen of the eighteen sites. This plan will include modifications according to their size; ten at 15-foot span and five at 12-foot span. There are three other sites that are not appropriate for a bottomless arch installation.
- We have determined increasing the capacity of the crossings will be the most cost-effective plan to solve the problems associated with frequent flooding events. In addition to the backwater impacted roadways upstream of Natural Resources Conservation Service NRCS dams, we will raise the roadways to minimize overtopping to protect the traveling public.
- Other roads may be raised as necessary, if the detailed Hydrologic Engineering Center (HEC) models indicate it would be necessary to protect the traveling public.
- We plan to fast track the front-end work such as design, permitting and advertising to allow for inevitable delays related to materials, labor and weather.
- We will prepare preliminary design documents to submit for environmental permitting approvals while the final design is developed concurrently. This will allow bid letting shortly after permits are obtained.
- Regarding the broadband layer, these infrastructure improvements are typically laid perpendicular to the roadway which may not be an advantageous application for parallel wired utility construction. We typically do not want to place empty conduits which may become a conduit for stormwater breaches through the roadway fill material.

- We are aware of the obligation deadline of Dec. 2024 and the expenditure deadline of Dec. 2026 and are fully prepared to move forward with our projects if they are approved for funding.
- We acknowledge that preparing our preliminary budget estimates for all
 eighteen sites is difficult due to erratic market conditions. If our budget opinions
 are inaccurate, we are prepared to either increase our matching share
 percentage or we will postpone construction of projects with a lower priority
 rating.
- We have included specific project estimate spreadsheets indicating cost allocations for each of the eighteen improvement sites.

E. Benefits/Impact:

- We have chosen to use green infrastructure on our projects by installing Aluminum Arch Boxes with large stone Cross Vane Weirs at both ends to maintain the natural stream-gradient. When removing the piped culverts, we will daylight 90% or more of previously piped section and re-establish the natural creek bed benefiting the benthic community. By doing this it will avoid overly steep or perched culverts and leaving most of the natural streambed intact under the arch structure.
- This will provide for the unobstructed aquatic connectivity during base flow conditions and well as storm events.
- We plan to use standard sizes of Contech Aluminum plate arches on steel express foundations these systems will:
 - Minimize the duration of road closure for each crossing project.
 - They will span an area wide enough to re-establish typical stream cross sections under the arch.
 - Minimize flow blockage by woody debris from upstream watershed.
 - Allow repeatable consistent crossings for workers installing systems.
 - This approach will also provide more than the 1% (100-year) flow allowing watershed runoff increases over time while minimize overtopping events.
 - This practice will also improve sediment transport through crossings,
- Water Quality: Our monthly water quality sampling reveals that we currently encounter elevated fecal readings and total suspended solids after flood events.
- Resilience and Storm Protection: When necessary, we will balance the earthwork grading in the floodplain which will not reduce temporary flood storage volume. Our local policy is to remove 25% more fill material than the amount placed in the floodplain, so that "no adverse impact" occurs to properties up or down stream.
- Other aging infrastructure: We plan to replace and widen the roadway to current standards in the immediate area adjacent to the crossing. We implemented this practice with the recently completed Old Bailes Road culvert replacement.
- Capacity: We are sizing the proposed crossings to carry more than the 100-year storm event, 1% probability, which also allows for watershed development transitioning from rural to urban over the 50-year useful life of the proposed crossings.

- Infrastructure creates opportunities for struggling communities and protects the nation from increasingly unpredictable natural weather events.
- Infrastructure jobs account for nearly 11% of the nation's workforce, offering employment opportunities that have low barriers of entry and are projected to grow over the next decade.
- Lancaster County's engineer is a registered Professional Engineer, P.E. in 4 states and a Certified Floodplain Manager, CFM. He used R.S. MEANS Data, a cost estimating software to draw from the national construction cost database expertise of this Greenville, SC based organization to help determine construction costs in this unpredictable bidding environment we are currently experiencing.
 - 8% engineering costs were generally assumed for the projects and an \$60K fee was added for Federal Emergency Management Agency floodplain and USACE wetlands permitting required to construct the improvements, as well as miscellaneous easement acquisition costs.

PRELIMINARY ENGINEERING COST ESTIMATE summary

Construction Cost w/25% contingency	Engineering Cost	Grant Request	LC 10% Match	Total Cost
\$8,799,341	\$1,643,157	\$9,398,249	\$1,044,249	\$10,442,499



United States Department of the Interior FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200 Charleston, South Carolina 29407



October 27, 2022

Benjamin Duncan II, Chief Resilience Officer South Carolina Office of Resilience 632 Rosewood Drive Columbia, South Carolina 29201

RE: American Rescue Plan Act – Letter of Support Lancaster County, South Carolina

Dear Mr. Duncan:

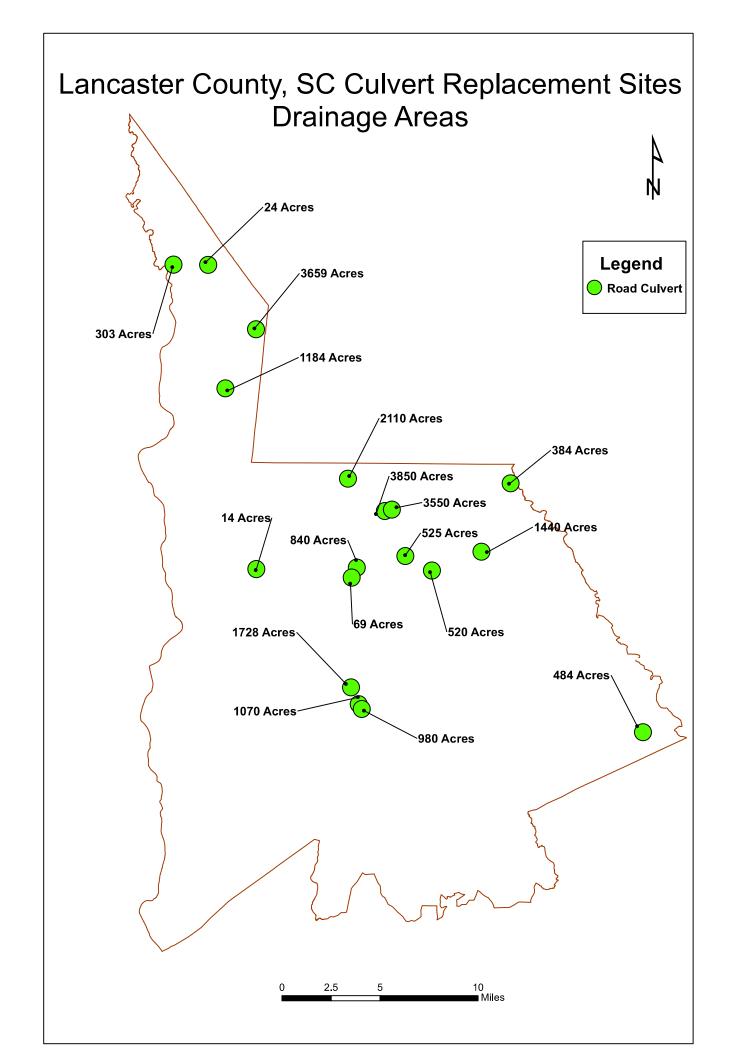
The U.S. Fish and Wildlife Service's South Carolina Ecological Services Field Office supports Lancaster County's American Rescue Plan Act – Stormwater Infrastructure Program (ASIP) application package for funding. Urban stormwater runoff is one of the leading sources of water pollution in the United States. This runoff reduces water quality in receiving waters as well as increasing the scale and impact of localized flooding. The County plans to daylight fifteen road crossings by removing existing undersized piped culverts and replacing them with bottomless arch culverts. These bottomless crossings will be fitted with cross vane weir stream grade control structure at each end to minimize stream incision and potential meandering which may impacting a structural foundation parallel to stream.

Lancaster County is home to the federally endangered freshwater mussel, Carolina heelsplitter. Eleven of the proposed culvert replacements will directly benefit this species by reducing sediment loading of occupied streams during storm events, and by allowing the mussel's host fish to freely move throughout each watershed.

Communities and natural resources dependent on healthy aquatic ecosystems have been suffering greatly over the past few years, and we appreciate your support for federal funding that will invest in our stormwater infrastructure and protected species recovery. If you have questions or would like additional information, please contact Scott Edgar, Lancaster County Engineer, at 803-286-3610 or seedgar@lancastersc.net

Sincerely,

Thomas D. McCoy
Thomas D. McCoy
Field Supervisor



Top 18: Lancaster County Roads which flood frequently

	ARCHIO CONTRACTOR OF THE PARTY							
Location	Construction Cost	25% Contingency	SUB-TOTAL	8% Engineering Cost inc 60K FEMA, USACE permits & property aquisition	Lancaster County Match	SCOR ARPA Grant request	TOTAL PROJECT COSTS	
Ander Vincent Road	\$415,006.00	\$103,751.50	\$518,757.50	\$93,200.48	\$61,195.80	\$550,762.18	\$611,957.98	
Banner Road	\$493,782.00	\$123,445.50	\$617,227.50	\$99,502.56	\$71,673.01	\$645,057.05	\$716,730.06	
Greystone Road	\$360,356.00	\$90,089.00	\$450,445.00	\$88,828.48	\$53,927.35	\$485,346.13	\$539,273.48	
Pursuit Lane	\$343,371.00	\$85,842.75	\$429,213.75	\$87,469.68	\$51,668.34	\$465,015.09	\$516,683.43	
Foxdale Court	\$483,754.00	\$120,938.50	\$604,692.50	\$98,700.32	\$70,339.28	\$633,053.54	\$703,392.82	
Old Farm Road	\$401,690.00	\$100,422.50	\$502,112.50	\$92,135.20	\$59,424.77	\$534,822.93	\$594,247.70	
Millstone Branch Road	\$409,109.00	\$102,277.25	\$511,386.25	\$92,728.72	\$60,411.50	\$543,703.47	\$604,114.97	
Lakeside Circle	\$110,781.00	\$27,695.25	\$138,476.25	\$68,862.48	\$20,733.87	\$186,604.86	\$207,338.73	
Battlement Road	\$614,855.00	\$153,713.75	\$768,568.75	\$109,188.40	\$87,775.72	\$789,981.44	\$877,757.15	
Hough Road	\$506,667.00	\$126,666.75	\$633,333.75	\$100,533.36	\$73,386.71	\$660,480.40	\$733,867.11	
Deer Track Circle	\$560,818.00	\$140,204.50	\$701,022.50	\$104,865.44	\$80,588.79	\$725,299.15	\$805,887.94	
Burke Duncan Road	\$365,568.00	\$91,392.00	\$456,960.00	\$89,245.44	\$54,620.54	\$491,584.90	\$546,205.44	
Carnes Wilson Road	\$459,962.00	\$114,990.50	\$574,952.50	\$96,796.96	\$67,174.95	\$604,574.51	\$671,749.46	
Smith Road	\$86,696.00	\$21,674.00	\$108,370.00	\$66,935.68	\$17,530.57	\$157,775.11	\$175,305.68	
Daystar Road	\$492,428.00	\$123,107.00	\$615,535.00	\$99,394.24	\$71,492.92	\$643,436.32	\$714,929.24	
Bayou Lane	\$351,616.00	\$87,904.00	\$439,520.00	\$88,129.28	\$52,764.93	\$474,884.35	\$527,649.28	
Activity Road	\$293,357.00	\$73,339.25	\$366,696.25	\$83,468.56	\$45,016.48	\$405,148.33	\$450,164.81	
Thermal Trail	\$289,657.00	\$72,414.25	\$362,071.25	\$83,172.56	\$44,524.38	\$400,719.43	\$445,243.81	
<u>Totals</u>	\$7,039,473.00	\$1,759,868.25	<u>\$8,799,341.25</u>	\$1,643,157.84	\$1,044,249.91	\$9,398,249. <u>18</u>	\$10,442,499.09	
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Location	Road Condition Flood plain Zone	Flood plain Zone	Landuse	Number of Culverts	What kind of Pipe	Width of road	Length of Pipe	Diameter of pipe	Vertical Distance from road/ditch	Drainage area	100 yr Flood Estimated Peak Flow (cfs)	Size of Aluminum Bottemless arch culvert	coordinates	Notes
Ander Vincent Road	average gravel road	Þ	Rural	-	Corrugated Metal	22 44	₩09	84 inches		3659 acres	1360	2 5	-80°47'34,4"W.34°55'03.9"N	Raise Road 5: +/- Road washed out around Culverts
Banner Road	average paved road	AE	Rural	ø	concrete	16 feet	(3) 48- ft	(1) 5.5 feet (1) 3 feet (1 3.5 feet	8 1/2 Feet	1728 acres	1200	45t	-80*42'30.7"W.34*39'010'N	
Greystone Drive	average gravel road	Þ	Rural	8	Corrugated Metal	22ft	1) -09 (8)	(1) 6-foot (2) 7-foot	# 6	2110 acres	1220	A/N	-80°42'38.9"W.34°48'26.5"N	elevate road 5 +/- Major Road Hazard
Pursuit Lane	average gravel road	×	Urban	-	Corrugated Metal	25 ft	50 F	4	5 £	303 acres	400	12A	-80°52'00.6"W.34°57'57.6"N	looks to be repaired but water has to make a bend
Fordale Court	average paved road	Ø	Rural	æ	2- concrete 1 - HDPE	15 FT	40 ft	RCP 24in x 2 HDPE 18in	5 Ft	520 acres	490	12/4	-80°38'08.3"W.34°44'21.0"N	
old Farm Road	average gravel road	Ø	Rural	-	Varies	# ST	49 OP	(1) 4' CMP (1) 4.5' HDPE (1) 8' HDPE	0 4	3850 Acres	1450	15 	-80*40'40.0"W.34*47'00.3"N	
Millstone Branch Road	average gravel road	₫	Rural	-	Corrugated Metal	17 ft	36 ft		4	1184 acres	1044	15 _f 4	-80*49'14:0"w.34*52'28,1"N	Bottom of culvert rusted out
Lakeside Circle	average paved road	×	Residential	Junction Box & Drive way		18 feet	. ₹.	18 inches	4.5 feet	14 acres	50	N/A	-80°47'35.2"W.34°44'26.5"N	Has sink hole from flooding
Battlement Road	average gravel road	⋖	Rura	-	HDPE	5 #	35 A	24 inches	8 £	1070 acres	1000	흎	-80°42'.08.9"W.34°38'32.4"N	elevate road 5 +/-
Hough Road	average gravel	AE	Rural	8	Corrugated Metal	. 81 19	. 45 ₽.	48 inches x 2	#	840 Acres	006	15.Pt	-80°42'12.1"W.34°44'29.8"N	
Deer Track Circle	average paved road	AE	Residential	-	concrete	16 feet	4 4	24 inches	6 1/2 feet	69 acres	233	12A	-80°42'27.1"W.34°44'03.0'N	Dam Backwater Raise road
Burke Duncan Road	average paved road	⋖	Rural	•	Corrugated Metal	22 feet	H 09	6 feet	9 feet	525 deres	490	1214	-80°39'340'W34°45'00.5N	
Carnes Wilson Road	average paved road	⋖	Rural	2	Corrugated Metal	18 ft	(2) 60-ft	(2) 5.5-feet	10 1/2 ft	1440 acres	1100	15.Pt	-80°35'28.3"W.34°45'10.9"N	
Smith Road	average gravel road	×	Urban	-	Concrete	12 ft	20 ft	15 inches	2 1/2 ft	24 acres	110	400	-80°50'09.07"w.34°57'57.6"N	
Daystar Road	average gravel road	⋖	Rural	a	Corrugated Metal	22FT	(2) 60-ft	(1) 8-feet (1) 7-feet	=	3550 acres	1325	15.Pt	-80°40'16.7"W.34°47'03.9"N	
Bayou Lane	average gravel road	⋖	Rural	m	НФРЕ	18 ft	42 ft	(3) 2-foot	4	922 deres	086	15 _f t	-80°41'56.2"W.34°38'12.9"N	elevate road 5 +/-
Activity Road	average gravel road	×	Rural	-	Concrete	14	24 ft	36 inches	4.5 feet	384 Acres	440	12/4	-80*33'50.8"W.34*48'14,1"N	
Thermal Trail	average gravel road	×	Residential		НОРЕ	16Ft	42 ft	42 inches	7.84	484 Acres	475	12A	-80°26'50.5"W.34°37'08.1"N	

Top 18: Lancaster County Roads which flood frequently

Location	Emerg. Resp. Impacts	Emergency Services Flooding Events	Flooding and/or Washout Events	# homes or business impact	Judicial flood plain	Miles of detour required	Public Works Priority Ranking	Emerg. Svcs. Ranking	Stormwater Priority Ranking
Ander Vincent Road		2		31	yes	6.6 Miles	1	2	1
Banner Road		1	1	10	yes	2.6 miles	3	4	1
Greystone Road		1	1	36	yes	3.2 miles	3	2	4
Pursuit Lane	Yes		1	15	no	Dead end	1*	1	2
Foxdale Court	Yes	1		13	yes	Dead end	1*	2	2
Old Farm Road			1	13	yes	6.4 miles	2*	4	2
Millstone Branch Road		1		13	yes	3.9 miles	3	3	2
Lakeside Circle		1		28	no	loop	3	4	2
Battlement Road			1	4	yes	2.36 miles	3*	4	2
Hough Road	Yes	4		48	yes	3.75 miles	2	1	3
Deer Track Circle		3		7	yes	loop	2	3	3
Burke Duncan Road		1		36	yes	3.82 miles	3	4	3
Carnes Wilson Road		1		20	yes	3.78 miles	2*	4	4
Smith Road	Yes		1	10	no	Dead end	2	1	5
Daystar Road		1	1	11	yes	dead end	2*	5	5
Bayou Lane		1	1	4	yes	2.36 miles	3	4	5
Activity Road				8	yes	3.35 miles			5
Thermal Trail				2	no	4.49 miles			5
		1	1			1			1

