



FM-3-552

GRANT AGREEMENT

BETWEEN

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

AND

James Island Public Service District (JIPSD)

This Agreement by and between the South Carolina Department of Health and Environmental Control (DHEC) and James Island Public Service District (JIPSD) (Recipient) a Local Special Purpose District Form of Government existing under the laws of South Carolina, is to provide for the distribution of funds **\$1,000,000 (nonrecurring funds)** appropriated in 2022 Act 239, Part IB, Proviso 118.19 (83) J040 (o).

The parties agree as follows:

A. STATEMENT OF PURPOSE:

The purpose of the Agreement is to provide funding to Recipient, in support of the **James Island Watershed Restoration Pollution Mitigation Project**. This Agreement furthers DHEC's statutory mission as authorized in South Carolina Code **Section 48-39-10 to 48-39-360** and serves the public purpose of **environmental protections and conservation**.

B. SCOPE OF SERVICES:

The Recipient shall utilize the funds for the activities and services ("the James Island Watershed Restoration-Pollution Mitigation Project") as outlined in the attached Earmarked Appropriations Disbursement Request Form (Exhibit 1) as completed with supporting documents, which will be incorporated into this Agreement upon acceptance under Paragraph D.

C. TERM:

This Agreement shall be effective upon signature, calendar year **2022** and shall terminate on June 30, **2023**. Recipient's obligations under this Agreement shall survive termination.

D. PAYMENT:

1. Recipient shall submit a written request for payment not to exceed **\$1,000,000**, and shall include with the request the information on the attached Earmarked

S.C. Department of Health and Environmental Control

2600 Bull Street, Columbia, SC 29201 (803) 898-3432 www.scdhec.gov

appropriations Disbursement Request Form (Exhibit I) including the following as required by Proviso **117.21**: and DHEC.

- a. An accounting of how the Funds will be spent (Planned Expenditure Summary),
 - b. Goals to be accomplished, and
 - c. Proposed measures to evaluate success in implementing and meeting the goals.
(Per Proviso 117.21 no funds shall be released until the required plan of how the state funds will be spent and how the expenditures will provide a public benefit are filed with the agency)
2. Upon acceptance by DHEC, the request for payment will be incorporated into and made a part of this Agreement.
 3. Recipient must register with SCEIS as a vendor and provide vendor information on the request for payment.
 4. Payment is contingent on DHEC receipt of Funds.
 5. Upon receipt and review and approval of the Planned Expenditure Summary, Funds Budget, and financial statements, DHEC will transmit the Funds to Recipient by check delivered to:

Dave Schaeffer
District Manager
1739 Signal Point Road
PO Box 12140
Charleston, SC 29422-2140
schaefferd@jipsd.org
<https://www.jipsd.org>

6. Source of Funds: State funds made available in the **FY2023** Appropriations Act Proviso 118.19 as a nonrecurring distribution per legislative direction, effective July 1, 2022. DHEC's Point of Contact for financial information regarding payments made under this Agreement:

Bruce C. Busbee, Director
Budgets and Financial Planning
SCDHEC
2600 Bull Street
Columbia, South Carolina, 29201

E. REPORTING REQUIREMENTS: AUDITS:

1. By **June 30th, 2023**, Recipient shall submit to DHEC a report containing a detailed accounting of its use of the Funds, the services completed, and the outcome measures used to determine the success of the stated goals in sufficient detail for DHEC to determine Recipient's compliance with the Scope of Services set forth in Paragraph B above. See Exhibit II (Quarterly Expenditure Report) an expected completion date by which it anticipates all funds will be spend. Recipient shall also submit a final report with this information. If the Project is not completed or the Funds have not been spent by **June 30, 2023**, Recipient shall include in its report an explanation why the Funds have not been spent or the Project is not complete and an expected completion date by which it anticipates all funds will have been spent. Recipient shall also submit a final report with this information within 90 days after project completion or exhaustion of Funds.
2. Recipient shall submit to DHEC by **June 30, 2023**, a detailed statement explaining the nature and function of its organization as well as a detailed statement explaining the use that was made of the Funds (using attached templates(s)).
3. Recipient will allow the State Auditor to audit or cause to be audited the Funds.

F. PREVENTING AND REPORTING FRAUD, WASTE AND ABUSE:

1. DHEC has procedures and policies concerning the prevention and reporting of fraud, waste, and abuse (FWA) in agency-funded programs, including but not limited to those funded by federal grants such as Medicaid. No agency employee, agent, or Recipient shall direct, participate in, approve, or tolerate any violation of federal or State laws regarding FWA in government programs.
2. Federal law prohibits any person or company from knowingly submitting false or fraudulent claims or statements to a federally funded program, including false claims for payment or conspiracy to get such a claim approved or paid. The False Claims Act, 31 U.S.C. §3729-3733, and other "whistleblower" statutes include remedies for employees who are retaliated against in their employment for reporting violations of the Act or for reporting fraud, waste, abuse, or violations of law in connection with federal contracts or grants, or danger to public health or safety. Under State law, persons may be criminally prosecuted for false claims made for health care benefits, for Medicaid fraud, for insurance fraud, or for using a computer in a fraud scheme or to obtain money or services by false representations.
3. If Recipient or Recipient's agents or employees have reason to suspect FWA in DHEC programs, this information should be reported in confidence to DHEC. A report may be made by writing to the Office of Internal Audits, DHEC, 2600 Bull Street, Columbia, SC 29201; or by calling the DHEC Fraud, Waste and Abuse Hotline at 803-896-0650 or toll-free at 1-866-206-5202. Recipient is required to inform Recipient's employees of

the existence of DHEC's policy prohibiting FWA and the procedures for reporting FWA to the agency. Recipient must also inform recipient's employees, in writing, of their rights and remedies under 41 U.S.C. §4712 concerning reporting FWA or violations of law in connection with federal contracts or grants, or danger to public health or safety, in the predominant native language of the workforce.

- G. **USE OF FUNDS:** Recipient will not use, expend, or allow use or expenditure of the Funds for any purpose not authorized in and consistent with this Agreement. Unexpended funds distributed pursuant to this Agreement may be carried forward to succeeding fiscal years and expended for the same purposes. Recipient shall continue the reporting and monitoring required under this Agreement until all Funds are spent.
- H. **RETURN OF FUNDS:** The State of South Carolina reserves the right to all remedies available to it under law for the enforcement of this Agreement including but not limited to the right to demand repayment of any Funds that remain unused at completion of the project or that were used for purposes not authorized in this Agreement.
- I. **NON-DISCRIMINATION:** Recipient represents and agrees that it does not and will not practice discrimination, or use the Funds for purposes which discriminate, against persons by virtue of race, religion, color, sex, age, national origin, disability, veteran status, pregnancy, gender identity, sexual orientation, or any other basis prohibited by law.
- J. **RECORDKEEPING:** Recipient shall create and maintain adequate records to document all matters covered by this Agreement. Recipient shall retain all such records for six (6) years or other longer period required by law after termination, cancellation, or expiration of the Agreement or after final expenditure of Funds, whichever is later, and make records available for inspection, copying, and audit by DHEC or other authorized agent of the State. If any litigation, claim, or audit has begun but is not completed or if audit findings have not been resolved at the end of the retention period, the records shall be retained until all litigation, claims, or audit findings involving the Funds have been resolved.
- K. **REVISIONS OF LAW:** The provisions of the Agreement are subject to revision of state or federal statutes and regulations and requirements governing (name of grant, etc.).
- L. **PUBLIC INFORMATION:** All information relating to distribution and use of the Funds, including all reports and documentation submitted to DHEC under this Agreement, is subject to public disclosure under the South Carolina Freedom of Information Act and may be published on DHEC's internet web site.
- M. **ATTACHMENTS:** Attachments to this Agreement are incorporated into and made part of this Agreement.

SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL

BY: Bruce C. Busbee
Bruce C. Busbee
Director of Budgets and Financial
Planning

DATE: 11-14-2022

MAILING ADDRESS:
SC DHEC - Office of Budgets and Financial
Planning
2600 Bull Street
Columbia, SC 29201
Phone: 803-898-3388
Fax: 803-253-7637

RECIPIENT NAME

BY: Dave Schaeffer
Dave Schaeffer, District Manager

DATE: 2 Nov 2022

MAILING ADDRESS:
1739 Signal Point Rd
PO Box 12140
Charleston, SC 29422-2140

Phone: (843) 998-6178-___

Fax: (843) 762-5240

Email: schaefferd@jipsd.org

REMITTANCE ADDRESS: (If applicable)

TAX/EMPLOYER ID # 57-6008076

TYPE OF ENTITY (check one):

Corporation

LLC

Partnership

Nonprofit organization

Government agency or political subdivision

- specify State if not SC:

Special Purpose District

Other Governmental body (specify)

Individual/sole proprietor

Other (specify)

If a corporation or LLC:

State of incorporation/organization:

Registered agent and address in South
Carolina:

SCDLLR or other license #

THIS AGREEMENT IS NOT OFFICIAL AND BINDING UNTIL SIGNED BY THE DHEC CONTRACTS
MANAGER.



Francine Miller
DHEC Contracts Manager

DATE: 11-14-22

Michael Garnett

Ex Officio Commissioner

Address and Contact Information:

Matt Clark

2500 City Hall Lane North Charleston, SC 29406

Phone: 843-764-2658 Email: matt.clark@ncsd.sc.gov

James Island Public Service District, SPD # 372

Status: Registration Expires 12/31/2022

Services: Fire, Sanitation, Street Lighting, Water

Boundaries: Comprises an area of approximately 84 square miles, including land and wetlands, located on James Island in Charleston County directly adjacent to and west of the City of Charleston.

Date of Origin: 1961 Statutory Authority: Act #498 of 1961

Financial Information: Fiscal Year End: 6/30/2020

Total Revenue:	Total Expenditures:	Total Indebtedness:	Total Investments:
\$17,701,234.00	\$19,472,106.00	\$17,879,389.00	\$8,921,291.00

Tax Rate or Fees: Govt Fund: 55.1 mills, DS: 9.3 mills, WW Rates: Base-\$18.40, Volume-\$5.54/ccf

Board of Directors: Selection Method: Elected by Residents

Board Member	Term	Title
Inez Brown Crouch	12/31/2022	Member
Katherine Rice Woolsey	12/31/2024	Vice Chair
Brenda H. Grant	12/31/2024	Member
Susan B. Milliken	12/31/2024	Member
Meredith Poston	12/31/2022	Secretary
Marilyn Clifford	12/31/2022	Member
Alan Laughlin	12/31/2022	Chair

Address and Contact Information:

James Driscoll

1739 Signal Point Rd. Charleston, SC 29412-8028

Phone: 617-480-2750 Email: driscollj_wr@jipsd.org

SC Special Purpose District @ 11/9/2022

SOUTH CAROLINA SECRETARY OF STATE
PUBLIC CHARITIES DIVISION - ANNUAL APPLICATION FOR REGISTRATION EXEMPTION
OFFICIAL

Legal Name of Organization: James Island Public Service District
Charity Public ID: P75266 Federal Employer's Identification Number: 57-6008076
 Initial Registration Renewal Online Application Paper Application

General Information:

Current fiscal year end: 6/30/2023
Organization's web site: <https://jipsd.org>
Basis for exemption: (6) The State, its political subdivisions, and any agencies or departments thereof which are subject to the disclosure provisions of the Freedom of Information Act
Purpose Statement: To Provide Fire Protection & Rescue Services, Solid Waste Services, and Wastewater Collections Services for residents of James Island.

Eligibility:

Question	Additional Note	Answer
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Organization Address:

Address Type: Physical
Address: 1739 SIGNAL POINT RD, CHARLESTON, SC 29412-8028

Contact Information:

Contact Name: Dave Schaeffer
Title: District Manager
Address: 1739 SIGNAL POINT RD, PO BOX 12140, CHARLESTON, SC 29412-8028
Phone: (843) 998-6178 Fax:
E-mail: schaefferd@jipsd.org

CEO Information:

CEO Name: Dave Schaeffer
Address: PO BOX 12140, 1739 SIGNAL POINT RD, CHARLESTON, SC 29422-2140
Phone:

CFO Information:

CFO Name: Ed Kilcullen
Address: PO BOX 12140, 1739 SIGNAL POINT RD, CHARLESTON, SC 29422-2140
Phone:

Organization Solicited Contribution Purpose:

- M - PUBLIC SAFETY, DISASTER PREPAREDNESS & RELIEF

Doing Business As:

Attached Documents:

Document Type:	Description	Filename
■ Letter of Determination of Tax Exemption Status	See Attached Most Recent Filing with the Secretary of State	sec of state.pdf

SOUTH CAROLINA SECRETARY OF STATE
PUBLIC CHARITIES DIVISION - ANNUAL APPLICATION FOR REGISTRATION EXEMPTION
OFFICIAL

Legal Name of Organization: James Island Public Service District
Charity Public ID: P75266 Federal Employer's Identification Number: 57-6008076

Certification

Application Certified by CEO? No
Application Certified by CFO? No
Application Certified by Authorized Third Party? Yes

Third Party Certification

I, Dave Schaeffer, filing on behalf of the charitable organization, certify that the information furnished in this application and all attached supplementary information is true and correct to the best of my knowledge, information and belief. I understand the giving of false or incorrect information may constitute a misdemeanor carrying a penalty upon conviction, for a first offense, of not more than one thousand dollars or imprisonment for not more than thirty days, and for a second or any subsequent offense a fine of not more than five thousand dollars or imprisonment for not more than one year, or both.



State of South Carolina Request for Contribution Distribution

This form is designed to collect the information required by South Carolina in accordance with Proviso 117.21 of the appropriations act of 2022 and Executive Order 2022-19. This form must be submitted to the state agency that is providing the contribution for the designated organization. The state agency providing the contribution should use this form to collect information from the designated organization. The information must be collected from the designated organization before the funds can be disbursed.

Contribution Information

Amount	State Agency Providing the Contribution	Purpose
\$1,000,000.00		James Island Watershed Restoration FY2023 Non-Recurring

Organization Information

Entity Name	James Island Public Service District
Address	1739 Signal Point Road, PO Box 12140
City/State/Zip	Charleston, SC 29422-2140
Website	www.jipsd.org
Tax ID#	57-6008076
Entity Type	Special Purpose District

Organization Contact Information

Contact Name	Dave Schaeffer
Position/Title	District Manager
Telephone	843-998-6178
Email	schaefferd@jipsd.org

Plan/Accounts of how these funds will be spent:

Description	Budget	Explanation
Project Design	\$570,000.00	Required Project design and engineering services
Legal Costs	\$75,000.00	Pre-construction legal costs, including resident easement acquisition
Force Main Easement	\$40,000.00	Cost of acquiring easements for Project force mains
Easement Allowance and Utility Conflict Allowance	\$245,000.00	Residential easement costs and utility conflict resolution costs
JIPSD Grant Administration and Indirect Costs	\$70,000.00	JIPSD Administrative costs
Grand Total	\$1,000,000.00	

Please explain how these funds will be used to provide a public benefit:

James Island Creek (Creek) is located within the upper interior of James Island and has had water pollution issues for many years. The Creek flows into the Charleston Harbor at the mouth of the Ashley River, so the pollution is a regional water quality issue. To address this regional problem, the James Island Creek Water Quality Task Force (Task Force) was formed in 2020, with membership including JIPSD, the Town of James Island, the City of Charleston, Charleston Water System, Charleston County, and the Charleston Waterkeeper. The mission of the Task Force is to identify the sources of pollution in the Creek and take steps collaboratively to stem the pollution and clean up the Creek. Analysis of DHEC-required 3rd party testing by Terracon in 2021 showed high levels of bacteria from human waste present in the Creek. As a result of the testing, DHEC has listed the Creek as a Section 304(d) impaired stream for saltwater fecal bacteria indicator Enterococci. A Watershed Management Plan for James Island Creek, prepared for the Task Force by Terracon, identified the source of the pollution as failing septic systems adjacent to and nearby the Creek and Creek marshes. These septic systems were installed 50-plus years ago when the homes were constructed. The pollution in the Creek shows that these aging septic systems are failing to properly process human waste before it leaches into the Creek. The funds will be used to take the first steps of the James Island Creek Restoration Project, which will connect 199 residential septic systems to public sewer, thereby eliminating the primary source of bacterial pollution in the James Island Creek.

Organization Certifications

- 1) Organization hereby gives assurance that no person shall, upon the grounds of race, creed, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity for which this organization is responsible.
- 2) Organization certifies that it will provide quarterly spending reports to the Agency Providing Contribution listed above.
- 3) Organization certifies that it will provide an accounting at the end of the fiscal year to the Agency Providing Contribution listed above.
- 4) Organization certifies that it will allow the State Auditor to audit or cause to be audited the contributed funds.


Organization Signature


District Manager
Title

Dave Schaeffer
Printed Name

2-Nov-22
Date

Certifications of State Agency Providing Contribution

- 1) State Agency certifies that the planned expenditure aligns with the Agency's mission and/or the purpose specified in the appropriations act of 2022.
- 2) State Agency certifies that the Organization has set forth a public purpose to be served through receipt of the expenditure.
- 3) State Agency certifies that it will make distributions directly to the organization.
- 4) State Agency certifies that it will provide the quarterly spending reports and accounting received from the organization to the Senate Finance Committee, House Ways and Means Committee, and the Executive Budget Office by June 30, 2023.
- 5) State Agency certifies that it will publish on their website any and all reports, accountings, forms, updates, communications, or other materials required by Proviso 117.21 of the appropriations act of 2022.
- 6) State Agency will certify to the Office of the Governor that it has complied with the requirements of Executive Order 2022-19 by June 30, 2023.


Agency Head Signature

11-15-2022
Date

Edward Simmer
Printed Name



November 9, 2022

James Island Public Service District
1739 Signal Point Rd
PO Box 12140
Charleston, SC 29422-2140

RE: James Island Watershed Restoration Pollution Mitigation Project

Dear Dave Schaeffer,

The South Carolina Department of Health and Environmental Control has received your request for the distribution of funds for the James Island Watershed Restoration Pollution Mitigation Project through the 2022 Act 239, Part 1B, Proviso 118.19 (83) J040 (j).

To date, we have not received any permit applications related to this project. To ensure that your project meets the requirements set forth in our statutes and regulations, we encourage you to contact Kristy Ellenberg, to schedule a pre-project permit application meeting. Her contact information is below:

Kristy Ellenberg
Director, Collaborative Partnerships & Strategic Initiatives
ellenbke@dhec.sc.gov
803-898-8161

Sincerely,

Rebecca Spoles
Environmental Affairs Liaison
SC Department of Health and Environmental Control
sprolemr@dhec.sc.gov
803-394-0465