

**AGENDA  
COLLETON COUNTY COUNCIL  
REGULAR MEETING  
TUESDAY, AUGUST 14, 2018  
6:00 P.M.  
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a) Regular Meeting June 26, 2018
  - b) Special Meeting July 20, 2018
5. Awards and Recognitions
  - a) Proclaiming Gullah-Geechee Nation Appreciation Week
6. Appearances & Public Presentations
  - a) Southern Carolina Alliance – John Fleming – Quarterly Report
7. Administrator's Briefing
8. Public Hearing
  - a) Ordinance 18-O-03, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2018 through June 30, 2019; to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto
  - b) Ordinance 18-O-07, To Authorize the Rezoning of a Parcel Identified as Tax Map Number 310-00-00-014, from Resource Conservation – 1 (RC-1) Resource Conservation – 2 (RC-2)
  - c) Ordinance 18-O-08, To Amend Title 14-Land Management, Section 14.08-2 Zoning District Regulations, of the Colleton County Code of Ordinances related to Residential Care Facilities and Residential Care Homes
  - d) Ordinance 18-O-09, To Establish, Pursuant To Section 4-1-170 Of The Code Of Laws Of South Carolina 1976, As Amended, A Multi-County Industrial/Business Park, In Conjunction With Allendale County, Bamberg County, Barnwell County, Beaufort County, Hampton County, South Carolina, And Jasper County; To Provide For A Written Agreement By Colleton County With Allendale County, Bamberg County, Barnwell County, Beaufort County, Hampton County, And Jasper County As To The Sharing Of The Revenues And Expenses Of The Park; To Provide For The Distribution Of Revenues

From The Park Among Taxing Entities Having Jurisdiction Over The Park; To Provide For A Fee In Lieu Of Ad Valorem Taxation; And Other Matters Related Thereto

- e) Resolution 18-R-53, In Support Of The Issuance By The South Carolina Jobs-Economic Development Authority Of Its Economic Development Revenue Bond (Palmetto Goodwill Project) Series 2018, Pursuant To The Provisions Of Title 41, Chapter 43, Of The Code Of Laws Of South Carolina 1976, As Amended, In The Aggregate Principal Amount Of Not Exceeding \$20,000,000

9. Old Business

- a) 2<sup>nd</sup> Reading Ordinance 18-O-10, To Amend Title 2- Administration and Personnel and Title 3 – Revenue and Finance of the Colleton County Code of Ordinances
- b) 2<sup>nd</sup> Reading Ordinance 18-O-11, To Provide For The Issuance And Sale Of Not Exceeding \$5,500,000 Fire Protection Service General Obligation Bonds Of Colleton County, South Carolina; To Prescribe The Purposes For Which The Proceeds Shall Be Expended; To Provide For The Payment Thereof; And Other Matters Relating Thereto
- c) 2<sup>nd</sup> Reading Ordinance 18-O-12, Authorizing the Acquisition of Certain Property by Colleton County, South Carolina by Lease-Purchase Financing in the Amount Of Not Exceeding \$2,500,000; the Execution and Delivery of Certain Instruments, Including a Lease-Purchase Agreement by Colleton County; and Other Matters Relating Thereto
- d) 2<sup>nd</sup> Reading Ordinance 18-O-13, To Provide for the Transfer of Real Property Owned by Colleton County, South Carolina, Identified by T.M.S. No. 097-00-00-050, to CCEDC One, Inc. (a Colleton County Economic Development Corporation) Related to Project EPS; and Other Matters Relating Thereto
- e) 2<sup>nd</sup> Reading Ordinance 18-O-14, To Provide For A Fee-In-Lieu Of Tax Arrangement For Project EPS; Provide For Special Source Revenue Credits To Fund Infrastructure Improvements; Provide For The Allocations Of Fees-In-Lieu Of Taxes Payable Under The Agreement For Development For A Joint County Industrial Park With Hampton County; And Other Matters Relating Thereto
- f) 3<sup>rd</sup> Reading Ordinance 18-O-03, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2018 through June 30, 2019; to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto
- g) 3<sup>rd</sup> Reading Ordinance 18-O-07, To Authorize the Rezoning of a Parcel Identified as Tax Map Number 310-00-00-014, from Resource Conservation – 1 (RC-1) Resource Conservation – 2 (RC-2)

- h) 3<sup>rd</sup> Reading Ordinance 18-O-08, To Amend Title 14-Land Management, Section 14.08-2 Zoning District Regulations, of the Colleton County Code of Ordinances related to Residential Care Facilities and Residential Care Homes
- i) 3<sup>rd</sup> Reading Ordinance 18-O-09, To Establish, Pursuant To Section 4-1-170 Of The Code Of Laws Of South Carolina 1976, As Amended, A Multi-County Industrial/Business Park, In Conjunction With Allendale County, Bamberg County, Barnwell County, Beaufort County, Hampton County, South Carolina, And Jasper County; To Provide For A Written Agreement By Colleton County With Allendale County, Bamberg County, Barnwell County, Beaufort County, Hampton County, And Jasper County As To The Sharing Of The Revenues And Expenses Of The Park; To Provide For The Distribution Of Revenues From The Park Among Taxing Entities Having Jurisdiction Over The Park; To Provide For A Fee In Lieu Of Ad Valorem Taxation; And Other Matters Related Thereto

10. New Business

- a) 1<sup>st</sup> Reading Ordinance 18-O-15, Granting Easement No. 897128 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, County Colleton, SC; Such Easement is to be Used for the Installation, Operation and Maintenance of Electrical and Gas Facilities within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto
- b) 1<sup>st</sup> Reading Ordinance 18-O-16, To Relinquish Any Right of First Refusal and other Restrictive Covenants of Colleton County to the Property Located at 360 Anderson Road, TMS #132-00-00-247
- c) Resolution 18-R-50, Confirming The Intention Of Colleton County, South Carolina To Be Reimbursed For Certain Expenditures Related To Capital Purchases/Projects To Be Financed By The Issuance Of Bonds
- d) Resolution 18-R-51, To Authorize the Purchase of a Used Fire Truck and a Used Pumper/Tanker from Brindlee Mountain Fire Apparatus
- e) Resolution 18-R-52, To Award the Contract for Planning Services for the County's Comprehensive Plan Update
- f) Resolution 18-R-53, In Support Of The Issuance By The South Carolina Jobs-Economic Development Authority Of Its Economic Development Revenue Bond (Palmetto Goodwill Project) Series 2018, Pursuant To The Provisions Of Title 41, Chapter 43, Of The Code Of Laws Of South Carolina 1976, As Amended, In The Aggregate Principal Amount Of Not Exceeding \$20,000,000

g) Resolution 18-R-54, To Appoint Members to Board Vacancies

11. Items for Information and Public Record
12. Public Comments (3 minutes per person/max time 20 min.)
13. Council Time
14. Executive Session
  - a) Economic Development
    - 1) Project Global
    - 2) Project EPS
    - 3) Project Colony
    - 4) Project Hope
15. Adjournment
16. Informal Meeting of the Whole

Sponsor(s)	: County Council	
First Reading	: June 26, 2018	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: August 14, 2018	
Public Hearing	: September 11, 2018	
Third Reading	: September 11, 2018	
Effective Date	: Immediately	

**ORDINANCE NO. 18-O-10**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**  
**[An Ordinance to Amend Title 2 – Administration and Personnel of the Colleton County Code of Ordinances.]**

**WHEREAS:**

1. **Title 2 – Administration and Personnel, Chapter 2.16 – Emergency Preparedness**, of the Colleton County Code of Laws is to be repealed and these duties shall become the responsibility of Colleton County Fire-Rescue Personnel; and
2. **Title 2 – Administration and Personnel, Chapter 2.20 – Fire Protection System**, of the Colleton County Code of Laws must be amended as the 1993 ordinance, which implemented the Fire and Rescue District of Colleton County, requires adaptation to updated organizational structures and to include the addition of Emergency Management and Emergency Medical Services; and;
3. **Title 2 – Administration and Personnel, Chapter 2.30 – Colleton County Council, Section 2.30.020 - Officers**, the Council Chairman and Vice-Chairman shall be elected from and by the Council members at the initial meeting of the Council in January of even-numbered years; and
4. County Council believes that it is in the best interest of the citizens of Colleton County to approve the changes set forth herein.

**NOW THEREFORE BE IT ORDAINED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:**

1. **Title 2 – Administration and Personnel, Chapter 2.16 – Emergency Preparedness**, of the Colleton County Code of Laws is hereby repealed in its entirety.
2. **Title 2 – Administration and Personnel, Chapter 2.20 – Fire Protection System**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

**Chapter 2.20 – Fire Protection System**

**Sections:**

- 2.20.010 Abolition of existing fire protection districts.**
- 2.20.020 District – Established.**
- 2.20.030 District – Purpose and Function.**
- 2.20.040 Tax Levy.**
- 2.20.050 Colleton County Fire and Rescue Commission – Established.**
- 2.20.060 Fire and Rescue Commission – Powers and Duties.**
- 2.20.070 Fire and Rescue Commission – Additional Duties (Reserved).**
- 2.20.080 Fire and Rescue Director.**
- 2.20.090 Emergency Management Division.**
- 2.20.100 Emergency Medical Services**

**2.20.010 Abolition of Existing Fire Protection Districts**

All ordinances, resolutions or other acts of Colleton County Council establishing rural fire districts and the funding mechanism for fire districts repealed by Ordinance 93-O-17 continue to be repealed as of the effective date of Ordinance 93-O-17. At the time of passage of Ordinance 93-O-17, districts specifically listed included but were not limited to Canadys, Colleton Rural, Cottageville, Jacksonboro, Maple Cane, Neyles, Ruffin, the Unincorporated Edisto Island, Green Pond, Hendersonville, Intercommunity Development Organization (IDO) Fire Department and Islandton.

**2.20.020 District – Established**

- A.** Pursuant to a public hearing held on June 15, 1993 and by virtue of the powers vested in the County Council by §4-9-30(5) and 4-9-130 of the South Carolina Code of Laws, as amended, the County Council enacted Ordinance 93-O-17 to create and establish a single special taxing district within the county to be known as the Colleton County Fire Protection and Rescue Service District (above captioned as and hereinafter termed District), which includes the entire unincorporated area of Colleton County in addition to those municipalities which have elected to become part of the District for service and tax levy purposes and therefore are merged into the single District, is the successor in title and interest of the fire protection districts in respect of every right, entitlement, asset, and obligation of the preexisting fire protection districts, and all such rights, entitlements, assets, and obligations of the previously established and said fire protection districts shall be attached and made a part of the new District, continuing therein with no break in continuity.
- B.** Pursuant to this code, no individual or organization can infringe on the Colleton County Fire and Rescue Protection and Rescue Service District by way of creating a fire department, rescue squad or emergency response service.

**2.20.030 District – Purpose and Function.**

- A.** The District is created and established for the purpose and function of providing a means of financing fire protection and rescue services therein and the County Council is authorized to exercise all powers provided by law and to perform all duties necessary to the proper rendering of fire protection and rescue services within the District, including the appropriation of funds for the operation and maintenance of the District through an annual levy and collection of ad valorem taxes upon all taxable property within the District.
- B.** The County Council is further authorized, to the extent and in the manner provided by law, to cause the issuance of general obligation bonds of the county for the benefit of, but not limited to, the construction and/or acquisition of facilities and of equipment, for the repayment of which bonds there shall be levied and collected an annual ad valorem tax upon all taxable property located within the District.

**2.20.040 Tax Levy.**

- A.** There shall be levied annually on all taxable property within the District an ad valorem tax sufficient to raise moneys required for the operation and maintenance of the District. Said levy shall be set by the County Council in connection with the establishment of the tax levy for general county operations, provided, however, that the District levy shall be distinct from the levy for general county operations and shall be shown separately on the tax bill. Further, the revenues collected from the fire levy shall be used solely for the purposes identified in this code, the same being fire protection matters and rescue services within the District, which shall be understood to include reasonable mutual aid agreements which are beneficial to the citizens of the District.
- B.** Likewise, in years in which any bonds issued by the County Council for the District are payable, a separate tax levy in an amount sufficient to service said debt shall be fixed, levied, and collected. For this purpose, a separate Fire Debt Service Fund shall be established as appropriated annually in the Colleton County Budget Ordinances.

**2.20.050 Colleton County Fire and Rescue Commission – Established.**

- A.** There is created and established the Colleton County Fire and Rescue Commission (CCFRC, hereinafter termed Commission) as an operating agency of county government through which fire protection and rescue services in the District shall be provided under the provisions of the Colleton County Code of Laws, as amended and pursuant to Section 4-9-30(5)(b) of the

Code of Laws of South Carolina, 1976, as amended, with powers, duties, and functions set forth herein.

- B.** The Commission shall consist of five members, which shall be appointed by County Council. All members shall be drawn from the county at large from areas within the District. If a vacancy occurs, the county council shall fill the vacancy by appointment for the unexpired term.
- C.** A Commission member or appointee shall not be an officer, director, member, or employee of a municipality, or Colleton County government or any agency thereof; notwithstanding, in the event an individual is placed in nomination, they may retain their conflicting status until such time as they are appointed by vote of the County Council, at which time the individual must resign their conflicting position.
- D.** Commissioners shall serve terms of four years, except that two of the commissioners appointed initially served terms of two years each, said Commissioners having been determined by drawing lots.
- E.** The Commission shall, biannually in January as its first order of business, elect a chairman and vice chairman.
- F.** The Commission shall meet not less than four times each year and at other times as called by the chairman, upon written request by a majority of the members, or at the request of the County Council or the County Administrator if necessary for the routine continuation of service provision or other emergency.
- G.** All activities of the Commission, District and their staff shall be subject to the South Carolina Freedom of Information Act, as amended. All members receive all mailings, notifications, agendas, policy manuals, etc.
- H.** Two no-notice consecutive absences of voting members or any three absences from regular meetings in any twelve (12) month period shall constitute mandatory resignation of the voting member; the Commission Chairperson shall so notify all Commission members and County Council, at which time that seat will be filled as provided in section 2.20.050(B).
- I.** A simple majority shall constitute a quorum for conducting routine business. No proxies, absentee ballots, or other non-present votes shall be permitted.
- J.** The County Council may remove any member of the Commission by a majority vote of members of Council, which shall normally be done only after consultation with the Commission on the matter under consideration.

**2.20.060 Fire and Rescue Commission – Powers and Duties.**



The Fire and Rescue Commission shall enjoy the powers and authorities defined and noted herein throughout, and the Commission is charged with timely and considerate execution of its duties and responsibilities as noted herein throughout. The Commission shall:

- A.** Determine, designate, define and coordinate Service Areas within the District so as to obtain maximum fire and rescue coverage of the entire District, commensurate with the best utilization of appropriated funding and resources available.
- B.** Develop and enforce minimum standards for fire and rescue operations for all areas within the District, and any other agencies receiving public funds from the District tax levies. These standards shall be compliant with all applicable Federal, State, and Local laws and regulations.
- C.** The Commission makes no hire/fire decisions.
- D.** At its discretion, establish ad-hoc committees of its own or combined membership at its discretion. The Commission shall generally follow Roberts Rules of Order, except where noted or as limited in its properly adopted bylaws.
- E.** Develop, maintain, and implement as funded by County Council a comprehensive fire and rescue protection plan for the District and its service areas, with all associated statistical research and data. Status of planning, implementation, and statistical recapitulation by service area and in total shall be presented in conjunction with the Fire and Rescue Chief's annual budget request, which shall be submitted in such time as the County Administrator requests, for review, recommendation, and subsequent compiling for consideration by County Council.
- F.** Develop annual budgets proposals in conjunction with the Fire and Rescue Chief, to include capital expenditure plans and allocations based on the greatest need and highest benefit to the largest number of citizens residing in the District, subject to approved funding properly appropriated by the County Council and derived from the annual ad valorem tax levy by County Council on all taxable property within the District. The budget proposal shall be submitted in such time and format as the County Administrator specifies, for review, recommendation, and subsequent compiling for consideration by County Council. At a minimum, operations, administration, capital improvements, and proposed contracts shall be specified. The Commission's original request shall be copied to County Council, also. These funds shall be used exclusively for the purpose of providing fire protection, prevention, and rescue services within the District.

- G.** Provide fire-fighting and rescue equipment through the Fire and Rescue Chief to be utilized within any unprotected area of the county by officials of the District as directed by said Commission and through the County to own, construct, or erect such physical facilities as may be needed, all of which shall be titled in the name of Colleton County.
- H.** Coordinate equipment, stations, and staff within the District available for providing fire and rescue services to obtain maximum use of said equipment for the good of all citizens residing in the District.
- I.** Apply for grants or other funds for the District, subject to standard, countywide procedures established by County Council, the County Administrator, and the Finance department. All grant and tax levy cash shall be collected and deposited in bank accounts maintained by the County Treasurer and all payments and grants shall be processed through the Finance department.
- J.** Establish minimum training requirements, certification programs, and other policy level activities appropriate for District-wide implementation. Such standards shall be developed in consultation with the Fire and Rescue Chief and shall not be contrary to this ordinance or applicable Federal, State, and Local laws and regulations.
- K.** Recommend for approval of County Council the adoption of such codes, declaration or regulations as may be needed to ensure that life and health regulations are met as they pertain to fire preventions within the District.
- L.** Review, evaluate, revise, and mediate all relevant contracts and agreements as necessary or as requested by the Fire and Rescue Chief.
- M.** Develop and promote a strong, viable volunteer system which acknowledges the critical needs which volunteers fill, enhances recruitment of volunteers, and in every respect values the services of the volunteer.
- N.** Develop and promote guidelines adequate to require all future public water systems installed in the county to provide water for fire protection and to recommend for adoption such county and municipal ordinances as may be necessary to enforce such guidelines.
- O.** Develop, design, investigate, evaluate, review, revise, negotiate, recommend and mediate dispatch protocols and predetermined response procedures for all fire and rescue calls within the county. This shall include joint development of dispatch protocols with the Sheriff as regards E-911 procedures.
- P.** Adhere to and adopt all policies and make decisions in accordance with County Council adopted policies, ordinances, and resolutions.

- Q.** Record its meetings, keep tapes on a 60-day rotational basis only, and publish its minutes in a brief, summary format that must be approved at the next meeting of the Commission. Copies of summary minutes or an agenda follow-up will be sent to County Council members

**2.20.070 Fire and Rescue Commission – Additional Duties (Reserved).**

**2.20.080 Fire and Rescue Chief.**

The Fire & Rescue Chief (hereinafter termed Chief) reports to and may only be terminated by the County Administrator in accordance with the County Council's Personnel Policy, as amended.

- A.** Should the Chief position become vacant, the County Administrator shall advertise, and conduct interviews in conjunction with a selection committee which shall include the Chair of the Fire Commission and the County Administrator, and the County Administrator shall determine the salary within the limits and guidelines of the county personnel policies and current funding levels. The Chief shall be entitled to all of the same provisions and entitlements outlined in the Colleton County Personnel Policy, as amended, and in all respects shall be an employee of Colleton County, and shall report to the County Administrator.
- B.** The Chief shall supervise, direct, and assign all day-to-day operations of the Fire and Rescue Department in accordance with County and Commission established policies, which shall include all of the elements contemplated herein, with due respect and regard for each level of shared authority relative to the Chief position. The County Administrator as required may amend specific duties formally with regard for same.
- C.** In consultation with the Commission, the Chief will establish minimum resource, training, and other requirements based on federal, state, and local regulations for all fire service personnel.
- D.** The Chief is exclusively responsible for supervision, training, and deployment of all paid, compensated and volunteer staff and firefighters within the District, as well as for all day-to-day operations.
- E.** To recommend to the Commission and monitor standard operating procedures for the upkeep, maintenance and repair of the vehicles trucks and other firefighting apparatus and equipment and to that end shall, as often as is deemed necessary, effect inspection of such equipment.

**2.20.090 Emergency Management Division.**

The Emergency Management Division, as outlined in Chapter 2.21 of the Colleton County Code of Laws, will be under the supervision of the Fire and Rescue Chief.

#### **2.20.100 Emergency Medical Services**

Emergency Medical Services, as outlined in Chapter 2.22 of the Colleton County Code of Laws, will be under the supervision of the Fire and Rescue Chief.

3. **Title 2 – Administration and Personnel, Chapter 2.21 – Emergency Management Division**, of the Colleton County Code of Laws is hereby established below.

#### **Chapter 2.21 – Emergency Management Division**

##### **Sections:**

- 2.21.010 Purpose**
- 2.21.020 Definitions**
- 2.21.030 Director of Emergency Management Division**
- 2.21.040 Composition of Department**
- 2.21.050 County Council – Powers and Duties**

##### **2.21.010 Purpose.**

It is the intent and purpose of this section to establish an organization, to be known as the county emergency management division, which will ensure the complete and efficient utilization of all the county resources necessary to respond to any emergency arising from an enemy/terrorist attack, natural hazard or technological hazard. The division will be the coordinating agency for all activity in connection with emergency management. It will be the instrument through which the county council shall exercise its authority under the laws of this state during an emergency involving this county or any part of the state. This division will report to the Fire and Rescue Chief.

##### **2.21.020 Definitions**

As used in this chapter:

*Colleton County emergency management organization* consists of all officers and employees of county government, together with those volunteer forces enrolled to aid them in a disaster, the municipalities of the county and persons who may by agreement or operation of law be charged with duties incident to protection of life and property of this county during disasters.

*Disaster* means actual or threatened enemy attack, sabotage, conflagration, natural or man-made disaster such as: flood, storm, epidemic, earthquake, riot or other public calamity.

*Emergency management* means the extraordinary actions of government in preparing for and carrying out all functions and operations, other than those for which the military is primarily responsible, when concerted, coordinated action by several agencies or departments of government and/or private sector organizations and citizens are required to prevent, minimize and repair injury and damage resulting from a disaster of any origin.

*Volunteer* means all persons, other than officers and employees of the county serving with or without compensation pursuant to compliance with this chapter. While engaged in such services they shall have the same immunities as persons and employees of the county performing similar duties.

#### **2.21.030 Director of Emergency Management Division**

The Fire and Rescue Chief shall be responsible for directing the day-to-day operations of the division, executing the instructions of the county administrator and coordinating the activities of various county emergency forces during a period of disaster or emergency. The director shall be appointed by the county administrator. The Chief or his/her designee shall be empowered and required to coordinate and render assistance to county and city officials in the development of plans for the use of all facilities, equipment, manpower and other resources of the municipalities and county for the purpose of minimizing or preventing damage to persons or property in emergency or disaster situations. Municipal and county personnel shall include in such plans the restoration of governmental services and public utilities necessary for the public health, safety and welfare. The Chief or his/her designee shall further direct the plans of the county emergency management department in the implementation of the provision of this article.

#### **2.21.040 Composition of Department**

All county officials and employees, together with those volunteer forces enrolled to aid them during a disaster, and persons who may by agreement or operation of law be charged with duties incident to the protection of life and property in the county during an emergency, shall constitute the county emergency management department.

#### **2.21.050 County Council – Powers and Duties**

The County Council is responsible for meeting the dangers to the county and its people presented by disasters of any origin. Under this chapter, the County Council may issue proclamations and regulations and amend or rescind them. Proclamations of the County Council have the force and effect of law.

- A. A state of disaster emergency may be declared by the county council if it finds a disaster has occurred, or that the threat thereof is imminent, and extraordinary emergency measures are deemed necessary to cope with the existing or anticipated situation. Once declared, the state of emergency shall continue until terminated by proclamation of the county council or as

prescribed by state law. All proclamations issued under this section shall indicate the nature of the disaster, the area or areas affected by the proclamation, and the conditions which brought about or make possible termination of the state of disaster emergency.

**B.** In addition to any other powers conferred by law, the county council may, under the provisions of this chapter:

1. Suspend the provisions of existing regulations prescribing the procedures for conduct of county business if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency;
2. Utilize all available resources of county government as reasonably necessary to cope with disaster emergency;
3. Transfer the direction, personnel or functions of county departments and agencies or units thereof for purposes of facilitating or performing emergency services as necessary or desirable;
4. Compel performance by elected and appointed county government officials and employees of the duties and functions assigned in the county emergency operation plan;
5. Contract, requisition and compensate for goods and services from private sources;
6. Direct and compel evacuation of all or part of the population from any stricken or threatened area within the county if this action is deemed necessary for preservation of life or other disaster mitigation, response or recovery;
7. Prescribe routes, modes of transportation, and destination in connection with evacuation;
8. Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;
9. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles;
10. Make provisions for the availability and use of temporary housing.

**4. Title 2 – Administration and Personnel, Chapter 2.22 – Emergency Medical Services,** of the Colleton County Code of Laws is hereby established below.

#### **Chapter 2.22 – Emergency Medical Services**

##### **Sections:**

- 2.22.010 Purpose**
- 2.22.020 Definitions**
- 2.22.030 Director of Emergency Medical Services**
- 2.22.040 Composition of Department**
- 2.22.050 County Council – Powers and Duties**

### **2.22.010 Purpose.**

It is the intent and purpose of this section to outline how Emergency Medical Services are provided to Colleton County residents and visitors. Emergency Medical Services involves the rapid treatment of the sick and injured at the point of illness or injury and transportation of those sick and injured to the closest appropriate medical facility. The Fire and Rescue Department, under the direction of the Fire and Rescue Chief, is responsible for providing Emergency Medical Services to all Colleton County citizens, including those not residing within the District.

### **2.21.020 Definitions**

As used in this chapter:

*Emergency Medical Services* consists of the pre-hospital medical care of and transportation of the sick and injured.

*ALS* means advanced life support and is the highest level of pre-hospital care that can be provided by a government as certified by SC DHEC.

*SC DHEC* means the South Carolina Department of Health and Environmental Control, which serves as the primary certifying, licensing, and regulatory agency for Emergency Medical Services in the state.

*Volunteer* means all persons, other than officers and employees of the county serving with or without compensation pursuant to compliance with this chapter. While engaged in such services they shall have the same immunities as persons and employees of the county performing similar duties.

### **2.21.030 Director of Emergency Medical Services**

The Fire and Rescue Chief shall be responsible for directing the day-to-day operations of Emergency Medical Services, executing the instructions of the county administrator and coordinating the activities of various county emergency forces during a period of disaster or emergency. The director shall be appointed by the county administrator. The Fire and Rescue Chief shall insure that all Emergency Medical Services operations are compliant with local, state and federal regulations.

### **2.21.040 Composition of Department**

All Fire-Rescue personnel, both paid and volunteer, who hold a SC DHEC certification are authorized to participate in Emergency Medical Services in Colleton County.

### **2.21.050 County Council – Powers and Duties**

The County Council is the sole authority regarding the provision of Emergency Medical Services in Colleton County. Although private ambulance companies may provide services to medical facilities, such as transportation from one hospital to another hospital or transportation from home to a doctor's office or dialysis clinic, the Fire and Rescue Department is the sole Emergency Medical Services provider for calls for service through the 9-1-1 center.

**5. Title 2 – Administration and Personnel, Chapter 2.30 – Colleton County Council, Section 2.30.020 Officers,** is hereby amended as follows:

The first paragraph of the Section and sub-paragraphs A and B are hereby repealed in their entirety and the following paragraphs are inserted in replacement:

The Council shall elect a Chairman, Vice-Chairman, and such other officers as it may deem necessary for the terms as hereinafter set forth, at the initial meeting of the Council in January of odd-numbered years, at which the first act of Council shall be to elect a Chairman and at which the County Attorney shall act as Chairman only for the election of the Council Chairman.

**A. Chairman.** At the initial meeting of Council in January of even-numbered years, unless otherwise provided by law, the Council shall elect one of its members, by a majority vote, to serve as Chairman for a term of two years. Any vacancy in the Chairmanship shall be filled by the Council for the unexpired term. The Chairman shall preside at all regular and special meetings of the Council; shall execute, on behalf of the Council, by and through the County Administrator, all ordinances, resolutions, directives, deeds, bonds, contracts and other official instruments; and shall have such other duties and perform such other functions as set forth by the Council. The Chairman shall be able to vote on all issues before Council.

**B. Vice Chairman.** At the initial meeting of Council in January of even-numbered years, unless otherwise provided by law, the Council shall elect one of its members, by a majority vote, to serve as Vice-Chairman a term of two years; in the event that the Chairman shall be temporarily absent or unable to serve, the Vice Chairman shall serve as Chairman in his stead. If the Vice-Chairman is unable to fulfill his duties, a special election, by the Council, may be held to complete his unexpired term.

**6. Severability:**

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

**7. Conflict:**



Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman

\_\_\_\_\_  
Approved as to Form  
Sean Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:

Sponsor(s)	: County Council	
First Reading	: June 26, 2018	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: August 14, 2018	
Public Hearing	: September 11, 2018	
Third Reading	: September 11, 2018	
Effective Date	: Immediately	

**ORDINANCE NO. 18-O-11**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$5,500,000 FIRE PROTECTION SERVICE GENERAL OBLIGATION BONDS OF COLLETON COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO.]**

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(This Table of Contents for the Ordinance is for convenience of reference only and is not intended to define, limit, or describe the scope or intent of any provision of the Ordinance)

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**AN ORDINANCE**

**TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$5,500,000 FIRE PROTECTION SERVICE GENERAL OBLIGATION BONDS OF COLLETON COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO.**

**BE IT ENACTED BY THE COUNTY COUNCIL OF COLLETON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:**

As an incident to the enactment of this Ordinance and the issuance of the bonds provided for herein, the County Council of Colleton County, South Carolina (the "County Council"), the governing body of Colleton County, South Carolina (the "County"), find that the facts set forth herein exist and the statements made with respect thereto are true and correct.

**WHEREAS**, the County Council, in Ordinance No. 93-O-17, has previously determined to establish, operate, and maintain a system of fire protection in those areas of the County where fire services were not being provided and, pursuant to the provisions of Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended, has, from time to time designated the areas of the County where fire protection service may be furnished by the County under the provisions thereof (the areas designated by County Council are collectively referred to herein as the "District"); and

**WHEREAS**, by virtue of Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended, as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (collectively, the "Enabling Act"), County Council is authorized to issue general obligation bonds of the County for the purpose of raising moneys to establish, maintain, and operate a fire protection system and to purchase the necessary fire-fighting equipment and to construct, acquire, and build the necessary fire stations and to acquire sites for the stations; and

**WHEREAS**, pursuant to the authorizations of Article X of the South Carolina Constitution and the Enabling Act, the County Council desires to obtain funds for the purpose of defraying a portion of the cost of replacing the computer-aided dispatch system, renovating and improving existing fire stations, acquiring fire trucks, ambulances, other support vehicles and equipment for use by the Colleton County Fire-Rescue Commission (collectively, the "Series 2018 Project"); and

**WHEREAS**, Article X, Section 12 of the South Carolina Constitution prohibits the issuance of general obligation bonds of any county to finance fire protection facilities benefitting only a particular geographic section of the county unless a special assessment, tax, or service charge in an amount designed to provide debt service shall be imposed upon the areas or persons receiving the benefit therefrom; and

**WHEREAS**, County Council have determined to provide for the levy and collection of an annual ad valorem tax within the District which will be sufficient to provide for the payment of the principal and interest on the bonds to be issued hereunder, and the respective requirements of Article

X, Section 12 of the South Carolina Constitution and Section 4-19-30 of the Enabling Act with respect to the issuance of the bonds provided for herein have been met; and

**WHEREAS**, the Section 4-19-10(l) of the Enabling Act permits the use of funds from the levy and collection of an annual ad valorem tax within the District to be used for operating and maintenance expenses of the County’s fire protection system; and

**WHEREAS**, the County Council have determined that is in the best interest of the District to transfer a portion of the funds on deposit in the District’s debt service fund to the District’s operating and maintenance fund to be used to fund the costs of acquisition and construction of an expansion of the County’s fleet management building to service vehicles, fleet, and equipment of the District; and

**WHEREAS**, by virtue of Article X, Section 14(7)(b) of the South Carolina Constitution, general obligation debt incurred pursuant to and within the limitations prescribed by Article X, Section 12 of the South Carolina Constitution shall not be considered in determining the debt limitations imposed by Article X, Section 14(7)(a) of the South Carolina Constitution; and

**NOW, THEREFORE**, on the basis of the foregoing authorizations and for the purpose of raising the sum of approximately \$5,500,000 to be expended for the Series 2019 Projects, the County Council enact this Ordinance to effect the issuance and sale of fire protection service general obligation bonds of the County authorised by the Enabling Act.

## ARTICLE I

### DEFINITIONS AND INTERPRETATIONS

#### Section 1      Defined Terms.

The terms defined in this Article (except as herein otherwise expressly provided or unless the context otherwise requires) for all purposes of this Ordinance shall have the respective meanings specified in this Article.

“Authenticating Agent” shall mean the authenticating agent for the Bonds designated pursuant to Section 1 of Article II hereof.

“Beneficial Owner” shall mean the person in whose name a Bond is recorded as the beneficial owner of the Bond by a Participant on the records of the Participant or such person’s subrogee.

“Bonds” shall mean the Fire Protection Service General Obligation Bonds, Series 2019 of the County authorised to be issued hereunder in the aggregate principal amount of not exceeding \$5,500,000.

“Bond Registrar” shall mean the bond registrar designated pursuant to the provisions of Section 1 of Article II hereof.

“Book-Entry Only System” shall have the meaning attributed to that term in Article II, Section 14 hereof.

“Books of Registry” shall mean the registration books maintained by the Bond Registrar in accordance with Section 8 of Article II hereof.

“Chairman” shall mean the chairman of the County Council or, in his absence, the vice chairman of the County Council.

“Clerk” shall mean the clerk of the County Council or, in her absence, the acting clerk.

“Closing Date” shall mean the date upon which there is an exchange of the Bonds for the proceeds representing the purchase price of the Bonds by the Original Purchaser.

“Continuing Disclosure Undertaking” shall mean the Continuing Disclosure Undertaking hereby authorized to be executed by the Chairman on behalf of the County Council, as it may be amended from time to time in accordance with the terms thereof.

“County” shall mean Colleton County, South Carolina.

“County Administrator” shall mean the County Administrator of the County.

“County Council” shall mean the County Council of Colleton County, South Carolina, the governing body of the County or any successor governing body of the County.

“Dated Date” shall mean the date of delivery of the Bonds.

“Debt Service” shall mean the scheduled amount of interest and amortization of principal payable on the Bonds during the period of computation, excluding amounts scheduled during such period which relate to principal which has been retired before the beginning of such period.

“District” shall mean the service area for fire protection services set forth in Ordinance No. 93-O-17.

“DTC” shall mean The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors pursuant to Article II, Section 14 hereof.

“Enabling Act” shall mean Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended, as further amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended.



“Finance Director” shall mean the Finance Director of the County or, in his absence, any other officer or employee of the County designated in writing by the County Administrator to perform the duties of the Finance Director under this Ordinance.

“Financial Advisor” shall mean Raymond James, the financial advisor to the County.

“Fire Protection Service Tax” shall mean the ad valorem taxes imposed by the County Council in the District pursuant to Ordinance No. 93-O-17 in accordance with the Enabling Act.

“Fiscal Agents” shall mean the Paying Agent, the Bond Registrar, the Authenticating Agent, and any escrow agent under Article VI hereof with respect to the Bonds.

“Interest Payment Date” shall mean any March 1 or September 1, commencing March 1, 2020.

“Letter of Representations” shall mean the Blanket Letter of Representation of the County to DTC dated July 10, 1997.

“Net Proceeds,” when used with reference to the Bonds, shall mean the face amount of the Bonds, plus accrued interest and premium, if any.

“Ordinance” shall mean this Ordinance as from time to time amended and supplemented by one or more supplemental ordinances enacted in accordance with the provisions of Article VII hereof.

“Ordinance No. 93-O-17” shall mean Ordinance No. 93-O-17 enacted in accordance with the Enabling Act by the County Council on June 22, 1993, providing for the imposition of the Fire Protection Service Tax to provide fire protection service in the District.

“Original Purchaser” shall mean the first purchaser of the Bonds from the County.

“Participants” shall mean those broker-dealers, banks, and other financial institutions for which the Securities Depository holds Bonds as securities depository.

“Paying Agent” shall mean the paying agent for the Bonds designated pursuant to Section 1 of Article II hereof.

“Securities Depository” shall mean the administrator of the book-entry only system for the Bonds, as further described in Article II, Section 14 hereof and any successor appointed as provided in Article II, Section 14 hereof. The initial Securities Depository shall be DTC.

“Series 2019 Projects” shall mean, collectively, the equipping of certain fire service buildings; the acquisition of certain new and used fire trucks, ambulances, and other fire protection service vehicles; the acquisition of various firefighting, rescue, medical, and protective equipment; and the costs of renovation of certain fire stations.

“Sinking Fund Account” shall mean the sinking fund account established and held by the Treasurer of Colleton County designed to provide for the payment of the principal of, premium, if any, and interest on the Bonds, as the same respectively fall due.

Section 2      General Rules of Interpretation.

For purposes of this Ordinance, except as otherwise expressly provided or the context otherwise requires:

(a)      Articles, Sections, and Paragraphs, mentioned by number are the respective Articles, Sections, and Paragraphs, of this Ordinance so numbered.

(b)      Except as otherwise expressly provided or unless the context otherwise requires, words importing persons include firms, associations, and corporations, and the masculine includes the feminine and the neuter.

(c)      Words importing the redemption or redeeming or calling for redemption of a Bond do not include or connote the payment of such Bond at its stated maturity or the purchase of such Bond.

(d)      Words importing the singular number include the plural number and *vice versa*.

(e)      The heading or titles of the several Articles and Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this Ordinance.

**ARTICLE II**

**ISSUANCE OF BONDS**

Section 1      Authorization of Bonds; Approval of Maturity Dates, Principal Amounts, and Interest Rates.

(a)      Pursuant to the provisions of the Enabling Act and for the purposes of funding the costs of the Series 2019 Projects there shall be issued not exceeding Five Million Five Hundred Thousand and no/100 Dollars (\$5,500,000.00) of general obligation bonds of the County. The Bonds shall be designated “Fire Protection Service General Obligation Bonds, Series 2019”; and may be issued in one or more series as designated by the County Administrator. The Bonds shall be originally dated the Dated Date, shall be in fully-registered form, shall be in denominations of Five Thousand and no/100 Dollars (\$5,000.00) each or any integral multiple thereof, and may be numbered from R-1 upward.

(b) The Bonds will bear interest at such rates, payable on each Interest Payment Date, and will mature on the dates and in the amounts as are approved by the County Administrator provided that:

(i) The Bonds shall not bear interest at a true interest cost (TIC) greater than X.XX% per annum.

(ii) The Bonds shall mature not later than March 1, 2034.

(c) The County Administrator is hereby expressly delegated the authority to approve the sale and issuance of the Bonds so long as they conform to all of the parameters set forth in this Ordinance, including, but not limited to, this Section 1 of Article II.

(d) The Paying Agent, Authenticating Agent, and Bond Registrar shall be such institution as designated by the County Administrator as in the best interest of the County.

## Section 2      Redemption of Bonds.

(a) General. The Bonds may not be called for redemption by the County except as provided in this Section 2.

(b) Redemption. The Bonds may be subject to redemption prior to their maturity, in whole or in part, and by lot as to Bonds or portions of Bonds within a maturity (but only in integral multiples of \$5,000), upon the terms and on the dates and at the redemption prices as approved by the County Administrator prior to the issuance of the Bonds.

(c) Partial Redemption of Bonds. In the event that only part of the principal amount of a Bond shall be called for redemption or prepaid, payment of the amount to be redeemed or prepaid shall be made only upon surrender of that Bond to the Paying Agent. Upon surrender of such Bond, the County shall execute and the Authenticating Agent shall authenticate and deliver to the holder thereof, at the office of the Authenticating Agent, or send to such holder by registered mail at his request, risk, and expense, a new fully-executed Bond or Bonds, of authorized denominations equal in aggregate principal amount to, and of the same maturity and interest rate as, the unredeemed portion of the Bond surrendered.

(d) Official Notice of Redemption. (i) Unless waived by any registered owner of Bonds to be redeemed, official notice of any such redemption shall be given by the County by mailing a copy of an official redemption notice by first class mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to the registered owners of the Bond or Bonds to be redeemed at the address shown on the Books of Registry. Notice of redemption shall describe whether and the conditions under which the call for redemption may be revoked. Failure to give notice by mail or any defect in any notice so mailed with respect to any Bond shall not affect the validity of the proceedings for such redemption for Bonds for which notice was properly given.

- (ii) All official notices of redemption shall be dated and shall state:
- (A) the redemption date,
  - (B) the redemption price,
  - (C) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,
  - (D) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after such date, and
  - (E) the place where such Bonds are to be surrendered for payment of the redemption price.

(e) Conditional Notice of Redemption of Bonds Permitted. In the case of an optional redemption, the notice may state (i) that it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, with the Trustee no later than the redemption date or (ii) that the County retains the right to rescind such notice on or prior to the scheduled redemption date (in either case, a “Conditional Redemption”), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded.

(f) Deposit of Funds. At least one day prior to any redemption date, the County shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

(g) Effect of Deposit of Funds. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless (i) the County shall have revoked the redemption in accordance with the terms set forth in the official notice of redemption or (ii) the County shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. If said money shall not be available on the redemption date, such bonds or portions thereof shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption. Upon surrender of such Bonds for redemption in accordance with such notice, such Bonds shall be paid by the Paying Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be cancelled by the Paying Agent and shall not be reissued.

(h) Further Notice. In addition to the foregoing notice, further notice shall be given by the County as set out below, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed. Such further notice of redemption may be combined with official notice as above prescribed in a single notice.

(i) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption and (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bond as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed.

(ii) Each further notice of redemption shall be sent at least thirty-five (35) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(iii) Upon the payment of the redemption price of Bonds being redeemed, each cheque or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such cheque or other transfer.

### Section 3      Cancellation of Bonds.

All Bonds which have been redeemed shall be cancelled and either maintained or destroyed by the Paying Agent and shall not be reissued. A counterpart of the certificate of destruction evidencing such destruction shall be furnished by the Paying Agent to the County upon the request of the County Administrator.

### Section 4      Purchase of Bonds.

The Paying Agent shall, if and to the extent practicable, endeavor to purchase Bonds or portions of Bonds at the written direction of the County at the time, in the manner, and at the price as may be specified by the County. The Paying Agent may so purchase the Bonds; provided that any limitations or restrictions on such redemption or purchases contained in this Ordinance shall be complied with. The expenses of such purchase shall be deemed an expense of the Paying Agent to be paid by the County. The Paying Agent shall incur no liability for any purchase made in accordance with this Section or for its inability to effect such purchase in excess of the redemption price thereof.

### Section 5      Medium of Payment.

Both the principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for the payment of public and private debts.

Section 6      Place of Payments; Selection of Paying Agent.

Principal and premium, if any, of the Bonds, when due, shall be payable at the corporate trust office of the Paying Agent. Interest on any Bond shall be payable on each Interest Payment Date by cheque or draught mailed to the person in whose name such Bond is registered at the close of business on the fifteenth (15<sup>th</sup>) day (whether or not a business day) of the calendar month next preceding such Interest Payment Date (the Regular Record Date) by the Paying Agent. Principal of, redemption premium, if any, and interest payable to any person holding Bonds in aggregate principal amount of \$1,000,000 or more will be paid, upon the written request of any such registered owner in form and substance satisfactory to the Paying Agent, by wire transfer of immediately available funds to an account within any of the continental United States of America designated by such registered owner on or before the Record Date.

Section 7      Execution of Bonds; Designation of Authenticating Agent.

(a)      The Bonds shall be executed in the name of the County by the manual or facsimile signature of the Chairman, and attested by the manual or facsimile signature of the Clerk, and the seal of the County shall be impressed or reproduced on each Bond. Any facsimile signature appearing on the Bonds may be that of the officer who is in the office on the date of the enactment of this Ordinance. The Bonds shall be executed in respect of any manual signature by the person or persons holding office when such Bonds are ready for delivery. The execution of the Bonds in this fashion shall be valid and effective notwithstanding changes in the personnel of any of the above offices subsequent to their execution.

(b)      The Bonds shall bear a certificate of authentication, substantially in the form set forth in Exhibit A, duly executed by the Authenticating Agent. The Authenticating Agent shall authenticate each Bond with the manual signature of an authorised officer of the Authenticating Agent, but it shall not be necessary for the same authorised officer to authenticate all of the Bonds. Only such authenticated Bonds shall be entitled to any right or benefit under this Ordinance. Such certificate on any Bond issued hereunder shall be conclusive evidence that the Bond has been duly issued and is secured by the provisions hereof.

Section 8      Form of Bonds; Designation of Bond Registrar.

(a)      The Bonds shall be issued in fully-registered form, and all principal, interest, or other amounts due thereunder shall be payable only to the registered owner thereof. The County Council hereby direct the Bond Registrar to maintain, at the County's expense, the Books of Registry for the registration or transfer of the Bonds.

(b)      The form of the Bonds and assignment provisions to be endorsed thereon shall be substantially as set forth in Exhibit A attached hereto and made a part of this Ordinance with any appropriate variations, legends, omissions, and insertions as permitted or required by this Ordinance or law.

Section 9      Registration and Transfers of Bonds; Persons Treated as Owners.

(a) Each Bond shall be fully-registered and no Bond may be transferred except by the registered owner thereof in person or by his attorney duly authorised in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his duly authorised attorney. Upon the transfer of any such registered Bond or Bonds, the County shall execute and the Authenticating Agent shall authenticate and deliver, subject to the provisions of Section 12 of this Article, in the name of the transferee, a new registered Bond or Bonds of the same aggregate principal amount as the unpaid principal amount of the surrendered Bond or Bonds.

(b) Any registered owner requesting any transfer shall pay all taxes or other governmental charges required to be paid with respect thereto. Any purported assignment in contravention of the foregoing requirements shall be, as to the County, absolutely null and void. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of and interest on such Bonds shall be made only to or upon the order of the registered owner or his legal representative. All such payments shall be valid and effective to satisfy and discharge the liability of the County upon such Bond to the extent of the sum or sums so paid. No person other than the registered owner shall have any right to receive payments, pursue remedies, enforce obligations, or exercise or enjoy any other rights under any Bond against the County. Notwithstanding the foregoing, nothing herein shall limit the rights of a person having a beneficial interest in any Bond as against a person (including the registered owner) other than the County, as in the case where the registered owner is a trustee or nominee for two or more beneficial owners of an interest in any Bond.

(c) The Bond Registrar shall not be required to exchange or transfer any Bond or portion thereof (i) for which notice of redemption has been mailed to the registered owner thereof or (ii) for the period beginning on the Regular Record Date and ending on the next succeeding Interest Payment Date.

Section 10      Mutilated, Lost, or Stolen Bonds.

In the event any Bond is mutilated, lost, stolen, or destroyed, the County may execute and the Authenticating Agent may authenticate a new Bond of like date, maturity, interest rate, and denomination, as that mutilated, lost, stolen, or destroyed; provided that, in the case of any mutilated Bonds, they shall first be surrendered to the Paying Agent, and in the case of any lost, stolen, or destroyed Bonds, there shall be first furnished to the County and the Paying Agent evidence of their loss, theft, or destruction satisfactory to the County and the Paying Agent, together with indemnity satisfactory to them; provided that in the case of a registered owner which is a bank or insurance company, the agreement of such bank or insurance company to indemnify the County and the Paying Agent shall be sufficient. In the event any such Bonds shall have matured, instead of issuing a duplicate Bond, the County may pay the same without surrender thereof. The County, the Paying Agent, and the Authenticating Agent, may charge the registered owner of such Bond with their reasonable fees and expenses to replace mutilated, lost, stolen, or destroyed Bonds.

Section 11     Exchange of Bonds.

Subject to the provisions of Section 9 of this Article, the Bonds, upon surrender thereof to the Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his duly authorized attorney, may, at the option of the registered owner thereof, and upon payment by such registered owner of any charges which the Paying Agent, the Authenticating Agent, or the Bond Registrar may make as provided in Section 12 of this Article, be exchanged for a principal amount of Bonds of any other authorized denominations equal to the unpaid principal amount of surrendered Bonds.

Section 12     Regulations with Respect to Exchanges and Transfers.

In all cases in which the privilege of exchanging or transferring the Bonds is exercised, the County shall execute and the Authenticating Agent shall authenticate and deliver the Bonds in accordance with the provisions of this Ordinance. All Bonds surrendered in any such exchanges or transfers shall forthwith be cancelled by the Paying Agent. There shall be no charge for such exchange or transfer of the Bonds except that the Paying Agent, the Bond Registrar, and the Authenticating Agent, may make a charge sufficient to reimburse them, or any of them, for any tax or other governmental charge required to be paid with respect to such exchange or transfer.

Section 13     Temporary Bonds.

The Bonds may be initially issued in temporary form, exchangeable for definitive Bonds to be delivered as soon as practicable. The temporary Bonds may be printed, lithographed, or typewritten, shall be of such denominations as may be determined by the County Council, shall be without coupons, and may contain such reference to any of the provisions of this Ordinance as may be appropriate. Every temporary Bond shall be executed by the County upon the same conditions and in substantially the same manner as the definitive Bonds. If the County issues temporary Bonds, it will execute and furnish definitive Bonds without delay, and thereupon the temporary Bonds shall be surrendered for cancellation at the office of the Paying Agent and the Paying Agent shall deliver and exchange for such temporary Bonds an equal, aggregate principal amount of definitive Bonds of like aggregate principal amount and in authorized denominations of the same maturity or maturities and interest rate or rates. Until so exchanged, the temporary Bonds shall be entitled to the same benefits under this Ordinance as definitive Bonds under this Ordinance.

Section 14     Book-Entry Only System for the Bonds.

(a)     The provisions of this section shall apply with respect to any Bond registered to Cede & Co. or any other nominee of DTC while the book-entry only system (the "Book-Entry Only System") provided for herein is in effect and shall, during the period of their application, supersede any contrary provisions of this Ordinance.

(b)     The Bonds shall be issued as a single Bond for each maturity. On the date of the initial authentication and delivery of all of the Bonds, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC as the registered owner of the Bonds. With respect to Bonds



registered in the name of Cede & Co., as nominee of DTC, the County shall have no responsibility or obligation to any Participant (which means securities brokers and dealers, banks, trust companies, clearing corporations, and various other entities, some of whom, or their representatives, own DTC) or to any Beneficial Owner (which means, when used with reference to the Book-Entry Only System, the person who is considered the beneficial owner thereof pursuant to the arrangements for book entry determination of ownership applicable to DTC) with respect to the following: (i) the accuracy of the records of DTC, Cede & Co., or any Participant with respect to any ownership interests in the Bonds, (ii) the delivery to any Participant, any Beneficial Owner, or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant, or any Beneficial Owner, or any other person, other than DTC, of any amount with respect to the principal of or premium, if any, or interest on the Bonds. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective fully to satisfy and discharge the County's obligations with respect to the principal of and premium, if any, and interest on such Bonds to the extent of the sum so paid. No person other than DTC shall receive a Bond. Upon delivery by DTC to the County of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co." in this section shall refer to such new nominee of DTC.

(c) Upon receipt by the County of written notice from DTC to the effect that DTC is unable or unwilling to discharge its responsibilities hereunder, the County shall issue, transfer, and exchange Bonds as requested by DTC in authorized denominations, and whenever DTC requests the County to do so, the County will cooperate with DTC in taking appropriate action after reasonable notice to arrange for a substitute Securities Depository willing and able upon reasonable and customary terms to maintain custody of the Bonds registered in whatever name or names the registered owners transferring or exchanging such Bonds shall designate in accordance with this section.

(d) In the event the County determines that it is in the best interests of the Beneficial Owners that they be able to obtain Bonds registered in the name of a registered owner other than DTC, the County may so notify DTC, whereupon DTC will notify the Participants of the availability through DTC of such Bonds. In such event, upon the return by DTC of Bonds held by DTC in the name of Cede & Co., the County shall issue, transfer, and exchange Bonds in authorized denominations as requested by DTC, and whenever DTC requests the County to do so, the County will cooperate with DTC in taking appropriate action after reasonable notice to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging Bonds shall designate, in accordance with this section.

(e) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, to DTC as provided in the Letter of Representations delivered by the County to DTC.

(f) In the event that the Book-Entry Only System pursuant to this section is discontinued, the Bonds shall be issued, transferred, and exchanged through DTC and its Participants to the Beneficial Owners.

### **ARTICLE III**

#### **SECURITY FOR BONDS**

##### **Section 1 Pledge of Full Faith, Credit, and Taxing Power.**

For the payment of the principal of and interest on the Bonds as the same respectively mature, and for the creation of such Sinking Fund Account as may be necessary therefor, the full faith, credit, and taxing power, of the County are irrevocably pledged, and there shall be levied annually by the Auditor of Colleton County, and collected by the Treasurer of Colleton County, in the same manner as other County taxes are levied and collected, a tax, without limit, on all taxable property in the County, sufficient to pay the principal and interest of the Bonds as they respectively mature, and to create such Sinking Fund Account as may be necessary therefor; provided, however, that revenues from the Fire Protection Service Tax levied in the District to effect the payment of principal and interest of the Bonds must be available for the payment of debt service on the Bonds, and must be delivered to the Treasurer of Colleton County for the payment of principal and interest of the Bonds and for no other purpose, prior to the occasion when the Auditor of Colleton County fixes the annual tax levy, and the annual ad valorem tax to be levied for the payment of the principal and interest on the Bonds on all taxable property in the County may be reduced in each year by the amount of revenues derived from the Fire Protection Service Tax levied in the District which are actually in the hands of the Treasurer of Colleton County at the time the tax for the year is required to be levied; provided, further that the Bonds are primarily to be paid from the Fire Protection Service Tax and for the payment of principal and interest thereof, as the same mature, there must be levied and collected the Fire Protection Service Tax upon all taxable property in the District, and resort to the County tax levy required by the preceding provisions of the Section must be made only in the event that funds from the Fire Protection Service Tax levied in the District prove insufficient to meet the payment of the principal and interest.

##### **Section 2 Levy and Collection of Property Taxes.**

The Auditor and Treasurer of Colleton County, South Carolina, shall be notified of this issue of Bonds and directed, subject to the provisions of Section 1 of this Article III, to levy and collect, respectively, upon all taxable property in the County, an annual tax, without limit, sufficient to meet the payment of the principal of and interest on the Bonds, as the same respectively mature, and to create such Sinking Fund Account as may be necessary therefor.

## ARTICLE IV

### SALE OF BONDS; DISPOSITION OF PROCEEDS OF SALE; TRANSFER OF FUNDS TO OPERATING AND MAINTENANCE FUND

#### Section 1      Sale of Bonds.

The Bonds shall be sold at public sale, at the price of not less than 100% of par and accrued interest to the date of delivery, in accordance with Section 11-27-40(9)(b) of the Code of Laws of South Carolina 1976, as amended, on the terms and conditions as are approved by the Chairman. The Chairman is hereby expressly delegated the authority to approve the sale of the Bonds so long as they conform to all of the parameters set forth in Section 1 of Article II hereof. The sale of the Bonds shall be advertised as directed by the Finance Director in accordance with the Enabling Act. The form of said Notice, and the conditions of sale, are substantially those set forth in Exhibit B attached hereto and made a part and parcel hereof. Bids for the purchase of the Bonds may be received in such form as determined by the County Administrator to be in the best interest of the County.

#### Section 2      Disposition of Proceeds of Sale of Bonds.

(a) The proceeds derived from the sale of the Bonds issued pursuant to this Ordinance shall be made use of by the County Council as follows:

(i) Any accrued interest shall be deposited in the Sinking Fund Account and applied to the payment of the first instalment of interest to become due on the Bonds.

(ii) Capitalized interest, in the amount designated by the County Administrator shall be deposited in the Sinking Fund Account and applied to the payment of the instalments of interest designated by the County Administrator.

(iii) Any premium shall be applied as directed by the County Administrator upon the advice of the Financial Advisor.

(iv) The remaining proceeds derived from the sale of the Bonds shall be applied as follows:

(A) Proceeds in the amount of not exceeding \$5,500,000 shall be applied by the County to fund costs of the Series 2019 Projects; provided, however, that if it becomes necessary in the judgment of County Council to expend such proceeds in on other authorized fire protection service equipment, County Council, by resolution, may authorize and approve such use of the proceeds of the Bonds.

(B) Any remaining proceeds of the Bonds, after their application to the purposes set forth in subparagraph (A) above, together with investment earnings on the proceeds of the Bonds, shall be applied as directed by the County Council to defray costs of the other fire protection service equipment.

(b) No purchaser or registered owner of the Bonds shall be liable for the proper application of the proceeds thereof.

Section 3      Transfer of Funds to Capital Projects Fund; Disposition.

(a) The County Council hereby authorize the County Administrator to transfer moneys on deposit in the Fire/Rescue 2019 Bond Fund (Fund 146), in the amount of \$411,151.25, to the County Capital Projects Fund (Fund 115). Upon transfer, such funds shall be applied to pay a portion of the capital costs associated with the replacement of the County's computer-aided dispatch software system.

**ARTICLE V**

**TAX EXEMPTION OF BONDS**

Section 1      Exemption from State Taxes.

Both the principal of and interest on the Bonds shall be exempt from all state, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, or transfer taxes.

Section 2      Federal Tax Provisions.

The County Council hereby authorize the County Administrator to execute and deliver a tax regulatory agreement or certificate for the purpose of establishing and maintaining the excludability of interest on the Bonds from the gross income of the recipients thereof for federal income tax purposes.

**ARTICLE VI**

**DEFEASANCE**

Section 1      Release of Ordinance.

(a) If all of the Bonds issued pursuant to this Ordinance shall have been paid and discharged, then the obligations of the County under this Ordinance, and all other rights granted thereby shall cease and determine. Bonds shall be deemed to have been paid and discharged within

the meaning of this Article in each of the following circumstances:

(i) If the Paying Agent shall hold, at the stated maturities of such Bonds, in trust and irrevocably appropriated thereto, moneys for the full payment thereof; or

(ii) If default in the payment of the principal of such Bonds or the interest thereon shall have occurred, and thereafter tender of such payment shall have been made, and the Paying Agent shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(iii) If the County shall have deposited with the Paying Agent or other escrow agent meeting the requirements of a Fiscal Agent hereunder, in an irrevocable trust, either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America, which are not subject to redemption by the issuer prior to the date of maturity of the Bonds to be defeased, the principal of and interest on which, when due, and without reinvestment thereof, will provide moneys, which, together with the moneys, if any, so deposited at the same time, shall be sufficient to pay, when due, the principal, interest, and redemption premium or premiums, if any, due or to become due on and prior to the maturity date or dates; or

(iv) If there shall have been so deposited either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America the principal of and interest on which, when due, will provide moneys which, together with the moneys, if any, so deposited at the same time, shall be sufficient to pay, when due, the principal and interest due or to become due on the Bonds on the maturity thereof.

(b) In addition to the above requirements of paragraphs (i), (ii), (iii), or (iv), in order for this Ordinance to be discharged, all other fees, expenses, and charges of the Fiscal Agents, shall have been paid in full at such time.

(c) Notwithstanding the satisfaction and discharge of this Ordinance, the Fiscal Agents shall continue to be obligated to hold in trust any moneys or investments then held by the Paying Agent for the payment of the principal of, premium, if any, and interest on, the Bonds, to pay to the registered owners of Bonds the funds so held by the Fiscal Agents as and when such payment becomes due.

(d) Any release under this Section shall be without prejudice to the rights of the Fiscal Agents to be paid reasonable compensation for all services rendered under this Ordinance and all reasonable expenses, charges, and other disbursements and those of their respective attorneys, agents, and employees, incurred on and about the administration of trusts by this Ordinance created and the performance of the powers and duties under this Ordinance of the Fiscal Agents.

Section 2      Deposit of Moneys.

Any moneys which at any time shall be deposited with a Fiscal Agent by or on behalf of the County for the purpose of paying and discharging any Bonds shall be and are hereby assigned, transferred, and set over to the Fiscal Agent in trust for the respective registered owners of such Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. If, through lapse of time or otherwise, the registered owners of such Bonds shall no longer be entitled to enforce payment of their obligations, then, in such event, it shall be the duty of the Fiscal Agent to transfer such funds to the County.

Section 3      Notice of Release of Ordinance.

(a) In the event any of said Bonds are not to be redeemed within the sixty (60) days next succeeding the date the deposit required by Section 1(a)(iii) or (iv) of this Article is made, the County shall give the Fiscal Agent irrevocable instructions to mail, as soon as practicable by first class mail, a notice to the registered owners of such Bonds at the addresses shown on the Books of Registry that (i) the deposit required by subparagraph (a)(iii) or (a)(iv) of Section 1 of this Article has been made with the Fiscal Agent, and (ii) said Bonds are deemed to have been paid in accordance with this Article and stating such maturity or redemption dates upon which moneys are to be available for the payment of the principal of, and premium, if any, and interest on, said Bonds.

(b) The County covenants and agrees that any moneys which it shall deposit with the Fiscal Agent shall be deemed to be deposited in accordance with, and subject to, the applicable provisions of this Article.

**ARTICLE VII**

**AMENDING AND SUPPLEMENTING OF ORDINANCE**

Section 1      Amending and Supplementing of Ordinance Without Consent of Registered Owners of Bonds.

(a) The County Council, from time to time and at any time and without the consent or concurrence of any registered owner of any Bond, may enact an ordinance amendatory hereof or supplemental thereto, if the provisions of such supplemental ordinance shall not materially adversely affect the rights of the registered owners of the Bonds then outstanding, for any one or more of the following purposes:

(i) To make any changes or corrections in this Ordinance as to which the County Council shall have been advised by counsel that the same are verbal corrections or changes or are required for the purpose of curing and correcting any ambiguity or defective or inconsistent provision or omission or mistake or manifest error contained in this Ordinance, or to insert in this Ordinance such provisions clarifying matters or questions arising under this Ordinance as are necessary or desirable;

(ii) To add additional covenants and agreements of the County for the purpose of further securing the payment of the Bonds;

(iii) To surrender any right, power, or privilege reserved to or conferred upon the County by the terms of this Ordinance;

(iv) To grant or confer upon the registered owners of the Bonds any additional rights, remedies, powers, authority, or security that lawfully may be granted to or conferred upon them; or

(v) To make such additions, deletions, or modifications as may be necessary to assure compliance with section 148(f) of the Code relating to required rebate to the United States of America or otherwise as may be necessary to assure the exclusion from gross income of interest on the Bonds for purposes of federal income taxation.

(b) The County Council shall not enact any supplemental ordinance authorized by the foregoing provisions of this Section unless in the opinion of counsel (which opinion may be combined with the opinion required by Section 4 hereof) the enactment of such supplemental ordinance is permitted by the foregoing provisions of this Section and the provisions of such supplemental ordinance do not adversely affect the rights of the registered owners of the Bonds then outstanding.

Section 2      Amending and Supplementing of Ordinance With Consent of Registered Owners of Bonds.

(a) With the consent of the registered owners of not less than a majority in principal amount of the Bonds then outstanding the County Council from time to time and at any time may enact an ordinance amendatory hereof or supplemental hereto for the purpose of adding any provisions to, or changing in any manner or eliminating any of the provisions of, this Ordinance, or modifying or amending the rights or obligations of the County under this Ordinance, or modifying or amending in any manner the rights of the registered owners of the Bonds then outstanding; provided, however, that without the specific consent of the registered owner of each such Bond which would be affected thereby, no supplemental ordinance amending or supplementing the provisions hereof shall: (i) change the fixed maturity date of any Bond or the dates for the payment of interest thereon or the terms of the redemption thereof, or reduce the principal amount of any Bond or the rate of interest thereon or the redemption price (or the redemption premium) payable upon the redemption or prepayment thereof; (ii) reduce the aforesaid percentage of Bonds, the registered owners of which are required to consent to any supplemental ordinance amending or supplementing the provisions of this Ordinance; or (iii) give to any Bond or Bonds any preference over any other Bond or Bonds secured hereby. Nothing in this paragraph contained, however, shall be construed as making necessary the approval of the registered owners of the Bonds of the enactment of any supplemental ordinance authorized by the provisions of Section 1 of this Article.

(b) It shall not be necessary that the consents of the registered owners of the Bonds approve the particular form of the wording of the proposed amendment or supplement or of the

supplemental ordinance effecting such amending or supplementing hereof pursuant to this Section. The County shall mail a notice at least once, not more than thirty (30) days after the effective date of such amendment or supplement, of such amendment or supplement postage prepaid, to each registered owner of Bonds then outstanding at his address appearing upon the Books of Registry and to the Paying Agent, but failure to mail copies of such notice to any of the registered owners shall not affect the validity of the supplemental ordinance effecting such amendments or supplements or the consents thereto. Nothing in this paragraph contained, however, shall be construed as requiring the giving of notice of any amendment or supplement of this Ordinance authorized by Section 1 of this Article. No action or proceeding to set aside or invalidate such supplemental ordinance or any of the proceedings for its enactment shall be instituted or maintained unless such action or proceeding is commenced within sixty (60) days after the mailing of the notice required by this paragraph.

Section 3      Notation Upon Bonds; New Bonds Issued Upon Amendments.

Bonds delivered after the effective date of any action taken as provided in this Article may bear a notation as to such action, by endorsement or otherwise and in form approved by the County. In that case, upon demand of the registered owner of any Bond outstanding after such effective date and upon the presentation of the Bond for such purpose at the office of the Paying Agent, and at such additional offices, if any, as the County may select and designate for that purpose, a suitable notation shall be made on such Bond. If the County shall so determine, new Bonds, so modified as in the opinion of the County upon the advice of counsel to conform to the amendments or supplements made pursuant to this Article, shall be prepared, executed, and delivered, and upon demand of the registered owner of any Bond then outstanding shall be exchanged without cost to such registered owner for Bonds then outstanding, upon surrender of such outstanding Bonds.

Section 4      Effectiveness of Supplemental Ordinance.

Upon the enactment (pursuant to this Article and applicable law) by the County Council of any supplemental ordinance amending or supplementing the provisions of this Ordinance and the delivery to the Paying Agent and the County Council of an opinion of bond counsel that such supplemental ordinance is in due form and has been duly enacted in accordance with the provisions hereof and applicable law and that the provisions thereof are valid and binding upon the County, or upon such later date as may be specified in such supplemental ordinance, (a) this Ordinance and the Bonds shall be modified and amended in accordance with such supplemental ordinance, (b) the respective rights, limitations of rights, obligations, duties, and immunities, under this Ordinance of the County, the Fiscal Agents, and the registered owners of the Bonds, shall thereafter be determined, exercised, and enforced under this Ordinance subject in all respects to such modifications and amendments, and (c) all of the terms and conditions of any such supplemental ordinance shall be a part of the terms and conditions of the Bonds and of this Ordinance for any and all purposes.

Section 5      Supplemental Ordinance Affecting Fiscal Agents.

No supplemental ordinance changing, amending, or modifying any of the rights, duties, and obligations of any Fiscal Agent appointed by or pursuant to the provisions of this Ordinance may be



enacted by the County Council or be consented to by the registered owners of the Bonds without written consent of such Fiscal Agent affected thereby.

## ARTICLE VIII

### CONCERNING THE FISCAL AGENTS

#### Section 1      Fiscal Agents; Appointment and Acceptance of Duties.

The Paying Agent, the Bond Registrar, the Authenticating Agent, and any escrow agent with respect to the Bonds shall accept the duties and trusts imposed upon it by this Ordinance and shall agree in writing to perform such trusts but only upon the terms and conditions set forth in this Article VIII. Similarly, each financial institution appointed as a successor Paying Agent, Bond Registrar, Authenticating Agent, or escrow agent shall signify its acceptance of the duties and trusts imposed by this Ordinance by a written acceptance.

#### Section 2      Responsibilities of Fiscal Agents.

The recitals of fact contained herein and in the Bonds shall be taken as the statements of the County and no Fiscal Agent shall be deemed to assume any responsibility for the correctness of the same except in respect of the authentication certificate of the Authenticating Agent endorsed on the Bonds. No Fiscal Agent shall be deemed to make any representations as to the validity or sufficiency of this Ordinance or of any Bonds or as to the security afforded by this Ordinance, and no Fiscal Agent shall incur any liability in respect thereof. No Fiscal Agent shall be under any responsibility or duty with respect to the application of any moneys paid to any other Fiscal Agent. No Fiscal Agent shall be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in respect hereof or to advance any of its own moneys, unless indemnified to its reasonable satisfaction. No Fiscal Agent shall be liable in the performance of its duties hereunder except for its own negligence or willful misconduct.

#### Section 3      Evidence on Which Fiscal Agents May Act.

(a) Each Fiscal Agent, upon receipt of any notice, ordinance, request, consent, order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Ordinance, shall examine such instrument to determine whether it conforms to the requirements of this Ordinance and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. Each Fiscal Agent may consult with counsel, who may or may not be of counsel to the County, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under this Ordinance in good faith and in accordance therewith.

(b) Whenever any Fiscal Agent shall deem it necessary or desirable that a matter be proved or established prior to taking or suffering any action under this Ordinance, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be

conclusively proved and established by a certificate of the Chairman, and such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of this Ordinance; but in its discretion the Fiscal Agent may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as it may deem reasonable.

(c) Except as otherwise expressly provided in this Ordinance, any request, order, notice, or other direction required or permitted to be furnished pursuant to any provision hereof by the County to any Fiscal Agent shall be sufficiently executed if executed in the name of the County by the Chairman.

Section 4      Compensation.

The County shall pay to each Fiscal Agent from time to time reasonable compensation based on the then standard fee schedule of the Fiscal Agent for all services rendered under this Ordinance, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under this Ordinance; provided, however, that any specific agreement between the County and a Fiscal Agent with respect to the compensation of that Fiscal Agent shall control the compensation to be paid to it.

Section 5      Certain Permitted Acts.

Any Fiscal Agent may become the owner or underwriter of any bonds, notes, or other obligations of the County, or conduct any banking activities with respect to the County, with the same rights it would have if it were not a Fiscal Agent. To the extent permitted by law, any Fiscal Agent may act as a depository for and permit any of its officers or directors to effect or aid in any reorganization growing out of the enforcement of the Bonds or this Ordinance.

Section 6      Resignation of Any Fiscal Agent.

Any Fiscal Agent may at any time resign and be discharged of the duties and obligations created by this Ordinance by giving not less than sixty (60) days' written notice to the County and not less than thirty (30) days' written notice to the registered owners of the Bonds (as established by the Books of Registry) prior to the next succeeding Interest Payment Date, and such resignation shall take effect upon the date specified in such notice unless a successor shall have been appointed previously by the County pursuant to Section 8 of this Article VIII, in which event such resignation shall take effect immediately upon the appointment of such successor. In no event, however, shall such a resignation take effect until a successor has been appointed.

Section 7      Removal of Fiscal Agent.

Any Fiscal Agent may be removed at any time by an instrument or concurrent instruments in writing, filed with the County and such Fiscal Agent, and signed by either the Chairman or the registered owners representing a majority in principal amount of the Bonds then outstanding or their attorneys in fact duly authorized.

Section 8      Appointment of Successor Fiscal Agents.

(a) In case any Fiscal Agent hereunder shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the County. Every such Fiscal Agent appointed pursuant to the provisions of this Section 8 shall be a trust company or bank organized under state or federal laws and which is in good standing, within or outside the State of South Carolina, having a stockholders' equity of not less than \$25,000,000 if there be such institution willing, qualified, and able to accept the trust upon reasonable and customary terms.

(b) If in a proper case no appointment of a successor Fiscal Agent shall be made by the County pursuant to the foregoing provisions of this Section 8 within forty-five (45) days after any Fiscal Agent shall have given to the County written notice as provided in Section 6 of this Article VIII or after a vacancy in the office of such Fiscal Agent shall have occurred by reason of its removal or inability to act, the former Fiscal Agent or any registered owner may apply to any court of competent jurisdiction to appoint a successor. Said court may thereupon, after notice, if any, as the court may deem proper, appoint a successor.

Section 9      Transfer of Rights and Property to Successor.

Any successor Fiscal Agent appointed under this Ordinance shall execute, acknowledge, and deliver to its predecessor, and also to the County, an instrument accepting such appointment, and thereupon the successor, without any further act, deed, or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties, and obligations of the predecessor Fiscal Agent, with like effect as if originally named in that capacity; but the Fiscal Agent ceasing to act shall nevertheless, at the request of the County or at the written request of the successor Fiscal Agent, execute, acknowledge, and deliver, all instruments of conveyance and further assurance and do all things as may reasonably be required for more fully and certainly vesting and confirming in the successor Fiscal Agent all the right, title, and interest, of the predecessor Fiscal Agent in and to any property held by it under this Ordinance, and shall pay over, assign, and deliver, to the successor Fiscal Agent any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance, or instrument in writing, from the County be required by such successor Fiscal Agent for more fully and certainly vesting in and confirming to such successor any such estates, rights, powers, and duties, any and all such deeds, conveyances, and instruments in writing, shall, on request, and so far as may be authorized by law, be executed, acknowledged, and delivered, by the County. Each successor Fiscal Agent shall promptly notify the other Fiscal Agents, if any, of its appointment as Fiscal Agent.

Section 10      Merger or Consolidation.

Any corporation or other organization into which any Fiscal Agent may be merged or converted or with which it may be consolidated or any corporation or other organization resulting from any merger, conversion, or consolidation or other organization to which it may be party or any

corporation or other organization to which any Fiscal Agent may sell or transfer all or substantially all of its corporate trust business, provided such corporation or other organization shall be a bank or trust company organized under state or federal laws, and shall be authorized by law to perform all the duties imposed upon it by this Ordinance, shall be the successor to such Fiscal Agent without the execution or filing of any paper or the performance of any further act.

Section 11     Adoption of Authentication.

In case any of the Bonds contemplated to be issued under this Ordinance shall have been authenticated but not delivered, any successor Authenticating Agent may adopt the certificate of authentication of any predecessor Authenticating Agent so authenticating such Bonds and deliver such Bonds so authenticated. In case any such Bonds shall not have been authenticated, any successor Authenticating Agent may authenticate such Bonds in the name of the predecessor Authenticating Agent or in the name of the successor Authenticating Agent, and in all such cases such certificate shall be of full force and effect.

**ARTICLE IX**

**MISCELLANEOUS**

Section 1     Execution of Closing Documents and Certificates.

The Chairman, the Clerk, the County Administrator, the Finance Director of the County, and all other officers and employees of the County, are fully authorized and empowered to take all further action and to execute and deliver all closing documents and certificates as may be necessary and proper in order to complete the issuance of the Bonds and the action of such officers or any one or more of them in executing and delivering any documents, in the form as he or they shall approve, is hereby fully authorized.

Section 2     Vice Chairman May Act in Chairman's Absence; Acting Clerk May Act in Clerk's Absence.

In the absence of the Chairman, the vice chairman of the County Council is fully authorized to exercise all powers vested in the Chairman under this Ordinance. In the absence of the Clerk, the acting clerk of the County Council is fully authorized to exercise all powers and take all actions vested in the Clerk under this Ordinance.

Section 3     Official Statement.

(a)     The County Council hereby approve the form of the Preliminary Official Statement relating to the Bonds in substantially the form presented at third reading hereof and hereby direct the distribution thereof in connexion with the sale of the Bonds.

(b) The County Council hereby authorize the Official Statement of the County relating to the Bonds substantially in the form of the Preliminary Official Statement presented at this meeting, with any modifications as the County Administrator, upon the advice of the Financial Advisor and bond counsel, approves; the County Administrator is hereby authorized and directed to execute copies of the Official Statement and deliver them to the Original Purchaser of the Bonds, which execution and delivery shall be conclusive evidence of the approval of any such modifications; and the County hereby authorize the use of the Official Statement and the information contained therein in connection with the public offering and sale of the Bonds.

Section 4      Benefits of Ordinance Limited to the County and Registered Owners of the Bonds.

With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from this Ordinance or the Bonds is intended or should be construed to confer upon or give to any person other than the County and the registered owners of the Bonds, any legal or equitable right, remedy, or claim under or by reason of or in respect to this Ordinance or any covenant, condition, stipulation, promise, agreement, or provision herein contained. This Ordinance and all of the covenants, conditions, stipulations, promises, agreements, and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the County and the registered owners from time to time of the Bonds as herein and therein provided.

Section 5      Ordinance Binding Upon Successors or Assigns of the County.

All the terms, provisions, conditions, covenants, warranties, and agreements contained in this Ordinance shall be binding upon the successors and assigns of the County and shall inure to the benefit of the registered owners of the Bonds.

Section 6      No Personal Liability.

No recourse shall be had for the enforcement of any obligation, covenant, promise, or agreement of the County contained in this Ordinance or the Bonds, against any member of the County Council, or any officer or employee of the County, as such, in his or her individual capacity, past, present, or future, either directly or through the County, whether by virtue of any constitutional provision, statute, or rule of law, or by the enforcement of any assessment or penalty or otherwise; it being expressly agreed and understood that this Ordinance and the Bonds are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer, or employee as such, past, present, or future, either directly or by reason of any of the obligations, covenants, promises, or agreements, entered into between the County and the registered owners of the Bonds or to be implied therefrom as being supplemental hereto or thereto; and that all personal liability of that character against every such member, officer, and employee is, by the enactment of this Ordinance and the execution of the Bonds, and as a condition of, and as a part of the consideration for, the enactment of this Ordinance and the execution of the Bonds, expressly waived and released. The immunity of the members, officers, and employees, of the County under the provisions contained in this Section shall survive the termination of this Ordinance.

Section 7      Effect of Saturdays, Sundays and Legal Holidays.

Whenever this Ordinance requires any action to be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina or in a state where the office of any Fiscal Agent is located, the action shall be taken on the first secular or business day occurring thereafter. Whenever in this Ordinance the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina or in a state where the office of any Fiscal Agent is located, the time shall continue to run until midnight on the next succeeding secular or business day.

Section 8      Partial Invalidity.

(a) If any one or more of the covenants or agreements or portions thereof provided in this Ordinance on the part of the County or any Fiscal Agent to be performed should be determined by a court of competent jurisdiction to be contrary to law, then such covenant or covenants, or such agreement or agreements, or such portions thereof, shall be deemed severable from the remaining covenants and agreements or portions thereof provided in this Ordinance and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds, but the registered owners of the Bonds shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

(b) If any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 9      Continuing Disclosure Undertaking.

(a) Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended (“Section 11-1-85”), the County Council covenant to file with a central repository for availability in the secondary bond market when requested:

(i) An annual independent audit, within thirty days of the County Council’s receipt of the audit; and

(ii) Event specific information within 30 days of an event adversely affecting more than five percent of the aggregate of revenues of the County.

The only remedy for failure by the County Council to comply with the covenant in this Section 9 shall be an action for specific performance of this covenant. The County Council specifically reserves the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of any registered owner of any Bonds.

(b) In addition, the County Council hereby authorize the Finance Director of the County to execute the Continuing Disclosure Undertaking, in substantially the form attached hereto as Exhibit D, with any changes therein as may be approved by the Finance Director of the County, upon the advice of the Financial Advisor or bond counsel. The County Council further hereby covenant and agree that they will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this Ordinance, failure of the County Council to comply with the Continuing Disclosure Undertaking shall not be considered an event of default with respect to the Bonds; however, any registered owner may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the County Council to comply with their obligations under this paragraph.

Section 10 Law and Place of Enforcement of the Ordinance.

This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in said State.

Section 11 Repeal of Inconsistent Ordinances and Resolutions.

All ordinances and resolutions of the County Council, and any part of any resolution or ordinance, inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

Section 12 Notice of Enactment of Ordinance

Upon enactment of this Ordinance, notice, substantially in the form attached hereto as Exhibit C, of the enactment of this Ordinance shall be published in The Press & Standard, a newspaper published in Walterboro, South Carolina of general circulation in the County.

Section 13    Effective Date of this Ordinance.

This Ordinance shall become effective upon approval following third reading.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman

\_\_\_\_\_  
Approved as to Form  
Sean Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:



Sponsor(s) : County Council  
First Reading : June 26, 2018  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : August 14, 2018  
Public Hearing : September 11, 2018  
Third Reading : September 11, 2018  
Effective Date : Immediately

I, \_\_\_\_\_,  
Council Clerk, certify that this  
Ordinance was advertised for  
Public Hearing on \_\_\_\_\_.

**ORDINANCE NO. 18-O-12**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[Authorizing the Acquisition of Certain Property by Colleton County, South Carolina by Lease-Purchase Financing in the Amount Of Not Exceeding \$2,500,000; the Execution and Delivery of Certain Instruments, Including a Lease-Purchase Agreement by Colleton County; and Other Matters Relating Thereto.]**

**WHEREAS**, Colleton County, South Carolina, a body politic and corporate and a political subdivision organized and existing under the laws of the State of South Carolina (the “County”), acting by its governing body, the County Council of Colleton County (“County Council”), is authorized to enact ordinances in relation to health and order in Colleton County or respecting any subject as appears to County Council necessary and proper for the security, general welfare, and convenience of Colleton County or for preserving health, peace, order, and good government in Colleton County; and

**WHEREAS**, the County is authorized to acquire and lease personal property (excluding any real property and permanent improvements thereon) (the “Property”) by means of lease-purchase financing which does not count against the limitation set forth in Article X, Section 14, paragraph 7(a) of the South Carolina Constitution and Section 11-27-110 of the Code of Law of South Carolina 1976, as amended; and

**WHEREAS**, County Council have determined that it is in the best interest of the County to acquire certain vehicles and equipment to be financed by means of a lease-purchase arrangement or lease-purchase agreements pursuant to which all lease payments are made with respect to all Property so financed and secured by a security interest in such Property so financed; and

**WHEREAS**, County Council intend that Property to be so financed thereunder will be identified and approved in the County budget ordinance or by separate resolution duly enacted by County Council; and

**WHEREAS**, County Council intend that the specific terms of such lease-purchase financing arrangement, including the principal amount to be financed, interest rate, term, and other financing terms, and the selection of the financial institution or institutions providing the

financing, will be approved by the County Administrator, subject to the parameters set forth herein, without further action of County Council; and

**WHEREAS**, the terms of the lease-purchase financing arrangement are to be set forth in a lease purchase agreement (the “Lease Purchase Agreement”), as approved by the County Administrator upon the advice of counsel.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF COLLETON COUNTY, SOUTH CAROLINA,**

Section 1. The lease purchase of the Property set forth in Schedule A attached hereto by the County pursuant to the terms set forth in the Lease Purchase Agreement is hereby approved. The County Administrator is hereby authorized and directed to execute and deliver the Lease Purchase Agreement, in form and substance satisfactory to him upon the advice of counsel, his execution being conclusive evidence of his approval.

Section 2. The consummation of all transactions contemplated by the Lease Purchase Agreement are hereby approved.

Section 3. All property which may be acquired by the County pursuant to the Lease Purchase Agreement, or designated by the County as subject to the Lease Purchase Agreement, in addition to the Property set forth in Schedule A shall be identified and approved by the County Council in the County budget ordinance or by separate ordinance or resolution. The County Administrator is hereby authorized to approve, on behalf of the County, the specific terms of financing any particular Property, including the principal amount to be financed, interest rates, term, and other financing terms, and the selection of the financing institution or institutions providing the financing, as he deems in the best interest of Colleton County Government.

Section 4. The Chairman, the County Administrator, and all other appropriate officials and employees of the County are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions contemplated by the Lease Purchase Agreement and the Purchase Contract.

Section 5. The County Administrator is hereby authorized to issue Purchase Orders for the order of equipment with an over 180 day lead time, as provided by Schedule A, with purchase resolutions to be approved at a later date.

Section 7. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 8. This Ordinance shall become effective immediately upon approval after third reading by County Council.

Section 9. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent

jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereof.

Section 8. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

Attest:

Signed:

\_\_\_\_\_  
Clerk to Council

\_\_\_\_\_  
Joseph F. Flowers, Chairman

\_\_\_\_\_  
Approved as to Form  
Sean P. Thornton, County Attorney

Council Vote:  
Opposed:

Sponsor(s) : County Council  
First Reading : July 20, 2018  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : August 14, 2018  
Public Hearing : September 11, 2018  
Third Reading : September 11, 2018  
Effective Date : Immediately

I, \_\_\_\_\_,  
Council Clerk, certify that this  
Ordinance was advertised for  
Public Hearing on \_\_\_\_\_.

## **ORDINANCE NO. 18-O-13**

### **COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[To Provide for the Transfer of Real Property Owned by Colleton County, South Carolina, Identified by T.M.S. No. 097-00-00-050, to CCEDC One, Inc. (a Colleton County Economic Development Corporation) Related to Project EPS; and Other Matters Relating Thereto.]**

#### **WHEREAS:**

1. The Council deems it to be in the best interest of the County to provide for the transfer of the real property located at 385 Global Place, Walterboro, South Carolina 29488 in the Colleton County Commerce Park, identified by T.M.S. No. 097-00-00-050.000 and containing 48 acres +/- to CCEDC One, Inc. on such terms and conditions as set forth herein as it relates to Project EPS.

#### **NOW THEREFORE BE IT ORDAINED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:**

1. The County of Colleton hereby authorizes the conveyance to CCEDC One, Inc. the property located at 385 Global Place, identified by T.M.S. No. 097-00-00-050.000 and containing 48 acres +/-, more fully described in attached Exhibit A. The transfer shall be a conveyance in fee simple.
2. The County Administrator is hereby authorized, empowered, and directed on behalf of the County of Colleton to sign all deeds, contracts and any other documents necessary to effect this transfer.
3. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed.
4. If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

Attest:

Signed:

\_\_\_\_\_  
Ruth Mayer, Clerk to Council

\_\_\_\_\_  
Joseph F. Flowers, Chairman

\_\_\_\_\_  
Approved as to Form  
Sean P. Thornton, County Attorney

Council Vote:  
Opposed:

Sponsor(s) : County Council  
 First Reading : July 20, 2018  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Recommendation : N/A  
 Second Reading : August 14, 2018  
 Public Hearing : September 11, 2018  
 Third Reading : September 11, 2018  
 Effective Date : Immediately

I, \_\_\_\_\_,  
 Council Clerk, certify that this  
 Ordinance was advertised for  
 Public Hearing on \_\_\_\_\_.

**ORDINANCE NO. 18-O-14**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[AUTHORISING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN COLLETON COUNTY AND AN INDUSTRY CURRENTLY KNOWN TO THE COUNTY AS “PROJECT EPS”, WHEREBY COLLETON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH PROJECT EPS; PROVIDING FOR PAYMENT BY PROJECT EPS OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; PROVIDING FOR CERTAIN SPECIAL SOURCE REVENUE OR INFRASTRUCTURE CREDITS; PROVIDING FOR THE ALLOCATION OF FEE-IN-LIEU OF TAXES PAID BY PROJECT EPS, UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.]**

WHEREAS, Colleton County, South Carolina (the “County”), acting by and through its County Council (the “County Council”) is authorised and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the “FILOT Act”), to designate real and tangible personal property as “economic development property” and to enter into an arrangement which provides for payment in lieu of taxes (“Negotiated FILOT Payments”) for a project qualifying under the FILOT Act; and

WHEREAS, the County, acting by and through the County Council, is authorised and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code (the “MCIP Act”), to provide for payments in lieu of taxes (“PILOT Payments”) with respect to property situated or having a situs in a multi-county business or industrial park created under the MCIP Act, and pursuant to Section 4-1-175 and 4-29-68 of the Code (the “SSRC Act”), to permit investors to claim infrastructure or special source credits against their PILOT Payments (including any Negotiated FILOT Payments) to reimburse such investors for expenditures for infrastructure serving Colleton County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of Colleton County (“Infrastructure Improvements”), to facilitate the grant of infrastructure or special source revenue credits, and to provide certain enhanced tax credits to such investors; and

WHEREAS, in order to promote the economic welfare of the citizens of Colleton County and Hampton County (collectively, the “the Counties”) by providing employment and other

benefits to the citizens of the Counties, the Counties entered into an Agreement for Development for a Joint County Industrial Park dated December 11, 2007 (the "Original Park Agreement"), to develop jointly an industrial and business park (the "Park"), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with the MCIP Act; and

WHEREAS, an industry currently known to the County as "Project EPS" (the "Company"), intends to acquire, furnish and equip a new, state-of-the-art food product packaging manufacturing facility (the "Project"); the Project is to be located in the County's existing spec building at 385 Global Place, Walterboro, South Carolina 29488 in the Colleton County Commerce Park (the "Project Site"); and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") by the Company in the aggregate not less than \$70,000,000 in new machinery and equipment to be located at the Project Site; and

WHEREAS, the County has been advised that upon the completion of the Project, the Project is anticipated to employ an approximately 360 full-time employees; and

WHEREAS, the County is authorised to include the site of the Project Site within a multi-county industrial and business park pursuant to the MCIP Act and to provide special source revenue or infrastructure credits pursuant to the SSRC Act; and

WHEREAS, the Project is located entirely within Colleton County and will be included in and subject to the multi-county park and fee-in-lieu of tax arrangements as described herein; and

WHEREAS, the County has made specific proposals, including proposals to offer certain economic development incentives set forth herein, for the purpose of inducing the Company to invest its funds to acquire the Project (the "Incentives"); and

WHEREAS, it is in the public interest, for the public benefit, and in furtherance of the public purposes of the FILOT Act, the SSRC Act, and the MCIP Act that the County Council provide final approval for qualifying the Project under the FILOT Act, the SSRC Act, and the MCIP Act for the Incentives;

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. Evaluation of the Project. County Council have evaluated the Project on the following criteria based upon the advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office:

- (a) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (b) the anticipated dollar amount and nature of the investment to be made; and
- (c) the anticipated costs and benefits to the County.

• Section 2. Findings by County Council. Based upon information provided by and representations of the Company, County Council's investigation of the Project, including the criteria described in Section 1 above, and the advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary, County Council hereby find that:

- (a) the Project constitutes a "project" as that term is defined in the FILOT Act;
- (b) the Project will serve the purposes of the FILOT Act, the SSRC Act, and the MCIP Act;
- (c) the Investment by the Company in the Project will be approximately \$70,000,000, all to be invested within the "investment period" (as defined in the FILOT Act); and the Company will employ 360 new full-time employees at the Project within five (5) years of the completion of the Project;
- (d) the Project will be located entirely within Colleton County and is anticipated to be located in the Park created pursuant to the MCIP Act;
- (e) the Infrastructure Improvements to be financed or reimbursed from the SSRCs consist of infrastructure serving Colleton County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of Colleton County; and
- (f) the Project is anticipated to benefit the general welfare of Colleton County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (g) the Project gives rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;
- (h) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (i) the inducement of the location of the Project is of paramount importance; and
- (j) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Project is designated as "economic development property" under the FILOT Act and there is hereby authorised a fee-in-lieu of taxes arrangement with the Company which will provide Negotiated FILOT Payments to be made with respect to the Project based upon a 6% assessment ratio with the millage rate which is the lower of (a) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the year



preceding the calendar year in which the FILOT Agreement (as defined below) is executed or (b) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the calendar year in which the FILOT Agreement is executed, such rate to be fixed for the entire 30-year term of the fee-in-lieu of taxes, all as more fully set forth in the Fee-in-lieu of Tax Agreement [between/among] the County and the Company [and the Landlord] (the “FILOT Agreement”). The FILOT Agreement shall be a “Fee Agreement” within the meaning of Section 12-44-30(10) of the FILOT Act.

#### Section 4. Multi-County Park Incentive.

(A) By separate ordinance (the “MCIP Ordinance”) of the County Council, the County, in cooperation with Hampton County (the “Partner County”) will designate the Project Site as a multi-county business park pursuant to Article VIII, Section 13 of the South Carolina Constitution, the MCIP Act, and the terms of the Agreement for the Establishment of a Multi-County Industrial/Business Park (the “MCIP Agreement”).

(B) The County will provide for 30 years that the annual allocation of the PILOT Payments generated by the Project within the boundaries of the Multi-County Park will be distributed (after distribution of a portion of the PILOT Payments to the Partner County in accordance with the MCIP Agreement) as follows:

- (i) To the County, for providing the SSRCs (as defined in Section 5 hereof), an amount equal to the annual SSRC provided in Section 5 of this Ordinance and in the FILOT Agreement; and
- (ii) Except as may otherwise be provided by ordinance of the County Council from time to time, the balance of the PILOT Payments to the County and the other overlapping taxing entities, in the same relative percentages as the relative millage rates imposed by such taxing entities for the applicable tax year.

#### Section 5. Special Source Revenue Credits.

(A) After the identification of qualifying public infrastructure located solely within Colleton County and the costs thereof to the satisfaction of the County, the County will provide to the Company an infrastructure or special source revenue incentive (the “SSRCs”) as follows:

(i) An annual SSRC against the sum of (a) the Net PILOT Payment and (b) the Negotiated FILOT payments due with respect to the Property such that the annual sum of the Net PILOT Payment and the Negotiated FILOT payments equal the following amounts: (x) 75% SSRC in property tax years one (1) and two (2) of the term of the FILOT Agreement; and (y) 50% SSRC in property tax years three (3) through five (5) of the term of the FILOT Agreement.

(B) The documents providing for the SSRCs shall include customary terms providing:  
(i) for the recovery by the County, on a pro rata basis, of certain moneys if certain thresholds are

not achieved (a “clawback” provision); (ii) that the Company will pay the County’s administrative expenses associated with the approval and administration of the SSRC; (iii) that under certain terms and conditions, the County will have access to certain information of the Company; and (iv) that the Company will indemnify and hold the County harmless for claims, losses, and damages with respect to the Project.

Section 6. Execution of the FILOT Agreement. The form, terms, and provisions of the FILOT Agreement presented to the meeting at which this Ordinance received third reading and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if such FILOT Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk of the County Council be and they are hereby authorized and directed to execute and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Company. The FILOT Agreement is to be in substantially the form before the meeting of County Council at which this Ordinance received third reading and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder, upon the advice of legal counsel, by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of FILOT Agreement presented to said meeting.

Section 7. Miscellaneous.

(a) The Chairman and all other appropriate officials of the County are hereby authorised to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions authorised by this Ordinance.

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

(c) This Ordinance shall become effective immediately upon approval following third reading by the County Council.

(d) The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

(e) All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman

Sponsor(s) : County Council  
 First Reading : April 3, 2018  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Recommendation : N/A  
 Second Reading : May 8, 2018  
 Public Hearing : August 14, 2018  
 Third Reading : August 14, 2018  
 Effective Date : Immediately

I, \_\_\_\_\_,  
 Council Clerk, certify that this  
 Ordinance was advertised for  
 Public Hearing on \_\_\_\_\_.

**ORDINANCE NO. 18-O-03**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2018 through June 30, 2019; to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto.]**

**WHEREAS:**

1. Colleton County Council, pursuant to state statutes, is authorized and required to adopt an annual budget for all departments, offices, and agencies (hereinafter collectively termed offices) of the County Government; and
2. Pursuant to state statutes, total funds appropriated in fiscal year 2018-2019 for the above purposes do not exceed estimated revenues and funds available for expenditure in fiscal year 2018-2019.

**NOW THEREFORE BE IT ORDAINED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:**

**SECTION 1. APPROPRIATIONS**

**a. Procedures Compliance:** The fiscal year 2018-2019 County Budget for Colleton County South Carolina and the Colleton County School District local appropriations are hereby adopted, and detailed budget appropriation documentation attached hereto is incorporated herein by reference. The Colleton County Council certifies that it has complied with all state laws and regulations regarding readings, notices, and public hearings for mills levied herein, and that it will comply in the case of mill levies, which may be adjusted by resolution based on more current information at the time of final issuance of the levies and after the adoption of this ordinance.

**b. Levy Process:** In all cases, all property shall be taxed unless otherwise exempt from taxation pursuant to Title 12, South Carolina Code of Laws, 1976, as amended. The taxes shall be collected in the manner as provided for collection of taxes by Title 12, Chapter 45 of the South Carolina Code of Laws, 1976, as amended, and in accordance with procedures established in County enacting ordinances. All property taxes are due and payable between the thirtieth day of September through the fifteenth day of January after their assessment in each year. Before the tax bills are issued, the County Auditor shall provide to the County Administrator a reconciled summary by levy of all taxes billed, and the County Treasurer shall provide monthly an apportionment report with refunds (computer system printout) for all taxes collected. Additionally, the Finance Office shall be provided with “read only” access to tax computer modules for the purpose of report generation. Tax levy mill information shall be supplied to the County Auditor for purposes of preparing the tax books for Colleton County.

(1) Motor Vehicle Taxes: Taxes levied on motor vehicles shall be collected pursuant to the schedules and procedures as established by State Statute and nothing herein shall be deemed to extend or defer the time of payment for such motor vehicle taxes.

(2) Motor Vehicle Owner Responsibility for Taxes: No motor vehicle registered in the State of South Carolina and being the property of a person, a resident of the County, shall be operated on the streets and public ways of the County unless all the motor vehicle taxes and fees duly assessed against such vehicle shall have first been paid. In the event that any person violates the provisions of this Section, he shall be guilty of a misdemeanor

and subject to the penalties prescribed in Title 46, 1976 South Carolina Code of Laws, as amended. Nothing in this section shall preclude the collection of taxes and fees upon such motor vehicle after the prosecution of the offender for failure to pay such tax.

**c. Appropriation Management:**

(1) Reallocation: Unless otherwise restricted by state law or specific limitation of accounting standards, all of the appropriations hereinafter and those in the budgetary detail incorporated herein by reference are subject to adjustment and reallocation by County Council by voice motion or resolution. Any amount appropriated in this Ordinance may be discontinued at any time by appropriate action of a majority of the County Council. Expenditures from the Council’s contingency in non-departmental shall typically be done by resolution or voice motion.

(2) Duplication: If any of the items, or portions thereof, for which funds are herein appropriated is taken over by the State or Federal government and appropriations therefrom be made by either or paid by either directly to a County Office, or if the same shall become available in any manner, then the amounts for said Office herein appropriated shall be reduced in the amount of said appropriation, direct payment, or other available funds or support.

(3) Direct Assistance: All agencies receiving direct assistance payments from the County shall be funded quarterly in arrears no more than twenty-five (25%) percent of their direct assistance line item except at the discretion of the County Administrator. The quarterly allotments shall be paid around the 15<sup>th</sup> of the month following the end of each quarter. The final 4<sup>th</sup> quarter funding may be withheld by the Chief Financial Officer pending the reconciliation of outstanding obligations between the County and the Agency receiving funding or in the case of grant irregularities. Agencies, boards, and commissions, which are partially funded by Colleton County Government, must provide annual audited financial statements to include a copy of the management letter and a copy of Title 2 U.S. Code of Federal Regulation Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards report, if applicable. State funded agencies must provide an annual report or a summary of local office-specific funding. Quarterly funding may be withheld pending the County’s receipt of an agency’s annual audited financial statements.

**d. Funds:** The following funds are hereby established for the purposes set forth with appropriations/budgeted amounts where applicable. Other funds may be delineated elsewhere:

<u>Fund</u>	<u>Fund Name</u>	<u>Appropriation</u>	<u>Millage</u>
100	County General Fund**	\$ 27,291,752	116.31
115	Capital Fund*	\$ 3,685,710	
120	Special Revenue Fund*	\$ 1,104,810	
121	State Aid to Library Fund*	\$ 0	
122	Colleton County Memorial Library Fund*	\$ 638,023	
124	IV-D Sheriff Unit Costs**	\$ 11,196	
125	Solicitor Special Revenue Fund*	\$ 0	
126	IV-D Clerk of Court – Unit Costs**	\$ 153,119	
127	IV-D Clerk of Court’s Fund – Incentives*	\$ 40,000	
128	Victim Witness Services Fund*	\$ 58,776	
129	Animal Care & Control Fund*	\$ 145,915	
130	County Debt Service Fund*	\$ 1,969,722	10.24
131	Fire Debt Service Fund*	\$ 2,241,554	22.66
134	Non-GOB Related Debt Service*	\$ 1,819,252	
135	Capital Project Sales Tax Debt Service Fund*	\$ 4,200,000	
141	Emergency Telephone Fund*	\$ 348,893	
142	Infrastructure/Industrial Development Fund***	\$ 235,315	
143	Capital Projects Sales Tax Fund*	\$ 0	
144	CC 2015 \$5.4M GOB Proceeds*	\$ 1,500,000	

146	Fire Bond \$5.5M 2018*	\$ 5,500,000	
152	Accommodations Tax Tourism Infrastructure*	\$ 0	
153	County Hospitality Tax Fund*	\$ 575,000	
155	County Accommodations Tax Fund*	\$ 549,294	
156	Fire-Rescue Commission Operations Fund*	\$ 8,971,681	33.56
204	Recreation Fund*	\$ 1,497,684	
210	Road & Bridges Fund*	\$ 2,198,882	
211	Solid Waste Fund*	\$ 2,779,870	
303	CCSO Drug Enforcement Operations*	\$ 0	
306	Sheriff's Special Revenue Fund*	\$ 0	
308	Sheriff Federal Asset Fund*	\$ 0	
446	Transportation Commission Fund*	\$ 0	
457	School District Operating****	\$ XXXXX	113.42

\* At the close of the fiscal year, any unexpended monies within these funds and within all capital project funds shall be carried forward with the respective fund balance for the continued established use of that fund subject to appropriations, unless specifically authorized otherwise by ordinance or directed by State law

\*\*At the close of the fiscal year, any unexpended monies within these funds shall be turned over to the General Fund Balance.

\*\*\*Industrial or Infrastructure Development Fund appropriations are hereby amended to include the prior year Fund Balance and must be adjusted by the County Administrator to include all revenues received for economic development uses, which shall include all fee-in-lieu payments from other counties and any other revenues designated by County Council. Such funds shall require authorization of the County Administrator or his designee prior to obligation. At the close of the fiscal year, any unexpended monies within said funds shall be carried forward within the respective fund for continued economic development use.

**e. County General & Debt Service Funds:** The Colleton County Auditor is authorized and directed to levy upon all taxable property in Colleton County, South Carolina, and the Colleton County Treasurer is directed to collect, taxes sufficient to meet all County General Fund appropriations directed by this Ordinance, except as provided for by other revenue sources for the operation of the County Government for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019.

The Colleton County Auditor is authorized and directed to levy upon taxable property in Colleton County, South Carolina and the Colleton County Treasurer is directed to collect taxes in the amount of \$1,810,284 to meet the Debt Service appropriation (Fund 130). To further meet the Debt Service (Fund 130) appropriation provided by this Ordinance in (d) directly above, the sum of \$159,438 is hereby appropriated from various sources and shall be collected to make a total County Debt Service (Fund 130) appropriation of \$1,969,722.

Sufficient mills to support these tax levies can be established by County Council Resolution before September 1<sup>st</sup> of this Fiscal Year, if anticipated to vary from what is set within this ordinance or if not set within this ordinance.

**f. School Operations and Debt Service Funds:**

\*\*\*\* To meet the appropriation provided by this Ordinance to cover School District Operating purposes, the Colleton County Auditor is authorized and directed to levy upon all taxable property in Colleton County, South Carolina, and the Colleton County Treasurer is directed to collect millage in the amount of 113.42. Any money generated by said levy shall be provided to the School District to cover operating costs. Millage may be adjusted by County Council Resolution before September 1<sup>st</sup> of this Fiscal Year should Council deem that to be in the best interests of the County.

Pursuant to 59-71-150 of the South Carolina Code of Laws, 1976 as amended, the Colleton County Auditor shall levy and the Colleton County Treasurer shall collect a tax, without limit, upon all taxable property in Colleton

County, South Carolina, sufficient to pay the principle and interest of School Debt and to create such sinking fund as may be necessary therefore as provided by the School District to the County Auditor. Any funds accumulated for the School Debt Fund, which exceed the amounts required as provided to the County Auditor by the School District shall be carried forward in a School Debt Service Fund and shall be subject to appropriation by County Council only for School Debt Service.

(1) Financial Reporting: The Department of Education for Colleton County shall provide to the County Treasurer, the County Administrator, and the County Chief Financial Officer detailed financial reports on a monthly basis. These monthly reports should clearly indicate all budgeted and year to date revenues and expenditures for each fund discreetly, including year to date amounts and original budgeted amounts.

(2) Debt Service Reporting/Processing: During the budget process each fiscal year, the School District shall provide to the County Treasurer and the County Chief Financial Officer a bank certified amortization listing of outstanding bond obligations and projected debt obligations. The School District shall require managing banks to directly provide to the County Treasurer and the County Chief Financial Officer all notices of payments due.

(3) Funds Transfer Requirements: The Treasurer shall notify both the School District (in the case of School District funding) and the County Administrator (in all cases) within five (5) days of receiving notification of any cuts in State or other revenues, or upon discovering any evidence of shortfall or deficit, or in the case of a decision to delay funds transfers.

**g. Fire and Rescue District and Debt Service Funds:** To meet the appropriation provided by this Ordinance to cover Fire and Rescue District Operating (Fund 156), the Colleton County Auditor is authorized and directed to levy upon all taxable property located in the unincorporated areas of the County and in the Towns of Cottageville, Lodge, Smoaks, Williams, and the City of Walterboro and the Colleton County Treasurer is directed to collect taxes of \$3,400,764 for Fire and Rescue District Operations (Fund 156). To further meet the Operating (Fund 156) appropriation provided by this Ordinance in (d) directly above, additional revenue from various sources in the amount of \$1,881,595 shall be collected. In addition, intergovernmental transfers in the amount of \$3,689,322 and all ambulance service charges for countywide ambulance rescue service are also appropriated from the General Fund for transfer into Fund 156 upon requisition by the Finance Office to make a total Fire and Rescue District Operations appropriation of \$8,971,681.

To meet the appropriation provided by this Ordinance to cover Fire and Rescue District Debt Service (Fund 131), the Colleton County Auditor is authorized and directed to levy upon all taxable property located in the unincorporated areas of the County and in the Towns of Cottageville, Lodge, Smoaks, Williams, and the City of Walterboro and the Colleton County Treasurer is directed to collect taxes of \$2,221,554. To further meet the Debt Service (Fund 131) appropriation provided by this Ordinance in (d) directly above, the sum of \$20,000 is hereby appropriated from various sources and shall be collected to make a total Fire and Rescue District Debt Service (Fund 131) appropriation of \$2,241,554.

Sufficient mills to support these tax levies can be established by County Council Resolution before September 1<sup>st</sup> of this Fiscal Year, if anticipated to vary from what is set within this ordinance or if not set within this ordinance.

At the close of the fiscal year any unexpended or unobligated funds and any funds accumulated for the Fire and Rescue Operating (Fund 156) or Debt Service (Fund 131) Funds above the provided appropriation amounts or collected in prior years, shall be carried forward in the respective fund balance and shall be subject to appropriation by County Council for Fire and Rescue Operations or Fire and Rescue Debt Service only.

**h. Emergency Telephone Fund:** To meet the appropriations provided by this Ordinance to cover the Emergency Telephone Fund, the \$1.00 E-911 subscriber billing fee per billed access line, up to 50 lines, and the tariff on wireless communication devices are hereby continued for this purpose. These E-911 fees will be accounted for in the E-911 Tariff Fund (Fund 141) to be expended in accordance with the 1976 South Carolina Code of Laws, Chapter 47, as amended, and Colleton County Ordinance 93-O-05. At the close of the fiscal year, any

unexpended funds with any other funds collected in prior years shall be carried forward within this fund and shall be subject to appropriation by County Council.

**i. Roads & Bridges Maintenance Fund:** To meet the appropriation provided by this Ordinance for the Roads & Bridges Fund (Fund 210), a vehicle user fee of \$25.00 per vehicle is hereby continued for road and bridge maintenance and repair. To further meet the Fund 210 appropriation provided by this Ordinance, a supplemental operating transfer in the amount of \$1,157,076 is hereby appropriated from the General Fund for transfer into Fund 210. The Roads and Bridges Fund 210 shall be a separate accounting fund with a corresponding Treasurer's bank account to administer this fund. Collection of delinquent vehicle user fees will be in accordance with the Colleton County Code of Ordinances, as amended, and annual budget ordinances.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to Roads & Bridges Department activities.

**j. Solid Waste Fund:** To meet the appropriation provided by this Ordinance for the Solid Waste Fund (Fund 211), a Solid Waste user fee of \$75 per residential unit County-wide, a commercial Municipal Solid Waste Disposal Fee of \$55 a ton and a Construction and Debris disposal rate of \$45 a ton is hereby established. To further meet the Fund 211 appropriation provided by this Ordinance, a supplemental operating transfer in the amount of \$316,005 is hereby appropriated from the General Fund for transfer into Fund 211. Fund 211, the Solid Waste Fund, shall be a separate accounting fund with a corresponding Treasurer's bank account to administer it. Collection of delinquent Solid Waste user fees shall be conducted in accordance with the Colleton County Code of Ordinances, as amended, and annual budget ordinances.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year, all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to solid waste disposal including but not limited to the Landfill, Transfer Station, and Convenience Sites.

**k. Recreation Fund:** Rental and membership fees, concession stand revenues, sponsorships, donations, and program income generated by Recreation programs are hereby provided to meet the appropriation established in this Ordinance for the Recreation Fund (Fund 204). To further meet the Fund 204 appropriation provided by this Ordinance, a supplemental operating transfer in the amount of \$675,095 is hereby appropriated from General Fund for transfer into Fund 204 and a supplemental transfer in the amount of \$252,890 is hereby appropriated from the Hospitality Fund for transfer into Fund 204. Fund 204, the Recreation Fund, shall be a separate accounting fund with a corresponding Treasurer's bank account to administer it.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year, all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to Recreation Department needs.

**l. Hospitality Tax:** Revenue generated by the Hospitality Tax established by Ordinance 2000-O-28 is hereby designated to meet the appropriation provided by **Section 1. Appropriations, d. Funds**, of this Budget Ordinance for the Hospitality Tax Fund. Fund 153, County Hospitality Tax Fund shall be a separate accounting fund with corresponding Treasurer's bank account to administer it. Collection of delinquent Hospitality Taxes by the Treasurer shall be in accordance with the Colleton County Code of Ordinances, as amended. At the close of the fiscal year, any unexpended funds and collections shall be carried forward in the Hospitality Tax Fund balance for continued use as provided by the Colleton County Code of Ordinances, as amended, subject to appropriation by County Council.

**m. Accommodations Tax:** Revenue generated by the County Accommodations Tax established by Ordinance 2001-O-15 is hereby designated to meet the appropriation provided by **Section 1. Appropriations, d. Funds**, of this Budget Ordinance for the County Accommodations Tax Fund. Fund 155, the Accommodations Tax Fund, shall be a separate accounting fund with corresponding Treasurer's bank account to administer it. Collection of delinquent County Accommodations Taxes by the Treasurer shall be in accordance with the Colleton County Code of Ordinances, as amended. At the close of the fiscal year, any unexpended funds and collections shall be carried forward within this fund for continued use as provided by the Colleton County Code of Ordinances, as amended, subject to appropriation by County Council.

**n. Major Funds Determination:** In accordance with Governmental Accounting Standards Board (GASB) 34 and other appropriate regulations requiring Government-wide Financial Statements, major funds will be determined annually at the end of the fiscal year during the audit process.

**o. Colleton County Transportation Committee:** The Legislative Delegations' Colleton County Transportation Committee (CTC) is responsible for the budgeting and monitoring of expenditures related to the State "C" fund's appropriated budget (Fund 446). The Colleton County Transportation Committee Funds are considered Capital Projects Fund under Governmental Accounting Standards Board (GASB) regulations though are not required to be appropriated by Council action.

The Clerk to Council is assigned by County Council the function of Clerk for the CTC. Assigned duties include responsibility for preparing CTC's minutes, authorizing invoice vouchers and requisitions for C-Funds, monitoring contracts approved by the CTC, monitoring CTC related expenses, requesting specific project accounts be set up in the County's financial management system in accordance with accounting standards, monitoring the account balances, preparing financial reports to the CTC, providing contract and transaction documentation to the County's Independent Auditors as requested, working with the Treasurer's Office to report reconciled cash balances to the CTC, preparing from records and CTC accounts the detail required for reporting expenditures, obligations, and other data which SCDOT, CTC, County Finance, independent auditors, or Council requests regularly. In addition, the Clerk to Council shall provide to the Finance Office annually by July 15<sup>th</sup> for the prior fiscal year and for inclusion in County record of roads, all CTC contractor certified costs and right-of-way information and documentation on the CTC's County road projects, listed by road and documenting the total improvement costs including the related engineering costs for each County road project.

Under a contractual agreement the CTC agrees to reimburse the County from "C" fund monies (Fund 446) on a standard hourly rate for engineering and management services by the County Engineer who is to be a certified Professional Engineer necessary for CTC operations. Colleton County agrees to cover certain ancillary expenses as contained herein.

**p. Grants Management:**

(1) Grant Fund Balances: Notwithstanding any other provisions of this ordinance, all unexpended balances in excess of \$1,000 from previous appropriations of state and federal grant funds, any State Accommodations Tax Funds not committed to the County General Fund, State Lottery Funds, and capital improvement or special project appropriations outstanding as of June 30<sup>th</sup> in the calendar year in which this budget ordinance is effective, shall be carried forward into the subsequent fiscal year budget appropriations. Any unexpended grant monies for grants which have had no spending for the current and prior fiscal years, are to be returned the grantor or transferred to the County General Fund. All grants are to be budgeted and accounted for in a special revenue fund and authorized local match transfers will be completed by the County Chief Financial Officer based on County Council's acceptance of the grant.

(2) County Acceptance: The expenditure of funds for grant programs included in this budget shall not be authorized unless evidence that the respective grants have been approved by the grantor agency is provided to the County Administrator, and the grant has been accepted and funded by proper action of County Council. In all cases, total program expenditures shall be limited to the lesser of the total grant award(s), or the amount(s)



designated in the current budget appropriations, as amended, or as approved by County Council Grant Resolutions. County Chief Financial Officer must be listed as a contact on all grant applications and awards; all correspondence must be copied to the County Chief Financial Officer.

(3) **Budgeting:** Grant funds requiring matching County funds not specifically budgeted shall be authorized by passage of Council Resolution approving the grant application and identifying matching expenditure funds from other previously appropriated funds. Grants not exceeding \$25,000 and requiring no new local match appropriation may be budgeted by the County Administrator or his designee. If the amount is greater than \$25,000, then the amount shall be budgeted by Council Resolution. The Chief Financial Officer is authorized to create the necessary general ledger accounts; the opening of bank accounts, when necessary, shall be executed by the County Treasurer in coordination with the Chief Financial Officer. When grant award payments are received, the Treasurer's Office or County Offices shall provide the Chief Financial Officer with copies of all checks received for the reimbursement of grant expenditures and any other related documentation determined by the Chief Financial Officer as necessary to ensure audit compliance. All grant revenues shall be credited to the appropriate revenue line item as established by the Chief Financial Officer. Grant revenues will not be applied directly to expenditure line items. All grant disbursements shall be authorized only through the Finance Office unless State or Federal law specifically provides otherwise and the County is exempt from financial reporting on those funds at both the State and Federal levels. Positions approved by County Council and supported through Grant funding, particularly where grant funding periods do not follow the County fiscal year term, may not appear in Budget detail.

(4) **Federal Reporting:** In accordance with Federal Part 200 Uniform Reporting Requirements related to Federal grants, all County offices, Component Units and other pass through Organizations must report the expenditures and provide copies of grant awards and any other grant related reports to the Chief Financial Officer. Prior to the disbursement of any funds, the Finance Office must be provided with all requested documents to verify the accuracy and validity of the requested grant funds disbursement. County offices, Component Units or other pass through Organizations that do not comply with this ordinance and any other published administrative procedures necessary for complete and timely reporting of grants such that the County incurs additional independent audit costs or loses grants funds will either have these costs deducted from the Office or Component Unit's budget appropriations annually or will be forbidden to receive County sponsored grants or other funds until full recoupment has been made.

## **SECTION 2. FUND BALANCE MANAGEMENT**

**a. Compliant Fund Balance Policy:** Colleton County Council utilizes a compliant fund balance methodology based on the cash-flow needs of the County to maintain sufficient reserves in order to maintain County operations. End of year fund balance estimations and associated cash flow projections for all cash-discrete funds are developed annually in the budget process to maintain a minimum of 20% of annualized appropriations in operational funds to ensure routine operations remain uninterrupted and in sinking funds (debt service fund) balances as required to timely service all scheduled debt.

**b. Tax Anticipation Note Authority:** The County is hereby empowered to borrow in anticipation of tax or other revenues for County purposes any sum not exceeding the amount anticipated to be received from taxes and other revenues during the current or following fiscal year, and not only to pledge the taxes or other revenues anticipated in the current or succeeding fiscal year, but to pledge, also, the full faith and credit of Colleton County for the repayment of any sums so borrowed. Such sums shall be borrowed from any banking institution or lending agency and shall be payable at such time, upon such terms, and in such sums as may be negotiated between the County and the lender.

**c. Temporary Inter-Fund Loans:** Interfund cash transfers are prohibited except as noted elsewhere herein and where implementation of the budget and accounting conventions dictate. Should the Treasurer determine that a temporary inter-fund loan is required to support cash flow of any fund, the Treasurer must provide to the County Administrator documentation and a written requisition for the funds needed, to include a year-to-date, by month,

cash flow analysis of the shortage, and the County Administrator is authorized to approve said short-term transfer and its reversal. Temporary inter-fund loans and transfers shall be reported to County Council.

### **SECTION 3. BUDGET YEAR END**

**a. Purchase Authority Cutoff:** The budget year shall expire on June 30 of this fiscal year. No monies shall be disbursed pursuant to this Ordinance unless such funds have been obligated (i.e. an order has been placed or a contract signed for the delivery of goods or services in accordance with County procurement procedures) prior to the close of the fiscal year, which is June 30th. The County Administrator will take action to preclude all purchase order activity except business required for expedient operations and emergencies after June 15th of the fiscal year; no capital purchases other than emergencies will be initiated after May 31st of the fiscal year without the express written approval of the County Administrator. In addition, all items must be received and invoiced June 30<sup>th</sup> or earlier, or the items will be deducted from the originating office's subsequent fiscal year budget.

**b. Purchase Order Liquidation:** All offices are responsible for providing documentation regarding outstanding obligations for this fiscal year to the Finance Department on or before June 15<sup>th</sup> to facilitate the proper accrual of outstanding obligations of the County or the obligation(s) may be deducted from the office's budget for the subsequent fiscal year.

**c. No Roll-Forward:** Budget line item balances shall under limited circumstances roll forward at the end of this fiscal year into the next fiscal year's budget, except for capital project funds, bond funds and grant funds crossing the fiscal year or as otherwise specified or appropriated within this budget ordinance.

**d. Unexpended Funds:** At the close of this fiscal year, any unexpended funds shall be turned over to General Fund Balance unless the County Treasurer is otherwise directed herein or specifically restricted by other County ordinances, State or Federal Law, or grant terms.

### **SECTION 4. NATURE OF REVENUES, EXPENDITURES, AND CHART OF ACCOUNTS**

**a. Chart of Accounts:** Appropriation and expenditure of the funds outlined in Section 1 above shall be by object category in the County's central accounting system as listed below:

Personal Services – Salaries & Wages	1xxx
Personal Services – Employee Benefits	2xxx
Purchased Professional & Technical Services	3xxx
Purchased-Property Services	4xxx
Other Purchased Services	5xxx
Supplies	6xxx
Property – Fixed Asset Guidelines	7xxx
Other Objects	8xxx
Colleton Transportation Committee	9xxx

**b. Transfers Prohibited:** Unbudgeted transfers are prohibited except as approved herein and in accordance with generally accepted accounting principles.

**c. Overspending:** Any office, which overspends its straight-line spending levels for two consecutive months, shall be reviewed by the County Administrator, who may freeze position vacancies, capital expenditures, and funds transfers, and remove sufficient personnel from the County payroll to offset fully the impending budget overrun prior to the close of the fiscal year.

**d. Reallocation:**

(1) Funds: The Council may transfer any appropriations by resolution. The County Administrator or his designee may authorize individual transfers as needed not to exceed \$25,000. Each fund recipient Office Head must monitor expenditures daily and exercise caution to prevent over-expenditures. Primary responsibility for monitoring expenditures rests with each such Official individually. All requests for

transfers from payroll accounts must be submitted in writing with detailed explanation to the County Administrator for consideration.

(2) Functions: The County Administrator, in consultation with County Council, is hereby authorized to transfer County Government functions and allocated appropriations among the various County divisions and offices in order to combine compatible employee positions and functions, eliminate duplicate work, gain performance efficiencies, or reduce overall operating costs of the County Government.

## **SECTION 5. FIXED ASSETS**

**a. Reporting:** The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend the useful life of the asset are not capitalized. The threshold for determining if an item is considered to be a fixed or capital asset is the value or the purchase price (whichever is higher) of \$5,000 or greater and the item must have a useful life of more than one year. Appropriate depreciation schedules are maintained on the straight-line basis over the estimated useful life of each asset in accordance with Generally Accepted Accounting Principles (GAAP). The estimated useful life is determined by guidelines developed by the State of South Carolina Office of Comptroller General, and in some cases, applicable Federal IRS regulations and/or Governmental Accounting Standards Board (GASB) 34 implementation guidelines. Fixed Asset and Capital reporting for the County is based on the following categories:

- Land
- Buildings and Improvements
- Infrastructure or Improvements Other Than Buildings
- Vehicles
- Furniture
- Machinery and Equipment

**b. Inventory Control:** Each County Office is responsible for verification of all of its items required to be listed in the Fixed Asset System maintained by County Finance and for providing paperwork/documentation to the Finance Department when the asset is received.

**c. Donated Assets:** Each County Office is responsible for verification of all items donated to that Department and required to be listed in the Fixed Asset System (valued at \$5,000 or more). Further each Office is responsible for providing paperwork/documentation to the Finance Department when such asset is received.

**d. Insurance Proceeds:** In order to comply with GASB 42 regulations, all insurance payments will be processed by the County Finance Office and will be applied towards vehicle/equipment repairs when sufficient documentation/invoices are received from the department to justify the repair cost. If assets are considered impaired under GASB42 regulations and the impaired items will not be repaired or placed back into service, the insurance proceeds will be deposited into the Colleton Capital Fund 115 for future capital acquisitions of Colleton County unless the terms and conditions of the original funding source (Federal Asset Funds, grants, etc) require deposit of the insurance proceeds back to that particular funding source.

## **SECTION 6. RECEIPT, MANAGEMENT, AND REPORTING OF CASH:**

**a. Depositories option:** The Council by resolution may elect to designate the banks to be used as checking depositories of County Funds through a bid procedure.

**b. Timely deposit:** All service charges, fees, fines, reimbursements, grant funds etc. received by County Offices shall be deposited with the County Treasurer as soon as possible after collection. All County Offices that collect funds on a daily basis shall reconcile receipts to funds received and submit funds to the Treasurer's Office by the following business day in the format as prescribed by the County Treasurer. Offices collecting less than \$200 on any single day may delay one business day. This policy does not apply where State law specifically provides authority for other actions to a specific official.

**c. Bank Reconciliation:** The Treasurer will record the County's cash receipts in accordance with the Chart of Accounts as authorized by County Council and as amended by the Chief Financial Officer. On or before the 15<sup>th</sup> day of each month, the Treasurer will provide the County Administrator's designee, the Chief Financial Officer, with the prior month's bank reconciliation recap for the County and other banking information on which revenue entries into the general ledger are to be based. These reports will be in a format as prescribed by the Chief Financial Officer and must contain sufficient detail to fully identify revenue and cash transfers for audit and reporting purposes, in accordance with State Law and GASB regulations. The Treasurer is responsible for reconciling bank accounts maintained in the Treasurer's Office in order to properly record revenues to the books of the County in accordance with the County's chart of accounts and properly allocating interest and all other funds to various funds and bank accounts as required by SC Law, and for properly segregating funds in accordance with SC Law so as to avoid any commingling of cash at all times. The Treasurer's Office is also responsible for maintaining sufficient funds on hand to cover due to/from balances from various funds to the General Fund to cover interfund transfer liabilities created during the payroll and accounts payable processes and is responsible for completing timely the transfer of funds to reimburse the General Fund, and for documenting all cash transactions in detail as required by GASB and audit standards. Significant additional costs, if any, related to bookkeeping functions within the Treasurer's Office such as bank reconciliations, revenue accruals, reversal of revenue accruals, preparation of various audit schedules and the reconciliation of due to/from account balances related to interfund transfers and tax collection transfers will be identified and billed separately by the County's Independent Auditors from the general and actual audit costs of the County.

**d. Cash Accounting:** As is required by SC State law, the Treasurer shall report to the County Administrator's designee, the Chief Financial Officer, by the 15<sup>th</sup> of every month, the complete and full nature of all monies, as well as all investments, tax levy distributions, and other cash movements. Such reports shall be in the form prescribed by the Chief Financial Officer and the Treasurer shall make available copies of bank reconciliations of each of the County bank accounts, copies of the monthly bank statements, copies of any brokerage account statements, and any other Treasurer's Office records which the Chief Financial Officer requires to ensure that the County's books are balanced and that transactions have been properly recorded. In addition, the County Treasurer's Office is responsible for annual external audit reporting of revenues to the State Comptroller's Office and for providing the Finance Office and External Auditors with sufficient data to convert revenues from the cash basis of accounting to the modified accrual basis of accounting in order to ensure legal and annual audit compliance with Governmental Accounting Standards Board (GASB) regulations, in particular GASB Statement No. 34 which requires revenue reporting on the modified accrual basis of accounting during the fiscal year and year-end conversion to accrual basis to produce Government-Wide Financial Statements. All monies collected by the Treasurer are designated for specific accounting funds established by this Ordinance and shall not be commingled. All interfund loans and transfers must be approved and executed in accordance with the provisions of this Ordinance.

**e. NSF Check Management:** All non-sufficient funds (NSF) checks related to the payment of vehicle or property taxes, which are returned to the Treasurer shall be handled timely and in accordance with State Law. Tax Receipts issued against the NSF check payment shall be voided in the County's Tax System the same day the NSF check is received, and a different receipt issued at a later date for any subsequent payment. If the funds are not redeemed in full by the taxpayer and the taxes become delinquent, that tax levy shall be immediately flagged as delinquent in the County's Tax System and, where appropriate under South Carolina Law, turned over to the Delinquent Tax Department for collection. The Treasurer is responsible for the proper handling of non-sufficient funds checks and for the proper reconciliation of NSF checks to the Colleton County Tax Levy Collection system and reports and for providing reconciled data to external auditors at the end of the fiscal year showing the proper handling of NSF checks received. All county offices will immediately void any receipts issued, so recording in any automated system tracking the payment or receipt, and proceed with collections of the amounts due and the NSF check charge established by the County. Additionally, no check may be "held" in any fashion at any time, to avoid NSF charges or receipt revocation.

**f. Investments:** All Funds clearly not needed for a period of ninety days or longer shall be invested by the Treasurer in accordance with SC Law in the highest yield, collateralized, interest bearing accounts, or County, State and United States short-term obligations, the SC LGIP, or any instruments specifically permitted by SC State Law, subject to maintaining sufficient cash balances to meet current and anticipated expenses and accruing obligations of the County. Interest earned by interest bearing accounts and investment income will be recorded to the applicable funds and reported monthly by the County Treasurer to the Finance Office for inclusion in the monthly financial reports. No funds will be invested in CD's whenever overnight investments are earning interest at a higher rate.

**g. Title IV-D (Child Support Enforcement) Federal Funds:** The County Administrator, Clerk of Court, and Sheriff are authorized to enter jointly into agreements with the South Carolina Department of Social Services for receipt of Title IV-D (Child Support Enforcement) Federal Funds. No single individual signature on these agreements will obligate the County to comply with the terms of the agreements in any manner or fashion.

**h. New and Unbudgeted Revenues:** In accordance with State Law, all non-budgeted revenues received during the year shall be routed through the Finance Office to be allocated to an appropriate revenue line item as determined and approved by the County Chief Financial Officer. If the dollar amount exceeds \$25,000, the budgeting of said funds will be established by Council Resolution, Ordinance or through the annual Budget Amendment Ordinance. The Chief Financial Officer will designate funds to the appropriate revenue line item and create corresponding expenditure line authorizations to enable expenditure by the designated office. Only under very limited circumstances, such as the refund for overpayment on a vendor account, reimbursements for travel, or short term insurance claim settlements on replacements or repairs, will the Chief Financial Officer have the authority to approve the direct posting of income to an expenditure line item. (Additional grant procedures are referenced separately in this Ordinance.)

**i. Delinquent Tax Collections:** The Delinquent Tax Collector is responsible for reconciling monthly all bank accounts maintained by the Delinquent Tax Collector's Office in order to properly record revenues to the books of the County in accordance with the County's chart of accounts and properly allocating interest and all other funds to various funds and bank accounts as required by SC Law, and for properly segregating funds in accordance with SC Law so as to avoid any commingling of cash at all times. Significant additional costs related to bookkeeping functions within the Delinquent Tax Collector's Office such as bank reconciliation's, revenue accruals, reversal of revenue accruals, preparation of various audit schedules and the reconciliation of delinquent tax collection transfers will be identified and billed separately by the County's Independent Auditors from the general and actual audit costs of the County. By the 15<sup>th</sup> of every month the Delinquent Tax Collector shall report to the County Administrator's designee, the Chief Financial Officer, the complete and full nature of all monies on hand, as well as all investments, tax levy distributions, and other cash transfers or movements, in the form determined by the Chief Financial Officer.

## **SECTION 7. DISBURSEMENT OF FUNDS**

**a. General:** All funds shall be disbursed only in accordance with appropriations herein, and in accordance with Colleton County Procurement Policies, Colleton County Financial Policies and Procedures, Colleton County Personnel Policy, Colleton County Administrative Directives and with state and federal laws and regulations. All continuing service contracts previously approved by County Council and within existing contract terms are hereby approved for vendor payment.

The County Administrator or his designee is authorized to approve Purchase Orders not to exceed the maximum amount defined by SC Code of Laws Title 11, Chapter 35 Section 11-35-1550 (1) for Small Purchases or budgeted State or GSA contracts and eligible purchases that meet or are less than the South Carolina State contract purchase amount for the current year. All purchasing limits described in the county purchasing code shall be increased by the Bureau of Labor Statistics Consumer Price Index from the date of the inception of the code in January 2003 to June 2018. The Administrator may authorize designees for approval of Purchase Orders at such lower amounts as he deems appropriate.

**b. Warrant Required:** The Treasurer shall disburse all grant and other County funds only pursuant to a warrant from the Colleton County Administrator in accordance with South Carolina State Law and this ordinance. The County Chief Financial Officer shall have checks prepared for each item listed on the warrant. The listing on the warrant will include the name of the payee, the amount of the payment, and the date of the payment. The warrant will be signed by the County Administrator or his designee and the County Chief Financial Officer, directing the Treasurer to disburse County funds pursuant to the warrant in accordance with the list therein. The Treasurer or the Treasurer's designee will sign the Finance Office copy of the warrant certifying that sufficient funds are on deposit and available to issue the checks authorized by said warrant.

**c. Warrant and Check Processing:** The Treasurer shall deposit sufficient authorized monies timely in each respective account to cover expenses as contained in the warrants and to cover interfund (due to/from) liabilities created through the accounts payable and payroll processes. The Treasurer shall assign the custody of the check-signing device to the Chief Financial Officer or their designee to prepare checks for each item on the warrant. The warrant cover sheet shall be made in duplicate, the original being kept by the Treasurer and the copy being kept by the Finance Office as a matter of record.

**d. Payments to Vendors:** The Finance Office shall deliver checks in payment of County expenditures to vendors. Vendors shall be paid by either (1) Delivery of such check by U.S. Mail or comparable postal service to the vendor, (2) County issued procurement or other virtual payment card or (3) On a limited basis as in the case of many debt service payments, by wire transfer.

**e. Treasurer Refunds:** The Treasurer will maintain a refund account from which all property tax refunds shall be made. In addition, the Treasurer shall maintain sufficient records to provide detail regarding which taxing units should be charged for the refunds, and make arrangement to recoup the funds appropriately as soon as possible.

**f. Debt Service Payments:** All County debt service fund payments shall be processed through the Finance Office by presentation of a warrant to the Treasurer for payment, which warrant should be initiated by the Treasurer if a payment notice is received in the Treasurer's Office. The County Treasurer is responsible for ensuring sufficient funds are on hand in appropriate accounts to maintain debt service requirements. The Treasurer is responsible for reporting the balance of debt service funds available to the County Administrator by the 15<sup>th</sup> of each month, to include any pending tax levy transfers.

**g. Payments to Employees:** The Finance Office shall process all approved travel advances and reimbursements of travel and other approved and appropriated operating expenses to County employees on a bi-weekly basis as a distinct payment amount that is included on the employees payroll voucher. These amounts will not be subject to tax or other withholding except as otherwise noted in Section 9e.

## **SECTION 8. ANNUAL FISCAL REPORTING REQUIREMENTS**

**a. Boards, Commissions, Agencies, and Institutions:** All boards, commissions, agencies, and institutions receiving County funds shall make a full detailed annual fiscal report to the County Council at the end of the fiscal year. The County governing body, the County Administrator, or the Finance Office may require reports, estimates, and statistics from any County office as may be necessary in the preparation of annual budgets or supplemental appropriations. Prior year audits are required for acceptance of annual budget requests.

**b. Alcohol & Drug Abuse Commission:** In accordance with the Colleton County Code of Ordinances, as amended, the Alcohol & Drug Abuse Commission is considered a Component Unit of the County and shall be included in the Annual Audited Financial Statements of the County. In the case of the Alcohol and Drug Abuse Commission, Colleton County Council hereby directs the Chief Financial Officer to impose a 1% surcharge to the total outstanding payroll reimbursement due to the County, to be effective thirty (30) days after the date of the payroll billing submission from the County Finance Office to the Alcohol and Drug Abuse Commission. Any variances in the amount paid verses the actual billing related to payroll must be submitted in writing to the County Chief Financial Officer prior to the receipt of funds from the Alcohol and Drug Abuse Commission or the

variance will be considered outstanding for the purposes of this Ordinance and the surcharge. This surcharge will be deducted from the Direct Aid line item on an ongoing basis, and in future budget years until paid in full.

**c. Solicitor's Office:** Pursuant to a Memorandum of Understanding between the Fourteenth Circuit Solicitor's Office and Colleton County, the County has agreed to process the Solicitor's Office payroll in accordance with the County's normal payroll procedure and to act as the insurance benefits administrator for the employees of that Office. All employees of the Office are considered political appointees and are not subject to the County's policies, rules, or procedures other than those directly related to the manner of payroll processing and benefits administration. The Solicitor's Office shall deposit in advance on a monthly basis with the County all monies necessary to cover Solicitor's Office payroll. Any interest collected on said monies shall be the property of the County and shall be used to offset the administrative costs associated with the processing of payroll and benefits administration.

**d. Library:** Colleton County Memorial Library is considered a component unit of the County and shall be included in annual audited financial statements of the County.

## **SECTION 9. COMPENSATION AND CLASSIFICATION PLAN AND PERSONNEL**

**a. General:** All County Departments, Offices, designated Agencies, and Component Units are included in the County Class and Compensation Plan administered by consultants. Neither the County Administrator nor any office head may establish or fund any new position without the knowledge and consent of County Council except that the County Administrator may approve temporary personnel based on County needs and available funding.

**b. Compensable Accruals:** When hourly employees who have accrued compensatory time leave County employment, they shall be paid for this time from the office's regular salary funds. The position the employee is vacating shall be frozen until the amount of money to be paid for the compensatory time of the terminating employee has been paid out of the budgeted funds in that Office. If sufficient funds are clearly available in the Office budget to offset the compensatory time expense and to cover future payrolls for the Office, the position need not be frozen. Neither accrued compensatory time nor any other form of leave may be used in conjunction with worker's compensation benefits except during the mandatory waiting period. In no event shall the aggregate total of compensation and annual leave payments at separation exceed the maximum legally accruable total of compensatory time. Unused holiday leave is not compensable at the time of separation.

**c. Effective Date of Personnel Action Requests (PARs):** Personnel actions involving salary adjustments generally shall be effective the first day of the first pay period following approval by the County Administrator.

**d. General Pay Adjustments:** Pay adjustments for employees covered by S-1 and S-2 legislation as mandated by State law and adjustments based on position reevaluations by independent consultants or employment contract adjustments by Colleton County Council are included. In the case of rounding or other minor variances caused by calculation nuances subject to interpretation, the County Administrator shall be the final authority in determining the actual salary or hourly wage in accordance with and within appropriations of County Council. All pay adjustments in this budget, unless specifically stated otherwise, are effective July 1, 2018 as processed and paid on July 13th.

**e. Travel:** When employees are required to travel on official business, the County pays reasonable amounts for transportation, meals, and lodging in accordance with the County's Personnel Policies, Administrative Directives, and this ordinance. When an office has County Vehicles assigned to it or a County Pool Vehicle is available, employees should utilize a County Vehicle if this use does not impede County Operations. If the employee's personal vehicle is utilized with prior approval of the County Administrator, the employee shall be reimbursed at a rate of fifty-one (.51) cents per mile traveled. Meal expenses may not exceed \$32.00 per calendar day for in-state travel or \$54.00 for out-of-state travel and no per diem reimbursement will be provided for travel that is less than two days. Under this section no more than one day of per diem will be provided for travel each way to/from a business destination. Per diem meal reimbursement is only provided when an overnight stay at the conference or business destination is required and the employee must provide the appropriate documentation to substantiate

the business connection as outlined in Section 12.4A(2) of the Colleton County Personnel Policy. County Policy provides for no per diem for any travel within the County, including no meal reimbursements within the County.

For a Law Enforcement employee transporting a prisoner, the employee will be reimbursed at per diem rates for his own meal at any food stop mandated by statute on behalf of the prisoner. In all other cases, Law Enforcement employees shall be required to follow the regular requirements for reimbursement of meal expenses provided for other County employees.

There is no provision for advance per diems to the individual for Hotel Reservations, Airline Tickets, Conference/Seminar registration costs or any other costs directly related to travel; all such costs will normally be paid directly to the vendor providing the service. Travel advances to the employee for meals shall not include per diem for the day of departure and return and for any partial days. Travel advances to employees will not be paid more than two weeks in advance and full accounting of the funds must be sent to the Finance no later than (15) days after the dates of travel or the advanced funds will be withheld from the employees next scheduled payroll check.

Requests for reimbursements must be presented within (15) days of return from the trip. Original, dated, detailed receipts must accompany all travel reimbursement requests; limited exceptions to this policy will be allowed as approved by the County Administrator or his designee when sufficient reason is provided, and the Department Head or Elected Official involved approves. Where exceptions are considered taxable income under IRS regulations, the reimbursed funds will be processed through the payroll system as taxable income. County Department Heads and Elected Officials shall have no authority to waive the requirement for receipt of original, dated, detailed receipts under this section except with written approval by the County Administrator or his designee. Under no circumstances shall the County reimburse any persons eligible for travel reimbursement by the County for alcoholic beverages, personal purchases of any kind not specifically authorized in the personnel policy, or any amounts for which appropriated funds are not available or where such reimbursement would be a violation of the State Ethics Laws and regulations.

**f. Credit Cards and Accounts:** The Colleton County Capital Projects/Procurement office has a purchasing/procurement card program with established controls and procedures, credit cards which obligate Colleton County are expressly not permitted. Credit accounts in the name of the County must be forwarded to the County Finance Office which is responsible for establishing credit accounts with vendors upon written approval by the County Administrator or the Chief Financial Officer. The County Finance Department is also responsible for the control and monitoring of all credit accounts in the County's name, verification of goods received and reconciling of such credit purchases to invoices received. Accounts not established in accordance with this ordinance are the sole responsibility of the initiating person, and the County shall not be liable or obligated to make payment on behalf of the initiator or the person using the account.

**g. Assistance to Retirees:** Persons retiring after the effective date of this ordinance may be eligible to receive for this year only, up to 50% of the cost of their individual health/dental insurance purchased through the SC State health insurance program this year provided that:

- (1) The person is employed by Colleton County at the time of his/her retirement, is at least 62 years of age, and is covered at that time under Colleton County's health/dental insurance program; and
- (2) The employee had twenty years of qualifying, full-time employment with Colleton County prior to the retirement; and
- (3) The employee is retiring under the South Carolina Retirement System or the South Carolina Police Retirement System.
- (4) The specified Council appropriation made by and within this ordinance for said assistance is sufficient to fund the full 50% of all costs of all those eligible for and receiving assistance under this provision for this fiscal year. This retiree assistance is for this year only and remains subject to appropriation by County Council.



(5) Any person, who retires from County employment meeting all the requirements except the age requirement, will be eligible for this funded percentage of cost assistance upon reaching the age of 62.

**h. County Attorney:** The County Attorney may represent all agencies, boards, and officials in Colleton County that are employees of the County and subject to the budgetary controls of the County Council. Said attorney shall not represent any other organization, agency, or individual in any matter coming before the County Council. Specialized counsel may be retained when such representation is deemed to be in the best interests of the County.

**i. Fire and Rescue:** Any volunteer response cost assistance program must be based on specific written procedures and criteria adopted by the Fire Commission and approved by the County Council. Appropriations for all medical and firefighting positions in Fire-Rescue are for dual-certified positions only. Non-dual-certified candidates with no prior service with Colleton County may be hired as PRN and underslotted in an open position for up to one year, during which time dual certification must be achieved to be eligible for retention and transfer into the regular position status.

**j. Family Medical Leave Act:** Personnel will be removed from the County payroll when the initial FMLA mandated leave period is exhausted, before the extension period begins.

**k. Drug Testing:** Any candidate selected for employment with Colleton County shall be drug tested prior to being placed on any payroll processed by the County. Failure to report for the initial drug test scheduled by Human Resources shall result in discontinuation of any further consideration of the candidate.

**l. Position Re-evaluations:** Department Heads and Elected Officials, who wish to submit positions within their department for evaluation for Council consideration during the next fiscal year's budget process, must complete and deliver to the Chief Financial Officer the job descriptions or Comprehensive Position Questionnaires no later than November 30<sup>th</sup> in order that the consultant's evaluation can be completed and recommendations presented to Council with the First Reading of the Budget Ordinance.

**m. Thirty-Year Service Recognition Awards:** As provided in the Personnel Policy Manual, any regular full-time employee who achieves thirty continuous years of service in Colleton County government shall receive a \$5,000 Service Recognition Award. All such awards shall be paid contingent upon budget appropriation, and such payment shall be scheduled for the first pay period following the employee's thirty-year anniversary.

**n. Election Commission Stipends:** In accordance with IRS regulations, Election Commission Stipends will be processed through the Colleton County Payroll System quarterly in arrears based on funding received from the South Carolina Elections Commission. The Colleton County Voter Registration/Elections Office must provide to County Human Resources and Finance a detailed quarterly list with the name, address, and term in office for each Election Commissioner appointed in accordance with Section 7-5-10 of the South Carolina Code of Laws, as amended. Each Commissioner must complete all required payroll-record paperwork through the County Human Resources Office, including forms for tax withholdings, retirement election, etc., before payments can be issued. In addition, prior to payment processing, the County Treasurer must validate receipt of stipend revenue from the State Elections Commission.

**o. Furlough:** In the event that the economic situation creates a revenue shortfall for the County, the County Administrator is hereby authorized to institute a furlough program in the manner and for the length of time, up to fifteen days, deemed to be in the best interest of the County. Funds from the payroll and benefits account line items unexpended as a result of such furlough may be transferred at the County Administrator's discretion to cover essential operations.

## **SECTION 10. INDEPENDENT AUDIT**

An independent annual audit of all financial records and transactions of the County shall be made by a Certified Public Accountant or firm of public accountants with no personal interest, direct or indirect in the fiscal affairs of

the government of Colleton County or any of its officers. The County Council may, without requiring competitive bids, designate such accountant or firm. Unless included in the annual County audit, an annual audit of each county agency, board, bureau, or commission of Colleton County, funded in whole or in part by County funds, shall be made. Copies of the annual County audit shall be available on the County website and provided for Colleton County Administration and every member of the County governing body.

## **SECTION 11. FEES AND CHARGES**

**a. Disposition of Collections:** All taxes, fees, charges, and assessments not otherwise allocated specifically by this ordinance with the supporting detail incorporated herein by reference or by law shall be deposited in the Colleton County general fund with other general fund revenues. All such taxes, fees, charges, and assessments shall be appropriated and allocated by the Colleton County Council in the same manner as other general revenues. No such taxes, fees, charges, or assessments shall be paid to or shall accrue to the personal benefit of any officer or employee of Colleton County. Use of fees, fines, and charges to reimburse expenditure budget line items through deposit credits is prohibited. The following fees are hereby established and continued hereafter until otherwise discontinued by action of County Council by ordinance:

**b. Fee Changes:** The following fee change is included in the respective fund appropriations. Fund 210 Roads and Bridges driveway culvert installation fees are budgeted at the most recent State of South Carolina contracted cost plus applicable sales tax per foot for both concrete or plastic pipes.

**c. Payment by Credit Card:** A Credit Card Convenience Charge of 2.5% is necessary to fully offset the costs to the County for credit card payments and processing, and is hereby directed to be assessed and collected by the County Treasurer in accordance with applicable State Laws, with all related collections and costs to be reported specifically to Finance to be included in the monthly financial reports.

**d. Museum and Recreation Department:** The Colleton County Museum, and Recreation Department are authorized to maintain cash drawers and petty cash accounts. An accounting of the monies in each account will be conducted on the last business day of each month and signed by the director or their designee attesting to the accuracy of the accounting. A copy will be forwarded to the Finance office no later than 5 calendar days of the month following. These accounts are subject to unannounced internal audits by the Finance Office, and its inclusion in the annual County external audit is required.

**e. Library Petty Cash Accounts:** The Colleton County Library is authorized to maintain an account for donations and petty cash of less than \$1,000. An accounting of the monies in this account, including a copy of the monthly bank reconciliation, is to be provided to the Finance Office by the 15<sup>th</sup> of each month for the prior month. This fund is subject to unannounced internal audits by the Finance Office, and its inclusion in the annual County external audit is required. The Library is responsible for the proper accounting and reconciliation of the bank account.

**f. Sheriff Federal Asset Accounts:** The Colleton County Sheriff's Office is authorized to maintain account(s) as required by Title 2 U.S. Code of Federal Regulations Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards for the accounting of Federal Asset/Seizure Funds. An accounting of the monies in this account, including a copy of the monthly bank reconciliation, is to be provided to the Finance Office by the 15<sup>th</sup> of each month for the prior month. This accounting fund is subject to unannounced internal audits by External Auditors in order to ensure compliance with Federal A-133 reporting and for inclusion of this information in the annual County external audit report as required by law. Any additional audit charges related to Federal Asset account(s) will be billed separately to the Sheriff's Office.

**g. Fire and Rescue Fire Insurance Billing:** The Colleton County Fire Rescue Commission is authorized to complete and submit where applicable insurance company billings following a response to a structure fire, car fire, auto accident, extrication, establishment of Helicopter Landing Zone, HazMat response, medical first

response and rescue in accordance with specific written procedures developed and adopted by the Fire Commission and approved by the County Council. Insurance payments received shall be utilized for provision of fire/rescue service.

**h. GIS/Map Copies:** Any surveyor whose business office is headquartered in Colleton County is eligible to receive free of charge any GIS Map copy (8 ½ x 11” or 11 x 17”, color or black and white) as required in the performance of his work.

## **SECTION 12. DEBT COLLECTION**

**a. Setoff Debt:** Colleton County is hereby authorized to participate in the Setoff Debt Program through the South Carolina Association of Counties on an annual basis as approved by the Colleton County Administrator, who is authorized to execute all documentation and direct all designations of personnel participating as necessary.

**b. Solid Waste and Fire-Rescue Services:** County Council approval is required to write off any current debt related to Fire-Rescue Services in connection with the provision of ambulance services or to Solid Waste in connection with the provision of waste disposal. The County Administrator is authorized to write off debts which are no longer collectible under SC State Law due to related statute of limitations or judicial decision. The Solid Waste Director and Fire-Rescue Services Director are responsible for providing detailed debt status information to the Chief Financial Officer before June 30<sup>th</sup> each fiscal year for inclusion in the 3<sup>rd</sup> Reading of the Annual Budget Amendment Ordinance.

## **SECTION 13. EDISTO AREA FIRE SERVICES CONTRACT**

The Chairman of County Council is authorized to execute a contract, as appropriated herein, with the Town of Edisto Beach for the provision of fire protection services for those portions of Edisto Island falling within the unincorporated area of Colleton County or within the Town of Edisto Beach, subject to appropriations herein and/or in the annual budget of the Town of Edisto Beach and subject to the approval of the contract by the County Attorney.

## **SECTION 14. NO SOLICITATION ON COUNTY PROPERTY**

No vendors or solicitors may display, sell, or solicit for the purpose of selling to employees or the public any goods, wares, or services within County offices or on County property unless specifically authorized by County Council or in accordance with appropriately designated uses, as in the case of the Recreation Center, the Museum/Farmers Market, and the Edisto Beach Education and Civic Center facilities. No insurance agents, including representatives from agencies providing coverage through payroll deduction, may solicit from, sell to, visit, or contact County employees in any manner during work hours or in the work place. No vendors or solicitors may post or hand out within County offices or on County property to employees or the public any materials for the purpose of selling or soliciting any goods, wares, or services unless specifically authorized by County Council or in accordance with appropriate designated uses. Anyone found guilty of violating this Section shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$500 per incident, or less than \$100 per incident. Such violators shall be ticketed by a Sheriff’s Deputy or Code Enforcement Officer and tried in Magistrate’s Court. Only open enrollment meetings schedule by Human Resources and authorized in writing shall be permitted, and such meetings shall be restricted to the time, place, and date indicated by the Human Resources Manager.

## **SECTION 15. CONTRACTING AND FUNDS OR OTHER COMMITMENTS**

Except where otherwise designated by County Council, only the County Administrator (or the County Administrator’s designee) may obligate the county in any manner through signature on contracts, purchase orders, or other such agreements or documents as an authorized agent.

**SECTION 16. AGRICULTURAL ASSESSMENT EXTENSION PROCESS – PRIVATE CITIZENS**

A fixed Agricultural Assessment Extension Policy for private citizens is hereby authorized. Any private citizen may apply for agricultural assessment for no more than two tax years prior to the then current tax year. Businesses, including partnerships, corporations, etc., are not eligible to receive consideration under this fixed policy, but must continue to make application to Council demonstrating to Council’s satisfaction that the business had reasonable cause for not filing timely. The County Administrator shall administer the program with forms and procedures as necessary in accordance with South Carolina Law.

**SECTION 17. VEHICLES – OFFICIAL COUNTY FLEET RECORD**

An authorized list of all County-owned vehicles providing make, model, year, serial and tag numbers, and assigned department/office shall be established as the official County Fleet Record, and shall be approved by County Council Resolution. Only vehicles included in the official County Fleet Record shall be insured and maintained by the County. The approval by written resolution of County Council or authorization as provided in annual budget ordinances shall be required to place any additional vehicles in the County Fleet Record. Without such authorization, no vehicle shall be added to the CFR or to the County’s insurance policies except where a currently insured vehicle is being removed from same. Vehicles removed from the CFR and the insurance policies must be surplus, through Council resolution, and placed for sale according to County Purchasing Policy.

**SECTION 18. JUROR PAY**

Citizens selected for Jury duty within the Colleton County Court System shall be paid a flat rate of \$20.00 per day for those days when appearance in Court is required. No mileage or other such payment shall be made.

**SECTION 19. FIRE-RESCUE, S.C. MEDICAID TRADING PARTNER AGREEMENT**

The County Administrator is authorized to execute the annual contract between South Carolina Department of Health and Human Services (SCDHHS) and Colleton County on behalf of the Fire-Rescue Commission to comply with HIPAA requirements for electronic billing.

**SECTION 20. FLEXIBILITY PROVISIO**

Colleton County hereby provides that it may reduce its support to any outside direct assistance payments and/or State mandated programs or requirements by up to a percentage equal to the percentage of reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30 of the State Code of Laws, and in accordance with the State Flexibility Proviso.

**SECTION 21.** All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 22.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

**SECTION 23.** At the time this was passed, the following Elected Officials were in office for Colleton County:

<b>Official</b>	<b>Seat</b>
Gene Whetsell	Council Seat at Large
Evon Robinson, Sr.	Council Seat #2 Eastern District
Phillip M. Taylor, Sr.	Council Seat #3 Eastern District
Steven D. Murdaugh	Council Seat #4 Western District
Joseph F. Flowers, MD	Council Seat #5 Western District
Jeff Slocum	Auditor

Richard Harvey	Coroner
Patricia Grant	Clerk of Court
Ashley Amundson	Probate Judge
R. A. Strickland	Sheriff
Becky Hill	Treasurer

This Ordinance shall become effective on August 14, 2018.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman

COUNCIL VOTE:  
OPPOSED:

\_\_\_\_\_  
Approved as to Form  
Sean P. Thornton, County Attorney

Sponsor(s) : County Council  
 First Reading : May 8, 2018  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Recommendation : N/A  
 Second Reading : June 26, 2018  
 Public Hearing : August 14, 2018  
 Third Reading : August 14, 2018  
 Effective Date : Immediately

I, \_\_\_\_\_,  
 Council Clerk, certify that this  
 Ordinance was advertised for  
 Public Hearing on \_\_\_\_\_.

**ORDINANCE NO. 18-O-07**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[To Authorize the Rezoning of a Parcel Identified as Tax Map Number 310-00-00-014, from Resource Conservation – 1 (RC-1) Resource Conservation – 2 (RC-2).]**

**WHEREAS:**

1. County Council pursuant to Title 6, Chapter 29, Code of Laws of South Carolina, 1976 as amended, has the legal authority to periodically amend the Official Colleton County Zoning Ordinance and Maps; and
2. The Colleton County Zoning Ordinance authorizes County Council to amend the official Zoning Maps for Colleton County; and
3. The Planning Commission has reviewed an application to rezone from Resource Conservation – 1 (RC-1) to Resource Conservation – 2 (RC-2), the parcel identified as T.M.S. No. 310-00-00-014; and
4. The Planning Commission voted unanimously to recommend that Council approve the requested rezoning from Resource Conservation – 1 (RC-1) to Resource Conservation – 2 (RC-2).

**NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED, THAT:**

1. The parcel identified as Tax Map Number 310-00-00-014 hereby rezoned from Resource Conservation – 1 (RC-1) to Resource Conservation – 2 (RC-2) on the official Zoning Maps for Colleton County.

**2. Severability:**

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

**3. Conflict:**

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Approved as to Form  
Sean Thornton, County Attorney

SIGNED:

\_\_\_\_\_  
Joseph F. Flowers, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s)	: County Council	
First Reading	: May 8, 2018	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: June 26, 2018	
Public Hearing	: August 14, 2018	
Third Reading	: August 14, 2018	
Effective Date	: Immediately	

**ORDINANCE 18-O-08**

**COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[An Ordinance to Amend Title 14-Land Management, Section 14.08-2 Zoning District Regulations, of the Colleton County Code of Ordinances related to Residential Care Facilities and Residential Care Homes.]**

**WHEREAS:**

1. Amending the Rural Development-1, Rural Development-2, Urban Development-1 and Urban Development-2 Zoning Districts to modify the location and review of Residential Care Facilities and Residential Care Homes by district is designed to simplify and consolidate the use of where these facilities are allowed and avoid confusion with other related health facilities; and
2. After review of the above issue, amendments to Title 14-Land Management of the Colleton County Code of Ordinances, Article 14.08-2. Zoning District Regulations were unanimously approved by the Planning Commission.

**NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED THAT:**

1. **Title 14-Land Management of the Colleton County Code of Ordinances, Chapter 14.08-Zoning, Article 14.08-2 Zoning District Regulations** is hereby amended as follows:

**14.08-2.050 Rural Development-1, B.2.p., Delete.** Residential care homes.

**14.08-2.060 Rural Development-2, B.1.aa.,** Delete Residential Care Facilities and Replace B.2.n Residential Care Homes with Residential Care Facilities.

**14.08-2.100 Urban Development-1, B.1.rr** Delete Residential Care Facilities and Replace B.2.t Residential Care Homes with Residential Care Facilities.

**14.08-2.110 Urban Development-2, B.2.u** Delete Residential Care Homes and Replace with Residential Care Facilities.

**14.08-3.020 Conditional use regulations. BB.3** Delete “Residential care facilities shall



be located within two miles of any acute care hospital”.

2. All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman

\_\_\_\_\_  
Approved as to Form  
Sean Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
 First Reading : May 8, 2018  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Recommendation : N/A  
 Second Reading : June 26, 2018  
 Public Hearing : August 14, 2018  
 Third Reading : August 14, 2018  
 Effective Date : Immediately

I, \_\_\_\_\_,  
 Council Clerk, certify that this  
 Ordinance was advertised for  
 Public Hearing on \_\_\_\_\_.

**ORDINANCE 18-O-09**

**COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**AN ORDINANCE TO ESTABLISH, PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK, IN CONJUNCTION WITH ALLENDALE COUNTY, BAMBERG COUNTY, BARNWELL COUNTY, BEAUFORT COUNTY, HAMPTON COUNTY, SOUTH CAROLINA, AND JASPER COUNTY; TO PROVIDE FOR A WRITTEN AGREEMENT BY COLLETON COUNTY WITH ALLENDALE COUNTY, BAMBERG COUNTY, BARNWELL COUNTY, BEAUFORT COUNTY, HAMPTON COUNTY, AND JASPER COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO.**

WHEREAS, Colleton County, South Carolina (“Colleton County”) and Allendale County, South Carolina (“Allendale County”) Bamberg County, South Carolina (“Bamberg County”), Barnwell County, South Carolina (“Barnwell County”), Beaufort County, South Carolina (“Beaufort County”), Hampton County, South Carolina (“Hampton County”), and Jasper County (“Jasper County”); (collectively, the “Counties” and together with any additional counties that become parties to the MCP Agreement described below, the “Member Counties”), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the “Act”), propose to establish jointly a multi-county industrial/business park within the geographical boundaries of Jasper County to be known as the “Jasper Ocean Terminal Multi-County Industrial/Business Park” (the “Park”); and

WHEREAS, Article VIII, Section 13(B) of the South Carolina Constitution provides that nothing in the State Constitution may be construed to prohibit any of the counties in South Carolina from agreeing to share the lawful cost, responsibility, and administration of functions with one or more governments, whether within or without the State of South Carolina; and

WHEREAS, in order to promote the economic development of Colleton County, Allendale County, Bamberg County, Barnwell County, Beaufort County, Hampton County, and Jasper County, the Counties have initially agreed to include in the Park properties located in Jasper County and described in Exhibit A hereto (the “JOT Property”) and as more particularly described in Exhibit A to that certain Agreement for the Establishment of the Jasper Ocean

Terminal Multi-County Industrial/Business Park to be entered into by the Counties as of such date as may be agreed to by the Counties (the "MCP Agreement"); and

WHEREAS, the Counties have agreed to the specific terms and conditions of the arrangement set forth in the MCP Agreement; and

WHEREAS, the Counties now desire to establish the Park to include the JOT Property;

NOW, THEREFORE, BE IT ORDAINED BY THE COLLETON COUNTY COUNCIL AS FOLLOWS:

**Section 1. Establishment of Multi-County Park; Approval of MCP Agreement; Location of Park.**

(a) There is hereby authorized to be established, initially in conjunction with Allendale County, Bamberg County, Barnwell County, Beaufort County, Hampton County, and Jasper County, a multi-county industrial/business park to include therein the JOT Property. The form, provisions, terms, and conditions of the MCP Agreement before this meeting at which this Ordinance received third reading and filed with the Clerk to County Council be and they are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the MCP Agreement were set out in this Ordinance in its entirety.

(b) The MCP Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of Colleton County thereunder and as shall be approved by the officials of Colleton County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the MCP Agreement now before this meeting. The Chairman of County Council, for and on behalf of Colleton County, is hereby authorized, empowered, and directed to do any and all things necessary or proper to effect the establishment of the Park and the execution and delivery of the MCP Agreement and the performance of all obligations of Colleton County under and pursuant to the MCP Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

(c) As of the effective date of the MCP Agreement, the Park shall consist of the JOT Property located in Jasper County.

**Section 2. Payment of Fee-in-lieu of Taxes.** (a) In accordance with Article VIII, Section 13(D) of the South Carolina Constitution, the area comprising the Park and all property having a situs therein is exempt from all *ad valorem* taxation. All owners and lessees of property situated in the Park (that would otherwise pay property taxes if the property were not in the Park) will pay a fee in lieu of *ad valorem* taxes as provided for in the MCP Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the county treasurer of the county in which such property is located. That portion of the fee from the Park property located in a Member County and allocated pursuant to the MCP Agreement to the other Member Counties shall be paid to the respective county treasurer (or other designated official) of the other Member Counties in accordance with the terms of the MCP Agreement. Payments of fees in lieu of *ad valorem* taxes will be due on the due date for taxes for a particular year. Penalties for late payment will be at

the same rate as late tax payments. Any late payment beyond the due date will accrue interest at the rate of statutory judgment interest. The Member Counties, acting by and through the appropriate official, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

(b) Nothing herein shall be construed to prohibit any Member County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter 12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision of South Carolina law.

**Section 3. Sharing of Expenses and Revenues.** Sharing of expenses and revenues of the Park by the Member Counties shall be as set forth in the MCP Agreement.

**Section 4. Distribution of Revenues to Taxing Entities.** Revenues from the Park shall be distributed to and within the Member Counties as set forth in the MCP Agreement.

**Section 5. Governing Laws and Regulations.** In order to avoid any conflict of laws or ordinances among the Member Counties, the ordinances or other local laws of each Member County will be the reference for such regulations or laws in connection with Park premises located within such Member County. Nothing herein shall be taken to supersede any applicable municipal, state, or federal law or regulation. The Member County in which a parcel of Park premises is located is specifically authorized to adopt restrictive covenants and land use requirements in accordance with law for each such parcel at that Member County's sole discretion. The ordinances of a Member County shall in no way apply to Park property not located in such Member County.

**Section 6. Admission of Additional Parties.** The MCP Agreement may be amended from time to time to add additional counties or other political subdivisions located within South Carolina or outside South Carolina, subject to any limitation contained in Article VIII, Section 13 of the Constitution of South Carolina or Title 4, Chapter 1 of the Code, in accordance with the terms of the MCP Agreement. The MCP Agreement may be amended to admit such political subdivision as a party thereto, with such rights and obligations as shall be provided in the MCP Agreement as so amended and applicable law.

**Section 7. Savings Clause.** If any portion of this Ordinance shall be held void or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

**Section 8. General Repealer.** Any prior ordinance or resolution, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

**Section 9. Effectiveness.** This Ordinance shall be effective upon approval following third and final reading; provided, however, that the effective date of the MCP Agreement shall be the date upon which the first County that is contiguous to Jasper County gives its approval to the MCP Agreement.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman

\_\_\_\_\_  
Approved as to Form  
Sean Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:

## EXHIBIT A

### JOT Property

All those certain pieces, parcels or lots of land, situate, lying and being in Jasper County, South Carolina, having and containing 1517.78 acres, more or less, shown and designated as "Tract 14A and Tract 14B" (the "Property") on that certain plat entitled "Jasper Ocean Terminal Tracts 14A & 14B, being lands of The Georgia Department of Transportation, Jasper County, South Carolina", dated June 30, 2008, prepared by Hussey Gay Bell & De Young, Inc., certified to by James M. Sims, S.C.R.L.S #13169, and recorded in the Land Records of Jasper County, South Carolina, in Plat Book 31 at Page 183 (the "Plat").

**TOGETHER** with the perpetual, exclusive, appurtenant and relocatable easement for a transportation and utility corridor as provided for in the Intergovernmental Agreement, dated January 27, 2008 (the "Intergovernmental Agreement"), among the Department of Transportation, State of Georgia a/k/a the Georgia Department of Transportation, and the Georgia Ports Authority, and the South Carolina State Ports Authority, said easement, and the terms and conditions of same, more particularly described in the Intergovernmental Agreement which easement may be relocated pursuant to Section 2(e) and 2(f) of the Intergovernmental Agreement.

Sponsor(s): County Council  
First Reading: August 14, 2018  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: September 11, 2018  
Public Hearing: October 2, 2018  
Third Reading: October 2, 2018  
Effective Date: Immediately

I, \_\_\_\_\_,  
Council Clerk, certify that  
this Ordinance was advertised  
for public hearing on \_\_\_\_\_.

### **ORDINANCE NO. 18-O-15**

#### **COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[An Ordinance Granting Easement No. 897128 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, County Colleton, SC; Such Easement is to be Used for the Installation, Operation and Maintenance of Electrical and Gas Facilities within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto.]**

#### **WHEREAS:**

Colleton County Council deems it to be in the best interest of the County to grant an Easement to South Carolina Electric and Gas across a portion of property owned by Colleton County located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, Colleton County, SC; such easements are to be used for the installation, operation and maintenance of electrical and gas facilities within Colleton County, SC.

#### **NOW THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:**

1. The documents attached and included herein by reference grant Easement No. 897128 to South Carolina Electric and Gas across a portion of property owned by Colleton County located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, Colleton County, SC to be used for the installation, operation and maintenance of electrical and gas facilities within Colleton County, SC.
2. The County Administrator is hereby authorized to sign said easement on behalf of the County pending final approval of the document by the County Attorney.
3. Said easement shall be recorded in the Office of the Register of Deeds for Colleton County.
4. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the invalidity does not affect other provisions or

applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

**5. Conflict:**

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman

\_\_\_\_\_  
Approved as to Form  
Sean Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:



Sponsor(s): County Council  
First Reading: August 14, 2018  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: September 11, 2018  
Public Hearing: October 2, 2018  
Third Reading: October 2, 2018  
Effective Date: Immediately

I, \_\_\_\_\_,  
Council Clerk, certify that  
this Ordinance was advertised  
for public hearing on \_\_\_\_\_.

## ORDINANCE 18-O-16

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

**[An Ordinance to Relinquish Any Right of First Refusal and other Restrictive Covenants of Colleton County to the Property Located at 360 Anderson Road, TMS #132-00-00-247.]**

#### WHEREAS:

1. On February 23, 2009, by Indenture Deed recorded in Deed Book 1728 page 231, office of the Register of Deeds for Colleton County, SC, the Walterboro-Colleton Airport Commission, the City of Walterboro and Colleton County (Grantors) conveyed to Marketing Services International, LLC certain real property identified by TMS #132-00-00-247; and
2. On November 20, 2013, by Indenture Deed recorded in Deed Book 2173 page 251, office of the Register of Deeds for Colleton County, SC, the Marketing Services International, LLC conveyed to Universal Distributors, LLC certain real property identified by TMS #132-00-00-247; and
3. On the Indenture Deed for the real property located at 360 Anderson Rd., Walterboro, SC (Tax Map # 132-00-00-247) contains a deed restriction from the original Grantors for a sixty (60) year period from February 23, 2009 that the Grantors have a first right of refusal; and
4. Universal Distributors, LLC desires to sell the business located at 360 Anderson Rd to Coastal Land Holdings, LLC; and
5. Universal Distributors, LLC and Coastal Land Holdings, LLC desire that the Grantors approve the sale of the real property as provided for in the Indenture Deed dated November 20, 2013 on record in the office of the Register of Deeds for Colleton County in Deed Book 2173 at Page 251, by waiving the right of first refusal on the property as well as by waiving the restriction against the subdivision of the premises.

**NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED THAT:**

1. Colleton County hereby waives the right to first refusal as well as the restriction against the subdivision of the premises on the property identified by TMS #132-00-00-247

originally set forth in the indenture deed from the Walterboro-Colleton Airport Commission, City of Walterboro and Colleton County, SC to Marketing Services International, LLC recorded March 9, 2009 in Deed Book 1728 page 231, and again set forth in the indenture deed from Marketing Services International, LLC to Universal Distributors, LLC recorded December 18, 2013 in the office of the Register of Deeds for Colleton County, SC, and the right of first refusal shall apply to this transaction only.

2. The County Administrator is hereby authorized to execute the Limited Waiver of Right of First Refusal (as to one transaction only) included herein and by reference for the property identified by TMS #132-00-00-247 and all other necessary documents upon approval by the county attorney.

3. Severability:

All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.

4. Conflict:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

By: \_\_\_\_\_  
Joseph F. Flowers, Chairman of County Council

ATTEST:

COUNCIL VOTE:  
OPPOSED:

By: \_\_\_\_\_  
Ruth Mayer, Clerk to County Council

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Sean Thornton, County Attorney

Sponsor(s) : County Council  
Adopted : August 14, 2018  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 18-R-50**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[CONFIRMING THE INTENTION OF COLLETON COUNTY, SOUTH CAROLINA TO BE REIMBURSED FOR CERTAIN EXPENDITURES RELATED TO CAPITAL PURCHASES/PROJECTS TO BE FINANCED BY THE ISSUANCE OF BONDS.]**

**WHEREAS**, Colleton County, South Carolina (the "County") anticipates incurring expenditures from its general fund for the purpose of defraying the cost of constructing and equipping fire stations and acquiring fire trucks and firefighting equipment for use by the Fire-Rescue Commission of the County (collectively, the "Project") to be financed by the issuance of not exceeding five million five hundred thousand dollars of general obligation bonds (the "Bonds"); and

**WHEREAS**, the County desires to confirm its intention that such expenditures will be incurred in anticipation of the issuance of the Bonds and further that the County will be reimbursed for such expenditures from the proceeds of the Bonds.

**NOW THEREFORE, BE IT RESOLVED** by the County Council of Colleton County, South Carolina, as follows:

1. The County expects to be reimbursed for the expenditures from its capital projects fund incurred in connection with the Project from the proceeds of the issuance of the Bonds.
2. The County hereby declares its official intent to be reimbursed under the final reimbursement regulations (Section 1.150-2 of the Regulations of the Internal Revenue Code of 1986, as amended).
3. The maximum principal amount of the Bonds is \$5,500,000.
4. Expenditures for the Project relate to the acquisition, construction and equipping of the Project.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted : August 14, 2018  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 18-R-51**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution to Authorize the Purchase of a Used Fire Truck and a Used Pumper/Tanker from Brindlee Mountain Fire Apparatus.]**

**WHEREAS:**

1. The Fire Commission has located a suitable used 2007 E-One 100' Mid-Mount Tower truck at a cost of \$399,000 excluding sales tax and a suitable used 2010 Deep South – Kenworth Pumper/tanker at a cost of \$191,000 excluding sales tax, being sold by Brindlee Mountain Fire Apparatus; and
2. Funding for the purchase will come from the 2018 Fire Improvement Bond; and
3. The Fire Commission recommends that Council authorize the purchase of the used vehicles contingent upon its passing an inspection by Colleton County personnel.

**NOW, THEREFORE, BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:**

1. The purchase of the used 2007 E-One 100' Mid-Mount Tower truck, VIN 4ENGABA8461001828, at a cost of \$399,000 (excluding sales tax) and the used 2010 Deep South – Kenworth Pumper/tanker, VIN 2XKHDN9X1AM273512, at a cost of \$191,000 (excluding sales tax) from Brindlee Mountain Fire Apparatus are hereby approved.
2. Such purchase is contingent upon the trucks passing inspection by Colleton County personnel.
3. Funding for the purchase shall come from the 2018 Fire Improvement Bond.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted : August 14, 2018  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 18-R-52**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution to Award the Contract for Planning Services for the County's Comprehensive Plan Update.]**

**WHEREAS:**

1. The County advertised Request for Qualifications PD-19 for Planning Services for the County's Comprehensive Plan Update; and
2. Three proposals were received, and a committee reviewed and ranked the proposals; and
3. Benchmark Planning received the highest ranking by the committee; and
4. Staff recommends that the contract be awarded to Benchmark Planning for Planning Services for the County's Comprehensive Plan Update.

**NOW, THEREFORE, BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:**

1. The contract for Planning Services for the County's Comprehensive Plan Update in accordance with the specifications of Request for Qualifications PD-19 is hereby awarded to Benchmark Planning.
2. The County Administrator is hereby authorized to negotiate and execute the contract on behalf of the County, pending approval of same by the County Attorney.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted : August 14, 2018  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 18-R-53**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS ECONOMIC DEVELOPMENT REVENUE BOND (PALMETTO GOODWILL PROJECT) SERIES 2018, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$20,000,000.]**

**WHEREAS**, the South Carolina Jobs-Economic Development Authority (the "*Issuer*") is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended (the "*Act*"), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State of South Carolina; and

**WHEREAS**, the Issuer is further authorized by Section 41-43-110 of the Act to issue revenue and revenue refunding bonds payable by the Issuer solely from a revenue producing source and secured by a pledge of said revenues in order to provide funds for any purpose authorized by the Act; and

**WHEREAS**, the Issuer and Palmetto Goodwill, a South Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 ("*Goodwill*"), entered into an Inducement Agreement dated June 20, 2018 (the "*Inducement Agreement*"), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Issuer pursuant to the Inducement Agreement, the Issuer proposes, subject to such approval of the Coordinating Council for Economic Development, Beaufort County, Berkley County, Colleton County, Dorchester County, Georgetown County and Horry County (collectively, the "*Counties*") as may be required by law, to issue not exceeding \$20,000,000 aggregate principal amount of its Economic Development Revenue Bond (Palmetto Goodwill Project), Series 2018 (the "*Bond*"), under and pursuant to Section 41-43-110 of the Act, to (a) refinance up to eight existing Goodwill properties described below (including land, real property, improvements, furnishings, fixtures and equipment and other personal property associated therewith), each including a retail store for the resale of donated goods, generally including a finished retail area, a donation drive-thru, goods processing area, offices and training areas and (b) finance all or a portion of the costs associated with the issuance of the Bond; and

**WHEREAS**, the proceeds of the Bond will be used as follows: (i) approximately \$1,928,588 used to refinance approximately 2 acres of land at 1520 High Market St, Georgetown, SC 29440 in Georgetown County and an approximately 17,277 square foot facility located thereon, (ii) approximately \$3,341,903 used to refinance approximately 1.97 acres of land at 3655 Old Kings Highway, Murrells Inlet, SC 29576 in

Georgetown County and an approximately 12,000 square foot facility located thereon; (iii) approximately \$3,489,125 used to refinance approximately 2 acres of land located at 2321 Hwy 9 East, Long, SC 29568 in Horry County and an approximately 25,000 square foot facility located thereon; (iv) approximately \$2,128,867 used to refinance approximately 1.69 acres of land at 1.99 acres at 137 Parris Island Gateway, Beaufort, SC 29906 in Beaufort County and an approximately 16,500 square foot facility located thereon; (v) approximately \$2,384,971 used to refinance approximately 3.082 acres of land at 112 Robertson Blvd, Walterboro, SC 29488 in Colleton County and an approximately 15,000 square foot facility located thereon (the "*Colleton County Project*"); (vi) approximately \$2,649,254 used to refinance approximately 2.01 acres of land at 485 N. Hwy 52, Moncks Corner, SC 2946 in Berkeley County and an approximately 15,000 square foot facility located thereon; (vii) approximately \$2,649,254 used to refinance approximately 2.074 acres of land located at 4900 Ashley Phosphate Rd, North Charleston, SC 29420 in Dorchester County and an approximately 12,492 square foot facility located thereon; and (viii) approximately \$1,428,038 used to refinance approximately 2.619 acres of land at 222 Old Trolley Road, Summerville, SC 29483 in Dorchester County, and an approximately 18,470 square foot facility located thereon (collectively, the "*Projects*"); and (2) paying certain fees and expenses incurred in connection with the issuance of the Bond. The Projects are owned and operated by Goodwill; and

**WHEREAS**, Goodwill is projecting that the assistance of the Issuer by the issuance of the Bond will result in maintaining employment for approximately 235 employees (as well as a substantial number of indirect job positions through Goodwill's job training and placement services by the placement of a multitude of Goodwill trainees and jobs placement candidates), in the Counties and surrounding areas and that the portion of the Projects located in Colleton County (the "*County*") will stimulate the economy of the County and surrounding areas by increased payrolls, capital investment and tax revenues; and

**WHEREAS**, the County Council of the County and the Issuer have on this date jointly held a public hearing, duly noticed by publication on July 25, 2018, in *The Colletonian*, a newspaper having general circulation in the County, not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

**NOW, THEREFORE, BE IT RESOLVED** by the County Council of Colleton County, South Carolina, as follows:

**SECTION 1.** It is hereby found, determined and declared that (a) the Colleton County Project will subserve the purposes of the Act, (b) the Colleton County Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally, (c) the Colleton County Project will give rise to no pecuniary liability of the County or a charge against its general credit or taxing power, (d) the amount of bonds required for the purposes described herein is not exceeding \$20,000,000, and as a part thereof the amount of bonds required to finance the Colleton County Project is approximately \$2,384,971; and (e) the documents to be delivered by Goodwill and the Issuer with respect to the Bond will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bond, (ii) whether reserve funds of any nature will be established with respect to the retirement of the Bond and the maintenance of the Colleton County Project (and, if any such reserve funds are to be so established, the amount necessary to be paid each year into such funds), and (iii) that Goodwill shall maintain the Colleton County Project and carry all proper insurance with respect thereto.

**SECTION 2.** The County Council of the County supports the Issuer in its determination to issue the Bond a portion of the proceeds of which will used be to defray the costs related to the financing of the Colleton County Project.

**SECTION 3.** All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

Adopted this 14<sup>th</sup> day of August, 2018.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman

COUNCIL VOTE:  
OPPOSED



Sponsor(s) : County Council  
Adopted : August 14, 2018  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## RESOLUTION NO. 18-R-54

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

**(To Appoint Members to Board Vacancies.)**

**WHEREAS:**

1. Board of Adjustments & Appeals (Building Dept.) has six vacancies (One Heating/Air Condition, one Plumbing, one Electrical & three general citizenry); and  
Applicants: Robert E. Hooker (Electrical)  
Angelo Pacilio, William H. Ponds, Sr., Michael Shane Moody (gen. citizenry)
2. Board of Assessment Appeals has one vacancy; and  
Applicants: None
3. Keep Colleton Beautiful has one vacancy; and  
Applicants: Janice C. Wright
4. Colleton County Memorial Library has three vacancies; and  
Applicants: Molly D. Watkins, Eric J. Campbell, Janice C. Wright
5. Colleton County Land Use Zoning Board of Appeals has one vacancy; and  
Applicants: Samuel C. Bethay
6. Colleton County Planning Commission has four vacancies; and  
Applicants: Jeremy Ware, Jared Fralix, David M. Smalls, John S. Rogers, Lewis Wayne Keith
7. Colleton County Board of Disabilities & Special Needs has one vacancy; and  
Applicants: Gilda T. Barnwell, Wendi Lawson See, Janice C. Wright
8. Colleton County Resource & Development has two vacancies; and  
Applicants: James C. Bryan, Central Williams, Samuel M. (Sam) Hazel, DMD
9. Colleton County Commission of Alcohol & Drug Abuse has Five vacancies; and  
Applicants: Roman Cunningham, Dolphus Pinckney, Henry L. Pinckney, Vera M. Bodison, Tamara Berry-Stanley
10. The County Council is the appointing authority for Boards.

**NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL  
DULY ASSEMBLED THAT:**

The Council Hereby Appoints the following:

Board of Adjustments & Appeals (Building Dept.): \_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_

Board of Assessment Appeals: \_\_\_\_\_

Keep Colleton Beautiful: \_\_\_\_\_

Colleton County Memorial Library: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Colleton County Land Use Zoning Board of Appeals: \_\_\_\_\_

Colleton County Planning Commission: \_\_\_\_\_,  
\_\_\_\_\_

Colleton County Board of Disabilities & Special Needs: \_\_\_\_\_

Colleton County Resource & Development: \_\_\_\_\_, \_\_\_\_\_

Colleton County Commission of Alcohol & Drug Abuse: \_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Joseph F. Flowers, Chairman