

RICHLAND COUNTY

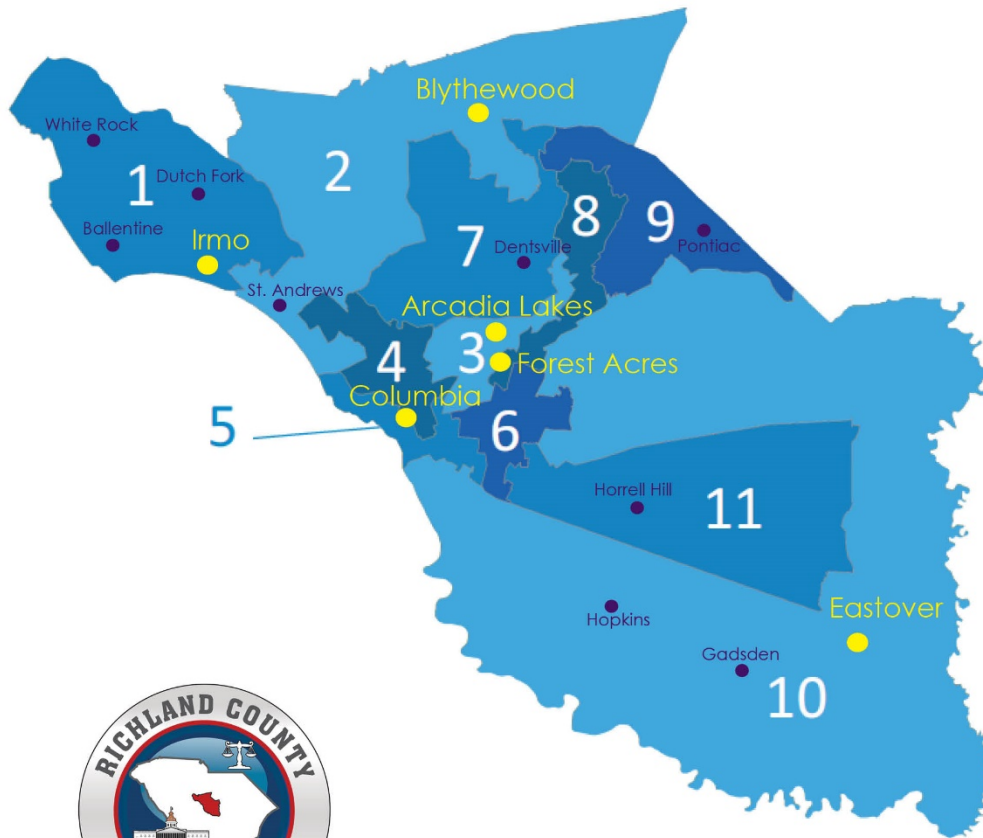
COUNTY COUNCIL AGENDA



Tuesday, DECEMBER 12, 2017

6:00 PM

RICHLAND COUNTY COUNCIL 2017-2018



VICE CHAIR
Bill Malinowski
District 1



CHAIR
Joyce Dickerson
District 2



Yvonne McBride
District 3



Paul Livingston
District 4



Seth Rose
District 5



Greg Pearce
District 6



Gwendolyn Kennedy
District 7



Jim Manning
District 8



Calvin "Chip" Jackson
District 9



Dalhi Myers
District 10



Norman Jackson
District 11



Richland County Council

Regular Session
December 12, 2017 - 6:00 PM

2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Joyce Dickerson,
Chair Richland County Council
2. **INVOCATION** The Honorable Dalhi Myers
3. **PLEDGE OF ALLEGIANCE** The Honorable Dalhi Myers
4. **PRESENTATION**
 - a. EngenuitySC Meghan Hickman, Executive Director
of EngenuitySC
5. **APPROVAL OF MINUTES** The Honorable Joyce Dickerson
 - a. Regular Session: December 5, 2017 [PAGES 10-29]
6. **ADOPTION OF AGENDA** The Honorable Joyce Dickerson
7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** Larry Smith, County Attorney
 - a. Employee Grievances (5)
 - b. Potential Litigation: Class Action
 - c. Pending Litigation: Public Interest Foundation vs. Richland County
 - d. Legal Advice: Regarding Transportation Bond Ordinance
 - e. Contractual Matter: Land Acquisitions

- f. Contractual Matter: Due Diligence

8. CITIZENS' INPUT

- a. For Items on the Agenda Not Requiring a Public Hearing

9. REPORT OF THE COUNTY ADMINISTRATOR

Gerald Seals, County Administrator

- a. Project A Unveiling

10. REPORT OF THE CLERK OF COUNCIL

Kimberly Williams-Roberts, Assistant
Clerk of Council

- a. 2018 Council Meeting Calendar [PAGES 30-31]
[ACTION]
- b. December Meeting Schedule:
 - . December 19 - D&S (5:00 PM) and A&F (6:00 PM)
Committees and Special Called Zoning Public Hearing
(7:00 PM)
- c. Township Board Holiday Drop-In, December 13, 6:00
PM, Township Auditorium
- d. Edgewood Library Groundbreaking Ceremony,
December 14, 2:00 PM, 2101 Oak Street
- e. Central SC Holiday Drop-In, December 14, 5:00 - 7:00
PM, 1201 Main St., Ste. 100 - CSCA Atrium
- f. Columbia Chamber's Public Policy Reception, January
11, 2018, 5:00 - 7:00 PM, 1221 Main Street, Suite 1100
(Terrace)

11. REPORT OF THE CHAIR

The Honorable Joyce Dickerson

- a. Domain Change
- b. Presentation to Councilmember
- c. Public Defender Lease

12. OPEN / CLOSE PUBLIC HEARINGS

The Honorable Joyce Dickerson

- a. An Ordinance Authorizing the issuance and sale of
\$250,000,000 General Obligation Bonds, with an
appropriate series designation and \$250,000,000 General
Obligation Bond Anticipation Notes, Series 2018, or such

other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; directing the County Administrator to take certain actions related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto

13. APPROVAL OF CONSENT ITEMS

The Honorable Joyce Dickerson

- a. 17-022MA
Chuck Munn
RU to RS-LD (38 Acres)
5339 Hard Scrabble Road
TMS # R20500-04-06 [THIRD READING] [PAGES 32-33]
- b. 17-034MA
Crudie Torian
PDD to PDD (.5 Acres)
113 Barton Creek Court
TMS # R20206-03-03 [THIRD READING] [PAGES 34-37]

14. THIRD READING ITEMS

The Honorable Joyce Dickerson

- a. An Ordinance Authorizing the issuance and sale of \$250,000,000 General Obligation Bonds, with an appropriate series designation and \$250,000,000 General Obligation Bond Anticipation Notes, Series 2018, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; directing the County Administrator to take certain actions related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [PAGES 38-82]

15. SECOND READING ITEMS

The Honorable Joyce Dickerson

- a. An Ordinance Authorizing a deed to 908 Group Holdings, LLC, for 1328-1400 Huger Street; also described as TMS #09009-11-04 and 09009-11-05 [PAGES 83-84]

16. REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

- a. Request of Board of Voter Registration and Elections: Repeal of Ordinance Section 1-16 of Chapter 1, General Provisions of the Richland County Code of Ordinances [PAGES 85-87]

The Honorable Greg Pearce

17. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

The Honorable Paul Livingston

- a. A Resolution committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Liberty; identifying the project; and other matters related thereto [PAGES 88-89]
- b. A Resolution to amend the December 21, 2010 resolution requiring certain accountability practices concerning economic development projects in Richland County [PAGES 90-91]
- c. A Resolution committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Lite; identifying the project; and other matters related thereto [PAGES 92-93]
- d. Approval for the Economic Development Department to accept a \$500,000 Site Enhancement Grant from the South Carolina Department of Commerce to grade a 300,000 SF building pad on a county-owned site at the Northpoint Industrial Park [PAGES 94-96]

18. REPORT OF RULES & APPOINTMENTS COMMITTEE

The Honorable Bill Malinowski

19. NOTIFICATION OF VACANCIES

- a. a. Accommodations Tax – Five (5) Vacancies (ONE applicant must have a background in the Cultural Industry; THREE applicants must have a background in the Hospitality Industry; ONE is an at-large seat)
- b. Hospitality Tax – Two (2) Vacancies (Applicants must be from Restaurant Industry)
- c. Internal Audit Committee – One (1) Vacancy (Applicant must be a CPA)
- d. Business Service Center Appeals Board – One (1) Vacancy (Applicant must be an attorney)
- e. Board of Assessment Appeals – Two (2) Vacancies
- f. Board of Zoning Appeals – Three (3) Vacancies
- g. Central Midlands Council of Governments (CMCOG) – Three (3) Vacancies
- h. Building Codes Board of Appeals – Two (2)

Vacancies (One applicant must be from Architecture Industry & one from the Contractor Industry)

i. Procurement Review Panel – Two (2) Vacancies – (One applicant must be from the public procurement arena & one applicant must be from the consumer industry)

j. Airport Commission – One (1) Vacancy

k. Central Midlands Regional Transit Authority (CMRTA) – One (1) Vacancy

l. Transportation Penny Advisory Committee – Two (2) Vacancies (One 3 year term and one 5 year term)

20. NOTIFICATION OF APPOINTMENTS

a. Lexington Richland Alcohol and Drug Abuse Council (LRADAC) - 2

1. DuJuan Council [PAGES 97-99]

2. Gregory B. Cunningham [PAGES 100-101]

b. Community Relations Council - 3

1. Lashonda McFadden [PAGES 102-103]

2. Beverly B. Jacobs [PAGES 104-105]

3. Gretchen D. Barron [PAGES 106-108]

c. Planning Commission - 1

1. Mettaufer (Tau) L. Carlisle [PAGES 142-143]

21. ITEMS FOR ACTION FROM RULES & APPOINTMENTS

a. I move that 2020 Hampton Street discontinue the practice of scheduling meeting for Council members at the same time [MANNING] [PAGE 111]

22. REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

The Honorable Jim Manning

a. Atlas Road Widening Project: Right of Way acquisition [PAGE 112]

b. Blythewood Road Widening Project Revision [PAGES

113-116]

- c. Gills Creek Greenway Project: Maintenance Agreement [PAGES 117-123]
- d. Options to stay within Referendum Amounts [PAGES 124-130]

23. REPORT OF THE COURTHOUSE AD HOC COMMITTEE

The Honorable Seth Rose

- a. Recommendation from December 4th Ad Hoc Meeting

24. OTHER ITEMS

The Honorable Joyce Dickerson

- a. A Resolution relating to the declaration of intent by Richland County, South Carolina, to reimburse certain expenditures prior to the issuance of tax-exempt debt on behalf of the County [PAGES 131-132]

25. CITIZENS' INPUT

- a. Must Pertain to Richland County Matters Not on the Agenda

26. EXECUTIVE SESSION

27. MOTION PERIOD

- a. I move that Council get specific answers regarding the PDT's past performance and the current status of projects before moving forward with the bonding.
- b. Based on several complaints received, I move that the PIO investigate if anything can be done to our livestream broadcasts to enhance the public's ability to visually decipher votes taken by Council. Currently, the viewing screens in the Council chamber cannot be read
- c. Move to review the existing Community Action Team (CAT) ordinance and remove the last sentence of the ordinance.

The Honorable Norman Jackson

The Honorable Greg Pearce
The Honorable Seth Rose

The Honorable Greg Pearce

28. ADJOURNMENT



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council
Regular Session
December 5, 2017 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia 29204

COMMITTEE MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Calvin “Chip” Jackson, Norman Jackson, Gwen Kennedy, Paul Livingston, Jim Manning, Yvonne McBride, Dalhi Myers, Greg Pearce and Seth Rose

OTHERS PRESENT: Dwight Hanna, Brandon Madden, Sandra Yudice, Synithia Williams, Ashiya Myers, Shane Kitchen, Brittney Hoyle, Jamelle Ellis, Gerald Seals, Beverly Harris, Lillian McBride, Ismail Ozbek, Rokey Suleman, Ashley Powell, James Hayes, Heather Brown, Stacey Hamm, Brad Farrar, Jennifer Wladischkin, Latoisha Green, Laura Renwick, Jeff Ruble, Chenille Williams, Michelle Onley, and Kimberly Williams-Roberts

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM
2. **INVOCATION** – The invocation was led by the City of Columbia-Richland County Fire Chief Aubrey Jenkins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the City of Columbia-Richland County Fire Chief Aubrey Jenkins.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce stated there was a group of journalism students from the University of South Carolina in the audience.

4. **APPROVAL OF MINUTES**

- a. **Regular Session: November 14, 2017** – Mr. Pearce moved, seconded by Ms. Myers, to approve the minutes as distributed.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- b. **Zoning Public Hearing: November 16, 2017** – Mr. Livingston moved, seconded by Ms. Myers, to approve the minutes as distributed.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

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5. **ADOPTION OF THE AGENDA** – Mr. Smith stated Item (d): “Project A Unveiling” under the Report of the County Administrator is a contractual matter and needs to be moved under the Report of the County Attorney for Executive Session. There are outside consultants on this issue.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride
Opposed: Manning

The vote was in favor.

6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS**

- a. Employee Grievances (5)
- b. Legal Advice: Regarding Transportation Bond Ordinance – No action was taken.
- c. Potential Litigation: Class Action
- d. Contractual Matter: Land Acquisitions
- e. Pending Litigation: Public Interest Foundation vs. Richland County
- f. Project A Unveiling – No action was taken.

Council went into Executive Session at approximately 6:08 PM and came out at approximately 7:26 PM.

Mr. Manning inquired if Council would be viewing the 3 – 4 slides that were skipped and were not a part of Executive Session.

Mr. Seals responded in the negative.

7. **CITIZENS’ INPUT: For Items on the Agenda Not Requiring a Public Hearing** – No one signed up to speak.

Mr. Manning stated for clarification the consultants are now are off the clock for payment.

8. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Employee Grievances (5) – This item was not taken up.
- b. Countywide Stormwater Consortium – Ms. Synthia Williams, Stormwater Manager, gave a brief update. On November 1, the Stormwater Division turned in their annual report of activity on their Stormwater Management Program. That covered a range of activities from monitoring inspections, policy or procedure updates, pollution prevention measures currently being taken, as well as, updating the Stormwater Management Plan and revising the Stormwater Monitoring Program. As a part of the annual, there was an annual report of activities of our Richland Countywide Stormwater Consortium. The report of activities talked about the education outreach efforts they take as a part of the Stormwater Division. The Stormwater Consortium is co-coordinated with Chenille Williams, Stormwater Outreach Coordinator. Ms. Williams was recognized by Keep the Midlands Beautiful as a sustainability leader in the Midlands area. The goal of the consortium is to educate the public on ways that stormwater pollutants enter the system and measures they can take to try to reduce pollution. Some of the highlights of the stormwater management program and the education outreach program is the fact that we spearheaded the Georgia Adopt-a-Stream program and brought it here to Richland County

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because there was not a State adopt-a-stream program. The adopt-a-stream program is a citizens' program whereby citizens go through certification to do chemical, bacterial and biological monitoring within the streams. They report that into a database, which helps to identify pollution measures. Once Richland County got the Georgia Adopt-a-Stream program, Clemson then worked with DHEC to create a State Adopt-a-Stream program. South Carolina and Richland County has the most adopt-a-stream volunteers. Stormwater has also done the Summer Celebration of Water, which is a joint festival with the City of Columbia and Lexington County to bring awareness to the waterways within the County. Approximately 1,200 people participate in the festival. They also partnered with Killian Elementary, where Chenille created a book called Tessa's Tail. The whole 3rd grade class used the book as part of their field studies program. The other community partnership include: City of Forest Acres, Arcadia Lakes, Gills Creek Watershed, Rocky Branch Watershed, Sonoco Recycling, Columbia Water, Keep the Midlands Beautiful and Sustainable South Carolina – University of South Carolina. More specific details are outlined in the handout provided to Council.

- c. Richland County Judicial Center Facilities Needs Assessment Presentation – This item was taken up in Executive Session.
- d. Project A Unveiling – This item was taken up in Executive Session.
- e. Presentation of surplus fire trucks dedication plaques – Chief Jenkins presented a plaque commemorating Richland County's donation of 2 fire trucks to Lexington-Richland District V and Richland District II.

9. **REPORT OF THE CLERK OF COUNCIL**

- a. December Meeting Schedule: Ms. Roberts reminded Council of the upcoming December Council meetings as follows:
 - 1. December 12 – Special Called Council Meeting, 6:00 PM
 - 2. December 19 – D&S (5:00 PM) and A&F (6:00 PM) Committees and Zoning Public Hearing (7:00 PM)

Mr. Malinowski noted that the Zoning Public Hearing is a Special Called meeting.

Mr. Pearce expressed his and Council's appreciation to Ms. Roberts for decorating Chambers for the holidays.

- b. 2018 Council Meeting Calendar – Ms. Roberts stated this item was presented as information. The meeting calendar will come back to the next Council meeting for action.
- c. Richland County Magistrates Holiday Luncheon, December 6, 11:30 a.m., Brookland Banquet & Conference Center, 1066 Sunset Blvd., West Columbia – Ms. Roberts reminded Council of the upcoming Magistrates Holiday Luncheon.
- d. Richland County Conservation Commission and Richland Soil & Water Conservation District Holiday Drop-In, December 12, 4:30 – 6:00 PM, County Administration Bldg., 3rd Flr. Atrium – Ms. Roberts reminded Council of the upcoming Richland County Conservation Commission and Richland Soil & Water Conservation District's Holiday Drop-In.

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- e. Central SC Holiday Drop-In, December 14, 5:00 – 7:00 PM, 1201 Main St., Ste. 100, CSCA Atrium – Ms. Roberts reminded Council of the upcoming Central SC Holiday Drop-In.

10. **REPORT OF THE CHAIR**

- a. Domain Change – Ms. Dickerson stated she got an email from Mr. Seals about our domain name change. She apologized for not sending it out to full Council, but will forward the email and have the item placed on the December 12th agenda. The suggestion is to change the domain name to richlandcountysc.gov vs. rcgov.us.

Mr. C. Jackson stated he is happy to wait to review the document, but he hopes that is taken into very serious consideration. Making a domain name change considering the widespread implications that it has unless we have lapsed in our certificate and we do not have a chose.

Ms. Dickerson stated she has spoken with IT and they have crossed all their t's and dotted all their i's. It will just be a matter of whether or not we want to retain the one we have or go forward. The certificates have been certified.

- b. Personnel Evaluations Update – Ms. Dickerson stated Council requested her to look at evaluations. That has been sent to HR for evaluation and will come to Council.

Mr. Malinowski stated it is his recollection when the personnel evaluations begun, Council approved the Procurement Department to begin to create something to move forward with, a RFQ or RFP. He believed they were doing this in conjunction with Mr. Hanna.

POINT OF PERSONAL PRIVILEGE – Ms. Kennedy thanked Ms. Roberts and Ms. Onley for the good work they have been doing. Ms. Dickerson stated she and Council concur.

11. **OPEN/CLOSE PUBLIC HEARINGS**

- a. A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Hospital Revenue Bonds (SC Health Company) Series 2017, 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 \$1,500,000,000 and authorizing a pledge of revenues of SC Health Company in connection herewith – Mr. Jim Carpenter spoke in opposition of this item.

12. **APPROVAL OF CONSENT ITEMS**

- a. 17-022MA, Chuck Munn, RU to RS-LD (38 Acres), 5339 Hard Scrabble Road, TMS # R20500-04-06 [SECOND READING]
- b. 17-034MA, Cruddie Torian, PDD to PDD (.5 Acres), 113 Barton Creek Court, TMS # R20206-03-03 [SECOND READING]
- c. Extension of Waverly Magistrate Lease
- d. A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of

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its Hospital Revenue Bonds (SC Health Company) Series 2017, 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 \$1,500,000,000 and authorizing a pledge of revenues of SC Health Company in connection herewith
Mr. Pearce moved, seconded by Mr. Livingston, to approve the consent items.

In Favor: Pearce, Kennedy, Dickerson, N. Jackson, Livingston, and McBride
Opposed: Malinowski and Rose

The vote was in favor.

13. **THIRD READING ITEMS**

- a. Authorizing (1) the execution and delivery of a First Amendment to Fee in Lieu of Tax and Incentive Agreement by and between Richland County, South Carolina (the "County"), and Constantia Blythewood, LLC, f/k/a Constantia Hueck Foils L.L.C., acting for itself, one or more affiliates, and/or other project sponsors (the "Company"), in connection with certain additional investment to be located in the County; and (2) other matters related thereto – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax and incentive agreement by and between Richland County, South Carolina and Charter Nex Films, Inc. to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters – Mr. Livingston moved, seconded by Ms. Myers, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

14. **FIRST READING ITEM**

- a. An Ordinance Authorizing a deed to 908 Group Holdings, LLC for 1328-1400 Huger Street; also described as TMS # 09009-11-04 and 09009-11-05 [BY TITLE ONLY] – Mr. Smith stated that anytime the County sales County-owned property, we have to do an ordinance. The property is now under contract and, at this point, we are getting the ordinance portion starts so that by the time we get to the closing the readings of the ordinance will be done.

Ms. Myers moved, seconded by Mr. Livingston, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, and McBride
Opposed: Rose

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The vote was in favor.

15. **REPORT OF ADMINISTRATION & FINANCE COMMITTEE**

- a. Request of Board of Voter Registration and Elections: Repeal of Ordinance Section 1-16 of Chapter 1, General Provisions of the Richland County Code of Ordinances – Mr. Pearce stated the committee recommended to leave the ordinance, as drafted, with no repeal of the ordinance. The committee did take note of the fact the Elections Commission has some funds available. The committee did not want to take a position on the lawsuits, but they did feel like the Election Commission should have the authority to spend the money according to the Board’s interest.

Mr. Malinowski stated there is a SC Code, Section 1-7-50, that states, the Attorney General is the one to be requested by an agency, like the Election Commission, which is a State agency according to everything that has been written.

POINT OF ORDER – Mr. Pearce stated he made a motion that had not been seconded.

Mr. Rose stated he would second the motion.

Mr. Malinowski stated the Attorney General is responsible for all legal matters with this particular entity. By Richland County coming in and saying we will give you authority to spend part of your budget for these legal fees, he believes we are violating that particular State law and opening a Pandora’s box that we probably do not want to go to. It will then give every other agency, that we have absolutely no authority over, to come back to us because we provide them funding by law saying, “we want you to pay our attorney’s fees also.” That was the purpose when we enacted that particular ordinance. While we are not going to negate the ordinance, I believe we need to follow the State law.

Mr. Malinowski made a substitute motion to not act on whether or not the Election Commission can spend Richland County funds for legal matters, but rather follow the State law that says they go to the Attorney General for representation on their legal matters.

Ms. Dickerson stated the motion died for lack of a second.

Ms. Myers requested Mr. Malinowski to read the State law.

Mr. Malinowski stated, “**SECTION 1-7-50.** Defense of actions against public officers and employees. In the event that any officer or employee of the State, or of any political subdivision thereof, be prosecuted in any action, civil or criminal, or special proceeding in the courts of this State, or of the United States, by reason of any act done or omitted in good faith in the course of his employment, it is made the duty of the Attorney General, when requested in writing by any such officer or employee, to appear and defend the action or proceeding in his behalf. Such appearance may be by any member of his staff or by any solicitor or assistant solicitor when directed to do so by the Attorney General.” He further stated this law has been in the State Code since at least 1962.

Ms. Myers stated she would like to second the substitute motion for the purposes of discussion.

Ms. Myers stated if that is State law and we are looking at our County ordinance, one trumps the other. It just seems if that is mandatory, I do not know where we get any authority to do otherwise. If that is

the State statute and it has not been repealed, it seems that controls.

Mr. Rose stated, as he understands it, the recommendation was to allow the Election Commission to use their budget, at their discretion.

Mr. Pearce responded in the affirmative.

Mr. Rose further stated he has long said Council does not have authority over the Election Commission, but he does not feel like when funds are allocated to them we should be telling them they cannot use those funds. He does not know that we have authority to tell them how to use their funds and that is the motion before us. He would like to have that issue looked into. Additionally, the current Director was not here when this action initially started. They are trying to use their own budget to end a legal situation that has been coming down for some time. There is more harm to the taxpayer if whatever judgment or settlement has been reached is not done. The motion before us is to allow them to use their budget, as they see fit. He requested the Election Commission to look into whether or not they are violating the State law because we do not have authority over them. Mr. Malinowski seems to be getting into more specificity as to whether or not it should be used towards legal means, but the motion from the A&F Committee is to allow them to use their budget, as they see fit. He would request the Election Commission to do so in accordance with State law.

Mr. N. Jackson stated it is their budget and they should have the right to spend the budget as they see fit. They have a Board, a committee, appointed by the Legislative Delegation to make those decisions. What he has seen over the years is that decisions have to be made and County Council got involved. Citizens that served on these boards had to suffer or wait months for Council to make a decision and it cost us more while they had it in their budget. He does not think Council has the right to tell them, while they have a board, they cannot do it. They have to go through us or wait on the Attorney General. It says in the statute, "upon request to the Attorney General". He thinks it's their budget and they should make that decision. Any problem we report to the Attorney General and he can resolve it.

Ms. Myers stated if it is their budget and we do not have the authority to tell how not to spend. She does not think we need to vote on the item either way. If what we are saying is we do not have the authority to tell them not to spend the money in a certain way. Conversely, we should not have the authority to tell to spend it and to enable them to spend it in a certain way. She did not know that this would be properly before us.

Mr. Rose stated that is a good question, why is it before us? His position is it is their budget.

Mr. Smith stated he could not tell Mr. Rose why it is before Council. What came before the committee was the repeal of the ordinance.

Mr. Rose stated to him it is established. He thinks there was a misunderstanding. The ordinance says we will not pay your legal bills. But they certainly have the ability to do so within their own budget. What they are doing is paying something within their own budget, so the ordinance does not apply. If the ordinance does not apply it seems like the whole thing is moot and they can do what they want to do. He would encourage them to follow State law.

Mr. Smith stated for clarification that he did not put the item on the agenda. He did not make the request the item be placed on agenda. He assumed the request that was made by the Election

Commission was to repeal the ordinance. The discussion then morphed into the issue of paying legal bills. When what was before the committee was the repeal of the ordinance.

Mr. Rose stated to him the ordinance does not apply. He supported the ordinance. Obviously, we do not appoint them. He does not know of any authority to go in and tell them what they can and cannot do. The Election Director knows better than he does. The Director has certificates, has gone to school and has a lot of training on how to run things. As long as they stay within their budget, he does not believe the ordinance applies.

Ms. Dickerson stated if you look closely to what is before us. It says the repeal of the ordinance. She does not know why we are discussing the matter.

Mr. Rose stated he does not support repealing the ordinance, but the ordinance does not apply so they can still do what they want to do within State law with their funds.

Ms. Dickerson stated what we are voting on tonight is what came out of the Administration & Finance Committee. Elections is requesting we repeal the ordinance so that we can pay their legal fees. We are not voting on telling them whether or not they can spend the money they have. What is before us is whether or not we repeal the ordinance that we passed.

Mr. Rose stated that is line with what Mr. Pearce said. Mr. Pearce did not make a motion to repeal the ordinance. He simply said to leave the ordinance as drafted and allow the Election Commission to spend the money within their budget, in accordance with State law.

Mr. Manning stated even though it appears no one knows where this came from, he made a 2nd substitute motion for this item to go back to where it came from. Mr. Malinowski seconded the 2nd substitute motion.

Mr. Pearce requested clarification of the 2nd substitute motion.

Ms. Dickerson stated Mr. Manning made a motion to send it back.

Mr. Pearce inquired if the item was being sent back to committee.

Mr. Manning responded in the negative. He stated Mr. Pearce did not know where the item came from. No one knows where it came from. His motion was to send it back to wherever it started.

Ms. Dickerson stated it came from the Administration & Finance Committee.

Mr. Pearce stated it came from the Election Commission. It went from the Election Commission to the Administration & Finance Committee.

Mr. Rose called for the question and stated he was going to vote for the committee's recommendation.

In Favor: Malinowski and Manning

Opposed: C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The 2nd substitute motion failed.

Mr. Malinowski restated the substitute motion, “we move forward and have the Election Commission follow the State law.” He stated he would like to have legal counsel to provide us with what we are stepping into if, in fact, we follow the committee’s...

Mr. Rose and Ms. Dickerson stated the question had been called for.

POINT OF ORDER – Ms. Myers stated she believes the substitute motion is encapsulated in the committee’s recommendation. It may be that we would like to withdraw the substitute motion and accept the committee’s recommendation.

Ms. Dickerson stated Mr. Malinowski made a substitute motion.

Mr. Rose stated that Ms. Myers is retracting her second.

Ms. Myers stated it has now been all collapsed into one.

Ms. Dickerson stated so we go back to Mr. Pearce’s motion.

Mr. Malinowski stated the only thing we should be voting on is what is before us, which is do we get rid of this ordinance or don’t we. If the motion is do not get rid of the ordinance that is it there is nothing further to be added.

POINT OF CLARIFICATION: Mr. Manning stated what appears on the scene is that the item has been dealt with. And it was no.

Ms. Myers stated it is a limitation of the technology.

POINT OF CLARIFICATION: Mr. N. Jackson stated Mr. Pearce’s motion did not address removing the ordinance. It just says they can spend their money within their budget.

Ms. Dickerson stated we are not telling them how to spend their money. We are voting that we are not changing the ordinance.

Mr. Pearce stated on p. 113 of the agenda the committee’s recommendation is as follows: “The committee recommended to allow the Board of Voter Registration and Elections to use the reimbursement funds, in the amount of \$307,383, to settle 3 pending lawsuits.” He stated he distinctly remembers we discussed not repealing the ordinance. The motion that he made said the committee recommended we leave the ordinance as drafted and take no position on the lawsuits the Board has ongoing. The Board and its governing authority will need to determine if the resolution of any of those cases is appropriate and act accordingly in the Board’s interest and its creating and appropriate authority’s interest. The Legal Department provided this language to him.

Mr. N. Jackson requested clarification on the motion Mr. Pearce made.

Mr. Pearce stated the motion is to leave the ordinance as drafted and take no position on the lawsuits the Board has ongoing.

Mr. Rose requested to ask the Election Director a question. He stated the intent, as he understood it,

from the Council when we said we were not going through an ordinance to pay future legal bills. That was a situation where there were requests being made for legal bills to be paid by Council that were on top of the Election Commission's budget. It was like, they got their budget and now on top that they wanted us to pay their legal bills. This is a different situation because the Election Commission is saying they want to pay their legal bills or settlements, but within their budget. It is not us writing a check on top of the budget. As he understood it, there was no financial impact to the body.

Mr. Suleman stated he could not speak to the ordinance because he was not here. He stated the bills were submitted earlier this year and denied payment because of the ordinance. They have the reimbursement money that came back in, which is State money and not County money. It was State reimbursement from elections that were administered. The funds came back into the County's budget, but never made it back into their budget. They can utilize these funds to settle 3 pending lawsuits and pay the outstanding legal fees. The outstanding legal fees have prevented the agency from getting any legal representation since he has been here.

Mr. Rose stated what he did not understand was why they were not just doing this within their budget. He stated for clarification the Election Commission was stopped from doing this when they submitted the bills to Finance for payment from their budget. He stated he wants to be clear the motion before Council is to not put any restrictions on how they spend money in their budget. Council is asking the funds be spent within State law. The ordinance is not being repealed, but we are not going to stop the Election Commission from using the money in their budget. He believes they should be able to spend the money in their budget.

Mr. Suleman stated they are still waiting on an Attorney General's opinion. He spoke with the opinion's office today. They expect to have an opinion no later next week, which will lay out the Attorney General's opinion. He stated he requested representation by the Attorney General's office earlier this year. The request was denied because the Election Commission is not a State agency but a County agency and the County is supposed to be providing legal representation. He has talked to 5 other counties across the State where the County provides legal representation. He stated the immediate need is the lawsuits need to be settled.

Mr. Rose stated his fear is that if these lawsuits are not settled there will be more financial impact and harm to the taxpayer. Although he does not want to repeal the ordinance, again that was money in excess of the budget, whereas this is within your budget. And there could be more harm to the taxpayer by not doing it.

Mr. Pearce stated he is uncomfortable with the documents he has before him because he does not think they accurately reflect the motion that came from committee. Therefore, he would like to make a motion to defer this until next week to give him an opportunity to listen to the transcript and give the exact wording of the motion from committee. Ms. Dickerson seconded the motion.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Rose and McBride
Opposed: Livingston

The motion passed to defer this item until the December 12th Council meeting.

16. **NOTIFICATION OF APPOINTMENTS**

- a. Richland Memorial Hospital Board – 3 – Mr. Malinowski stated the committee recommended appointing Mr. Michael B. Bailey, Cynthia “Cindy” Ottone, and Mr. Ronald Scott.

Mr. Pearce requested to divide the question.

Mr. Pearce made a substitute motion, seconded Mr. Manning, to appoint the incumbents, Ms. Cynthia “Cindy” Ottone and Mr. Ronald Scott, and then take up the remaining vacancy.

The vote was in favor.

Mr. Rose moved, seconded Mr. Manning, to appoint Ms. Maryanne Warner Belser to fill the remaining vacancy.

Mr. N. Jackson made a substitute motion, seconded by Mr. Malinowski, to appoint Mr. Michael B. Bailey to fill the remaining vacancy.

POINT OF ORDER – Mr. Pearce stated he requested the question be divided. Therefore, we would vote on each person individually.

Mr. N. Jackson stated it was then the Chair Ms. Dickerson accepted Mr. Rose’s motion.

Mr. Rose stated for clarification we are going to vote on Ms. Maryanne Belser first, right?

Ms. Dickerson responded in the affirmative.

POINT OF ORDER – Mr. N. Jackson stated if we follow Mr. Pearce’s motion we would go in order as it is set, correct? Mr. Pearce’s motion was to divide.

Ms. Dickerson stated Mr. Pearce asked to divide and then we voted on two.

Mr. N. Jackson stated if we follow Mr. Pearce’s motion, we go by #1 and then in numerical order.

Mr. Rose stated Ms. Belser will be the 2nd one.

Ms. Dickerson stated that is correct.

Ms. Myers requested clarification. It was her understanding that Mr. Pearce requested to vote on them individually, right? She stated she did not vote the last time because she thought they were taking them name by name. Then we voted on 2 of them and now we are voting out of order.

Mr. Pearce stated that was his error. He was trying to get the incumbents, but he should have done those individually.

Mr. Rose moved, seconded by Mr. Pearce, to reconsider this item.

The vote was in favor.

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Mr. Livingston inquired as to who the incumbents were.

Mr. Pearce responded Cynthia "Cindy" Ottone and Mr. Ronald Scott.

Ms. Dickerson stated we are going to vote on each applicant.

Ms. Myers requested the committee restate their recommendation.

Mr. Malinowski stated the committee's unanimous recommendation was to appoint Mr. Michael B. Bailey, Ms. Cynthia "Cindy" Ottone and Mr. Ronald Scott.

Mr. Manning inquired if we can do this by getting 3 votes. In the past that is what we always did.

Ms. Dickerson stated you get to vote on 3 people.

Mr. Manning stated for clarification that he gets to vote 3 times.

Ms. Dickerson stated he gets to vote 3 times.

Mr. Manning stated the motion really is not whether we are voting for him or not for him. It is if you want him you vote yes.

Ms. Dickerson stated if you do not want him you vote no.

Mr. N. Jackson stated after the committee spent their time interviewing the candidates, the committee came up with the 2 incumbents and the most highly qualified of all the others we interviewed. That is why we chose Michael Bailey. He was very highly respected during the interview.

Ms. Dickerson called for the members of Council to cast their vote on Mr. Bailey, Ms. Ottone, and Mr. Scott.

Mr. Manning stated he inquired if we voted 3 times and the answer was no. Each time you had to either vote yes or no.

Ms. Dickerson stated she voted 3 times.

Mr. Manning stated no one said 3 yes votes, they said...he had not planned on voting for Michael Bailey, so he was very clear when he asked do we vote 3 times. He was told if you do not want Michael Bailey you have to vote no. So he voted no because that is what he was told to do.

Ms. Dickerson asked the Clerk if each Council member can vote for 3 people.

Ms. Onley responded in the affirmative.

Ms. Dickerson stated we can vote 3 times, either yes or no. She requested a ruling before we go forward.

Mr. Malinowski stated you vote each time, but you are only allowed 3 yes votes.

Ms. Dickerson inquired of legal if what Mr. Malinowski stated was correct.

Mr. Smith responded in the affirmative.

Ms. Dickerson stated you can vote on each person.

Mr. Smith stated you can vote on each person, but you only get 3 yeses. Council members can certainly vote on any of them that you want.

Mr. Rose requested to begin the votes again.

Ms. Dickerson requested to see the previous votes.

Ms. Onley stated she did not know how to retrieve the previous votes in the system.

Mr. Livingston stated we can raise our hands.

Mr. Manning inquired when this went through committee was discussed and vetted, what did you determine before we went into the system?

Mr. Malinowski stated to raise hands, but that was not good enough.

Ms. Dickerson stated this is the first time we have used the system do this particular voting.

Mr. Rose moved, seconded by Mr. Manning, to reconsider.

Mr. Malinowski inquired how the votes will be pulled up for the minutes.

Ms. Onley stated the votes are captured in the system.

Mr. Malinowski stated then why don't we defer this until next week also and see what the original vote was.

Mr. Rose stated he believes everyone can vote the way they want to vote. He made a motion to reconsider.

Ms. Dickerson stated hopefully we can get it right this time.

The vote was in favor of reconsidering this item.

Ms. Dickerson stated the committee recommended 3 persons.

Mr. Malinowski stated that is correct. (1) Michael B. Bailey, (2) Cynthia "Cindy" Ottone and (3) Ronald Scott. If we are dividing the question, as in the past, we just start with #1 and go down.

Mr. Rose moved, seconded by Mr. Livingston, to appoint Ms. Cynthia "Cindy" Ottone, Ronald Scott and Maryanne Belser.

Mr. N. Jackson stated we cannot do that Madam Chair.

Mr. Malinowski stated Mr. Pearce's motion to divide the question already passed.

Ms. Dickerson stated we already changed it one time to do all three.

Mr. Rose stated the Chair said we are starting at a clean slate.

Ms. Dickerson stated we are starting a clean slate on the votes.

Mr. Rose stated he is making a motion to appoint 3 people.

Mr. N. Jackson stated Mr. Rose could not do that.

Ms. Dickerson stated Mr. Rose made the motion, but she did not hear a second on the motion.

Mr. Livingston did not know if the Chair had accepted Mr. Rose's motion. He stated he wished to second the motion.

POINT OF ORDER – Mr. N. Jackson stated Mr. Rose requested to reconsider the vote that was taken. Not to reconsider to start over a new set of motions. The motions were already made. What happened was we could not remember who voted what and who voted 3 times. The motion was to reconsider and redo it. Not to redo the motions. There were 3 motions made and we are voting on the motions in order now. The motions have already been made, so you cannot cancel the motion and decide you are going to cancel everything because you did not like the results.

Mr. Rose stated he made a motion to...

Ms. Dickerson stated the motion that Mr. Rose just made, we can vote it up or down, and keep moving on.

Mr. Malinowski made a substitute motion, seconded by Mr. N. Jackson, to vote individually starting with #1 and going through #5. You get 3 yes votes and the rest you can vote as noes.

The vote was in favor.

Mr. N. Jackson stated to raise hands for this one is the only way to know.

Ms. Dickerson stated she could vote 3 yeses and 2 noes. Is that correct?

Mr. Smith stated, as he understands it...

Ms. Dickerson stated because we are so confused, could she have a show of hands? She stated staff can work it out because we will be here all night trying to decide if she voted 5 times.

Mr. Rose stated for clarification for each person you have to vote yes or no, but you can only have 3 yeses. You cannot vote yes more than 3 times.

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Ms. Dickerson stated that is exactly what she said. She stated so she can go down this list and she is going to have 3 yeses.

Councilmembers attempted to vote electronically. The process became convoluted and the Clerk's Office could not assure Council members their votes were being accurately captured; therefore, it was decided to vote by a show of hands.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to defer this item.

In Favor: Malinowski, C. Jackson, Dickerson, N. Jackson, McBride

Opposed: Myers, Pearce, Rose

Abstained: Manning

Mr. Pearce stated the motion did not pass because there were only 5 votes in favor of the deferral and 11 members present.

Mr. N. Jackson stated one Council member abstained.

Mr. Pearce stated under Council Rules you cannot abstain unless you give written notice of why you are abstaining.

Mr. Manning stated he would be glad to do that. He would like it in the record and also read into the record about what he thinks about this whole operation.

Ms. Dickerson stated we had 5 (in favor), 3 (opposed) and 1 (abstain) to defer this item. There were 9 votes cast. With the 5 votes and 1 abstention, does that mean the motion for deferral passes?

Mr. Smith stated there were 2 Council members that abstained, so their vote is considered to be on the prevailing side. There was a need for 6 votes for the item to pass.

Ms. Dickerson stated that means we had 7.

Mr. Smith stated that is not correct.

Ms. Dickerson stated the motion to defer failed.

Mr. Smith responded in the affirmative.

POINT OF ORDER – Mr. Malinowski stated every Council member must vote and we only have 9 votes. You cannot abstain unless you tell the Clerk why, so we need to revote that.

Mr. Rose stated Mr. Smith said we are back to where we were. He stated he has a motion. The Clerk's Office says they have the tallies of all the votes taken. He stated he has a motion to take up the last one. Everyone can cast their vote. Everything is where it was at. He stated his motion is to pick up where we were and call for the last person to vote.

Mr. N. Jackson stated they could not do that.

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POINT OF ORDER – Mr. Livingston stated there were clearly 5 yes votes and a no vote. According to our rules a no vote is on the prevailing side; therefore, the motion passed for deferral.

Ms. Dickerson stated that is what she was trying to get Mr. Smith to say. She stated Mr. Smith was not telling her what our ordinance says. It says if a person does not vote that means they abstain. That vote goes on the prevailing side.

Mr. Smith stated he believes that is what he said.

Ms. Dickerson stated that is what she said. We had 5 and then we got 2. That makes 7, is that correct?

Mr. Livingston stated he did not mean a prevailing with a no vote. A no vote means a positive vote, according to our rules. Is that correct, Mr. Smith?

Mr. Smith responded in the negative.

Mr. Livingston stated we he said a no vote he meant they did not vote at all. So Ms. Kennedy did not vote. According to our rules that means a yes vote.

Mr. Manning stated if yes won.

Mr. Livingston stated it added 1 to the 5.

Mr. Manning stated to the prevailing side.

Ms. Myers stated for clarification that abstentions get added to the prevailing side. If someone fails to vote their vote is counted as a yes. Therefore, Mr. Livingston is right. Those people who did not vote get their votes attributed to the yes side. Those who abstained now get attributed to the prevailing side. Since 2 people did not vote there are 8 now.

Mr. Smith read into the record the Council rule as follows: “A Council member must be in his or her seat in order to vote. If a member does not declare a vote or an abstention his or her vote shall be recorded with the prevailing side. If voting an abstention, a reason for the abstention must be stated and recorded in the minutes.”

Mr. Livingston stated according to this you do not have a prevailing side.

Mr. N. Jackson stated it did not clarify prevailing side to be 6. It said the prevailing side. If we have 5-3, the prevailing is 5. It did not say the prevailing had to be 6.

Ms. Dickerson inquired if the motion would pass with those people not voting. The deferral failed because we had 5 and 2 did not vote.

Mr. Smith stated, as he understood it, in order to prevail you must have a majority of votes and you did not have that.

Ms. Dickerson stated the motion failed to defer this item. That brings us back to where we were.

Ms. Onley stated at this point she would suggest Council vote by show of hands.

Mr. Rose moved, seconded by Ms. Myers, to start from the beginning and to vote by show of hands.

POINT OF ORDER – Mr. N. Jackson inquired why we are doing it by hand.

Ms. Dickerson stated because Ms. Onley does not have the correct votes.

Mr. N. Jackson inquired if we are going to do the whole thing over. The last thing on the agenda was deferral.

Ms. Dickerson stated the Legal Department ruled the deferral failed.

Mr. N. Jackson inquired what we are doing over.

Ms. Dickerson stated they were going to vote by hand. Starting at #1.

Mr. N. Jackson inquired if it was proper.

Ms. Dickerson inquired if the motion was properly before her.

Mr. N. Jackson stated based on the new rules, what we were told when we went to electronic voting, by State law we have to use electronic voting. If we have to use it, we cannot go by hand.

POINT OF ORDER – Mr. Livingston stated deferral was not an original. When we voted on the deferral and it failed, we go back to whatever that motion was before the deferral.

Mr. N. Jackson stated somebody was not on the agenda.

Ms. Dickerson inquired if there was a second on Mr. Rose's motion.

Ms. Myers stated she seconded the motion.

Ms. Dickerson stated she is going to do a show of hands and let the Clerks figure out how it gets recorded.

In Favor: C. Jackson, Myers, Pearce, Kennedy, Dickerson, Livingston, and Rose
Opposed: Malinowski, Manning, and N. Jackson

The vote was in favor of the motion to vote by a show of hands.

Bailey – N. Jackson, Malinowski, Dickerson, Kennedy, Myers, McBride

Ottone – Pearce, Rose, C. Jackson, N. Jackson, Malinowski, Dickerson, Livingston, Myers, Manning

Scott – Pearce, Rose, C. Jackson, N. Jackson, Malinowski, Livingston, Kennedy, McBride

Belser – Pearce, Rose, C. Jackson, Dickerson, Livingston, Kennedy, Myers, Manning, McBride

Wasserman – None.

Ms. Cynthia "Cindy" Ottone, Mr. Ronald Scott, and Ms. Maryanne Warner Belser were appointed to the

Richland Memorial Hospital Board.

- b. Planning Commission – 1 – Mr. Malinowski stated since the committee met he received information that there may not be an opening on the Planning Commission; therefore, he recommended deferral until the matter can be clarified.

17. **ITEMS FOR ACTION FROM RULES & APPOINTMENTS COMMITTEE**

- a. I move that 2020 Hampton Street discontinue the practice of scheduling meetings for Council members at the same time [MANNING] – Mr. Malinowski stated the committee recommended approval of the following language: “No committee shall meet regularly in a room designated by the Committee Chair. No committee shall meet while the Council is meeting without special leave. No committee shall sit unless a quorum is present. No meeting of a committee of Council may be scheduled to commence at the same time or with 1 hour of the scheduled start of another meeting of a committee of Council. For purposes of this rule, a “meeting of a committee of Council” is a meeting where a quorum of Council members who have been appointed by the Chair of County Council to a committee, subcommittee, ad hoc committee, working group or any other public body is in attendance. No Council member shall be allowed under any circumstances to vote by proxy. Members of Council, whenever possible, shall make inquiries and requests for information at the Committee meetings. Members of the public may address a Committee with the permission of the Committee Chair and with the consent of the Committee; however, any material that a citizen intends to present, including audio and visual presentations, must be approved by the Clerk of Council prior to the Committee meeting.”

Mr. Malinowski stated the reason the committee recommended the 1 hour timeframe was because most committee meetings are scheduled for one hour. The standing committees: Rules and Appointments, D&S, A&F, and Economic Development are all scheduled for 1 hour. Another consideration was the limited personnel to staff the meetings.

Mr. Manning requested Mr. Malinowski to explain the hour thing again.

Mr. Malinowski stated in the past a committee would schedule a meeting for 4:00. Somebody else would come along and say I’m scheduling mine for 4:15. It’s not starting at the same time; however, since most committee meetings are scheduled for a one hour timeframe and we only have the same amount of staff to staff all of these meetings. The Rules Committee felt that no committee meeting should start within an hour of another one being scheduled. In this case, D&S Committee has a 5:00. The A&F Committee cannot schedule until 6:00. If Rules has one at 4:00. Economic Development cannot schedule until 5:00. So there is no overlapping in the hourly scheduled committee meetings.

Mr. Manning stated he was a little nervous because every once in a while there will be, say an Economic Development meeting, and he as the Chair of the Transportation Ad Hoc Committee check with Economic Development Chair Livingston and he will say they only have one item, so we will only meet for 20 minutes.

Mr. Malinowski recommended requesting Mr. Farrar, who drafted the language, to incorporate that also. If is agreed upon.

Mr. Manning stated the overlapping is the issue. It is not a 60 minute timeframe. It is the overlapping he was concerned with.

Mr. Malinowski stated that is what they were trying to eliminate with the 1 hour.

Mr. Manning stated he understood, but that could preclude us when someone needs to do a quick meeting and there is not any overlap but the rule would say you could not do it.

Mr. Farrar stated his recommendation was ½ hour.

Mr. Malinowski requested Mr. Manning’s language be incorporated and bring it back to Council.

Mr. Malinowski moved, seconded by Mr. Manning, to defer to the next Council meeting.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

18. **OTHER ITEMS**

- a. FY18-District 3 Hospitality Tax Allocations – Mr. Manning moved, seconded by Ms. McBride, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

Mr. Manning made a motion to reconsider this item, Ms. Myers seconded the motion.

In Favor: McBride

Opposed: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, and Rose

The motion to reconsider failed.

19. **CITIZENS’ INPUT: Must Pertain to Richland County Matters Not on the Agenda** – No one signed up to speak.

20. **EXECUTIVE SESSION**

- a. Contractual Matter: Land Acquisitions – Mr. Smith stated we need a motion to direct staff proceed as discussed in Executive Session.

Mr. N. Jackson moved, seconded by Ms. Myers, to proceed as discussed in Executive Session.

Mr. C. Jackson stated as a new member of Council and having been in situations similar to this in my past experience. Particularly dealing with bonds and getting money to build buildings and schools in the hundreds of millions of dollars, it was never an easy decision for him to make. He always had the jitters.

He second guessed whether or not it was the right thing to do and what impact it would have on the citizens in the district he represented. But when he made the decision to join the school board, made the decision to join this Council, he made the decision understanding he would have to make some tough decisions. Sometimes making tough decisions by depending on the knowledge of experts that he has entrusted in the role. Even though tonight has been a very unusual night for us, as it relates to the motion we are about to vote on, it is very difficult to take that lightly and he tries to make sure he does not. He takes it very soulfully, but at the same time he certainly would hate to see an opportunity for our future go down the drain because of anxiety, nervousness, or some uncertainty. He certainly hope the level of confidence we have in the future of Richland County will be exhibited in this vote we are going to take tonight.

In Favor: C. Jackson, Myers, Kennedy, Dickerson, N. Jackson, Livingston, McBride
Opposed: Pearce, Manning, and Rose

The vote was in favor of this item.

21. **MOTION PERIOD**

- a. Without prior notice, in June 2017 the City of Columbia raised the storm water management fees for Hamilton Owens Airport by 74% creating a severe financial hardship on airport operations. This increase amounts to 27% of the airport’s annual operating budget even though less than one percent of airport stormwater is managed by the City. Attempts to negotiate these rates have proven unsuccessful at the staff level. Recent studies have shown that a Hamilton Owens Airport has a 14+ million dollar economic impact on the City of Columbia. This Motion requests that further payments of this unreasonable storm water management fee be withheld until such time as City officials provide a rate structure that is more tenable and consistent with the actual service being provided [PEARCE] – This item was referred to the A&F Committee.
- b. Explore potential funding options for the CMRTA after the Transportation Penny ends [DICKERSON] – This item was referred to the Retreat.
- c. To coordinate a courtroom unveiling in honor of Judge Sims; one of the longest serving “female” judges [DICKERSON] – Ms. Dickerson stated she would for this to take place in February, if possible.
- d. Richland County terminate their association with the South Carolina Association of Counties [DICKERSON] – This item was referred to the Retreat.

13. **ADJOURN** – The meeting adjourned at approximately 9:53 PM

2018 COUNCIL MEETING DATES



MONTH/DATE	MEETING TYPE/TIME
JANUARY:	
9	SPECIAL CALLED – 4:45 PM
9	COMMITTEES – 5:00 PM
26-27	COUNCIL RETREAT
FEBRUARY:	
6	REGULAR SESSION – 6:00 PM
20	REGULAR SESSION – 6:00 PM
27	COMMITTEES – 5:00 PM
27	ZONING PUBLIC HEARING – 7:00 PM
MARCH:	
6	REGULAR SESSION – 6:00 PM
20	REGULAR SESSION – 6:00 PM
27	COMMITTEES – 5:00 PM
27	ZONING PUBLIC HEARING – 7:00 PM
APRIL:	
3	REGULAR SESSION – 6:00 PM
17	REGULAR SESSION – 6:00 PM
24	COMMITTEES – 5:00 PM
24	ZONING PUBLIC HEARING – 7:00 PM
MAY:	
1	REGULAR SESSION – 6:00 PM
15	REGULAR SESSION – 6:00 PM
22	COMMITTEES – 5:00 PM
22	ZONING PUBLIC HEARING – 7:00 PM
JUNE:	
5	REGULAR SESSION – 6:00 PM
19	REGULAR SESSION – 6:00 PM
26	COMMITTEES – 5:00 PM
26	ZONING PUBLIC HEARING – 7:00 PM

JULY: (Please note there may be a Special Called Meeting this month due to Council's August Break)	
10	SPECIAL CALLED – 6:00 PM
24	COMMITTEES – 5:00 PM
24	ZONING PUBLIC HEARING – 7:00 PM
AUGUST – COUNCIL RECESS	
SEPTEMBER:	
11	SPECIAL CALLED – 6:00 PM
18	REGULAR SESSION – 6:00 PM
25	COMMITTEES – 5:00 PM
25	ZONING PUBLIC HEARING – 7:00 PM
OCTOBER:	
2	REGULAR SESSION – 6:00 PM
16	REGULAR SESSION – 6:00 PM
23	COMMITTEES – 5:00 PM
23	ZONING PUBLIC HEARING – 7:00 PM
NOVEMBER:	
13	SPECIAL CALLED – 6:00 PM
15	COMMITTEES – 5:00 PM
15	ZONING PUBLIC HEARING – 7:00 PM
DECEMBER:	
4	REGULAR SESSION – 6:00 PM
11	SPECIAL CALLED – 6:00 PM
18	COMMITTEES – 5:00 PM
18	ZONING PUBLIC HEARING – 7:00 PM

☀ Meeting Dates are subject to change and/or additional dates may be added.

☀ Please note that items for the Zoning Public Hearing must go before the Planning Commission. The Planning Commission meets the first Mondays of each month. Please contact the Planning Department at (803) 576-2190 or planningcommission@rcgov.us for further information.

Visit our Website at www.rcgov.us for updated information.

For more information, please contact the Clerk of Council's Office at (803) 576-2061.

Richland County Council Request for Action

Subject:

17-022MA
Chuck Munn
RU to RS-LD (38 Acres)
5339 Hard Scrabble Road
TMS # R20500-04-06

Notes:

First Reading: November 16, 2017
Second Reading: December 5, 2017 {Tentative}
Third Reading: December 12, 2017 {Tentative}
Public Hearing: November 16, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 20500-04-06 FROM RURAL DISTRICT (RU) TO RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT (RS-LD); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 20500-04-06 from Rural District (RU) to Residential Single-Family Low Density District (RS-LD) zoning.

Section II. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

Public Hearing: November 16, 2017
First Reading: November 16, 2017
Second Reading: December 5, 2017
Third Reading: December 12, 2017

Richland County Council Request for Action

Subject:

17-034MA
Cruddie Torian
PDD to PDD (.5 Acres)
113 Barton Creek Court
TMS # R20206-03-03

Notes:

First Reading: November 16, 2017
Second Reading: December 5, 2017 {Tentative}
Third Reading: December 12, 2017 {Tentative}
Public Hearing: November 16, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 20206-03-03 FROM PDD (PLANNED DEVELOPMENT DISTRICT) TO AN AMENDED PDD (PLANNED DEVELOPMENT DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the property described as TMS # 20206-03-03 from PDD (Planned Development District) zoning to an amended PDD (Planned Development District) zoning, as described herein.

Section II. PDD Site Development Requirements. The following site development requirements shall apply to the subject parcels:

- a) The applicant shall comply with the PUD-2 Development Requirements (Ordinance No. 060-03HR), and the revised land uses as described in Exhibit A, which is attached hereto; and
- b) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest; and
- c) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest.

Section III. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section IV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section V. Effective Date. This ordinance shall be effective from and after _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of _____, 2017.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

Public Hearing: November 16, 2017
First Reading: November 16, 2017
Second Reading: December 5, 2017
Third Reading: December 12, 2017

Exhibit A

The PDD land use designation for the subject parcel shall include:

- Graphic design
- Comic book design
- Environmental design / model production
- Production design
- Clothing design / production
- Movie concept design
- Tattoo design / tattooing
- Portraits / caricatures
- Acrylic, oil, watercolor paintings
- Magazine design
- Vehicle design / model production
- Gallery artworks / murals

Richland County Council Request for Action

Subject:

An Ordinance Authorizing the issuance and sale of \$250,000,000 General Obligation Bonds, with an appropriate series designation and \$250,000,000 General Obligation Bond Anticipation Notes, Series 2018, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; directing the County Administrator to take certain actions related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto

Notes:

First Reading: November 7, 2017

Second Reading: November 14, 2017

Third Reading: December 12, 2017 {Tentative}

Public Hearing: December 12, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ~~NOT EXCEEDING~~—\$250,000,000 GENERAL OBLIGATION ~~BOND~~BONDS, SERIES 2018A ~~WITH AN APPROPRIATE SERIES DESIGNATION AND \$250,000,000 GENERAL OBLIGATION BOND ANTICIPATION NOTES, SERIES 2018~~, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; ~~DELEGATING TO~~ DIRECTING THE COUNTY ADMINISTRATOR TO TAKE CERTAIN ~~AUTHORITY~~ ACTIONS RELATED TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION 1. Findings and Determinations. The County Council (the “County Council”) for Richland County, South Carolina (the “County”), hereby finds and determines:

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended (the “S. C. Code”), the County operates under the Council-Administrator form of government and the County Council constitutes the governing body of the County.

(b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the “Constitution”), provides that each county shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly shall prescribe by general law. Such debt must be incurred for a public purpose and a corporate purpose in an amount not exceeding eight percent (8%) of the assessed value of all taxable property of such county.

(c) Pursuant to Title 4, Chapter 15 of the S. C. Code (the same being and hereinafter referred to as the “County Bond Act”), the governing bodies of the several counties of the State of South Carolina (the “State”) may each issue general obligation bonds to defray the cost of any authorized purpose and for any amount not exceeding their applicable constitutional limit.

(d) The County Bond Act provides that as a condition precedent to the issuance of bonds an election be held and the result be favorable thereto. Title 11, Chapter 27 of the S. C. Code ~~of Laws of South Carolina 1976, as amended,~~ provides that if an election be prescribed by the provisions of the County Bond Act, but not be required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (notwithstanding the requirement therefor) and the remaining provisions of the County Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions.

(e) Pursuant to Ordinance No. 039-12HR and the provisions of Title 4, Chapter 37, Code of Laws of South Carolina, 1976, as amended, a referendum (the “Referendum”) was held in the County on November 6, ~~2012~~2017, in which the following questions were submitted to the qualified electors of the County:

QUESTION 1

I approve a special sales and use tax in the amount of one percent (1%) to be imposed in Richland County, South Carolina (the “County”) for not more than twenty-two (22) years, or until a total of \$1,070,000,000 in sales tax revenue has been collected, whichever occurs first. The sales tax revenue will be used to pay the costs of administrative expenses and the following projects:

- Project 1: Improvements to highways, roads (paved and unpaved), streets, intersections, and bridges including related drainage system improvements.
Amount: \$656,020,644
- Project 2: Continued operation of mass transit services provided by Central Midlands Regional Transit Authority including implementation of near, mid and long-term service improvements.
Amount: \$300,991,000
- Project 3: Improvements to pedestrian sidewalks, bike paths, intersections and greenways.
Amount: \$80,888,356

YES

NO

QUESTION 2

I approve the issuance of not exceeding \$450,000,000 of general obligation bonds of Richland County, payable from the special sales and use tax described in Question 1 above, maturing over a period not to exceed twenty-two (22) years, to fund projects from among the categories described in Question 1 above.

YES

NO

The Referendum was duly conducted and a majority of the qualified electors of the County voted in favor of the imposition of the sales and use tax (the “Sales and Use Tax”) and the issuance of the general obligation bonds [\(the “Bonds”\) within five years of the date of the Referendum \(the “Issuance Deadline”\).](#)

(f) Pursuant to Section 4-37-30 of the Code of Laws of South Carolina, 1976, as amended, and Ordinance No. 039-12HR and the successful results of the Referendum, the Sales and Use Tax was imposed in the County on May 1, 2013.

[\(g\) The results of the Referendum were challenged in *Letts v. Richland County et al*, Appellate Case No. 2017-213679, which was decided in favor of the County by an Order of the South Carolina Supreme Court dated March 21, 2013. Pursuant to Section 4-15-30 of the Code of Laws of South Carolina, 1976, as amended, the requirement for issuing the full principal amount of referendum-approved](#)

bonds by the Issuance Deadline is tolled while litigation contesting the validity of a referendum is pending; therefore, the Issuance Deadline for the Bonds is March 20, 2018.

~~(g)~~(h) Pursuant to the Referendum question, after deducting administrative expenses and the amount of \$300,991,000 committed to the continued operation of mass transit services, the total of \$736,909,000 or 71% of the proceeds of the Sales and Use Tax is available for debt service on the Bonds (the “Available Revenue”).

~~— [FINDINGS ABOUT LEGAL ACTIONS]~~

(i) The Available Revenue is pledged for the payment of the Bonds. In addition, because the Bonds also constitute general obligation bonds of the County, the full faith credit and taxing power of the County are also pledged to the payment of any principal and interest due on any Bonds. Accordingly, the County Council has been advised that if, for any reason, the Available Revenues become unavailable or are insufficient to pay the debt service on any of the Bonds as they become due, then the County Auditor would be required to levy, and the County Treasurer would be required to collect, sufficient millage as would be required to pay the debt service on any of the Bonds as they become due.

(j) The County is currently a party in two litigation matters relating to various aspects of its utilization of the Sales and Use Tax: *Richland County, South Carolina vs. The South Carolina Department of Revenue and Richard Reams, III in his official capacity as its Director, Case No. 2016-CP-40-3102* (the “DOR Matter”) and *South Carolina Public Interest Foundation, Edward D. Sloan, Jr., and William B. DePass, Jr., individually, and on behalf of others similarly situated vs. Richland County Council, Case No. 2016-CP-40-2875* (the “Depass Matter,” and together with the DOR Matter, “the Litigation”). Council has been advised that the issues raised in the Litigation do not challenge:

(i) the validity of the Referendum;

(ii) the County’s authority to issue the Bonds;

(iii) the County’s authority to use proceeds from the Sales and Use Tax, the Available Revenues or the proceeds of the Bonds to pay for capital projects approved in the Referendum as follows (the “Capital Projects”):

Project 1: Improvements to highways, roads (paved and unpaved), streets, intersections, and bridges including related drainage system improvements.
Amount: \$656,020,644

~~(k)~~(k) Pursuant to a Resolution adopted by the County Council on November 13, ~~2012~~2017, the County has adopted Written Procedures Related to Tax-Exempt Debt.

(l) Pursuant to the provisions of Title 11, Chapter 17 of the Code of Laws of South Carolina, 1976, as amended (“Title 11, Chapter 17”), any county, whenever authorized by general or special law to issue bonds, may, pending the sale and issuance thereof, borrow in anticipation of the receipt of the proceeds of the bonds. Such provisions also provide that if any approval be necessary prior to the issuance of bonds by the county, the county must obtain the same approval prior to the issuance of temporary financing provided therein. In addition, Title 11, Chapter 17, provides that whenever, after the issuance of general obligation bond anticipation notes, it becomes necessary to determine whether or not general obligation bonds issued

to provide funds with which to pay such notes (or any notes refunding such notes) have been issued within any time limitation prescribed therefor or in obedience to any condition imposed by law, the date of the issuance of the original notes shall be used for the purposes of such determination.

(m) It is in the best interest of the County for the County Council to provide for the issuance and sale of ~~general obligation bonds in an amount of not to exceed \$250,000,000 to fund projects approved in the Referendum~~ \$250,000,000 General Obligation Bonds, with an appropriate series designation (the “Bonds”) to retire the Notes and to pay costs of issuance of the ~~bonds~~ Bonds. The County Council is advised that the authorization to issue the remaining \$200,000,000 of Bonds will lapse on March 20, 2018.

(n) Pending the issuance and sale of general obligation bonds, it is in the best interest of the County for the County Council to provide for the issuance and sale of \$250,000,000 General Obligation Bond Anticipation Notes, Series 2018 (the “Notes”) for the purposes of funding a portion of the Capital Projects and to pay costs of the issuance of the Notes in anticipation of the issuance of the Bonds of the County and the receipt of the proceeds thereof.

SECTION 2. Direction Relating to the Issuance of the General Obligation Bond Anticipation Notes.

Pursuant to Title 11, Chapter 17, pending the issuance of the Bonds, County Council hereby authorizes and directs the issuance of the Notes for the purposes set forth in Section 1(e) herein and for costs of issuance of the Notes.

For the payment of principal of and interest on the Notes as they respectfully mature, there is hereby pledged the proceeds of the Bonds and the full faith, credit and taxing power of the County. The County at its option may also utilize any other funds available therefore, including Available Revenues, for the payment of the principal of and interest on the Notes.

County Council hereby directs the County Administrator or his lawfully-authorized designee with respect to the Notes: (a) to determine the date, time and method of sale of the Notes; (b) to determine the maturity date and redemption provisions of the Notes; (c) to determine the Registrar/Paying Agent for the Notes; (d) to receive bids on behalf of the County Council; (e) to award the sale of the Notes to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Notes; and (f) to determine such other details of the Notes as may be deemed advisable. The sale of the Notes shall take place no later than February 20, 2018, and the closing of the Notes will be no later than March 15, 2018.

After the sale of the Notes, the Administrator or his lawfully-authorized designee shall submit a written report to the County Council setting forth the results of the sale of the Notes.

The County instituted the DOR Matter in response to a threat by the then Director of the South Carolina Department of Revenue (the “SCDOR”) that ~~the proceeds of the Sales and Use Tax~~ would be withheld from the County beginning July 1, 2015. The County’s Complaint against the SCDOR included many allegations and requests for relief among which was a Petition for a Writ of Mandamus requiring the SCDOR to transmit the Sales and Use Tax revenue without any interruption. In an Order dated August 2, 2016, in the DOR Matter, the County’s request for a Writ of Mandamus was granted among other relief, which Order is currently on appeal and under advisement by the Supreme Court.

The proceeds of the Notes after payment of costs of issuance shall be held by the County Treasurer in a separate account and shall be expended until such time as County Council adopts a

resolution authorizing the release and expenditure of the Notes proceeds. Proceeds will only be spent pursuant to and in a manner consistent with a legally-authorized budget presented by the County Administrator and approved by County Council pursuant to Sections 1(c) and 3(b) of Ordinance No. 039-12HR.

The County Council at its discretion may choose to renew the Notes by adopting a Resolution incorporating the terms of this Ordinance.

~~SECTION 2~~SECTION 3. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State ~~of South Carolina (the "State"), there is hereby authorized to be issued not exceeding \$250,000,000 aggregate principal amount of general obligation bonds of the County to be designated "\$ (amount issued) General Obligation Bonds, (appropriate series designation), of Richland County, South Carolina" (the "Bonds") to fund projects approved in the Referendum and to pay costs of issuance of the Bonds.~~ there is hereby authorized to be issued the Bonds to retire any BANs outstanding at the time of the issuance of the Bonds and to pay costs of issuance of the Bonds. The sale of the Bonds shall take place on a date that allows sufficient time to retire the notes outstanding at the time of the issuance of the Bonds.

The Bonds shall be issued as fully registered Bonds registerable as to principal and interest; shall be dated as of the first day of the month in which they are delivered to the initial purchaser(s) thereof; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding principal amount of Bonds maturing each year; shall be numbered from R-1 upward, respectively; shall bear interest from their date payable at such times as hereafter designated by the Administrator of the County (the "Administrator") at such rate or rates as may be determined by the Administrator at the time of sale thereof; and shall mature serially in successive annual installments as determined by the Administrator; provided, however, the Administrator is directed to structure the repayment of the Bonds so as to insure that all debt service on the Bonds can be paid in full from Available Revenues.

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 public and private debts.

~~SECTION 34. -Delegation of Authority- Direction~~ Relating to the Bonds. County Council hereby ~~delegates to directs~~ the Administrator or his lawfully-authorized designee ~~the authority~~ with respect to the Bonds: ~~(a) to determine the par amount of the Bonds; (b) to determine maturity dates of the Bonds and the respective principal amounts maturing on such dates; (e) to determine the interest payment dates of the Bonds; (e) to determine redemption provisions, if any, for the Bonds; (e) the date and time of sale of the Bonds; (f) to determine the Registrar/Paying Agent for the bonds; (e) to receive bids on behalf of the County Council; and (g) to award the sale of the Bonds to the lowest bidders therefor in accordance with the terms of the Notices-Notice~~ of Sale for the Bonds.

After the sale of ~~each series of the~~ Bonds, the Administrator or his lawfully-authorized designee shall submit a written report to the County Council setting forth the results of the sale of ~~each series of the~~ Bonds.

SECTION 45. Registration, Transfer and Exchange of Notes and Bonds. The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Notes and Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Notes and Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Note and Bond shall be transferable only upon the registry books of the County, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such Note or Bond the Registrar/Paying Agent on behalf of the County shall issue in the name of the transferee a new fully-registered ~~Bonds~~ Note or Notes or Bond or Bonds, of the same aggregate principal amount, interest rate and maturity as the surrendered Note or Bond. Any Notes or Bonds surrendered in exchange for a new registered Note or Bond pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The County and the Registrar/Paying Agent may deem or treat the person in whose name any fully-registered Note or Bond shall be registered upon the registry books as the absolute owner of such Note or Bond, whether such Note or Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Note or Bond and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Note or Bond to the extent of the sum or sums so paid, and neither the County nor the Registrar/Paying Agent shall be affected by any notice to the contrary. For every such transfer of Notes or Bonds, the County or the Registrar/Paying Agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such transfer, and, except as otherwise provided herein, may charge a sum sufficient to pay the cost of preparing each Note or Bond issued upon such transfer, which sum or sums shall be paid by the person requesting such transfer or by the County as a condition precedent to the exercise of the privilege of making such transfer. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of Notes or Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

SECTION 76. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day prior to the giving of notice of redemption of bonds.

SECTION 87. Mutilation, Loss, Theft or Destruction of Notes or Bonds. In case any Note or Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Note or Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Note or Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Note or Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Note or Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Note or Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Note or Bond or in substitution for any allegedly lost, stolen or wholly destroyed Note or Bond shall be entitled to the identical benefits under this Ordinance as was the original Note or Bond in lieu of which such duplicate Note or Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Notes or Bonds of the same series issued hereunder.

All expenses necessary for the providing of any duplicate Note or Bond shall be borne by the applicant therefor.

SECTION 98. Execution of Notes and Bonds. The Notes and Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chair of the County Council attested by the manual or facsimile signature of the Clerk of the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds may be those of the officers who are in office on the date of adoption of this Ordinance. The execution of the Notes and Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Notes and Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Note or Bond shall bear a certificate of authentication manually executed by the Registrar.

SECTION 109. Form of Notes and Bonds. The Notes and Bonds shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 110. Security for Bonds. A sufficient amount of the Available Revenue received by the County from the Sales and Use Tax is pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and ~~for the creation of such sinking fund as may be necessary therefor.~~ shall be set aside in a separate sinking fund created for the deposit of sufficient amounts of Available Revenues. A sufficient amount of the Available Revenue required to pay the principal and interest on the Bonds for upcoming fiscal year shall be transferred to or set in the sinking fund by no later than June 30 of each fiscal year.

Also, the full faith, credit, and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary ~~therefor~~ therefore. Only in the event there are insufficient Available Revenues ~~from the Sales and Use Tax~~ available to pay debt service on the Bonds, there shall be levied annually by the County Auditor and collected by the County Treasurer, 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 of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

The County may, at its discretion, establish a debt service reserve fund to be funded with cash or a surety bond or letter of credit from a financial institution which is rated in one of the two highest rating categories by two national rating agencies, to be held by the County Treasurer or a third-party fiduciary. The amounts available in the debt service reserve fund, if any, will be utilized only in the event there are insufficient Available Revenues available to pay debt service on the Bonds, thereby eliminating the need to levy and collect taxes as set forth above.

SECTION 111. Defeasance. The obligations ~~of~~ of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any portion of the Notes or Bonds, and such Note or Notes or Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) Such Note or Notes or Bond or Bonds shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or

(b) Payment of the principal of and interest on such Notes or Bonds either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with a corporate trustee in trust and irrevocably set aside exclusively for such payment, (1) moneys sufficient to make such payment, or (2) Government Obligations (hereinafter defined) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the corporate trustee. At such time as the Notes or Bonds shall no longer be deemed to be outstanding hereunder, such Notes or Bonds shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government Obligations, shall no longer be secured by or entitled to the benefits of this Ordinance.

“Government Obligations” shall mean any of the following:

- ~~(a)~~(i) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- ~~(b)~~(ii) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”);
- ~~(c)~~(iii) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions; and
- ~~(d)~~(iv) a defeasance obligation as defined in Section 6-5-10 of the S.S.C. Code as such as may be amended from time to time.

(c) Such Note or Notes or Bond or Bonds shall be defeased as provided in Section 11-14-110 of the S.S.C. Code as such may be amended from time to time.

SECTION 1412. Exemption from State Taxes. Both the principal of and interest on the Bonds Notes and the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the S.C. Code, from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 1513. Eligible Securities. The Notes and Bonds initially issued (the “Initial Notes and Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Notes and Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of the Notes or the Bonds of the same maturity or any integral multiple of \$5,000.

The Initial Notes and Bonds shall be issued in fully-registered form, ~~The Notes will be issued in as one single Note. The Bonds will be issued with~~ one Bond for each of the maturities of the Bonds or, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial ~~or Initial~~ Notes or Bonds becomes due, the Paying Agent, on behalf of the County, shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Notes or Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of the Ordinance.

If (a) DTC determines not to continue to act as securities depository for the Notes or Bonds or, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Notes or Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Notes or Bonds of the same principal amount, interest rate and maturity registered in the name of such successor.

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the ~~Bond~~ Notes or Bonds or might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the County of the Initial Notes or Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants ~~Bond in~~ Notes or Bonds in fully-registered form, in substantially the form set forth in Section 2 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

~~Notwithstanding the foregoing, at the request of the purchaser, the Bonds will be issued as one single fully-registered Bond and not issued through the book-entry system.~~

~~SECTION 1614. Sale of~~ Notes and Bonds and ~~Form of Notice~~ Forms of Notices of Sale. The Notes and Bonds shall be sold at public sale. A Notice of Sale in substantially the form attached hereto as Exhibit B and incorporated herein by reference shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper having general circulation in the State or in a financial publication published in the City of New York, State of New York, or both, not less than seven (7) days prior to the date set for such sale.

~~SECTION 1715. Preliminary and Final Official Statement.~~ The County Council hereby authorizes and directs the Administrator to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Notes and Bonds and, respectively, together with the Notice of Sale. The County Council authorizes and directs the Administrator to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 of the Securities Exchange Commission (the “Rule”). The Administrator is further authorized ~~to see to~~ and directed to effect the completion of the final form of the Official Statement upon the sale of the Notes and Bonds and, respectively, so that it may be provided to the purchaser of the Notes and Bonds ~~and~~.

SECTION 1816. Filings with Central Repository. In compliance with Section 11-1-85 of the S.C. Code, the County covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of an annual independent audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, event specific information of an event which adversely affects more than five (5%) percent of the tax revenues of the County or the County's tax base.

SECTION 1917. Continuing Disclosure. In compliance with the Rule, the County covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of a Disclosure Dissemination Agent Agreement in substantially the form appearing as Exhibit C to this Ordinance. In the event of a failure of the County to comply with any of the provisions of the Disclosure Dissemination Agent Agreement, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the Ordinance.

SECTION 2018. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the Treasurer of the County in a special fund to the credit of the County, separate and distinct from all other funds, ~~and shall be expended from time to time and made use of by the County Council as follows:—~~ Any premium related to the Bonds shall be placed in the sinking fund established pursuant to Section 4-15-150 of the S.C. Code; and the balance of the proceeds shall be applied ~~for the costs of the Referendum approved projects to the retirement of any outstanding Notes at the time of the issuance of the Bonds~~ and the costs and expenses of issuing the Bonds.

SECTION 2119. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds, the and this Ordinance, such notice in substantially the form attached hereto as Exhibit D, having been published in *The State*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 2220. Reimbursement of Certain Expenditures. The County Council hereby declares that this Ordinance shall constitute its declaration of official intent pursuant to Treasury Regulation § 1.150-2 of the Internal Revenue Code of 1986, as amended (the "IRC"), to reimburse the County from the proceeds of the Notes or Bonds for expenditures with respect to the Project (the "Expenditures"). The County anticipates incurring Expenditures with respect to the capital improvements prior to the issuance by the County of the Notes or Bonds for such purposes. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Capital Project was placed in service, but in no event more than three (3) years after the original Expenditures. The Expenditures are incurred solely to acquire, construct or rehabilitate property having a reasonably expected economic life of at least one (1) year. The source of funds for the Expenditures with respect to the ~~projects~~ Capital Projects will be the County's general reserve funds or other legally-available funds.

SECTION 2321. Tax Covenants. The County hereby covenants and agrees with the Holders of the Notes or Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Notes or Bonds to become includable in the gross income of the Bondholders or Noteholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Notes or Bonds ~~and~~. The County further covenants and agrees with the holders of the Notes or Bonds that no use of the proceeds of the Notes or Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be (a) "private activity bonds," as defined in Section 141 of the

IRC; (b) “arbitrage bonds,” as defined in Section 148 of the IRC, ~~and to that end or (c) bonds that do not comply with the “hedge bonds” requirements contained in Section 149(g) of the IRC. To that end,~~ the County hereby shall:

(a) comply with the applicable provisions of Sections 103 and 141 through 150 of the IRC (including, but not limited to, satisfying one or more of the requirements of Sections 149(g)(1), 149(g)(3)(A) and 149(g)(3)(B) of the IRC) and any regulations promulgated thereunder so long as the Bonds are outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States; and

(c) make such reports of such information at the time and places required by the IRC.

SECTION 22. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

~~SECTION 24~~SECTION 23. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chair of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A., ~~and~~ The Law Office of Ernest W. Cromartie III, LLC as Co-Bond Counsel, ~~and The Rutherford Law Firm Parker, LLC as co-bond counsel~~ Poe, Adams & Bernstein LLP and Jabbar & Isaac, P.A., as Co-Disclosure Counsel and Southern Municipal Advisors, Inc., as Municipal Advisor ~~in connection with the issuance of the and the Bonds. The County Attorney’s office shall select co-disclosure counsel for the Bonds. The may select additional co-counsels to provide services in connection with the issuance of the Bonds. In the event a debt service reserve fund is established for the Bonds, the~~ County Administrator is authorized and directed to engage the services of a third-party fiduciary, if advisable. The County Administrator is authorized and directed to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

SECTION 2524. Repeal of Ordinance. The County Council hereby repeals Ordinance No. 038-13HR enacted on July 16, 2013, in its entirety.

All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the and the Bonds are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its adoption.

[Signature Page Follows]

Enacted this ____ day of _____, ~~2018~~20.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____

Joyce Dickerson, Chair
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF
_____, 201 :

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

Date of First Reading: November 7, 2017
Date of Second Reading: November 14, 2017
Date of Public Hearing: December 12, 2017
Date of Third Reading:

EXHIBIT A

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
GENERAL OBLIGATION BONDS, SERIES ~~2018A~~_____

No. R-

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>ISSUE DATE</u>	<u>CUSIP</u>
--------------------------------	--------------------------------	--------------------------------------	--------------

REGISTERED HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that Richland County, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay to the registered holder specified above, or registered assigns, the principal amount specified above on the maturity date specified above, upon presentation and surrender of this Bond at the principal office of _____, in the City of _____, State of _____ (the "Paying Agent"), and to pay interest on such principal amount from the date hereof at the rate per annum specified above until this Bond matures. Interest on this Bond is payable semiannually on _____ and _____ of each year, commencing _____, until this Bond matures, and shall be payable by check or draft mailed to the person in whose name this Bond is registered on the registration books of the County maintained by the registrar, presently _____, in _____, _____ (the "Registrar"), at the close of business on the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date. The principal of and interest on this Bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, that interest on this fully-registered Bond shall be paid by check or draft as set forth above.

This Bond shall not be entitled to any benefit under the Ordinance (hereafter defined), nor become valid or obligatory for any purpose, until the certificate of authentication hereon shall have been duly executed by the Registrar.

~~For the payment hereof, both~~ A sufficient amount of the Available Revenue (as defined in the ordinance authorizing the Bonds) received by the County from the Sales and Use Tax (as defined in the ordinance authorizing the Bonds) is pledged for the payment of the principal of and interest, on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor (the "Pledged Revenues"). Also, the full faith, credit, and taxing power of the County are hereby irrevocably pledged and for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. Only in the event there are insufficient Available Revenues from the Sales and Use Tax available to pay debt service on the Bonds, there shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other

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county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on ~~this Bond~~ the Bonds as they respectively mature and to create such sinking fund as may be necessary ~~therefore~~ therefor.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina ~~(the "State")~~, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended; the ~~favorable~~ results of a successful referendum; and Ordinance No. _____ duly enacted by the County Council on _____, 201 -.

[Redemption Provisions]

This Bond is transferable as provided in the Ordinance, only upon the books of the County kept for that purpose at the principal office of the Registrar by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully-registered Bond or Bonds of the same aggregate principal amount, interest rate redemption provisions, if any, and maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State of South Carolina, this Bond and the interest hereon are exempt from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as the same shall respectively mature and to create such sinking fund as may be necessary therefor.

IN WITNESS WHEREOF, RICHLAND COUNTY, SOUTH CAROLINA, has caused this Bond to be signed with the facsimile signature of the Chair of the County Council, attested by the facsimile signature of the Interim Clerk to the County Council and the seal of the County impressed, imprinted or reproduced hereon.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)
ATTEST:

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Interim Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This bond is one of the Bonds described in the within mentioned Ordinance of Richland County, South Carolina.

as Registrar

By: _____
Authorized Officer

The following abbreviations, when used in the inscription on the face of this Bond shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the
entireties

Custodian
(Cust.) (Minor)

JT TEN - As joint tenants
with right of
survivorship and
not as tenants in
common

under Uniform Gifts to Minors

(State)

Additional abbreviations may also be used though not in list above.

[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and address of Transferee)
the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer
the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

Signature Guaranteed:

(Authorizing Officer)

Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agents Medallion Program (“STAMP”) or similar program.

NOTICE: The signature to this agreement must correspond with the name of the registered holder as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Copies of the final approving opinions to be rendered shall be printed on the back of each Bond and preceding the same a certificate shall appear, which shall be signed on behalf of the County with a facsimile signature of the [Interim](#) Clerk to the County Council. The certificate shall be in substantially the following form:

[FORM OF CERTIFICATE]

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete final approving opinions (except for date and letterhead) of McNair Law Firm, P.A., Columbia, South Carolina, approving the issue of bonds of which the within bond is one, the original of which opinions were manually executed, dated and issued as of the date of delivery of and payment for the bonds and a copy of which is on file with the County Council of Richland County, South Carolina.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
[Interim](#) Clerk, County Council

FORM OF ~~NOTICE OF SALE~~ NOTE

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
RICHLAND COUNTY
GENERAL OBLIGATION BOND ANTICIPATION NOTE
SERIES _____

No. R-

<u>INTEREST</u>	<u>MATURITY</u>	<u>ORIGINAL</u>	
<u>RATE</u>	<u>DATE</u>	<u>ISSUE DATE</u>	<u>CUSIP</u>

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

_____ KNOW ALL MEN BY THESE PRESENTS that Richland County, South Carolina (the "County") hereby acknowledges itself indebted, and for value received promises to pay to the registered owner hereof, the principal sum of _____ Dollars (\$ _____) at the principal office of _____, in the City of _____, State of _____ on the _____ day of _____, 2019, and to pay interest (calculated on the basis of a 360-day year of twelve 30-day months) on said principal sum from the date hereof, at the rate of _____ %, payable upon the maturity of this note. This note is not subject to prepayment prior to its maturity.

_____ Both the principal of and interest on this note are 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.

_____ This note represents a series of general obligation bond anticipation notes (the "Notes"), issued by the County, pursuant to the authorization of Title 11, Chapter 17, Code of Laws of South Carolina 1976, as amended, in anticipation of the receipt of the proceeds to be derived from the general obligation bonds of the County to be issued pursuant to and in accordance with the provisions of the Constitution and Laws of the State of South Carolina including Article X, Section 15 of the Constitution of the State of South Carolina, 1895, as amended; Title 11, Chapter 27, Code of Laws of South Carolina, 1976, as amended; Title 4, Chapter 71, Code of Laws of South Carolina, 1976, as amended, the successful results of a referendum; and an Ordinance No. _____ duly enacted by County Council on _____, 2017 (the "Ordinance"). The proceeds to be derived from the sale of bonds are irrevocably pledged for the payment of the principal of and interest on the Notes.

_____ The Notes are being issued by means of a book-entry system with no physical distribution of certificates to be made except as provided in the Ordinance. One certificate registered in the name of the Securities Depository Nominee is being issued and is required to be deposited with the Securities Depository. The book-entry system will evidence positions held in the Notes by the Securities

Depository's participants, beneficial ownership of the Notes in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such Participants. Transfers of ownership shall be effected on the records of the Securities Depository on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its Participants.

_____ as Registrar/Paying Agent will recognize the Securities Depository Nominee, while the registered owner of the Notes, as the owner of the Notes for all purposes, including payments of principal of and redemption premium, if any, and interest on the Notes, notices and voting. Transfer of principal and interest payments to Participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal, redemption premium, if any, and interest payments to beneficial owners of the Notes by Participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The County and Registrar/Paying Agent will not be responsible or liable for such transfers of payment or for maintaining, supervision or reviewing the records maintained by the Securities Depository, the Securities Depository Nominee, its Participants or persons acting through such Participants. While the Securities Depository Nominee is the owner of the Notes, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on the Notes shall be made in accordance with existing arrangements between the Registrar/Paying Agent or its successors under the Resolution and the Securities Depository.

This note and the interest hereon are exempt from all State, county, municipal, 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 and transfer taxes but the interest on this note may be included for certain franchise fees or taxes.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and Laws of the State of South Carolina to exist, to happen, or to be performed precedent to or in the issuance of this note, do exist, have happened, and have been performed in regular and due time, form and manner, and the amount of this note, and the issue of which this note is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, RICHLAND COUNTY, SOUTH CAROLINA, has caused this Note to be signed with the signature of the Chair of the County Council, attested by the signature of the Interim Clerk to the County Council and the seal of the County impressed, imprinted, or reproduced hereon.

RICHLAND COUNTY, SOUTH CAROLINA

(SEAL)

Chair, County Council

ATTEST:

Interim Clerk to County Council

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[FORM OF REGISTRAR/PAYING AGENT'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This note is one of the Notes described in the within mentioned Ordinance of Richland County, South Carolina.

[REGISTRAR/PAYING AGENT] as Registrar/Paying Agent

By:

Authorized Officer

The following abbreviations, when used in the inscription on the face of this Note, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common UNIF GIFT MIN ACT -

TEN ENT - as tenants by the Custodian
entireties (Cust) (Minor)

JT TEN - as joint tenants with right under Uniform Gifts to Minors
of survivorship and not as Act
tenants in common (state)

Additional abbreviations may also be used though not in above list.

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Transferee)

the within Note and

does hereby irrevocably constitute and appoint
attorney to transfer the within Note on the books kept for registration thereof, with full power of
substitution in the premises.

Dated:

Signature Guaranteed

(Authorized Officer)

Signature must be guaranteed by
a participant in the Securities Transfer
Agent Medallions Program (STAMP)

Notice: The signature to the assignment must correspond
with the name of the registered owner as it appears
upon the face of the within Note in every particular,
without alteration or enlargement or any change

[whatever](#)

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FORM OF NOTICE OF SALE

_____ \$ _____ GENERAL OBLIGATION BONDS
_____ \$ _____ GENERAL OBLIGATION BONDS, SERIES 2018A
OF RICHLAND COUNTY, ~~SOUTH CAROLINA~~ SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Richland County, South Carolina (the "County") in the Administrative Conference Room, 4th Floor, 2020 Hampton Street, Columbia, South Carolina, until 11:00 a.m., South Carolina time, on _____, _____, ~~2018~~2019, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Bonds, ~~Series 2018A,~~ of the County (the "Bonds").

Bids: ~~Bids~~ Electronic proposals must be submitted through i-~~Deal's~~ ~~Ipreo~~ Deal's Parity Electronic Bid Submission System ("Ipreo Parity"). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of ~~Ipreo Parity~~ Parity may be obtained from i-Deal, ~~40 W. 23rd Street~~ 1359 Broadway, 5th floor ~~2nd Floor~~, New York, New York ~~10010~~ 10018, Customer Support, telephone (212) ~~404-8102~~ 849 5021.

Book-Entry-Only Bonds: The Bonds will be issued in fully-registered form. One Bond representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the Bonds and each such Bond will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing each year; Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required to deposit the Bond certificates representing each maturity with DTC.

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, ~~2018~~2019; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
-------------	-------------------------	-------------	-------------------------

The Bonds will bear interest from the date thereof payable semiannually on _____ and _____ of each year, commencing _____, until they mature.

[Redemption Provisions]

Registrar/Paying Agent: ~~Regions Bank Atlanta, Georgia, shall serve as Registrar/Paying Agent for the Bonds.~~ [TO BE PROVIDED]

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% and the interest rate specified for any maturity

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shall not be lower than the interest rate specified for any previous maturity. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for all Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, a bid at a price less than par or a bid which includes a premium in excess of 10% of the par amount of the Bonds will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded ~~by lot~~ to the bidder whose bid was received first. The County reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

Security: A sufficient amount ~~or 71% of the proceeds of the Sales and Use Tax received by the County from the Sales and Use Tax is pledged for the payment of the principal of and interest on the Bonds as they respectively mature~~ of the Available Revenue (as defined in the ordinance authorizing the Bonds) received by the County from the Sales and Use Tax is pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor (the “Pledged Revenues”). Also, the full faith, credit, and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. Only in the event there are insufficient Available Revenues from the Sales and Use Tax available to pay debt service on the Bonds, there shall be levied annually by the County Auditor and collected by the County Treasurer, 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 of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

Good Faith Deposit: No good faith deposit is required.

~~Bid Form: Proposals should be enclosed in a separate sealed envelope marked “Proposal for \$ _____ General Obligation Bonds, Series 2018A, of Richland County, South Carolina” and should be directed to the Chair of the County Council at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.~~

Official Statement: Upon the award of the Bonds, the County will prepare an official statement (the “Official Statement”) in substantially the same form as the preliminary official statement subject to minor additions, deletions and revisions as required to complete the Official Statement. Within seven (7) business days after the award of the Bonds, the County will deliver the Official Statement to the successful bidder in sufficient quantity to comply with Rule G-32 of the Municipal Securities Rulemaking Board. The successful bidder agrees to supply to the County all necessary pricing information and any Underwriter identification necessary to complete the Official Statement within 24 hours after the award of the Bonds.

Continuing Disclosure: In order to assist the bidders in complying with S.E.C. Rule 15c2-12(b)(5), the County will undertake, pursuant to an ordinance and a Disclosure Dissemination Agent Agreement, to provide certain annual financial information and notices of the occurrence of certain events, if material. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the final Official Statement.

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Legal Opinion: The County Council shall furnish upon delivery of the Bonds the final approving opinions of McNair Law Firm, P.A., Columbia, South Carolina, which opinions shall accompany each Bond, together with the usual closing documents, including a certificate of the County that no litigation is pending affecting the Bonds.

~~—————Certificate as to Issue Price: The successful bidder must provide a certificate to the County by the date of delivery of the Bonds, stating the initial reoffering price of the Bonds to the public (excluding bond houses and brokers) and the price at which a substantial amount of the Bonds were sold to the public, in form satisfactory to Bond Counsel. A sample copy of such a certificate may be obtained from Bond Counsel.~~

Issue Price Certificate: [\[TO BE PROVIDED\]](#)

Delivery: The Bonds will be delivered on or about _____, ~~2018~~[2019](#), in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

Additional Information: The Preliminary Official Statement of the County with respect to the ~~Series 2016B~~ Bonds ~~is available via the internet at and~~ will be furnished to any person interested in bidding for the ~~Series 2016B~~ Bonds upon request ~~to co-disclosure counsel, _____~~. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the ~~Series 2016B~~ Bonds. Persons seeking additional information should communicate with the County's ~~Co~~-Bond Counsel, Francenia B. Heizer, Esquire, [McNair Law Firm, P.A., 1221 Main Street, 17th Floor, Columbia, South Carolina, 29201, telephone \(803\) 799-9800 or, e-mail: fheizer@mcnair.net or with the County's Municipal Advisor, Teresa L. Cawley, President, Southern Municipal Advisors, Inc., \(864\) 269-5196 or mereythrone@aol.com.](#)

RICHLAND COUNTY, SOUTH CAROLINA

FORM OF NOTICE OF SALE

NOTICE OF SALE
§ GENERAL OBLIGATION BOND ANTICIPATION NOTES, SERIES
OF RICHLAND COUNTY, SOUTH CAROLINA

Electronic bids for the purchase of all but not part of the above notes (the “Notes”) will be received by Richland County, South Carolina (the “County”), in the case of sealed and facsimile bids, at the offices of the County Administrator, 2020 Hampton Street, Columbia, South Carolina, and in the case of electronic bids, via PARITY (as explained below) until _____ (Eastern Time) on _____, 2018.

BID SUBMISSION: Electronic proposals must be submitted through i-Deal's Parity Electronic Bid Submission System (“Parity”). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Parity may be obtained from i-Deal, 1359 Broadway, 2nd Floor, New York, New York 10018, Customer Support, telephone (212) 404-8102. The County, McNair Law Firm, P.A. and Southwest Securities, Inc. shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder.

GOOD FAITH DEPOSIT: No good faith deposit will be required.

NOTE DETAILS: The Notes will be issued in book-entry form in the denomination of \$5,000 or any integral multiple thereof. The Notes will be dated as of _____, 2018, the expected date of delivery, and due on _____, 2019. Interest, calculated on the basis of a 360-day year of twelve 30-day months, will be payable at maturity on _____, 2019.

REDEMPTION PROVISIONS: The Notes are not subject to optional redemption prior to maturity.

RATINGS: Moody’s and S&P ratings have been applied for.

INTEREST RATES: Bidders must specify the fixed rate of interest the Notes shall bear according to the following restrictions: (a) the interest rate may not exceed _____ and (b) the interest rate specified must be a multiple of 1/100th of one percent.

REGISTRAR/PAYING AGENT: [TO BE PROVIDED]

BASIS OF AWARD: The Notes will be awarded to the responsive bidder whose bid results in the lowest NET INTEREST COST (the “NIC”) to the County. The NIC will be calculated as the total interest from _____, 2018 to _____, 2019, minus any premium. If two or more bids provide for the same lowest NIC, the County shall award the bid to the bidder whose bid is in the best interest of the County to be determined by the County in its sole discretion, and such determination shall be final. Any bid for less than par will be rejected. The County reserves the right to reject any and all bids and to waive informalities in any or all bids.

In order to calculate the yield on the Notes for federal tax law purposes and as a condition precedent to the award of the Notes, the successful bidder will be required to disclose to the County the price (or yield to maturity) at which the Notes will be reoffered to the public.

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The Notes will be awarded or all bids will be rejected by no later than 2:00 P.M. (Eastern Time) on the day bids are opened, _____, 2018.

SECURITY: The full faith, credit and taxing power of the County and the proceeds derived from the sale of bonds are pledged to the payment of the principal of and interest on the Notes.

AUTHORIZATION: The Notes are being issued pursuant to Article X, Section 15 of the Constitution of the State of South Carolina, Title 11, Chapter 17, Code of Laws of South Carolina, 1976, as amended, the favorable results of a referendum, and Ordinance No. _____ duly enacted by County Council on _____, 201_____.

INTEREST AND PRINCIPAL PAYMENTS: Payment of principal of and interest on the Notes will be made directly by the Registrar/Paying Agent to Cede & Co., as the registered owner of the Notes and nominee for The Depository Trust Company (“DTC”), on _____, 2018, in immediately available funds.

CUSIP NUMBERS: It is anticipated that CUSIP numbers will be printed on the Notes, but neither the failure to print such numbers on the Notes nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery of and pay for the Notes.

DELIVERY AND PAYMENT: Delivery of the properly executed Notes is expected to be made through DTC on or about _____, 2018. Payment for the Notes shall be made in immediately available funds.

OFFICIAL STATEMENT: The Preliminary Official Statement, dated _____, 2018, has been deemed final by the County for purposes of paragraph (b)(1) of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) but is subject to revision, amendment and completion in a final Official Statement as provided in the Rule. Within seven (7) business days of the bid opening date, the County will deliver the final Official Statement to the successful bidder in sufficient quantity to comply with the Rule.

LEGAL OPINION AND CLOSING CERTIFICATES: The County will furnish upon delivery of the Notes: a Receipt for the Notes; a Signature and No-Litigation Certificate; a Rule 15c2-12 Certificate; a Federal Tax Certificate, and the approving opinion of McNair Law Firm, P.A., Columbia, South Carolina, as Bond Counsel, all without cost to the purchasers.

INFORMATION FROM PURCHASER: At or before delivery, the purchaser of the Notes shall **provide a certificate to the County** in a form acceptable to Bond Counsel stating the information necessary to enable the County to determine the issue price of the Notes as defined in Section 1273 or 1274 of the Internal Revenue Code of 1986, as amended.

ADDITIONAL INFORMATION: The Preliminary Official Statement, Official Notice of Sale and Official Bid Form of the County with respect to the Notes are **available via the internet at <http://www.i-dealprospectus.com>** and will be furnished to any person interested in bidding for the Notes upon request to Francenia B. Heizer, McNair Law Firm, P. A., Post Office Box 11390, Columbia, South Carolina 29211, attention: Francenia B. Heizer, Esquire, telephone (803) 799-9800, e-mail: fheizer@mcnair.net. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Official Notice of Sale as to the complete information concerning the Notes. For additional information, please contact the County's Bond Counsel, Francenia B. Heizer, Esquire, McNair Law Firm, P. A., Post Office Box 11390, Columbia, South Carolina 29211, telephone (803) 799-9800, e-mail: fheizer@mcnair.net

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[\[Notes\]](#) and the 9-digit CUSIP numbers for all ~~Bonds~~-[\[Bonds\]](#)[\[Notes\]](#) to which the document applies.

“Disclosure Representative” means the Finance Director, or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.

“Disclosure Dissemination Agent” means Digital Assurance Certification, L.L.C, acting in its capacity as Disclosure Dissemination Agent hereunder, or any successor Disclosure Dissemination Agent designated in writing by the Issuer pursuant to Section 9 hereof.

“Failure to File Event” means the Issuer’s failure to file an Annual Report on or before the Annual Filing Date.

“Force Majeure Event” means: (i) acts of God, war, or terrorist action; (ii) failure or shut-down of the Electronic Municipal Market Access system maintained by the MSRB; or (iii) to the extent beyond the Disclosure Dissemination Agent’s reasonable control, interruptions in telecommunications or utilities services, failure, malfunction or error of any telecommunications, computer or other electrical, mechanical or technological application, service or system, computer virus, interruptions in Internet service or telephone service (including due to a virus, electrical delivery problem or similar occurrence) that affect Internet users generally, or in the local area in which the Disclosure Dissemination Agent or the MSRB is located, or acts of any government, regulatory or any other competent authority the effect of which is to prohibit the Disclosure Dissemination Agent from performance of its obligations under this Disclosure Agreement.

“Holder” means any person (a) having the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any ~~[Bonds]~~-[\[Notes\]](#) (including persons holding [\[Bonds\]](#) [\[Notes\]](#) through nominees, depositories or other intermediaries) or (b) treated as the owner of any ~~Bonds~~-[\[Bonds\]](#)[\[Notes\]](#) for federal income tax purposes.

“Information” means, collectively, the Annual Reports, the Audited Financial Statements (if any), the Notice Event notices, the Failure to File Event notices, the Voluntary Event Disclosures and the Voluntary Financial Disclosures.

“MSRB” means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934.

[\[“Notes” means the bond anticipation notes as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.\]](#)

“Notice Event” means any of the events enumerated in paragraph (b)(5)(i)(C) of the Rule and listed in Section 4(a) of this Disclosure Agreement.

“Obligated Person” means any person, including the Issuer, who is either generally or through an enterprise, fund, or account of such person committed by contract or other arrangement to support payment of all, or part of the obligations on the ~~Bonds~~-[\[Bonds\]](#)[\[Notes\]](#) (other than providers of municipal bond insurance, letters of credit, or other liquidity facilities), as shown on Exhibit A.

“Official Statement” means that Official Statement prepared by the Issuer in connection with the ~~Bonds~~-[\[Bonds\]](#)[\[Notes\]](#), as listed on Appendix A.

“Trustee” means the institution, if any, identified as such in the document under which the ~~Bonds~~ [\[Bonds\]](#)[\[Notes\]](#) were issued.

“Voluntary Event Disclosure” means information of the category specified in any of subsections (e)(vi)(1) through (e)(vi)(11) of Section 2 of this Disclosure Agreement that is accompanied by a Certification of the Disclosure Representative containing the information prescribed by Section 7(a) of this Disclosure Agreement.

“Voluntary Financial Disclosure” means information of the category specified in any of subsections (e)(vii)(1) through (e)(vii)(9) of Section 2 of this Disclosure Agreement that is accompanied by a Certification of the Disclosure Representative containing the information prescribed by Section 7(b) of this Disclosure Agreement.

SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the MSRB not later than the next February 1 after the end of each fiscal year of the Issuer, commencing with the fiscal year ending ~~[June 30, 2018]~~[\[June 30, 2019\]](#). Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Failure to File Event has occurred and to immediately send a notice to the MSRB in substantially the form attached as Exhibit B, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 6:00 p.m. ~~Eastern time on Annual Filing Date (or, if such Annual Filing Date falls on a Saturday, Sunday or holiday, then on~~ the first business day ~~thereafter)~~ [following the Annual Filing Date](#) for the Annual Report, a Failure to File Event shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to the MSRB in substantially the form attached as Exhibit B without reference to the anticipated filing date for the Annual Report, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certification, together with a copy for the Trustee, for filing with the MSRB.

- (e) The Disclosure Dissemination Agent shall:
- (i) verify the filing specifications of the MSRB each year prior to the Annual Filing Date;
 - (ii) upon receipt, promptly file each Annual Report received under Sections 2(a) and 2(b) with the MSRB;
 - (iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with the MSRB;
 - (iv) upon receipt, promptly file the text of each Notice Event received under Sections 4(a) and 4(b)(ii) with the MSRB, identifying the Notice Event as instructed by the Issuer pursuant to Section 4(a) or 4(b)(ii) (being any of the categories set forth below) when filing pursuant to Section 4(c) of this Disclosure Agreement:
 - “Principal and interest payment delinquencies;”
 - “Non-Payment related defaults, if material;”
 - “Unscheduled draws on debt service reserves reflecting financial difficulties;”
 - “Unscheduled draws on credit enhancements reflecting financial difficulties;”
 - “Substitution of credit or liquidity providers, or their failure to perform;”
 - “Adverse tax opinions, IRS notices or events affecting the tax status of the security;”
 - “Modifications to rights of securities holders, if material;”
 - “Bond calls, if material;”
 - “Defeasances;”
 - “Release, substitution, or sale of property securing repayment of the securities, if material;”
 - “Rating changes;”
 - “Tender offers;”
 - “Bankruptcy, insolvency, receivership or similar event of the obligated person;”
 - “Merger, consolidation, or acquisition of the obligated person, if material;” and
 - “Appointment of a successor or additional trustee, or the change of name of a trustee, if material;”
 - (v) upon receipt (or irrevocable direction pursuant to Section 2(c) of this Disclosure Agreement, as applicable), promptly file a completed copy of Exhibit B to this

Disclosure Agreement with the MSRB, identifying the filing as “Failure to provide annual financial information as required” when filing pursuant to Section 2(b)(ii) or Section 2(c) of this Disclosure Agreement;

(vi) upon receipt, promptly file the text of each Voluntary Event Disclosure received under Section 7(a) with the MSRB, identifying the Voluntary Event Disclosure as instructed by the Issuer pursuant to Section 7(a) (being any of the categories set forth below) when filing pursuant to Section 7(a) of this Disclosure Agreement:

1. “amendment to continuing disclosure undertaking;”
2. “change in obligated person;”
3. “notice to investors pursuant to bond documents;”
4. “certain communications from the Internal Revenue Service;”
5. “secondary market purchases;”
6. “bid for auction rate or other securities;”
7. “capital or other financing plan;”
8. “litigation/enforcement action;”
9. “change of tender agent, remarketing agent, or other on-going party;”
10. “derivative or other similar transaction;” and
11. “other event-based disclosures;”

(vii) upon receipt, promptly file the text of each Voluntary Financial Disclosure received under Section 7(b) with the MSRB, identifying the Voluntary Financial Disclosure as instructed by the Issuer pursuant to Section 7(b) (being any of the categories set forth below) when filing pursuant to Section 7(b) of this Disclosure Agreement:

1. “quarterly/monthly financial information;”
2. “change in fiscal year/timing of annual disclosure;”
3. “change in accounting standard;”
4. “interim/additional financial information/operating data;”
5. “budget;”
6. “investment/debt/financial policy;”

7. “information provided to rating agency, credit/liquidity provider or other third party;”
 8. “consultant reports;” and
 9. “other financial/operating data.”
- (viii) provide the Issuer evidence of the filings of each of the above when made, which shall be by means of the DAC system, for so long as DAC is the Disclosure Dissemination Agent under this Disclosure Agreement.

(f) The Issuer may adjust the Annual Filing Date upon change of its fiscal year by providing written notice of such change and the new Annual Filing Date to the Disclosure Dissemination Agent, Trustee (if any) and the MSRB, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

(g) Any Information received by the Disclosure Dissemination Agent before 6:00 p.m. Eastern time on any business day that it is required to file with the MSRB pursuant to the terms of this Disclosure Agreement and that is accompanied by a Certification and all other information required by the terms of this Disclosure Agreement will be filed by the Disclosure Dissemination Agent with the MSRB no later than 11:59 p.m. Eastern time on the same business day; provided, however, the Disclosure Dissemination Agent shall have no liability for any delay in filing with the MSRB if such delay is caused by a Force Majeure Event provided that the Disclosure Dissemination Agent uses reasonable efforts to make any such filing as soon as possible.

SECTION 3. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the Issuer, including the information provided in the Official Statement as follows:

- (i) The financial statements of the Issuer for the preceding fiscal year prepared in accordance with generally accepted accounting principles as promulgated to apply to governmental entities from time to time by the Governmental Accounting Standards Board (or if not in conformity, to be accompanied by a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information). If the Issuer’s audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section 3(a), the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement, and the audited financial statements shall be filed in the same manner as the Annual Report when they become available.
- (ii) Financial and operating data for the fiscal year then ended, to the extent such information is not included in the Issuer’s audited financial statements filed pursuant to clause (1) above, which shall be generally consistent with the tabular information (or other information, as otherwise noted below) contained in the Official Statement under the following headings: ~~“THE BONDS—Security;”~~ ~~“DEBT STRUCTURE—Outstanding Indebtedness;”~~ and ~~“CERTAIN FISCAL MATTERS—Assessed Value of Taxable Property in the County,”~~ ~~“Estimated True Value of All Taxable Property in the County,”~~ ~~“Tax Rates,”~~ ~~“Tax~~

~~Collections for Last Five Years,” and “ Ten Largest Taxpayers.”~~[\[TO BE PROVIDED\]](#). Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the Issuer, which have been submitted to the MSRB. If the document included by reference is a final official statement, it must be available from the MSRB. The Issuer shall clearly identify each such other document so included by reference.

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the Issuer is an “obligated person” (as defined by the Rule), which have been previously filed with the Securities and Exchange Commission or available on the MSRB Internet Website. If the document incorporated by reference is a final official statement, it must be available from the MSRB. The Issuer will clearly identify each such document so incorporated by reference.

Any annual financial information containing modified operating data or financial information is required to explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events with respect to the ~~Bonds~~[\[Bonds\]](#)[\[Notes\]](#) constitutes a Notice Event:

- [i.](#) ~~(i)~~Principal and interest payment delinquencies;
- [ii.](#) ~~(ii)~~Non-payment related defaults, if material;
- [iii.](#) ~~(iii)~~Unscheduled draws on debt service reserves reflecting financial difficulties;
- [iv.](#) ~~(iv)~~Unscheduled draws on credit enhancements reflecting financial difficulties;
- [v.](#) ~~(v)~~Substitution of credit or liquidity providers, or their failure to perform;
- [vi.](#) ~~(vi)~~Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the ~~Bonds~~[\[Bonds\]](#)[\[Notes\]](#), or other material events affecting the tax status of the ~~Bonds~~[\[Bonds\]](#)[\[Notes\]](#);
- [vii.](#) ~~(vii)~~Modifications to rights of ~~Bond~~[\[Bond\]](#)[\[Note\]](#) holders, if material;
- [viii.](#) ~~(viii)~~Bond calls, if material, and tender offers;
- [ix.](#) ~~(ix)~~Defeasances;
- [x.](#) ~~(x)~~Release, substitution, or sale of property securing repayment of the ~~Bonds~~[\[Bonds\]](#)[\[Notes\]](#), if material;
- [xi.](#) ~~(xi)~~Rating changes;

- xii. ~~(xii)~~ Bankruptcy, insolvency, receivership or similar event of the Obligated Person;

Note to subsection (a)(12) of this Section 4: For the purposes of the event described in subsection (a)(12) of this Section 4, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an Obligated Person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Obligated Person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Obligated Person.

- xiii. ~~(xiii)~~ The consummation of a merger, consolidation, or acquisition involving an Obligated Person or the sale of all or substantially all of the assets of the Obligated Person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

- xiv. ~~(xiv)~~ Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The Issuer shall, in a timely manner not in excess of ten business days after its occurrence, notify the Disclosure Dissemination Agent in writing of the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c) and shall be accompanied by a Certification. Such notice or Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within two business days of receipt of such notice (but in any event not later than the tenth business day after the occurrence of the Notice Event, if the Issuer determines that a Notice Event has occurred), instruct the Disclosure Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c) of this Section 4, together with a Certification. Such Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to

disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with MSRB in accordance with Section 2 (e)(iv) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, Notice Event notices, Failure to File Event notices, Voluntary Event Disclosures and Voluntary Financial Disclosures, the Issuer shall indicate the full name of the ~~Bonds~~ [\[Bonds\]\[Notes\]](#) and the 9-digit CUSIP numbers for the ~~Bonds~~ [\[Bonds\]\[Notes\]](#) as to which the provided information relates.

SECTION 6. Additional Disclosure Obligations. The Issuer acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5 promulgated under the Securities Exchange Act of 1934, may apply to the Issuer, and that the duties and responsibilities of the Disclosure Dissemination Agent under this Disclosure Agreement do not extend to providing legal advice regarding such laws. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Filing.

(a) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Event Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Event Disclosure (which shall be any of the categories set forth in Section 2(e)(vi) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(a) to file a Voluntary Event Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Event Disclosure with the MSRB in accordance with Section 2(e)(vi) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-2.

(b) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Financial Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Financial Disclosure (which shall be any of the categories set forth in Section 2(e)(vii) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(b) to file a Voluntary Financial Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Financial Disclosure with the MSRB in accordance with Section 2(e)(vii) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-2.

The parties hereto acknowledge that the Issuer is not obligated pursuant to the terms of this Disclosure Agreement to file any Voluntary Event Disclosure pursuant to Section 7(a) hereof or any Voluntary Financial Disclosure pursuant to Section 7(b) hereof.

Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Dissemination Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure in addition to that which is specifically required by this Disclosure Agreement, the Issuer shall have no obligation under this Disclosure Agreement to update such information or include it in any future Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Dissemination Agent under this Disclosure Agreement shall terminate with respect to the ~~Bonds~~ [\[Bonds\]\[Notes\]](#) upon the legal defeasance, prior redemption or payment in full of all of the ~~Bonds~~ [\[Bonds\]\[Notes\]](#), when the Issuer is no longer an obligated person with respect to the ~~Bonds~~ [\[Bonds\]\[Notes\]](#), or upon delivery by the Disclosure Representative to the Disclosure Dissemination Agent of an opinion of counsel expert in federal securities laws to the effect that continuing disclosure is no longer required.

SECTION 9. Disclosure Dissemination Agent. The Issuer has appointed Digital Assurance Certification, L.L.C. as exclusive Disclosure Dissemination Agent under this Disclosure Agreement. The Issuer may, upon thirty days written notice to the Disclosure Dissemination Agent and the Trustee, replace or appoint a successor Disclosure Dissemination Agent. Upon termination of DAC's services as Disclosure Dissemination Agent, whether by notice of the Issuer or DAC, the Issuer agrees to appoint a successor Disclosure Dissemination Agent or, alternately, agrees to assume all responsibilities of Disclosure Dissemination Agent under this Disclosure Agreement for the benefit of the Holders of the ~~Bonds~~ [\[Bonds\]\[Notes\]](#). Notwithstanding any replacement or appointment of a successor, the Issuer shall remain liable until payment in full for any and all sums owed and payable to the Disclosure Dissemination Agent. The Disclosure Dissemination Agent may resign at any time by providing thirty days' prior written notice to the Issuer.

SECTION 10. Remedies in Event of Default. In the event of a failure of the Issuer or the Disclosure Dissemination Agent to comply with any provision of this Disclosure Agreement, the Holders' rights to enforce the provisions of this Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the parties' obligation under this Disclosure Agreement. Any failure by a party to perform in accordance with this Disclosure Agreement shall not constitute a default on the ~~Bonds~~ [\[Bonds\]\[Notes\]](#) or under any other document relating to the ~~Bonds~~ [\[Bonds\]\[Notes\]](#), and all rights and remedies shall be limited to those expressly stated herein.

SECTION 11. Duties, Immunities and Liabilities of Disclosure Dissemination Agent.

(a) The Disclosure Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Agreement. The Disclosure Dissemination Agent's obligation to deliver the information at the times and with the contents described herein shall be limited to the extent the Issuer has provided such information to the Disclosure Dissemination Agent as required by this Disclosure

Agreement. The Disclosure Dissemination Agent shall have no duty with respect to the content of any disclosures or notice made pursuant to the terms hereof. The Disclosure Dissemination Agent shall have no duty or obligation to review or verify any Information or any other information, disclosures or notices provided to it by the Issuer and shall not be deemed to be acting in any fiduciary capacity for the Issuer, the Holders of the ~~Bonds~~ [\[Bonds\]](#) [\[Notes\]](#) or any other party. The Disclosure Dissemination Agent shall have no responsibility for the Issuer's failure to report to the Disclosure Dissemination Agent a Notice Event or a duty to determine the materiality thereof. The Disclosure Dissemination Agent shall have no duty to determine, or liability for failing to determine, whether the Issuer has complied with this Disclosure Agreement. The Disclosure Dissemination Agent may conclusively rely upon Certifications of the Issuer at all times.

The obligations of the Issuer under this Section shall survive resignation or removal of the Disclosure Dissemination Agent and defeasance, redemption or payment of the ~~Bonds~~ [\[Bonds\]](#) [\[Notes\]](#).

(b) The Disclosure Dissemination Agent may, from time to time, consult with legal counsel (either in-house or external) of its own choosing in the event of any disagreement or controversy, or question or doubt as to the construction of any of the provisions hereof or its respective duties hereunder, and shall not incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The reasonable fees and expenses of such counsel shall be payable by the Issuer.

(c) All documents, reports, notices, statements, information and other materials provided to the MSRB under this Agreement shall be provided in an electronic format and accompanied by identifying information as prescribed by the MSRB.

SECTION 12. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Agreement, the Issuer and the Disclosure Dissemination Agent may amend this Disclosure Agreement and any provision of this Disclosure Agreement may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to both the Issuer and the Disclosure Dissemination Agent to the effect that such amendment or waiver does not materially impair the interests of Holders of the ~~Bonds~~ [\[Bonds\]](#) [\[Notes\]](#) and would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule; provided neither the Issuer or the Disclosure Dissemination Agent shall be obligated to agree to any amendment modifying their respective duties or obligations without their consent thereto.

Notwithstanding the preceding paragraph, the Disclosure Dissemination Agent shall have the right to adopt amendments to this Disclosure Agreement necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission from time to time by giving not less than 20 days written notice of the intent to do so together with a copy of the proposed amendment to the Issuer. No such amendment shall become effective if the Issuer shall, within 10 days following the giving of such notice, send a notice to the Disclosure Dissemination Agent in writing that it objects to such amendment.

SECTION 13. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Issuer, the Trustee of the ~~Bonds~~ [\[Bonds\]](#) [\[Notes\]](#), the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the ~~Bonds~~ [\[Bonds\]](#) [\[Notes\]](#), and shall create no rights in any other person or entity.

SECTION 14. Governing Law. This Disclosure Agreement shall be governed by the laws of the State of Florida (other than with respect to conflicts of laws).

SECTION 15. Counterparts. This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The Disclosure Dissemination Agent and the Issuer have caused this Disclosure Agreement to be executed, on the date first written above, by their respective officers duly authorized.

DIGITAL ASSURANCE CERTIFICATION, L.L.C., as
Disclosure Dissemination Agent

By: _____
Name: _____
Title: _____

RICHLAND COUNTY, SOUTH CAROLINA, as Issuer

By: _____
Name: _____
Title ÷ _____

EXHIBIT A

NAME AND CUSIP NUMBERS OF NOTES BONDS

Name of Issuer _____
Obligated Person(s) _____
Name of Bond Issue: _____
Date of Issuance: _____
Date of Official Statement _____

CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____
CUSIP Number: _____	CUSIP Number: _____

EXHIBIT B

NOTICE TO MSRB OF FAILURE TO FILE ANNUAL REPORT

Issuer: _____

Obligated Person: _____

Name(s) of Bond Issue(s): _____

Date(s) of Issuance: _____

Date(s) of Disclosure Agreement: _____
CUSIP Number: _____

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named ~~Bonds~~ [\[Bonds\]](#) [\[Notes\]](#) as required by the Disclosure Agreement between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by _____.

Dated: _____

Digital Assurance Certification, L.L.C., as Disclosure
Dissemination Agent, on behalf of the Issuer

cc:

EXHIBIT C-1

EVENT NOTICE COVER SHEET

This cover sheet and accompanying “event notice” will be sent to the MSRB, pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) and (D).

Issuer’s and/or Other Obligated Person’s Name:

Issuer’s Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this event notice relates:

Number of pages attached: _____

____ Description of Notice Events (Check One):

- 1. _____ “Principal and interest payment delinquencies;”
- 2. _____ “Non-Payment related defaults, if material;”
- 3. _____ “Unscheduled draws on debt service reserves reflecting financial difficulties;”
- 4. _____ “Unscheduled draws on credit enhancements reflecting financial difficulties;”
- 5. _____ “Substitution of credit or liquidity providers, or their failure to perform;”
- 6. _____ “Adverse tax opinions, IRS notices or events affecting the tax status of the security;”
- 7. _____ “Modifications to rights of securities holders, if material;”
- 8. _____ “Bond calls, if material;”
- 9. _____ “Defeasances;”
- 10. _____ “Release, substitution, or sale of property securing repayment of the securities, if material;”
- 11. _____ “Rating changes;”
- 12. _____ “Tender offers;”
- 13. _____ “Bankruptcy, insolvency, receivership or similar event of the obligated person;”
- 14. _____ “Merger, consolidation, or acquisition of the obligated person, if material;” and
- 15. _____ “Appointment of a successor or additional trustee, or the change of name of a trustee, if material.”

____ Failure to provide annual financial information as required.

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

EXHIBIT C-2

VOLUNTARY EVENT DISCLOSURE COVER SHEET

This cover sheet and accompanying “voluntary event disclosure” will be sent to the MSRB, pursuant to the Disclosure Dissemination Agent Agreement dated as of _____ between the Issuer and DAC.

Issuer’s and/or Other Obligated Person’s Name:

Issuer’s Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this notice relates:

Number of pages attached: _____

_____ Description of Voluntary Event Disclosure (Check One):

- 1. _____ “amendment to continuing disclosure undertaking;”
- 2. _____ “change in obligated person;”
- 3. _____ “notice to investors pursuant to bond documents;”
- 4. _____ “certain communications from the Internal Revenue Service;”
- 5. _____ “secondary market purchases;”
- 6. _____ “bid for auction rate or other securities;”
- 7. _____ “capital or other financing plan;”
- 8. _____ “litigation/enforcement action;”
- 9. _____ “change of tender agent, remarketing agent, or other on-going party;”
- 10. _____ “derivative or other similar transaction;” and
- 11. _____ “other event-based disclosures.”

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

EXHIBIT C-3

VOLUNTARY FINANCIAL DISCLOSURE COVER SHEET

This cover sheet and accompanying “voluntary financial disclosure” will be sent to the MSRB, pursuant to the Disclosure Dissemination Agent Agreement dated as of _____ between the Issuer and DAC.

Issuer’s and/or Other Obligated Person’s Name:

Issuer’s Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this notice relates:

Number of pages attached: _____

_____ Description of Voluntary Financial Disclosure (Check One):

- 1. _____ “quarterly/monthly financial information;”
- 2. _____ “change in fiscal year/timing of annual disclosure;”
- 3. _____ “change in accounting standard;”
- 4. _____ “interim/additional financial information/operating data;”
- 5. _____ “budget;”
- 6. _____ “investment/debt/financial policy;”
- 7. _____ “information provided to rating agency, credit/liquidity provider or other third party;”
- 8. _____ “consultant reports;” and
- 9. _____ “other financial/operating data.”

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

EXHIBIT D

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on Tuesday, _____, 2017, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an ordinance (the "Ordinance") providing for the issuance and sale of not to exceed \$~~2 _____~~ 250,000,000 General Obligation Bonds, Series 2018, ~~or such other appropriate series designation~~ (the "Bonds"), of the County, the proceeds of which will be used for: (i) funding the projects approved in the referendum held in the County on November 6, 2012, imposing a one percent (1%) sales and use tax (the "Sales and Use Tax"); ~~(ii) paying costs of issuance of the Bonds;~~ and (iii) such other lawful corporate and public purposes as the County Council shall determine.

A sufficient amount of the Available Revenue (defined in the Ordinance) received by the County from the Sales and Use Tax is pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. Also, the full faith, credit, and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. Only in the event there are insufficient Available Revenues from the Sales and Use Tax available to pay debt service on the Bonds, there shall be levied annually by the County Auditor and collected by the County Treasurer, 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 of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

At the public hearing all taxpayers and residents of the County and any other interested persons who appear will be given an opportunity to express their views for or against the Ordinance and the issuance of the Bonds.

COUNTY COUNCIL OF RICHLAND COUNTY,
SOUTH CAROLINA
/s/Chair, County Council, Richland County,
South Carolina

Richland County Council Request for Action

Subject:

An Ordinance Authorizing a deed to 908 Group Holdings, LLC, for 1328-1400 Huger Street; also described as TMS #09009-11-04 and 09009-11-05

Notes:

First Reading: December 5, 2017

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-17HR

AN ORDINANCE AUTHORIZING A DEED TO 908 GROUP HOLDINGS, LLC, FOR 1328-1400 HUGER STREET; ALSO DESCRIBED AS TMS# 09009-11-04 AND 09009-11-05.

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed for 1328-1400 Huger Street, which is also described as TMS# 09009-11-04 and 09009-11-05, to 908 GROUP HOLDINGS, LLC, as specifically described in the Title to Real Estate, attached hereto and incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle Onley
Assistant Clerk of Council

First Reading:
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request for Action

Subject:

Request of Board of Voter Registration and Elections: Repeal of Ordinance Section 1-16 of Chapter 1, General Provisions of the Richland County Code of Ordinances

Notes:

November 16, 2017 – The committee recommended to allow the Board of Voter Registration and Elections to use the reimbursement funds, in the amount of \$307,383, to settle 3 pending lawsuits and to not repeal the ordinance.



RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

Administration & Finance Committee Meeting November 16, 2017 Committee Briefing Document

Agenda Item

Repeal of Ordinance Section 1-16 of Chapter 1, General Provisions of the Richland County Code of Ordinances

Background

County Council is being asked to rescind Section 1-16 of Chapter 1, General Provisions of the Richland County Code of Ordinances. It reads, in part:

Notwithstanding any other ordinance, Richland County shall not pay the legal fees incurred by any board, committee, commission or similar entity that is not created by County ordinance or whose members are not appointed by the Richland County Council. Further, Richland County shall not pay any legal judgments ordered against, or any settlement amounts proposed by or on behalf of any board, committee, commission or similar entity that is not created by County ordinance or whose members are not appointed by the Richland County Council. This ordinance only applies to boards, committees, commissions or similar entities, and does not apply to offices under the direction of County elected officials or offices under the direction of officials appointed by the Richland County Council or the Richland County Administrator.

Issues

The Board understands that it is the belief of the County Council that because they are not the appointing authority for the Board or its staff that they should not fund the legal fees and obligations of the Board as the Council believes that those functions should be handled by the state.

The Board is currently awaiting a legal opinion from the Office of the Attorney General to resolve this issue. However, the Board has legal obligations that pre-date this ordinance and has reached a settlement in two legal matters. The administration refuses to allow the Board to pay those fees and settlements out of its FY18 budget citing this ordinance, Furthermore, the Board has no effective legal representation in three current matters as its attorneys are refusing further work until all past bills are paid. Regarding the settlement matters, the Board has until January 2, 2018 to complete the settlement or the cases will be restored to the active docket and the litigation will proceed. It is in the best interests of the citizens of Richland County that the settlements proceed and avoid the continued costs of litigation.

Fiscal Impact

Rescinding the ordinance will have no immediate fiscal impact as the Board seeks to settle current legal matters with the budget amendment recently passed by Council.

Past Legislative Actions

This ordinance was passed by unanimous vote at a third reading on February 7, 2017.

Alternatives

Actively work with the Board in outstanding legal issues through other means. Failure to repeal the ordinance will leave the Board in a perilous legal situation.

Staff Recommendation

None as this a request of an appointed official.

Submitted by: Rokey W. Suleman, Director
Richland County Board of Voter Registration and Elections

Section 5. This Resolution is effective after its approval by the County Council.

RESOLVED: DECEMBER 12, 2017

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk to County Council

**A RESOLUTION TO AMEND THE DECEMBER 21, 2010,
RESOLUTION REQUIRING CERTAIN ACCOUNTABILITY
PRACTICES CONCERNING ECONOMIC DEVELOPMENT
PROJECTS IN RICHLAND COUNTY**

WHEREAS, Richland County Council adopted a resolution dated as of December 21, 2010 (“Prior Resolution”), which requires companies receiving economic development incentives from Richland County, South Carolina (“County”) to submit annual reports to the Richland County Economic Development Office; and

WHEREAS, the County desires to make the form of the annual reports submitted by such companies uniform in order to make the substantive information contained in the annual reports more easily tracked and documented by the Richland County Economic Development Office.

NOW, THEREFORE, BE IT RESOLVED by Richland County Council as follows:

Section 1. The County affirms that each company awarded an incentive by the County in exchange for the location or expansion of a facility or facilities within the County shall submit an annual report to the Richland County Economic Development Office by January 31 of each year throughout the term of the incentives.

Section 2. The Richland County Economic Development Office is authorized to create (and from time to time, if necessary, amend or recreate) and make available the form of the annual report; however, such form, shall require, at a minimum, the following information:

- a. Name of company;
- b. Cumulative capital investment (less any removed investment) to date as a result of the project;
- c. Net jobs created to date as a result of the project;

Section 3. A copy of the then-current form of the annual report may be obtained from the following address. The annual report shall likewise be submitted to the following address by the required date.

Richland County Economic Development Office
Attention: Kim Mann
1201 Main Street, Suite 910
Columbia, SC 29201

Section 4. This Resolution amends the Prior Resolution and sets forth the County’s requirements with respect to the annual reports to be submitted by each company awarded an incentive by the County as described in Section 1.

Section 5. The substance of this Resolution shall be incorporated into the agreement between the County and each company with respect to the incentives granted by the County to the company.

Section 6. In the event that any company shall fail to submit an annual report, or any portion thereof, such company may be required to return all incentives, or a dollar amount equal thereof, to the County. Such incentives, or the dollar amount equal thereto, shall be paid to the County within 60 days after the date upon which the information was originally due.

RESOLVED: _____, 2017

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk to County Council

SOUTH CAROLINA

)

)

RICHLAND COUNTY

)

A RESOLUTION

COMMITTING TO NEGOTIATE A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT BETWEEN RICHLAND COUNTY AND PROJECT LITE; IDENTIFYING THE PROJECT; AND OTHER MATTERS RELATED THERETO

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (“Act”) to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax (“FILOT Payments”) with respect to economic development property, as defined in the Act;

WHEREAS, Project Lite, an entity whose name cannot be publicly disclosed at this time (“Sponsor”), desires to invest capital in the County in order to expand its manufacturing operations in the County (“Project”);

WHEREAS, the Project is anticipated to result in an investment of approximately \$2,500,000 in personal property and the retention of approximately 100 full-time equivalent jobs; and

WHEREAS, as an inducement to the Sponsor to locate the Project in the County, the Sponsor has requested that the County negotiate a fee-in-lieu of ad valorem taxes agreement (“Agreement”), which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property, as defined in the Act.

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

Section 1. This Resolution is an inducement resolution for this Project for purposes of the Act.

Section 2. County Council agrees to enter into the Agreement, which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property. The further details of the FILOT Payments and the agreement will be prescribed by subsequent ordinance of the County to be adopted in accordance with South Carolina law and the rules and procedures of the County.

Section 3. County Council identifies and reflects the Project by this Resolution, therefore permitting expenditures made in connection with the Project before the date of this Resolution to qualify as economic development property, subject to the terms and conditions of the Agreement and the Act.

Section 4. This Resolution is effective after its approval by the County Council.

RESOLVED: December 12, 2017

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk to County Council

~#4823-1163-0935 v.1~



Henry McMaster
Governor

SOUTH CAROLINA
DEPARTMENT OF COMMERCE

Robert M. Hitt III
Secretary

November 8, 2017

Jeff Ruble
Richland County Economic Development Office
1201 Main Street, Suite 910
Columbia, SC 29201

RE: SCDOC Site Enhancement Initiative – Richland County

Dear Jeff:

Congratulations on your successful application for funding from the South Carolina LocateSC Site Enhancement Initiative. I am pleased to inform you that the full amount of \$500,000 has been approved to assist Richland County in the grading of 300,000 SF building pad within Northpoint Industrial Park.

Please note that all projects must be completed by December 31, 2018 and awards will be structured as a single reimbursement once the project is finished. Additionally, before a Grant Award Agreement will be drafted the following items must be submitted to and approved by our office:

1. Detailed Engineer's Cost & Schedule
2. Letter of confirmation from all partners regarding their financial commitment to the project. Confirmation should address amount as well as when the funding will be made available.

Commerce appreciates the opportunity to serve the citizens of Richland County and we look forward to working with you to ensure the success of this project. If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Druce".

Jennifer Druce
Program Director, Product Development

Northpoint Site Grading

Economic Development Committee

December 5, 2017

Summary

In 2016, the South Carolina Department of Commerce (SCDOC) announced a competitive site enhancement grant program. The purpose of the program is to provide “gap” funding to assist counties with developing high potential industrial properties and buildings. Early on, the economic development office identified the need to grade a building pad on its site at the Northpoint Industrial park, because of the significant topographic issues. The estimated cost to grade a building pad of significant size was \$1,075,000. When the SCDOC site enhancement program became available, the ED office began planning to leverage local funds and apply for a matching grant in order to complete the grading project. In June 2016, the office created a capital budget for the 2017 fiscal year and discussed project priorities and funding with the Economic Development Committee. The Northpoint Site Grading project was one of the projects, and \$625,000 was allocated to this project within the economic development capital fund. The plan was to submit a funding request to the SCDOC for the difference.

In July 2017, the economic development office submitted a preliminary application – in the form of a letter of interest - to the Department of Commerce to grade a 300,000 SF building pad on ~30 acres of the county’s 90-acre site in the park. We were then invited to submit additional information that included a site plan and cost estimates. As mentioned above, the estimated cost for the project is \$1,075,000 (see attached cost estimate), and a request for \$500,000 in funding was submitted. In November 2017, the SCDOC notified the ED office that a \$500,000 grant was approved and the project must be completed within 12 months. In order to proceed with the project, Council must vote to accept the grant.

Need for Project

Northpoint is one of the oldest and most successful industrial parks in the Richland County inventory, and the county owns a 90-acre parcel -- one of the two last parcels remaining in the park. The park is strategically located on the I-77 corridor between Highway 21 and Blythewood Road, just 20 minutes north of downtown Columbia and one hour from the Charlotte Douglas International Airport. Northpoint is home to world class companies such as Koyo Bearings (JTEKT Corporation), Constantia Hueck Foils, Pure Power Technologies and Patterson Fans, to name a few.

The I-77 corridor around Blythewood has the assets to be one of the most competitive industrial site locations in SC because of the following: rapid residential growth in Northeast Columbia; availability of robust water, sewer, electric and telecommunications infrastructure; the successful growth of the

existing industrial parks in the area -- Northpoint, Carolina Pines and Carolina Research Park; the availability of large parcels of land; and, accessibility to both the Columbia and Charlotte markets.

While the Northpoint site is in a strategic location along the county's most promising industrial growth corridor, it is a challenging site for industrial users because the topography is less than ideal. For this reason, we are proposing to grade a 300,000 SF building pad on the 90-acre site. We would subdivide the site and develop approximately 30 acres to accommodate the building pad.

Requested Action

We are requesting that the EDC recommend at the 12/12/17 meeting that Council vote to proceed with the project and accept the \$500,000 grant from the SC Department of Commerce.



+

**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: DuJuan Council

Home Address: 488 Westmoreland rd.

Columbia, SC 29229

Telephone: (home) 803 530 5192

(work)

Office Address:

Email Address:

dcouncil0@gmail.com

Educational Background: Some College

Professional Background: Law Enforcement

Male Female

Age: 18-25

26-50 Over 50

Name of Committee in which interested: **LRADAC**

Reason for interest: I have working with the behavioral health community for the past 5 years. I currently serve as Secretary of the LRADAC board .

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

Prior board experience, community relations professional.

Presently serve on any County Committee, Board or Commission? Yes, LRADAC

Any other information you wish to give?

Recommended by Council Member(s): Greg Pearce

Hours willing to commit each month: as needed

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

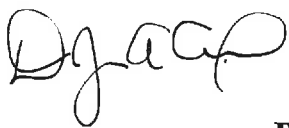
Yes _____ No X _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No X _____


If so, describe:

Applicant's Signature  Date 10/24/2017

**Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.**

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: 10/25/17	Received by: 
Date Sent to Council:	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Gregory A. Cunningham

Home Address: 16 Archdale Rd. Col. 29209

Telephone: (home) 647-7780 (work)

Office Address:

Email Address: servantcham@gmail.com

Educational Background: Post Graduate

Professional Background: USAF Chaplain, Clergy

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: LRADAC

Reason for interest: Substance abuse is a major problem in the community.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

Community Leader

Presently serve on any County Committee, Board or Commission? LRADAC

Any other information you wish to give?

Recommended by Council Member(s): Norman Jackson

Hours willing to commit each month: 10

CONFLICT OF INTEREST POLICY

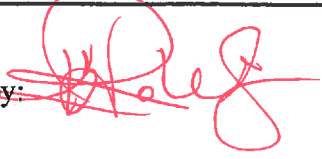
It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way decisions of the Committee, Board or

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

2

Staff Use Only	
Date Received: 10-19-17	Received by: 
Date Sent to Council:	



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant MUST reside in Richland County.

Name: Lashonda McFadden

Home Address: 113 Valley Springs Road, Columbia 29223

Telephone: (home) (803) 626-2494 (work) (803) 296-3971

Office Address: 1701 Taylor Street (Palmetto Health Baptist)

Email Address: mcfaddenlashonda@gmail.com

Educational Background: Bachelor Degree: Political Science

Professional Background: Community Health Advocate and Educator

Male

Female

Age: 18-25

26-50

Over 50

Name of Committee in which interested: Community Relations Council

Reason for interest: To ensure the prosperity of all communities on a continual basis.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

Community Advocate - Community Health Improvement at Palmetto Health Baptist;

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give?

Recommended by Council Member(s): Councilman Jim Manning

Hours willing to commit each month: 80 hours/month

CONFLICT OF INTEREST POLICY

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All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No ✓

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No ✓

If so, describe: _____

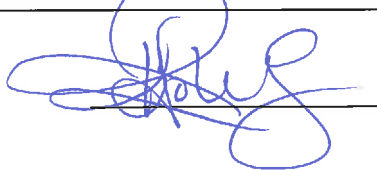
Lashonda McJadden
Applicant's Signature

10/21/2017
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: <u>10-23-17</u>	Received by: 
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



+

**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant MUST reside in Richland County.

Name: Beverly B. Jacobs

Home Address: 7324 Sara Drive Cola, SC 29223

Telephone: (home) 803 788-1694 (work) n/a

Office Address: _____

Email Address: beejay24@hotmail.com

Educational Background: Masters /Conflict Management

Professional Background: Management

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Community Relations Council

Reason for interest: I am interested in ways to better connect with the community; enhance social awareness, and give back to the community.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

I have over 15 yrs of managerial experience; mediator (community and truancy); and willing to work for positive results or enhancements to issues and concerns as needed.

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Hours willing to commit each month: as needed

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No X _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No X _____

If so, describe: _____

Beverly B. Jacob
Applicant's Signature

10-31-17
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: <u>11-3-17</u>	Received by: <u>[Signature]</u>
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Gretchen D. Barron

Home Address: 31 Gorebridge Ct. Blythewood, SC 29016

Telephone: (home) 803-834-7084/ 606-5365- cell* (work) 803-708-4786

Office Address: 6941 N. Trenholm Rd. Suite B2

Email Address: gbarron@barronacademy.com

Educational Background: Graduate of University of South Carolina- BS

Professional Background: Self-Employed- Owner of Barron Academy

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Community Relations Council

Reason for interest: As a local business owner and an active community volunteer, it is important to bridge the gaps between local government and its residents. It is equally important to keep a pulse on economic, social, and racial challenges that may hinder our community from thriving at its optimum level.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

I have lived in Richland County for more than 20 years, been in business for 10 years and highly involved as a community volunteer. I am sensitive to the needs of all people, tactful, a thinker, flexible, but yet organized, and lastly possess passion for and knowledge of state and local government.

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give? _____

Recommended by Council Member(s): Joyce Dickerson

Hours willing to commit each month: 10-20

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No _____

If so, describe: N/A



Applicant's Signature

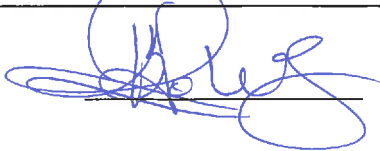
10/20/17

Date

**Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.**

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: <u>10-23-17</u>	Received by: 
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant MUST reside in Richland County.

Name: Mettauer (Tau) L. Carlisle
Home Address: 5717 Lakeshore Dr., Columbia, SC 29206
Telephone: (home) (803) 782-8038 (work) cell (803) 509-1983
Office Address: same - retired
Email Address: tauCarlisle@hotmail.com
Educational Background: AC Flora, USC
Professional Background: Retired from SC Budget Control Board
Male Age: 18-25 26-50 Over 50
Name of Committee in which interested: Planning Comm.
Reason for interest: Concern over urban sprawl

Your characteristics/qualifications, which would be an asset to Committee, Board or

Commission:

Have lived in Columbia entire life and want to give back now in my retirement

Presently serve on any County Committee, Board or Commission? no

Any other information you wish to give? formerly on Performing Art Center Board

Recommended by Council Member(s): Greg Pearce

Hours willing to commit each month: 10

CONFLICT OF INTEREST POLICY

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Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No

If so, describe: _____

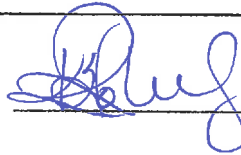

Applicant's Signature

11/2/17
Date

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Staff Use Only	
Date Received: <u>11-3-17</u>	Received by: 
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/> On file	

4.5 Meetings

Committees shall meet regularly in a room designated by the Committee Chair. No committee shall meet while the Council is meeting without special leave. No committee shall sit unless a quorum is present.

No meeting of a committee of Council may be scheduled to commence at the same time, or within _____ (minutes, hours) of the scheduled start of another meeting of a committee of Council; provided, however, that the Chairs of committees that may have conflicting meetings may coordinate between themselves to shorten the time between the start of such meetings set forth herein if they determine that their meetings are anticipated to be of such short duration that overlapping start times would not work prevent members of Council from attending those meetings. For purposes of this rule, a “meeting of a committee of Council” is a meeting where a quorum of Council members who have been appointed by the Chair of County Council to a committee, subcommittee, ad hoc committee, working group or any other public body is in attendance.

No Council member shall be allowed under any circumstances to vote by proxy. Members of Council, whenever possible, shall make inquiries and requests for information at the Committee meetings. Members of the public may address a Committee with the permission of the Committee Chair and with the consent of the Committee; however, any material that a citizen intends to present, including audio and visual presentations, must be approved by the Clerk of Council prior to the Committee meeting.



4. Atlas Road Widening Project: Right of Way Acquisition

Discussion Point:

Right of way acquisition for this project is nearing completion. Right of way agents have been unsuccessful in concluding negotiations with three (3) tracts. A breakdown of these tracts is as follows:

New Request

2 Parcels - Unable to clear title (Mortgage discrepancy, Railroad)

1 Parcels - Unable to reach agreement

3 Parcels

Recommendation:

Staff respectfully requests the Committee to concur with acquiring right of way under Council authority and to forward to full Council for consideration.



6. Blythewood Road Widening Project Revision

Discussion Point:

In effort to reduce overall project costs, it is recommended to revise the project typical section and project termini for the Blythewood Road Widening – Phase 1 project.

Recommendation:

Staff respectfully requests that the Committee accept the proposed revision and forward to County Council for consideration.



TRANSPORTATION PROGRAM

Date: November 20, 2017

To: Tony Edwards, PE
Acting Director of Transportation

From: David Beaty, PE
Program Manager

**RE: Blythewood Road Widening
Recommendation to revise project termini**

In effort to reduce overall project costs, it is recommended to revise the termini for the Blythewood Road Widening – Phase 1 project.

Recommendations:

(1) Project Termini – revise project termini to match the original referendum from I-77 to Syrup Mill Road.

Analysis:

The 2012 Richland County Penny Sales Tax referendum included this project as the ninth ranked roadway widening noting the proposed termini from I-77 to Syrup Mill Road. Through the project development process, specifically upon development of the Project Concept Report, the recommendation was made to extend the project to the next intersection, Muller Road, connecting two existing 3-lane roadway sections at Syrup Mill Road and Muller Road, while also providing bicycle and pedestrian accommodations throughout the entire project corridor. Therefore, the current project assumes a 5-lane widening between I-77 and Syrup Mill Road and a 3-lane widening between Syrup Mill Road and Muller Road. The proposed 5-lane widening between I-77 and Syrup Mill Road provides roadway capacity for existing and future traffic volumes. The 3-lane section between Syrup Mill Road and Muller Road only provides operational benefit (removing left turning traffic from the through traffic) with no improvements to traffic capacity, thus providing justification for the proposed recommendation to reduce the project termini. See Exhibit A for map of project termini and Exhibit B for currently proposed typical section, below.



TRANSPORTATION PROGRAM

A cost analysis was performed to determine the overall project costs and potential cost savings assuming multiple scenarios for the proposed improvements – see Exhibit C, below, for cost analysis;

Option (1) – Current Design

Option (2) – Revise project termini (end at Syrup Mill Road) while retaining current typical section (curb and gutter)

Indicative of the results of the cost analysis, Option (2), revising the project termini reflects an overall project cost savings of approximately \$3.8 million, compared to the current 2017 Q3 project cost estimate which assumes termini to Muller Road.

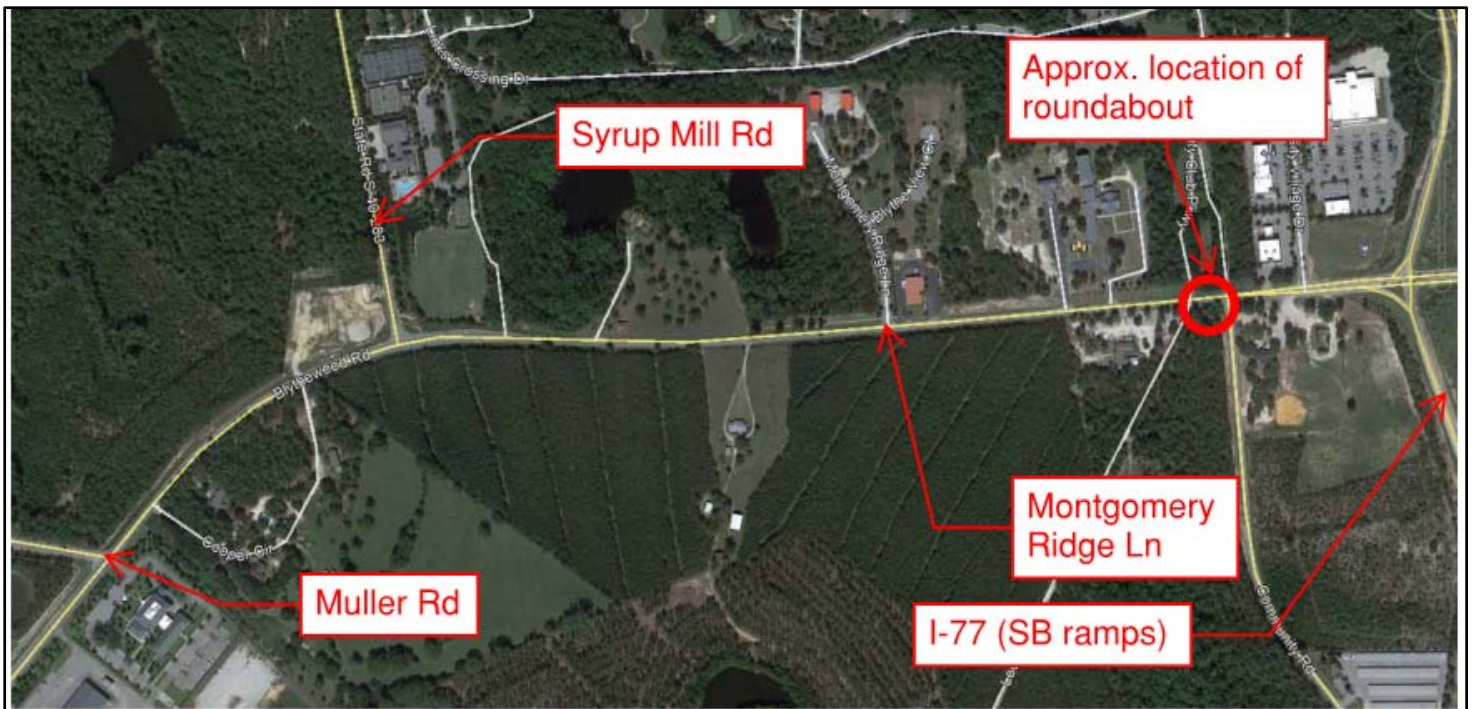


Exhibit A: Map of Project Area and Termini



TRANSPORTATION PROGRAM

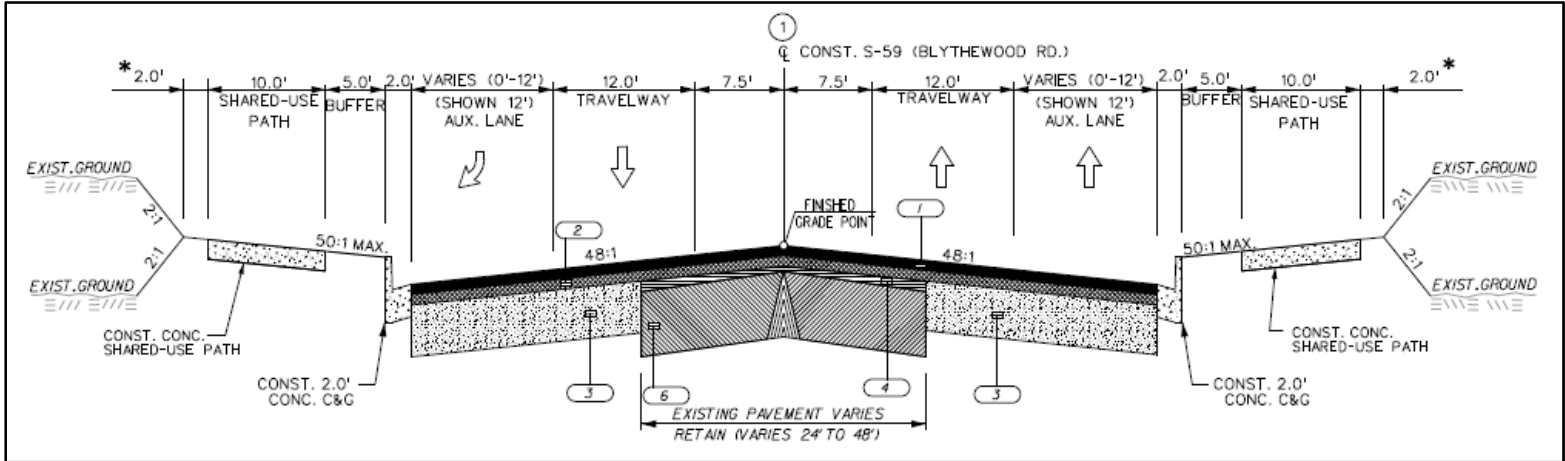


Exhibit B: Current Project Typical Section

Option	Scenario	Project Cost Estimate	Cost Reduction
1	Current Design (2017 Q3 Estimate)	\$13,928,592.44	N/A
2	Revise termini, retain current typical section	\$10,168,949.97	(\$3,759,642.47)

Notes:

1. Project Cost Estimates include costs for Planning & Delivery, Design, Rights-of-Way, Utility Relocations and Construction Costs per the methodology as presented in the 2017 Q3 Project Cost Estimates

Exhibit C: Blythewood Road Widening – Cost Analysis



10. Gills Creek Greenway Project: Maintenance Agreement and Funding Transfer

Discussion Points:

1. During the June 6, 2017 Council meeting, Councilman Pearce made an amendment to the motion for approving the design services for the Gills Creek A Greenway project, requesting a "binding, legal agreement with the City of Columbia for long-term maintenance and security". That agreement has been completed and executed by the City of Columbia and is being presented to the Transportation Ad Hoc Committee for review and approval.

Recommendation:

Staff respectfully requests that the Committee accept the agreement and forward to County Council for consideration.

2. A majority of the Gills Creek Greenway Section B is proposed to be located along Kings Grant subdivision and along Fort Jackson according to the 2012 referendum. The Kings Grant Homeowners Association has stated their opposition to Gills Creek Greenway Section B being built in and around their neighborhood, as shown in the letter below. Additionally, it has been our experience that coordinating with federal governmental agencies, such as Fort Jackson, would take a significant amount of time and effort with no guarantee of approval.

As a result of the two public meetings held for the Gills Creek Greenway project, and approved by Council at the June 2, 2017 meeting, Section A was modified to delete the segment from Kilbourne Rd. to Fort Jackson Blvd. and start at the intersection of Fort Jackson Blvd. and Crowson Rd. The removal of the Kilbourne Rd. to Fort Jackson segment eliminates the direct connection from Section A to Section B.

The referendum amount identified for Section A (\$2,246,160) is estimated to construct the greenway from the Fort Jackson Blvd./Crowson intersection to near Bright Ave. By reallocating Section B funds (\$2,785,897) to Section A, it is likely that Section A could be extended from near Bright Ave. to the near Lantana Dr.

Recommendation:

Staff recommends funding from Gills Creek Greenway Section B be reallocated to Gills Creek Greenway Section A, thus removing Section B from the Penny Program.



We Are Columbia

November 29, 2017

Gerald Seals
County Administrator
Richland County Government
P.O. Box 192
Columbia, SC 29202

Transmitted Via Email

Re: Gills Creek Greenway - Maintenance and Security Agreement

Dear Gerald:

A small revision was made to the attached Gills Creek Maintenance Agreement to include the width of the greenway from 12' to 14' as shown in the attached greenway standards. Greenway Standards were endorsed by City Council during their December 15, 2015 City Council Work Session.

The revised agreement (attached) will be presented to City Council for approval during the City Council meeting of December 5, 2017.

Sincerely,

Teresa Wilson
City Manager

cc: Brandon Madden, Assistant to the Richland County Administrator

MAINTENANCE AND SECURITY AGREEMENT BETWEEN RICHLAND COUNTY AND THE CITY OF COLUMBIA FOR GILLS CREEK SECTION A GREENWAY

THIS AGREEMENT, entered into by and between the City of Columbia ("City"), a political subdivision of the State of South Carolina and Richland County ("Richland"), a political subdivision of the State of South Carolina, organized and existing under and by virtue of the laws of the State of South Carolina, collectively the "Parties."

WHEREAS, Richland intends to construct the Gills Creek Greenway Section A from the intersection of Fort Jackson Boulevard and Crowson Road to Bright Avenue for approximately 2 miles in Columbia, South Carolina ("Greenway"); and,

WHEREAS, the Parties desire to enter into this Maintenance and Security Agreement in order to allocate the respective long-term maintenance and security responsibilities for the designated items and areas between Richland and the City as specified in this Agreement;

NOW THEREFORE, in consideration of the mutual covenants provided herein, and other good and valuable consideration, the receipt of which is hereby acknowledged:

1. The Greenway.

Richland shall have designed and constructed the Greenway. The current proposed Greenway plan, which is subject to change, will be fourteen (14') feet wide; constructed of concrete paving, and shall include but not be limited to, cross walks, lighting, benches, public restrooms, bollards, drinking fountains, pressure treated high level and low level board walks, ADA pavers, way-finding signage, and parking (the "Facilities"). Richland will secure and provide compensation for all property rights (i.e. deeds, easements, and rights-of-way) necessary for construction and maintenance of the Greenway. Said property rights will be conveyed to the City at the completion of Greenway construction upon the City's acceptance of the project. Such acceptance shall not be unreasonably withheld. The City will require the project comply with all applicable Codes. Richland will also provide all final as-built plans delineating changes to the project during construction for future use by the City. Richland specifically agrees that regardless of any other changes to the proposed Greenway alignment, the final as-built alignment will not include any connection to the Hampton Estates neighborhood.

2. The City's Responsibilities.

a. City agrees to operate those portions of the Facilities and Greenway as are in the City limits in a non-discriminatory manner with regards to race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, or on the basis of disability. The City further agrees to operate and maintain those portions of the Facilities and Greenway in the City limits in a safe and usable manner for their intended purposes throughout the term of this agreement. The City further agrees to provide sufficient and appropriate police patrol of the Greenway as a part of its normal police functions within the City, so long as the Greenway exists and is within the municipal limits of the City.

b. The City agrees to the following specific maintenance responsibilities for those locations within the City limits for the Greenway throughout the term of the agreement:

i. Boardwalks: City will maintain all boardwalks that may be part of the Greenway. This responsibility includes maintaining the appearance and integrity of the boardwalks.

ii. Retaining walls: City will maintain all retaining walls that may be part of the Greenway. This responsibility includes maintaining the appearance and integrity of the retaining walls.

iii. Concrete sidewalks, curbs and ADA pavers: City will maintain all concrete sidewalks, curbs, ADA pavers and pavement markings along the Greenway. This responsibility includes maintaining the appearance and integrity of these items included in the greenway project scope.

iv. Landscaping, fencing and signage: City will maintain the full range of services required for the upkeep of all new plant material, greenscreen fencing and wayfinding signage as detailed and installed in the areas encompassed within the Greenway. For avoidance of doubt, this does not obligate Richland or the City to enter into negotiations for reallocation of this particular maintenance item nor does this obligate the City to accept reallocation of this particular maintenance responsibility.

v. Bollards: City will maintain all bollards. This responsibility includes the maintaining the integrity and appearance of the bollards proposed and built for the project.

vi. Lighting and light fixtures: Richland's contractor to install all lighting, lighting fixtures, and call boxes, and the City shall maintain all lighting, all light fixtures and call boxes after the completion of construction and acceptance of the project.

vii. Benches and garbage containers: City will maintain all benches, trash and garbage containers and provide regular collection of those. This responsibility includes maintaining the appearance and integrity of the benches and trash containers.

viii. Crosswalk surface treatment: City will maintain the crosswalk surface treatment. This responsibility will include the appearance and integrity of the crosswalk surface treatment.

ix. Parking lot: City will maintain the paved or gravel parking lot. This responsibility will include the appearance and integrity of the parking lot.

x. Public toilet facilities: City will maintain all toilet facilities. This responsibility will include the appearance, servicing and integrity of the public toilets along the Greenway.

xi. Drinking fountains: City will maintain all drinking fountains. This responsibility will include the appearance, servicing and integrity of the drinking fountains along the Greenway.

xii. Bike racks: City will maintain all racks. This responsibility will include the appearance, and integrity of the bike racks along the Greenway.

xiii. Kiosk: City will maintain any kiosks that have been planned and constructed for the project. This responsibility will include the appearance and integrity of such kiosks.

3. Miscellaneous Provisions.

a. The City's obligations shall commence upon completion of the Greenway project and acceptance by the City unless the circumstances dictate that maintenance of particular areas or items be commenced prior to the completion of the Greenway project. It is intended that the Parties to this Agreement recognize and acknowledge that as governmental entities, their authority and capacity to perform the maintenance obligations identified herein is subject to each maintaining the respective legal authority to do so. In addition, the allocation of the maintenance obligations for the items identified will terminate with the end of the useful life of the project or the removal of a particular item being maintained.

b. This Agreement will not create any duty or responsibility to anyone other than the Parties to the Agreement, nor does it create any rights enforceable by anyone other than a party (third party beneficiary) to the Agreement.

c. This Agreement is to be governed, construed and interpreted by the laws of the State of South Carolina. The parties do not waive sovereign immunity except to the extent that litigation may be

commenced in the Circuit Court for Richland County, South Carolina as may be necessary. The Parties to the Agreement will agree that litigation will not be commenced until notice is given and the parties have attempted through discussion and mediation to resolve any disputes.

d. The official executing this Agreement on behalf of the City of Columbia will represent and assert actual authority to bind the City to the obligations and commitments made in this Agreement. Similarly, the official executing this Agreement on behalf of Richland County will represent and assert actual authority to bind Richland County to the obligations and commitments made in this Agreement.

e. Waiver: The failure of either party to insist upon the strict performance of any provision of this Agreement shall not be deemed to be a waiver of the right to insist upon strict performance of such provisions or of any other provision of this Agreement at any time. Waiver of any breach of this Agreement by either party shall not constitute waiver of subsequent breach.

f. Notice: Written notice to the City shall be made by placing such notice in the United States Mail, Certified, Return Receipt Requested, postage prepaid and addressed to:

City of Columbia
City Manager
Post Office Box 147
Columbia, SC 29217

Written notice to the County shall be made by placing such notice in the United States Mail, Certified, Return Receipt Requested, postage prepaid and addressed to:

Richland County
County Administrator
2020 Hampton Street
PO Box 192
Columbia, SC 29202

Written notice also may be made by personal hand-delivery to the City Manager or the County Administrator.

g. Agreement Interpretation: Ambiguities in the terms of this Agreement, if any, shall not be construed against the City of Columbia nor Richland County.

h. Severability: If any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future law, such provision shall be fully severable. This Agreement shall be construed and enforced as if such illegal, invalid, or unenforceable provision were never a part hereof; and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provision or by its severance, except to the extent such remaining provisions constitute obligations of another Party to this Agreement corresponding to the unenforceable provision determined to be void or unforeseeable, all other provisions shall remain in full force and effect.

i. Captions and Headings: The captions and headings throughout this Agreement are for convenience and reference only, and the words contained therein shall in no way be held or deemed to define, limit, describe, modify, or add to the interpretation, construction, or meaning of any provision of or scope or intent of this Agreement.

j. Entire Agreement. This document contains the entire agreement between the parties and no other representations, either written or oral shall have effect. Any modification of this Agreement shall be by a signed writing between the parties.

k. Term. The term of this Agreement is twenty (20) years from the date of execution.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, in duplicate original, as of the as of the date of the last signature below.

WITNESSES:

CITY OF COLUMBIA

BY: _____

Teresa B. Wilson

ITS: City Manager

Date: _____

APPROVED AS TO FORM

Legal Department City of Columbia, SC

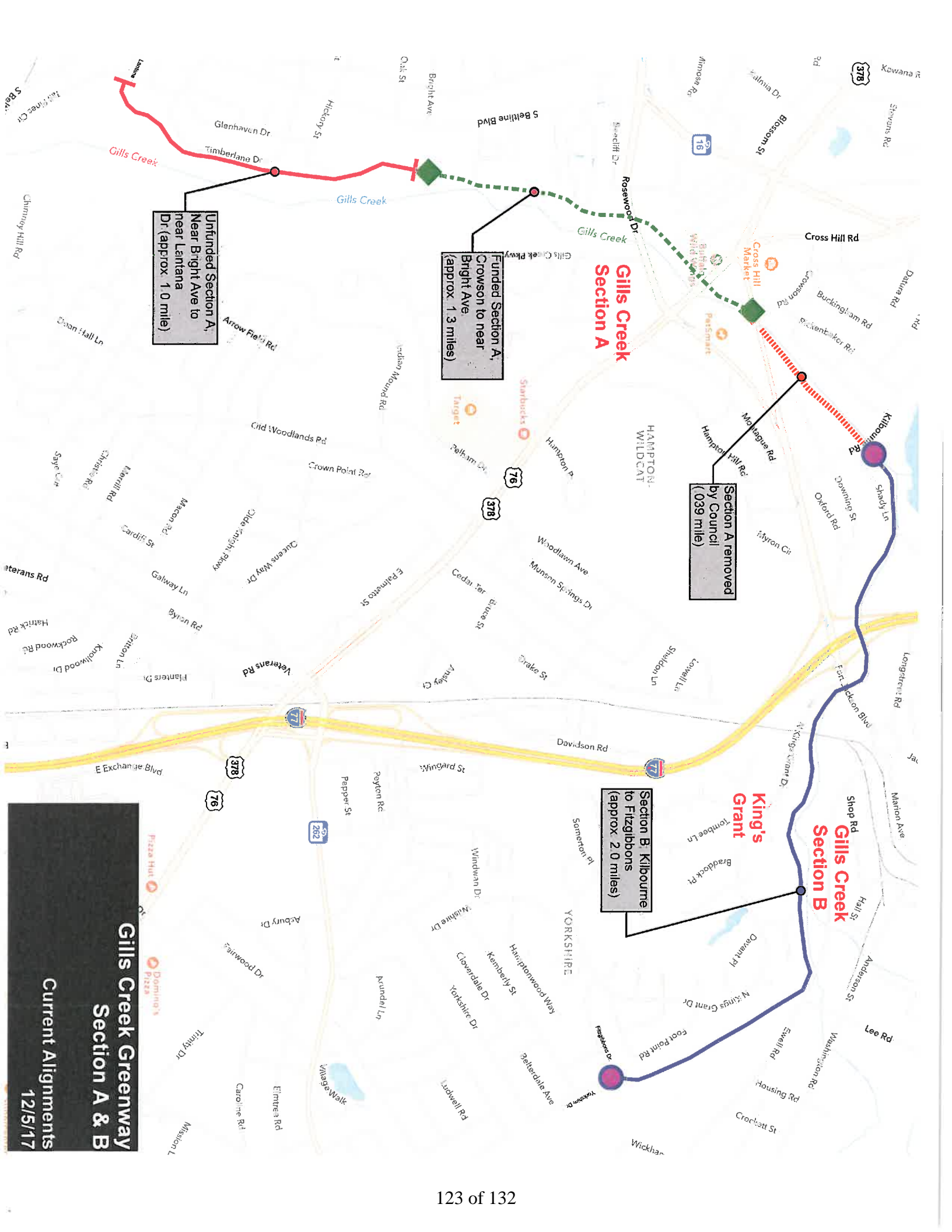
RICHLAND COUNTY

BY: _____

Gerald Seals

ITS: County Administrator

Date: _____



Gills Creek Greenway
Section A & B
Current Alignments
12/5/17

Penny Program Bonding

1. Bonding does not add funds to the program but advances the money available for design and construction. The bonds are paid back with future penny sales tax revenues.
2. Most capital programs utilize bonds as typically interest rates are lower for bonds than anticipated construction inflation. Currently bond interest rates are approximate 3% vs 7-8% for annual construction inflation.
3. The Program and CTIP were designed around issuance of \$250 million of bonds which was first approved by Council in January 2015.
4. The PDT has run several bonding models including \$250M, \$100M and No Bonds. In our professional opinion, a bond sale in the amount approximate to \$250M yields the most efficient use of money for the taxpayers.
5. Total penny revenues are forecast be \$62.6M for 2018 and \$63.2M for 2019. The portion of the revenues for the roads, greenways, etc is forecast to be \$44.4M for 2018 and \$44.9M for 2019 with the balance going to the COMET.
6. Current forecasted cash requirements for the Roads, Greenways, etc. are \$118M in 2018 and \$125M in 2019.
7. ***If bonds are NOT sold then the Penny program is projected to run out of money in the second quarter of 2018 requiring infusion of \$ from the General Fund or other sources of funds. New projects will be suspended until such time as sufficient revenues are collected, approximately 18 to 24 months. The construction program will be extended a number of years. Buying power will be reduced due to construction inflation. See Attachment for list of affected projects.***

Historical

- A. The original program as conceived by PB was an 8 year duration.
- B. The original program was structured with bonding contemplated and issuance of up to \$450M of bonds was included as a question on the ballot and approved by the voters.
- C. The original program was developed without adequate estimates for construction inflation or interest payments. The PDT brought this issue to the attention of the County and its financial advisors in Fall of 2014.

		<div style="background-color: #4F81BD; color: white; padding: 2px;">\$250M BOND PLAN</div>							
District	Project Name	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
		2018				2019			
2, 7, 8, 9	Hardscrabble Rd								
4	North Main Street Widening								
10	Shop Road Extension (Ph. I)								
7	Farrow Rd. and Pisgah Church Rd.								
1,2,3,7,8,9,10,11	Local Road Resurfacing Program								
1,2,5,7,9,10,11	Dirt Road Paving Program								
10, 11	Leesburg Road Widening								
9, 10	Clemson Rd Widening								
10	Bluff Rd Widening Phase 2								
10, 11	Atlas Rd Widening								
10, 11	Pineview Rd Widening								
2	Blythwood Rd Widening								
11	Southeast Richland Neighborhood								
4	Broad River Neighborhood								
3, 8, 10	Decker Boulevard Neighborhood								
8	Candlewood Neighborhood								
9, 10	Clemson/Sparkleberry Intersection								
4	Bull St. and Elmwood Ave. Intersection								
11	Garners Ferry / Harmon Intersection								
8, 9	North Springs / Harrington Intersection								
9, 10	Screaming Eagle /Percival Intersection								
6	Gills Creek A Greenway								
5, 10	Smith / Rocky Branch C Greenway								
3,4,5,6,8,9,10	Intersection Upgrades Program								
3	Sidewalk S6 (School House and Magnolia)								
3, 8, 10	Alpine Road Sidewalk								
3	Harrison Road Sidewalk								
6, 8, 10	Percival Road Sidewalk								
8, 9, 10	Polo Road Sidewalk								
4	Sunset Sidewalk								
6	Fort Jackson Blvd Bikeways								
ALL	Bikeway Program								

		<div style="background-color: #4F81BD; color: white; padding: 2px;">NO BOND PLAN</div>							
Project Name	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
	2018				2019				
Hardscrabble Rd									
North Main Street Widening									
Shop Road Extension (Ph. I)									
Farrow Rd. and Pisgah Church Rd.									
Local Road Resurfacing Program									
Dirt Road Paving Program									
Leesburg Road									

Construction Phase Services
 Construction Phase Services already under Contract

If bonds are NOT sold then the Penny Program is projected to run out of money in the second quarter of 2018 requiring an infusion of \$ from the General Fund. New projects will be suspended until such time as sufficient revenues are collected, approximately 18 to 24 months.

DISTRICT 6 PROJECTS

		\$250M BOND PLAN							
District	Project Name	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
		2018				2019			
COUNTYWIDE	Local Road Resurfacing Program								
COUNTYWIDE	Dirt Road Paving Program								
6	Gills Creek A Greenway								
3,4,5,6,8,9,10	Intersection Upgrades Program								
6, 8, 10	Percival Road Sidewalk								
6	Fort Jackson Blvd Bikeways								
ALL	Bikeway Program								

		NO BOND PLAN							
Project Name	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
	2018				2019				
Local Road Resurfacing Program									
Dirt Road Paving Program									

- Construction Phase Services
- Construction Phase Services already under Contract

If bonds are NOT sold then the Penny Program is projected to run out of money in the second quarter of 2018 requiring an infusion of \$ from the General Fund. New projects will be suspended until such time as sufficient revenues are collected, approximately 18 to 24 months.

COST INCREASES FOR EARTHWORK AND ASPHALT MIDLANDS ROADS PROJECTS - SOURCE SCDOT

- Borrow Excavation - Average Increase of 4.10% per year
- Unclassified Excavation - Average Increase of 3.84% per year
- Resurfacing - Average Increase of 7.38% per year
- Surface Course - Average Increase of 14.00% per year



ASPHALT AND TRANSPORTATION RELATED MATERIALS ARE TIED TO THE PRICE OF OIL AND DEMAND. PRICE CAN BE VOLATILE

PERCENT INCREASES FOR EARTHWORK AND ASPHALT MIDLANDS ROADS PROJECTS - SOURCE SCDOT

- Borrow Excavation - Average Increase of 4.10% per year
- Unclassified Excavation - Average Increase of 3.84% per year
- Resurfacing - Average Increase of 7.38% per year
- Surface Course - Average Increase of 14.00% per year



ASPHALT AND TRANSPORTATION RELATED MATERIALS ARE TIED TO THE PRICE OF OIL AND DEMAND. PRICE CAN BE VOLATILE

Options to Complete Program Within 2012 Referendum Amounts

- A. Transportation Program Consists of 10 Major Categories totaling \$737 Million
 - a. Widenings, Intersections, Special, Bikeways, Sidewalks, Pedestrian Intersections, Greenways, Neighborhoods, Dirt Road Paving, Resurfacing. All categories are at or under budget except the Widenings.
- B. Only Widening Category Cost Estimates Greater in Total than Referendum
 - a. 4 of 14 projects are under original referendum amount and scope (Hardscrabble, Leesburg, North Main, Clemson)
 - b. 10 projects are estimated to exceed referendum amount/scope.
- C. Total Program Cost Estimates are \$131 Million Greater Than Referendum Amount based on current CTIP with County issuing bonds.
 - a. SCDOT fully funding I-20/Broad River Road Interchange allowing \$52.5 Million "credit" to Program
 - b. \$131 Million minus \$52.5 Million = \$78.5 Million
 - c. Approximately 10% estimated Program funding shortfall

- **Options to Compensate for Estimated funding Shortfall of \$78.5 Million**

- 1. *Identify Additional Outside Revenues*

- Program previously brought in \$36 Million through Grants/Earmarks
 - Mitigation Bank credit sales
 - State Infrastructure Bank Application
 - COATS funding (Columbia Area Transportation Study –COG)

- 2. *Revise County Contingency Procedure*

- County is currently adding a 10% construction contingency to all projects
 - PDT suggest a reduction to a 5% construction contingency results in potential funding shortfall reduction of ~\$22M.

- 3. *Construct Widenings in Order of Priority*

- *Continue to Identify Additional Outside Revenues Opt. 1 and/or Savings in Opt.2*
 - Potential of 2-3 projects deferred
 - Specific projects to be identified and approved by Council

- 4. *Design/Construct Widenings within Referendum Amount*

- *Continue to Identify Additional Outside Revenues Opt. 1 and/or Savings in Opt.2*
 - Each project receives full referendum amount (Council Districts keep all \$)
 - Scopes reduced by shortened termini, intersection improvements, other as approved by Council.

- **Should the County NOT issue bonds then it's highly likely the shortfall will be substantially higher and other options will have to be considered. Issuance of new projects will be suspended and we would suggest the issue be studied in 2020 when the program resumes.**



Program Delivery Update

Completed Projects

- 200 Roads Resurfaced
- 34 Dirt Roads Paved
- Bluff Road Widening Phase 1
- Greene Street Phase 1
- Riverbanks Zoo Pedestrian Bridge
- Lincoln Tunnel Greenway
- 7 Intersections
- 26 Sidewalks
- 5 Bikeways
- 12 Pedestrian Improvements

Active Construction

- Shop Road Extension Phase 1: Grading and culvert construction underway
- North Main Street Widening: Utility relocation and drainage underway
- Hardscrabble Road Widening: Utility relocation underway
- 19 Dirt Roads
- Three Rivers Greenway: In Construction
- Farrow Road/Pisgah Church Road Intersection
- 52 Resurfacing Road projects

Construction Starting in 2018

- Clemson Road Widening
- Greene Street Phase 2
- Atlas Road Widening
- Percival Road Sidewalk
- Multiple Dirt Roads
- Southeast Richland Neighborhood Improvement
- Candlewood Phase 2 Neighborhood Improvement
- North Springs/Harrington Intersection
- Garners Ferry/Harmon Intersection
- Screaming Eagle/Percival Intersection
- Multiple Resurfacing
- Broad River Neighborhood Improvement

Active Design

- Broad River Road Widening
- Blythewood Road Widening
- Shop Road Widening
- Clemson/Sparkleberry Intersection
- Pineview Road Widening
- Multiple Dirt Roads
- Multiple Resurfacing
- Decker/Woodfield Park Neighborhood Improvement
- Gills Creek Greenway A
- Bluff Road Phase 2

Program Achievements

- \$155 Million in projects delivered to construction
- 300 Individual Projects Completed
- 49 Interns Have Participated In Our Internship Program
- 555 Miles of County Roads Surveyed and Ranked for Repaving
- 300 Right-of-Way Tracts Secured
- 27 Project Public Meetings
- 75 Speaker's Bureau Presentations

Visit www.richlandpenny.com for more information

A RESOLUTION

A RESOLUTION RELATING TO THE DECLARATION OF INTENT BY RICHLAND COUNTY, SOUTH CAROLINA, TO REIMBURSE CERTAIN EXPENDITURES PRIOR TO THE ISSUANCE OF TAX-EXEMPT DEBT ON BEHALF OF THE COUNTY

WHEREAS, the Internal Revenue Service and U.S. Treasury Department have promulgated Section 1.150-2 of the Treasury Regulations (the "Regulations") that authorizes an issuer to reimburse itself from the proceeds of tax-exempt debt; and

WHEREAS, Richland County, South Carolina (the "County"), anticipates incurring expenditures (the "Expenditures") related to certain capital improvements including but not limited to land acquisition, the acquisition of and renovations to facilities to be utilized as the County Administration Building and related offices, etc.; demolishing the current County Administrative Building and constructing and equipping a new County courthouse at the same location (collectively, the "Project") prior to the issuance on behalf of the County of tax-exempt debt for such purposes; and

WHEREAS, the County intends to fund the Project from proceeds of tax-exempt debt not to exceed \$100,000,000; and

WHEREAS, the Regulations require that the governing body of the political subdivision declare an official intent to reimburse an expenditure prior to the incurrence of the expenditure.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Richland County, South Carolina:

Section 1. The County Council hereby declares that this Resolution shall constitute its declaration of official intent pursuant to Section 1.150-2 of the Regulations to reimburse the County from the proceeds of tax exempt debt to be issued on behalf of the County pursuant to South Carolina state law, for Expenditures with respect to the Project. The County Council anticipates incurring Expenditures with respect to the Project prior to the issuance on behalf of the County of tax-exempt debt for such purposes.

Section 2. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Project was placed in service, but in no event more than three (3) years after the original Expenditures.

Section 3. The Expenditures are incurred solely to acquire, construct or rehabilitate property having a reasonably expected economic life of at least one (1) year.

Section 4. The County Council hereby authorizes the use of general fund monies or other funds on hand as the source of funds for the Expenditures with respect to the Project.

Section 5. This Resolution shall be in full force and effect from and after its adoption as provided by law. This Resolution shall be made available for inspection during normal business hours by the general public at the offices of the County.

Adopted this ____ day of _____, 2017.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Joyce Dickerson, Chair
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF
_____, 2017:

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content