



RICHLAND COUNTY COUNCIL RULES AND APPOINTMENTS

Jim Manning	Bill Malinowski, Chair	Julie-Ann Dixon
District 8	District 1	District 9

**JUNE 2, 2015
4:00 PM**

4th Floor Conference Room

CALL TO ORDER

Approval Of Minutes

1. May 19, 2015 [PAGES 5-9]

Adoption Of Agenda

Items For Action

2. NOTIFICATION OF VACANCIES:
 - a. Building Codes Board of Appeals - 1

- b. Library Board of Trustees - 4

3. BOARD TERMS: [PAGES 12-33]

- a. Review any appointments that go beyond four (4) years and pursue all avenues to amend the terms to make them no more than four (4) years in length [MANNING]
- b. MOTION: Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission [LRADAC] be changed from "two, three year terms" to "three, three year terms" so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed [PEARCE]

Discussion

- 4. a. Richland County has a Non-Discrimination, Equal Opportunity Policy. Council shall develop an action plan that holds the Administrator and staff accountable for not following Council approved guidelines, policies and Ordinances [JACKSON]
- b. Participation in Executive Session of public bodies created in whole or in part by Richland County: I move that any board, committee, agency, entity or public body created in whole or in part by ordinance or act of Richland County may adopt bylaws and rules of procedure for its operation not inconsistent with the ordinances of Richland County; provided, however, that any board, committee, agency, entity or public body created in whole or in part by an ordinance or act of Richland County shall develop to permit any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session such board, committee, agency, or entity or public body may hold. Should any board, committee, agency, entity or public body created in whole or in part by Richland County refuse to allow any member of the Richland County Council who is a liaison to, or an ex-officio member thereof, to attend any executive session described herein, such refusal shall be reported by either the Chair of County Council, or by any member thereof, at the next meeting of County Council after such refusal, or as soon thereafter as is practical. Further, the facts and circumstances of any denial of access to an executive session as provided for herein shall be briefed by or to County Council during the annual budget process. The purpose of this motion is not to overly burden any public body subject to this motion, or to become involved in the day-to-day operations thereof, but instead to exercise appropriate oversight of public bodies created by, funded by, or created and funded by Richland County [WASHINGTON]
- c. Request for financial, operational, and management information from entities funded in whole or in part by Richland County: I move that ... "any board, committee, commission, agency, entity or public body or private organization, regardless of size or membership, funded in whole or in part by Richland County provide financial, operational and management information to Richland County, care of its Administrator or the Administrator's designee, including, but not limited to: [list desired information here]. This information should be provided within a reasonable timeframe, but no later than ---, for the County to meaningfully consider the same during its annual budget process. Any public body or private organization or entity that fails to timely provide the requested information, or that provides incomplete information, will be considered to have an incomplete budget request for the budget year to which the information sought pertains, and shall not be considered for County funding for the budget year to which the information sought pertains until all other organizations and entities, which have completed budget submissions are considered for funding. In other words,

organizations and entities with incomplete budget submissions will be considered for funding last during that budget cycle. Any organization or entity may request a partial or full waiver to provide such information as is described herein, and if, in the opinion of the County's governing body, there is a valid justification for the failure to provide the information sought (such as an excessive administrative burden), the County's governing body may grant such a waiver and proceed with the budget consideration had such organization or entity filed a completed budget request. For purposes of a "waiver" as described herein, the same are to be given only for one budget year at a time, and only on a case-by-case basis [WASHINGTON]

d. Ordinance clarifying Richland County's role in providing or paying for administrative, legal or other services for public bodies not created by Richland County: "I move that Council pass an ordinance providing that: Richland County shall not provide administrative or other services, or legal representation or funding for legal representation for any board, commission, committee, entity or any other "public body" as defined in the South Carolina Freedom of Information Act as codified at the date of the adoption of this ordinance for any public body that (1) was created or established by any authority other than the governing body of Richland County and (2) whose members are appointed by any authority other than the governing body of Richland County. For any such public body that is required by the United States of America, the State of South Carolina, or any other competent authority, to be funded by Richland County, the same in its budget request shall include requested funding amounts for all administrative, legal or other service it needs to carry out its mission and operations. In other words, if any such organization or entity anticipates the need for legal or other services, for example, that organization or entity should include a funding request for such services so the same may be paid for out of its budget. The purpose of this motion is not to deprive any such organization or entity of services it may need, but to appropriately place the responsibility and authority for such services in the hands of the organization or entity over which Richland County has no role or responsibility other than to provide mandated funding [WASHINGTON]

e. Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County. The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other "public body" as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Roberts Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON]

Adjournment



Richland County Council Request of Action

Subject

May 19, 2015 [PAGES 5-9]

Purpose

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA



Committee Members Present

Bill Malinowski, Chair
Julie-Ann Dixon
Jim Manning

Others Present:

Kelvin Washington, Sr.
Seth Rose
Michelle Onley
Monique McDaniels

RULES AND APPOINTMENTS COMMITTEE

May 19, 2015
4:00 PM
4th Floor Conference Room

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Mr. Malinowski called the meeting to order at approximately 4:03 PM

APPROVAL OF MINUTES

May 5, 2015 – Mr. Manning moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Ms. Dixon moved, seconded by Mr. Manning, to adopt the agenda as published. The vote in favor was unanimous.

ITEMS FOR ACTION

COUNCIL RULES

1. **After discussion between the Rules Committee Chair and Clerk to Council it has been determined that the rules of Richland County Council are efficient and outline the duties and responsibilities of each council member. Therefore, it is recommended that the committee review the current policies procedures for any additional input/changes.**
 - a. **Allow members to electronically participate during executive session** – Mr. Manning moved, seconded by Ms. Dixon, to amend the Council Rules as follows:

1.5(b)(1) Electronic Participation – During any Special Called meeting, not held in conjunction with a regularly scheduled Zoning Public Hearing and Planning Meeting, any Council member may participate in the meeting via electronic participation as present for the purposes of a quorum.

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SOUTH CAROLINA

Rules & Appointments Committee
Tuesday, May 19, 2015
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2. VOTING

- a. **I move that County Council amend its rules to require roll call voting on every vote taken [ROSE]** – Mr. Manning moved, seconded by Ms. Dixon, to not amend the Council rules as it applies to voting.

Mr. Rose inquired if the report coming out of committee would be to leave things the way they are presently.

Mr. Malinowski stated the committee viewed a presentation regarding roll call voting. The technicalities involved led the committee to feel it would take longer to vote and would complicate the existing practice.

Mr. Rose inquired if rules could be put in place where consent items and other items could be exempted unless division is called.

Mr. Malinowski responded rules could possibly be put in place, but the Clerk's Office stated if a Council member calls for division and the vote is then recorded it would be just as quick.

Mr. Rose stated that is not his position, but understood the committee's recommendation.

The vote in favor was unanimous.

- b. **Roll Call Voting Options** – Mr. Manning moved, seconded by Ms. Dixon, to not amend the Council rules as it applies to voting. The vote in favor was unanimous.

3. NOTIFICATION OF APPOINTMENTS:

- a. **Planning Commission - 1** – Ms. Dixon moved, seconded by Mr. Manning, to advertise for the vacancy. The vote in favor was unanimous.

4. BOARD TERMS

- a. **Richland County Boards, Commissions, and Committees:**

1. **Boards, Commissions, and Committees governed by Richland County Council** – Mr. Farrar stated the terms for the following boards, commission and committees were set as follows:

Township Auditorium – Special Legislation
Planning Commission – Title 6
Board of Zoning Appeals – Title 6
Library Board of Trustee – State Law
Music Festival Commission – Special Legislation

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Mr. Malinowski requested Mr. Farrar to compile a list of the boards, commissions, and committees outlining who is responsible for setting their terms.

Mr. Manning inquired as to what is trying to be accomplished regarding the terms.

Ms. Dixon stated it was her understanding the intent was to have all of the committees, boards and commissions to have the same terms.

Mr. Washington stated he does not believe any appointment should outlive a Council member because a culture starts to develop.

Mr. Manning moved, seconded by Ms. Dixon, to review any appointments that go beyond four (4) years and pursue all avenues to amend the terms to make them no more than four (4) years in length.

There was a discussion regarding the following wording in the current ordinance: "The members of such boards, commissions and committees shall not serve more than two (2) consecutive terms; provided, however, that upon service of two (2) consecutive terms a member may be eligible for reappointment after one day of non-service."

Mr. Washington stated there is an assumption if someone serves on a committee for one term they are automatically going to get another term.

2. Boards, Commissions, and Committees with specific criteria – Mr. Manning moved, seconded by Ms. Dixon, to review any appointments that go beyond four (4) years and pursue all avenues to amend the terms to make them no more than four (4) years in length.

3. Boards, Commissions, and Committees that involve other governing bodies – Mr. Manning moved, seconded by Ms. Dixon, to review any appointments that go beyond four (4) years and pursue all avenues to amend the terms to make them no more than four (4) years in length.

b. Richland County Boards, Commissions and Committees that have been dissolved:

- 1. Youth Commission**
- 2. Appearance Commission**
- 3. Economic Development Committee**
- 4. Disabilities and Special Needs Board**

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SOUTH CAROLINA

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5. Midlands Commission on Homelessness
 6. Complete Street Commission
 7. Building Board of Adjustment and Appeals
 8. Performing Art Center Board
 9. Transportation Study Commission
- c. **MOTION:** Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission [LRADAC] be changed from “two, three year terms” to “three, three year terms” so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed [PEARCE]

ADJOURNMENT

The meeting adjourned at approximately 4:50 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council



Item# 1

Richland County Council Request of Action

Subject

NOTIFICATION OF VACANCIES:

- a. Building Codes Board of Appeals - 1
- b. Library Board of Trustees - 4

Purpose

Richland County Council Request of Action

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BOARD TERMS: [**PAGES 12-33**]

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- b. MOTION: Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission [LRADAC] be changed from "two, three year terms" to "three, three year terms" so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed [**PEARCE**]

Purpose

The County of Richland



Office of the County Attorney

MEMORANDUM

From: Bradley T. Farrar, Chief Deputy County Attorney

To: Rules and Appointments Committee

Date: May 28, 2015

Re: Boards, Commissions and Committees

The below and attached information pertains to certain boards, commissions and committees whose membership Richland County appoints or for which the County has some role or authority. Specifically, the first four (4) entities discussed provide for terms of service that are greater than four (4) years. They include:

1. The Board of Trustees of the Columbia Township Auditorium

Richland County Code of Ordinances Chapter 2, Administration, Article VIII, Boards, Commissions and Committees, provides at subsection 2-332(a)(1) that:

The board shall consist of seven (7) members residing in the county, appointed by the council for a term of five (5) years.

The Board was established by South Carolina Statute At Large Act No. 640, which provides at Section 1.(b):

The board of trustees shall consist of five members who shall be residents of Richland County, State of South Carolina, and who shall be elected by a majority of the Richland County Legislative Delegation, including the Senator, whose terms shall run for a period of five years...

As the Township Board's terms are established by State statute, they may only be changed by State legislation. To the extent the County passes any ordinance consistent with the statutes relative to the Township, those ordinances similarly would be valid, but would not supersede or take precedence over State laws.

2. The Richland-Lexington Riverbanks Parks Commission

Richland County Code of Ordinances subsection 2-332(c) provides for “The Richland-Lexington Riverbanks Parks Commission,” and further that:

- (1) Two (2) members of the commission shall be appointed by the council, for a term of six (6) years.

It appears in reviewing State law that the Richland-Lexington Riverbanks Parks District was established as a Special Purpose District pursuant to S.C.Code Ann. Section 51-13-10 *et seq.* Section 51-13-20 provides:

The Commission shall consist of seven members. Two members shall be appointed by the County Council of Richland County for terms of three and four years; two members shall be appointed by the Lexington County Council for terms of two and five years; two members shall be appointed by the Mayor and City Council of Columbia for terms of one and six years; one member shall be appointed for an initial term of one year by the Lexington County Council, the Richland County Council and the Mayor and City Council of Columbia. Thereafter, all appointments shall be for a term of six years and until their successors are appointed and qualify.

As the Commission was established and its members are appointed pursuant to State law, any changes thereto also would require State legislation.

3. East Richland Public Service District

Richland County Code of Ordinances subsection 2-332(f) provides for the “East Richland Public Service District,” and further that:

The public service district shall consist of five (5) members appointed by the governor upon the recommendation of the county council for five (5) year terms. Members shall be electors or residents of the district, and at least one member shall be a resident of each incorporated municipality within the districts. Meetings at call.

It appears in reviewing State law that this entity also was established by a Statute at Large, created under the name of the Jackson-Gills Creek Public Service District by Act No. 1114, Local and Temporary Laws—1960.

SECTION 3 of that Act provides in part:

The commission shall consist of five resident electors of the District, at least one of whom shall be a resident of each incorporated municipality now lying within the District and hereinafter electing to remain a part of said District under Section 10, hereinbelow, who shall be appointed by the Governor upon the recommendation of a majority of the Legislative Delegation of Richland County, including the Senator...

As this entity was established and its members are appointed pursuant to State law, any changes thereto also would require State legislation.

4. Transportation Penny Advisory Committee

This entity was established and approved by the Richland County Council. The purpose, scope, composition, terms and functions of this Committee may be set by ordinance at Council's pleasure.

5. The Economic Development Commission

An issue arose as to the naming of an economic development body that is separate and distinct from County Council's Economic Development Committee. In that regard, it appears pursuant to section 2-332(e) that the non-Council entity is named "The Economic Development *Commission*," as opposed to a "Committee." Should Council desire to change this name, it could do so with an ordinance amendment to subsection 2-332(e).

Here is the present subsection 2-332(e):

The Economic Development Commission. The commission shall consist of twelve (12) members, of which three (3) shall be appointed by the council for a term of three (3) years. Other appointive bodies include Lexington County, Fairfield County, Chamber of Commerce and city council with each nomination to be confirmed by all appointive bodies. Meetings at call.

6. Richland/Lexington County Disabilities and Special Needs Board

Regarding a "Disabilities and Special Needs" entity, subsection 2-332(o) refers to a "*Disabilities and special needs board*," which subsection 2-332(o) further describes at (1) as the "Richland/Lexington County Disabilities and Special Needs Board."

Subsection 2-332(o)(3) provides in relevant part that the Board, "shall be appointed by the governor of the State of South Carolina upon recommendation of the majority of the county legislative delegation." Given the appointment power in an authority other than Richland

County, changing the parameters or appointment would be reserved for the Board creation appointing authority.

Here is the full text of subsection 2-332(o):

(o) *Disabilities and special needs board.*

(1) *Board.* There is hereby created the Richland/Lexington County Disabilities and Special Needs Board with powers, duties, responsibilities, and functions set forth herein.

(2) *Purpose.* It is the purpose of the Richland/ Lexington County Disabilities and Special Needs Board to develop, provide, coordinate, improve and operate community based programs serving persons with disabilities and special needs or other related disabilities with a view toward developing their respective mental, physical and social capacities to their fullest potential.

(3) *Membership.* The board shall be composed of fifteen (15) members, at least five (5) of whom shall be resident electors. The board shall be appointed by the governor of the State of South Carolina upon recommendation of the majority of the county legislative delegation. Persons with a demonstrated interest and background in disabilities and special needs and/or human services shall be recommended for appointment.

(4) *Terms.* The terms of the members shall be for four (4) years until their successors are appointed and qualify, except that of the first appointed: One (1) shall be appointed for one (1) year; two (2) for two (2) years; two (2) for three (3) years; and two (2) for four (4) years. Vacancies shall be filled for any unexpired terms in the same manner as original appointments. Any member may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office or for missing three (3) consecutive meetings after being given a written statement of reasons and an opportunity to be heard.

(5) *Meetings and requirements.* The board shall open all regular meetings to the general public. No fewer than four (4) meetings per year shall be held. Special meetings may be called, with reasonable notice given to other members.

(6) *Bylaws.* The board will establish its own bylaws. On an annual basis, it will elect a chairperson, a vice-chairperson, a secretary and a treasurer.

(7) *Insurance.* The board will maintain at all times, workers compensation insurance on its employees and a policy of liability insurance in the amount of one million dollars (\$1,000,000.00) covering all employees and board members. The premiums for this coverage shall be the responsibility of the board. Richland County shall be listed as an insured under the policy of liability insurance. The board shall furnish a copy of the current insurance policies to county council and will keep current copies of the policies on file at all times.

(8) *Duties.* The board shall:

a. Be the administrative, planning, coordinating, evaluative, and review body of services to persons in the county who are mentally retarded or have other related disabilities; the board shall be funded in part or in whole by appropriations for the South Carolina Department of Disabilities and Special Needs.

b. Submit an annual plan and projected budget to the South Carolina Department of Disabilities and Special Needs for approval and consideration of funding.

c. Review and evaluate, on at least an annual basis, county mental retardation and related disability services provided pursuant to this ordinance and report its finding and recommendations to the South Carolina Department of Disabilities and Special Needs and county council.

d. Promote and accept local financial support for Richland County programs from funding sources such as businesses, individuals, industrial and private foundation, voluntary agencies, governmental and other lawful sources and promote public support from municipal and county sources.

e. Employ personnel and expend its budget for the direct delivery of services or contract with those services vendors necessary to carry out county mental retardation or related disability service programs, which shall meet those specifications prescribed by the South Carolina Department of Disabilities and Special Needs.

f. Plan, arrange, and implement working agreements and contract with other human service agencies, both public and private, and with educational and judicial agencies.

g. Provide the South Carolina Department of Disabilities and Special Needs and the county council with such records, reports, and access to its sponsored services as the South Carolina Department of Disabilities and Special Needs and the county council may require and submit its sponsored services and facilities to licensing requirements of the South Carolina Department of Disabilities and Special Needs of the licensing requirements of other state or local agencies having such legal authority.

h. Buy, sell, mortgage, pledge, encumber, lease, rent, and contract with respect to real and personal property, from funds payable out of any revenues of the county disabilities and special needs board, and shall not obligate the full faith, credit, and taxing power of the county.

i. Provide a public forum to which individuals or groups may present any concerns or appeal a dispute or disagreement with a provided agency or service.

SECTION 2. Bids.—The Board of Commissioners shall advertise for sealed bids on the above described property and it, with a majority of the Richland County Legislative Delegation including the Senator, shall reserve the right to reject any and all bids and approve the terms of sale.

SECTION 3. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 3rd day of March, 1961.

(8166, H1427)

No. 638

An Act To Authorize The Richland County Board Of Commissioners To Purchase A Certain Parcel Of Land In The City Of Columbia.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Richland County to purchase property.—The Richland County Board of Commissioners is hereby authorized and directed to purchase for the county for a sum not exceeding ninety thousand dollars the following:

"All that lot or parcel of land, with the buildings and improvements thereon if any, situate on the southern side of Washington Street, between Bull and Pickens Streets, measuring on the north 75.6 feet, east 208 feet, south 84 feet, thence northward 69.3 feet, thence eastward 9 feet, thence northward 140 feet to point of commencement, all measurements being more or less and known as 1508 Washington Street."

SECTION 2. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1961.

(8167, H1431)

No. 639

An Act To Redefine The Area Of Center Township In Richland County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Center Township in Richland County defined.—Center Township in Richland County is described as follows:

"Beginning at a point where School District No. 1 intersects the Seaboard Airline Railroad at Formosa Drive; thence following the Seaboard Airline Railroad to the Kershaw County line; thence turning and running in a southeasterly direction along the county line to the Wateree River; thence turning south and following the Wateree River to U. S. Highway No. 76; thence turning and running along U. S. Highway No. 76 in a westerly direction to the School District No. 1 line to a stone marker at the U. S. Veterans Hospital; thence turning in a southwesterly direction and running along the line of School District No. 1 to its intersection with Shop Road at Aster Street; thence turning north and running along the present Waverly-Olympia magisterial line to a point where it intersects with the Columbia City limits; thence turning right and running along the Columbia City limits line to Fort Jackson; thence turning and running southeast along the boundary of Fort Jackson to a point of intersection with the southeastern corner of School District No. 1; thence turning northward and running along the line of School District No. 1 to the point of beginning."

SECTION 2. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1961.

(8229, H1596)

No. 640

An Act To Amend Act No. 1000 Of 1928, As Amended, Relating To The Columbia Township Auditorium, So As To Provide

For The Terms, Qualifications And Powers Of The Trustees Of
The Auditorium.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 1000 of 1928 amended—Columbia Township Auditorium Trustees—members—elections—terms.—Section 1 of Act No. 1000 of 1928, as amended, is further amended to read as follows:

(a) There is hereby created and established a board of trustees who shall provide, under the terms of this act, for the erection, maintenance and equipment of a central auditorium for the use of the people of Columbia Township and Richland County, which shall be known as the Columbia Township Auditorium.

(b) The board of trustees shall consist of five members who shall be residents of Richland County, State of South Carolina, and who shall be elected by a majority of the Richland County Legislative Delegation, including the Senator, whose terms shall run for a period of five years, the term of one member expiring on June thirtieth of each year or until his successor is elected and qualifies.

(c) The present members of the board of trustees shall provide by lot for the expiration of their terms so that the term of one member shall expire on June 30, 1961, the term of another on June 30, 1962, the term of another on June 30, 1963, the term of another on June 30, 1964 and the term of another on June 30, 1965, or until their successors are elected and qualify."

SECTION 2. Section 2 of Act 1000 of 1928 amended—officers—powers and duties—quorum.—Section 2 of Act No. 1000 of 1928 is amended to read as follows:

"Section 2. (a) The board of trustees shall each year elect from among their members a chairman and a treasurer.

(b) The board of trustees shall have the power to make appropriate rules and regulations for the maintenance, control, conduct and use of the Columbia Township Auditorium, and they shall have the power to employ a manager and such other personnel as may be necessary for the performance of their duties. The board shall also have the power to do any and all other things necessary to carry out the provisions and intent of this act.

(c) A majority of the board of trustees shall constitute a quorum competent to transact the business of the board."

SECTION 3. Section 3 of Act 1000 of 1928 amended—powers and duties—further.—Section 3 of Act No. 1000 of 1928 is amended to read as follows:

"Section 3. The board of Trustees of Columbia Township Auditorium shall have the power to purchase land and acquire title thereto in its own name, its successors and assigns, for the purpose set out in this act, and shall have the power to do all things which are necessary for the erection, equipment and maintenance of a building which shall serve as a meeting place for all public meetings, educational rallies, philanthropic, charitable, and community betterment assemblies in Richland County, and shall have the power to rent the facilities of the auditorium to private persons so as to provide a place of entertainment and education for the citizens of Richland County."

SECTION 4. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1961.

(R231, H1595)

No. 641

An Act To Authorize The School Commissioners Of School District No. 1, Richland County, To Issue Not Exceeding One and One-Half Million Dollars Of General Obligation Bonds Of School District No. 1, Richland County; To Prescribe The Conditions Under Which Bonds May Be Issued And The Purposes For Which Their Proceeds May Be Expended; And To Make Provision For The Payment Of Such Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that School District No. 1, Richland County, has a need for further school facilities in order to accommodate the increasing number of pupils attending the public school system in the school district. It has therefore determined to authorize the School Commissioners of School District No. 1, Richland County (herein called the

in a straight line in a southern direction to a point one hundred (100) yards east of the residence of J. J. Ballentine and thence to the boundary line between Blythewood and Upper Townships in Richland County is hereby transferred from Blythewood Township to Upper Township.

§ 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

§ 3. This Act shall take effect upon its approval by the Governor.

Approved the 9th day of March, A. D. 1928.

No. 1000.

AN ACT to Provide for the Erection, Control and use of an Auditorium and Community Center for Columbia Township in Richland County, to Appoint a Board of Trustees Therefor, to Provide for the Issue of Bonds for Columbia Township not to Exceed Three Hundred Thousand (\$300,000.00) Dollars, to Submit this Question to the Qualified Electors of Said Township and to Levy a Tax to Retire the Bonds Hereby Issued.

Section 1. Board of Trustees of Columbia Auditorium and Community Center.—Be it enacted by the General Assembly of the State of South Carolina: That there is hereby created and established a Board of Trustees who shall provide under the terms of this Act for the erection, maintenance and equipment of a central auditorium for the use of the people of Columbia Township, Richland County, which shall be known as the Columbia Auditorium and Community Center. The Board of Trustees shall consist of eight members and be composed as follows: (a) The Senator from Richland County in the State Senate, the Mayor of the City of Columbia, the Judge of the County Court for Richland County, the County Commissioner for Columbia Township, the President of the Federation of Women's Clubs for Columbia, the President of Chamber of Commerce for Columbia, and the President of the City Federation of Trades for the City of Columbia, who shall become members of this Board of Trustees by reason of the office they hold and shall remain on the said Board of Trustees so long as they

hold their respective offices, and their successors in office shall immediately become members of the Board of Trustees upon qualifying for their respective offices; (b) one member of the Richland County Delegation who shall be elected by the said Delegation and who shall remain on the said Board of Trustees so long as he is a member of the said Delegation.

§ 2. **Organization—Regulations—Quorum.**—The foregoing Board of Trustees shall elect one of their own members as Chairman, another as Secretary and Treasurer, and shall provide by proper rules and regulations for the maintenance, control, conduct and use of the building constructed under the terms of this Act, and a majority of the said Board of Trustees shall constitute a quorum competent to transact business.

§ 3. **Powers.**—The Board of Trustees of Columbia Auditorium and Community Center shall have the power to purchase land and acquire title thereto in their own name for the purpose set out in this Act, and shall have the power to do all things which are necessary for the erection, equipment and maintenance of a building which will serve as a central meeting place for all public meetings, educational rallies, philanthropic, charitable and community betterment assemblies, and it shall serve as the headquarters for all public welfare activities for Richland County.

§ 4. **Election on Issue of Township Bonds.**—That the Board of County Commissioners of Richland County is hereby authorized and empowered, upon request of said Board of Trustees, to order and hold in Columbia Township, May 22, 1928, an election submitting to the qualified electors of said Township the question as to whether or not the said Township shall issue Three Hundred Thousand (\$300,000.00) Dollars of coupon bonds for the purpose herein set forth.

§ 5. The said Board of County Commissioners shall submit the question of issuing these bonds for the purposes herein set out to the qualified electors of Columbia Township after such advertisement and notice of said election as is required by law. That the question shall be submitted substantially as follows: A ballot shall be written or printed to read as follows: "For the issuance of \$300,000.00 bonds of Columbia Township for the purpose of building and operating a Columbia Auditorium and Community Center, Yes

—No." Those in favor will strike out the word "No" and deposit said ballot according to law. Those against will strike out the word "Yes" and deposit said ballot according to law.

§ 6. **Terms of Bonds—Disbursements.**—If a majority of the qualified electors voting at such election shall vote in favor of the issuance of said bonds, the Board of County Commissioners shall forthwith proceed to advertise and sell same so as to get the highest possible price therefor; that the bonds so authorized shall be in such form and payable at such periods as may be determined by the said Board of County Commissioners, and shall bear rate of interest not exceeding six per cent. per annum, payable semiannually, and shall be disposed of and sold by the County Commissioners for cash at not less than par. And the money arising from the proceeds of said sale shall be deposited with the Treasurer of the County of Richland, and shall be paid out on the order of the County Commissioners for the purposes herein mentioned and none other.

§ 7. **Conduct of Election.**—That an election herein ordered shall be conducted by the managers of the State and County elections, who shall open the polls at eight a. m. and close them at four p. m., and the result ascertained and declared as in the case of other County and State elections.

§ 8. **Execution of Bonds—Tax Exempt.**—That said bonds shall be of such denominations as the County Board of Commissioners shall determine, that it shall be signed by the County Supervisor and countersigned by the Clerk of the Board of County Commissioners of Richland County, but it shall be sufficient for the interest coupons attached to bear only the signature of the Supervisor of said County. The signature on the coupon may be *facsimile*, engraved or printed. The bonds shall be exempt from the State, County, and Municipal taxation.

§ 9. **Credit of Township Pledged.**—The bonds when issued in accordance with the terms and provisions of this Act shall constitute and be legal and binding obligations of the Columbia Township, Richland County, and the full faith, credit and taxing power of Columbia Township, Richland County, is hereby irrevocably pledged for the payment of the said bonds, both principal and interest, as the terms, conditions and schedule of maturity shall provide.

§ 10. **Survey of Township.**—For the purpose of definitely establishing the boundaries of Columbia Township the Supervisor of Richland County is hereby authorized and empowered to have made a survey of said township boundaries by surveyor not heretofore employed in such survey, to place suitable markers indicating clearly such boundaries and to employ competent legal assistance in determining said boundaries. Funds for defraying the cost of said survey to be derived from proceeds of bonds hereinbefore mentioned.

§ 11. This Act shall go into effect immediately upon its approval by the Governor.

Approved the 10th day of March, A. D. 1928.

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No. 1001.

A JOINT RESOLUTION Authorizing the Forestry Commission to Sell and Dispose of Certain Marketable Timber now Growing and Standing on the State Farms.

Whereas, Much of the timber now growing and standing on the State farms has reached its highest value and is beginning to depreciate; and,

Whereas, It could be marketed to an advantage to the State; now,

Section 1. Be it resolved by the General Assembly of the State of South Carolina: That the Forestry Commission is hereby authorized to cut and sell such timber now growing and standing on the said State farms as in its judgment has reached its full market value and is beginning to suffer decay, to the end that said timber may be converted into money to the best advantage of the State and to promote the growth and development of other timbers: *Provided*, That the funds derived from such sale shall be deposited in the State Treasury and shall be used by the Board of Directors and Superintendent of the State Penitentiary for any improvement which they see fit to make at the State Penitentiary.

§ 2. This Resolution shall take effect immediately upon its approval by the Governor.

Approved the 10th day of March, A. D. 1928.

(R1101, H2603)

No. 1114

An Act To Create Jackson-Gills Creek Public Service District In Richland County; To Define Its Area; To Establish A Governing Commission Therefor; To Prescribe The Functions And Powers Of The District And Its Commission; To Make Provision For The Borrowings By The District, Including The Issuance Of Not Exceeding Three Million Dollars Of General Obligation Bonds Of The District; To Prescribe The Terms And Conditions Under Which Moneys May Be Borrowed By The District; And To Make Provision For Their Payment.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly has made the following findings of fact:

(1) That the area herein defined, which is located in close proximity to the City of Columbia, has become thickly populated to an extent that extensive sewage disposal facilities are necessary. Studies have been made to determine means whereby such facilities can be acquired. Such studies indicate that in order to insure the public health of those living within the area and adjacent thereto, it is necessary to eliminate a large number of septic tanks which constitute a menace to health, and that sewage be collected and disposed of in a manner comparable to that employed by larger municipal corporations, and other thickly settled areas. Such facilities will involve a substantial expenditure, and on that basis it has been recommended that a Special Purpose District be created and empowered to issue bonds.

(2) It is contemplated that such bonds will be general obligations, but that, if arrangements can be made, they be additionally secured by a pledge of the net revenues derived from the operation of the sewage disposal system. Most, if not all, of the buildings to be served by the contemplated sewer system are connected to waterworks systems owned by incorporated municipalities in Richland County or private corporations.

(3) On the basis of the foregoing findings, the General Assembly, in order to preserve the public health of those living in the District, proposes to create Jackson-Gills Creek Public Service District, to provide a governing body for such District, and to empower the governing body to function as provided by this act.

SECTION 2. Jackson-Gills Creek Public Service District created in Richland County—area.—There is hereby created and established in Richland County a Special Purpose District to be known as “Jackson-Gills Creek Public Service District”, which district shall be a public corporation of perpetual succession, and shall have the area and functions prescribed by this act and any subsequent act, amendatory thereof. The District shall include and be comprised of that area of Richland County described as follows:

Beginning at the northwestern corner of the Town of Forest Acres, thence along the northern boundary of Forest Acres in an easterly direction to the intersection of the City of Columbia city limits and the Town of Forest Acres city limits; thence in a northerly, westerly and northerly direction along the City of Columbia city limits to the southern edge of the right of way of U. S. Highway No. 1 (Two Notch Road); thence in an easterly direction along the southern right of way of U. S. Highway No. 1 to the intersection of this line with the southern right of way line of Baldwin Road; thence along this right of way line to its intersection with the eastern right of way of Cushman Drive extended; thence along the eastern right of way line of Cushman Drive in a northerly direction to Burton Street; thence along the center line of Burton Street in a northerly direction to the center line of Oscar Street; thence along the center line of Oscar Street in an easterly direction to the center line of Roscoe Street; thence in a northerly direction along the center line of Roscoe Street for a distance of approximately 500 feet; thence in a northerly direction in a line parallel to and 1,000 feet, more or less, south of the center line of the Southern Railway to Sprott Street extension; thence in a northeasterly direction for a distance of 2,000 feet, more or less, to a point 200 feet north of the intersection of June Drive and Birdsong Drive; thence in a line 200 feet north of and parallel to Birdsong Drive to its intersection with Hearn Drive; thence in a northeasterly direction for a distance of 10,000 feet, more or less, to its intersection with the right of way of the Southern Railway near and south of the intersection of State Road 33 and State Highway 555; thence extending generally along the eastern side of said Southern Railway right of way for a distance of approximately 9,500 feet, more or less, to a point 200 feet north of the northern right of way of State Road 83; thence extending in a northeasterly direction

parallel to and 200 feet distant from the northern right of way of State Road 83 to a point 200 feet north of its intersection with the right of way of the Pilgrim Holiness Church Road; thence extending generally in an easterly direction 200 feet distant from and parallel to the northern right of way of the Pilgrim Holiness Church Road to a point 200 feet distant from its intersection with the northern right of way of S. C. Road 1274; thence along a line 200 feet distant from and parallel to, in a generally southeastern direction to its intersection with the northern right of way of the Seaboard Air Line Railroad; thence extending along said Seaboard Air Line Railroad right of way to a point of intersection with the extension of a boundary line of Sesquicentennial State Park (said boundary line being the northwestern line of contact with U. S. Highway No. 1); thence extending along the northwestern boundary of Sesquicentennial State Park, in a generally southwesterly direction to a point 200 feet northeast of its intersection with the right of way of State Road No. 63; thence extending generally in a southeasterly direction along and parallel to and 200 feet on the northeast side of said State Road No. 63 to its intersection with the southern right of way of Percival Road (S. C. Highway No. 12) (this being the northwestern boundary of Fort Jackson); thence along the boundary of Fort Jackson in a southwestern direction to its intersection with the center line of Forest Drive; thence in a westerly direction along the center line of Forest Drive to its intersection with the eastern city limits of the Town of Forest Acres; thence along the eastern and southern and western boundaries of Forest Acres to the point of beginning. Being more fully shown on map attached hereto.

As soon as convenient, and prior to the occasion set for the holding of the special election herein authorized, a plat of the District shall be prepared, and copies thereof shall be filed in the offices of the Auditor, the Treasurer and the Clerk of Court for Richland County.

SECTION 3. ~~To be governed by a commission—members—appointments—terms—vacancies.~~—Such District shall be operated, managed and governed by a commission to be known as “Jackson-Gills Creek Public Service Commission”. The commission shall consist of five resident electors of the District, at least one of whom shall be a resident of each incorporated municipality now lying within the Dis-

trict and hereinafter electing to remain a part of said District under Section 10 hereinbelow, who shall be appointed by the Governor upon the recommendation of a majority of the Legislative Delegation of Richland County, including the Senator. The original appointments shall be for a term of two years for one appointee, for two years for the second appointee, for three years for the third appointee, for four years for the fourth appointee, and for five years for the fifth appointee, and in all cases those persons holding office shall continue to hold office until their successors have been appointed and have qualified. All of the said original terms shall begin on the effective date of this act. Upon the termination of the term of office of any commissioner, a successor shall be appointed by the Governor, upon the recommendation of a majority of the Legislative Delegation of Richland County, including the Senator, for terms of five years. Any vacancy occurring in the office of commissioner by reason of death, resignation or otherwise shall be filled for the remainder of the unexpired term by appointment by the Governor, upon the recommendation of a majority of the Legislative Delegation of Richland County, including the Senator. The Supervisor of Richland County shall be an ex-officio member of said Commission.

SECTION 4. Powers and duties.—There is committed to the District the function of preserving the public health of the District through the means of providing for proper sewage disposal facilities, but additional functions may be committed to the District by subsequent legislation. The Commission shall be empowered as follows:

1. To have perpetual succession.
2. To sue and be sued.
3. To adopt, use and alter a corporate seal.
4. To make bylaws for the management and regulations of its affairs, and to define a quorum for its meetings.
5. To deposit moneys derived from revenue-producing facilities, and to withdraw the same for the purpose of operating and maintaining such facilities.
6. To prescribe regulations requiring persons who shall be residents of the District to make use of any sewage disposal facilities which the District shall place in operation, and to enable the Commission to fully discharge the duties placed upon it and to protect all property acquired by it. Such regulations shall, however, become effective only after they have been adopted by resolution of the Com-

mission, and a certified copy thereof has been recorded in the office of the Clerk of Court for Richland County, and additional copies have been posted in the Courthouse for Richland County and in at least two public places in the District, and notice of the adoption of such regulations published at least once during each of three successive weeks, in a newspaper published in and having general circulation in Richland County. Such notice shall specify, in brief, the scope of the regulations and shall state the date on which the same shall become effective. In addition to the procedure prescribed hereby for making effective regulations adopted by the Commission, the Commission shall, if it shall undertake to adopt a regulation requiring persons to connect to sewer facilities, conduct a public hearing prior to taking action thereon. Notice of such public meeting shall be published in a newspaper of general circulation in Richland County not less than seven days prior to the occasion fixed for the holding of such meeting. Such notice shall state the time and place of the meeting, and shall briefly indicate the scope of the proposed regulation. At such public meeting all persons affected by the proposed regulation shall be entitled to appear and be heard. If following such a meeting a regulation prescribing compulsory use of sewage disposal facilities shall be adopted, notice of the adoption of the regulation shall be given in the manner previously prescribed for giving notice of all other regulations adopted by the Commission. The authorization to adopt regulations prescribing compulsory use of sewage disposal facilities is enacted in the interest of the health of the District, and the Commission is expressly authorized to apply to any court of general jurisdiction for the enforcement of such regulations through the means of mandatory injunctions and other remedial proceedings, and such courts are specifically empowered to render mandatory injunctions and such other remedial orders as shall appear to such courts to be just and reasonable.

7. To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein.

8. To build, acquire, construct, operate and maintain such sewage facilities as shall, in the opinion of the Commission, be necessary for the District and economically practicable.

9. To enter into contracts with the governing agencies of municipal corporations and private corporations in Richland County operating waterworks systems, or some or any of such municipal

corporations and private corporations, on terms and conditions to be mutually agreed upon, by which the Commission shall constitute such governing agencies of such municipal and private corporations as the agent of the Commission for the purpose of collecting, within the area served by the municipal corporation or private corporation concerned, such charges as the Commission shall from time to time impose upon those who utilize its sewage disposal facilities, and to empower such municipal agencies or private corporations as the agent of the Commission for the purpose of disconnecting services upon the failure of any user to pay such sewage disposal charges.

10. To enter into contracts or agreement with other persons, firms, private corporations, municipal corporations, or other governmental agencies or subdivisions for the joint construction, acquisition, use, operation, and maintenance of sewage outfalls, lines, and other facilities necessary or desirable for the operation of the sewage disposal system of the District, whenever in the discretion of the Commission such joint or cooperative action shall be in the interest of the District.

11. To impose such schedule of rates and charges for sewage disposal service as the Commission shall from time to time approve. To that end the Commission shall be empowered to place into effect and to revise, whenever it so wishes or may be so required, a schedule of rates for the sewage disposal facilities made available by it to persons, firms and corporations within the District.

12. To make use of city streets and county and State highway rights of way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights of way shall approve.

13. To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Article 2, Chapter 3, Title 33, Code of Laws of South Carolina, 1952, or by the following of the procedure for the exercise of eminent domain prescribed by Chapter 3, Title 25, Code of Laws of South Carolina, 1952, as such statutes are now constituted or as they may afterwards be constituted following any amendments thereto.

14. To appoint officers, agents, employees and servants, prescribe the duties of such, fix their compensation, and determine if and to what extent they shall be bonded for the faithful performance of their duties.

15. To make contracts for construction, engineering and other services, with or without competitive bidding.

16. To raise funds for corporate purposes of the District by causing the levy of a tax therefor. The Commission shall notify the auditor and treasurer of any desired tax, whereupon they shall assess and collect the tax as requested and the treasurer shall hold the funds and disburse them as directed by the Commission. All such taxes shall constitute a lien upon the property against which the same are levied, on a parity with the lien of county taxes, and the provisions of law relating to penalties for the nonpayment or tardy payment of county taxes, and the provisions relating to sale of property for delinquent county taxes shall apply to taxes levied pursuant to this act.

17. To do all other acts and things necessary or convenient to carry out any function or power committed or granted to the District.

SECTION 5. Issue bonds if election favorable—issues—dates—maturity—redemption—sale—exempt from taxes—execution—payment—proceeds.—As one method of raising money to obtain the sewage disposal facilities required for the District, the Commission, on behalf of the District, shall be empowered to issue not exceeding three million dollars of general obligation bonds of the District, whose proceeds shall be used for said purposes, including the payment of such interest on the bonds as may be capitalized. General obligation bonds shall be issued only in the event the election required by Section 6 shall result favorably. All or any general obligation bonds issued pursuant to this paragraph may be additionally secured by a pledge of the net revenues to be derived from the operation of the sewage disposal system to such extent as the Commission shall determine to pledge the same, it being specifically recognized that the Commission may thereafter wish to provide for further obligations of the District, secured by a pledge on a parity with the pledge herein required. The words “net revenues” as used in this paragraph shall mean that sum remaining from the aggregate of all moneys realized by the District from rates and charges imposed and collected for sewage disposal services, after paying the cost of operation and maintenance of the sewage disposal facilities. If, pursuant to this paragraph, general obligation bonds are issued:

(a) They shall be issued as a single issue or, from time to time, as several separate issues. They shall bear such date or dates as the

Commission shall determine, and the bonds of any issue shall mature in such equal or unequal annual instalments as may be determined by the Commission. They shall be made payable at such place or places as the Commission shall prescribe, and shall bear interest at such rate or rates, payable in such manner as the Commission may determine. The bonds may be registered, with the privilege to the holder of having them registered as to principal on the books of the Treasurer of Richland County, and the principal thus made payable to the registered holder (unless the last registered transfer shall have been to bearer), upon such conditions as the Commission may prescribe. Any bond issued pursuant to this paragraph may be made subject to redemption prior to its stated maturity on such terms and conditions, and with such redemption premium, as the Commission shall prescribe.

(b) They shall be sold at not less than par and accrued interest to the date of their respective deliveries at public sale, and at least ten days prior to any sale, notice announcing the intention to receive bids for the sale of such bonds shall be published in a newspaper of general circulation in the State of South Carolina. In offering the bonds for sale the Commission may reserve the right to reject any and all bids, and if all bids shall be rejected, the Commission may negotiate privately for the disposition of such bonds.

(c) Such bonds and all interest to become due thereon shall have the tax exempt status prescribed by Act No. 730 of the Acts and Joint Resolutions of South Carolina, 1952.

(d) Such bonds shall be executed in such manner as may be prescribed by the Commission. *Provided*, however, that neither the members of the Commission, nor any person signing the obligations shall be personally liable thereon.

(e) There shall be irrevocably pledged for the payment of the bonds and interest thereon, as the same mature, the full faith, credit and resources of the District, and the Auditor and Treasurer of Richland County, respectively, are hereby authorized and directed to levy and collect annually a tax upon all taxable property within the District sufficient to pay the bonds and interest thereon as they respectively mature, and to create such sinking fund as may be necessary for the redemption of the bonds and interest at their respective maturities. The bonds may be additionally secured by such pledge of the net revenues which the District may derive from the operation of the sewage disposal system as the Commission shall provide. In such event, such

net revenues as shall be available shall be delivered to the Treasurer of Richland County prior to the occasion when the Auditor fixes the annual levy. The annual ad valorem tax herein directed to be levied may be reduced in each year by the amount of net revenues as aforesaid actually in the hands of the Treasurer of Richland County at the time the tax for such year is required to be levied, and the tax may be entirely suspended for any year in case such moneys on hand, applicable as aforesaid, are sufficient to pay both principal and interest then due or falling due in such year and remaining unpaid.

(f) The pledge of net revenues authorized by subparagraph (e) of this paragraph need not, in the discretion of the Commission, be exclusive, and the Commission may reserve the right to issue further bonds, payable in whole or in part, from such net revenues, on a parity with the bonds authorized by this paragraph, under such conditions as the Commission may prescribe.

(g) The proceeds derived from the sale of such bonds shall be deposited with the Treasurer of Richland County in a separate and special fund, and shall be expended upon the warrants or orders of the Commission for the purposes specified herein, and no others, except that any premium received shall be deposited with the Treasurer of Richland County and by him applied to the first installment of principal becoming due on the bonds, and any accrued interest received shall be applied by the Treasurer of Richland County to the first installment of interest becoming due on the bonds. Neither the purchasers of the bonds nor any subsequent holders thereof shall be responsible for the proper application of the proceeds of sale.

SECTION 6. Election on issuance of bonds — question — conduct.—The Commission is empowered to make provision for the holding of a special election in the District, on a date to be fixed by the Commission, at which time there shall be submitted to the qualified electors of the District the question of issuing general obligation bonds of the District for the purposes authorized by Section 3, supra, of this section. The election shall be conducted by the Commissioners of Election for Richland County, who shall give notice thereof by publication once each week for three successive weeks prior thereto, in one or more newspapers with general circulation in the District, stating the question to be submitted at the election, and specifying the amount in dollars of the bonds proposed to be issued. The election shall be conducted in each of the several precincts of

the District as the same are now established by law, and at the regular voting place therein, if such be within the District; otherwise, the Commissioners of Election shall designate a suitable voting place within such precinct. The question submitted shall be substantially in the following form:

“SHALL THE JACKSON-GILLS CREEK PUBLIC SERVICE DISTRICT ISSUE GENERAL OBLIGATION BONDS IN A SUM NOT EXCEEDING THREE MILLION DOLLARS, WHOSE PROCEEDS SHALL BE USED FOR SEWAGE DISPOSAL FACILITIES FOR THE DISTRICT?

YES

NO”

The ballot shall contain suitable instructions, advising the voter that if he favors the issuance of bonds he shall erase or strike through the word “NO,” and that if he is opposed to the issuance of bonds, he shall erase or strike through the word “YES.” The managers of election at each precinct shall count the ballots and forthwith return the result of the election, together with the original ballots and tally sheets, to the Commissioners of Election for Richland County, who shall declare the result of the election. If the Commissioners of Election determine that a majority of the voters voting in the election voted in favor of the issuance of bonds, the bonds, or any part thereof, may be issued as provided in Section 5, supra, of this act. Save and except as herein provided, the election shall be conducted in accordance with the provisions of the South Carolina Election Law.

SECTION 7. District may borrow money—powers of.—In order to provide further methods by which the District may from time to time raise money, the Commission may, on behalf of the District, borrow money and make and issue negotiable bonds, notes and other evidences of indebtedness, payable solely from all or any part of the revenues derived from the operation of the sewage disposal system. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of such system, or such sum as may be needed to pay the cost of any extension, addition and improvement to such system. If this authorization be availed of, then, under such circumstances, neither the faith and credit of the State of South Carolina, nor of Richland County, nor of the District, shall be pledged for the payment of the principal and interest

of the obligations, and there shall be on the face of each obligation a statement, plainly worded, to that effect. Neither the members of the Commission, nor any person signing the obligations shall be personally liable thereon. To the end that a convenient procedure for borrowing money pursuant to this section may be prescribed, the District shall be fully empowered to avail itself of all powers granted by Article 9, Chapter 3, Title 59, and by Chapter 5, Title 59, Code of Laws of South Carolina, 1952, as now or hereafter constituted, it being the intent of this provision that further amendment and modifications of these Code provisions shall be deemed to amend and revise correspondingly the powers granted by this section. In exercising the powers conferred upon the District by such Code provisions, the District may make all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by such Code provisions. Specifically, and notwithstanding contrary provisions in any of such Code provisions, if contrary provisions there be, the District may:

(1) Provide that such bonds, notes or other evidences of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of its sewage disposal system as such net revenues may be defined by the Commission.

(2) Covenant and agree that upon its being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it, or in default as to the performance of any covenant or undertaking made by it, in such event, the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

(3) Confer upon a corporate trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the sewage disposal system, whose revenues are pledged for the payment of such obligations, in accordance with and in the order of priority prescribed by the resolutions adopted by the Commission as an incident to the issuance of any notes, bonds or other evidences of indebtedness.

(4) Dispose of its obligations at public or private sale, and upon such terms and conditions as it shall approve.

(5) Make such provisions for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the Commission shall approve.

(6) Covenant and agree that the payments into any cushion fund established to further secure the payment of the principal and interest of any obligations shall be in fixed amounts.

(7) Covenant and agree that no free service will be furnished to any person, firm, corporation, municipal corporation or any subdivision or division of the State.

(8) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given.

(9) Prescribe the events of default and the terms and conditions upon which all or any obligations shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived.

SECTION 8. Municipalities to consent to certain installations.—

Prior to the installation of any sewage disposal facilities in any incorporated municipality within the District, the governing body of such municipality shall consent to the use of the streets and public ways therein for such installations.

SECTION 9. Past due accounts to constitute liens.—All tapping fees, service charges, and other charges duly imposed by the Commission under authority of this act and not paid when due and payable shall be and constitute a lien upon the real estate to which the sewage service concerned relates, so long as said fees or charges remain unpaid. In addition to such other rights and remedies as may be available to the Commission in law or equity for collection of said fees and charges, said lien may be enforced by the Commission in the same manner and fashion as the lien of property taxes upon real estate.

SECTION 10. Municipalities may be exempted.—Any incorporated municipality lying wholly or partly within the District hereby created may, by giving notice in writing by registered mail to the Commission within sixty days from the effective date of this act, be exempted and released from the District hereby created. Any such incorporated municipality not so giving notice of its election not to become a part of said District shall be deemed to have elected and consented to being and constituting a part of said District.

SECTION 11. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 12. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 6th day of June, 1960.

(R1175, H2688)

No. 1115

An Act To Provide A Levy Of Taxes For Richland County For School And County Purposes For The Fiscal Year 1960-1961 And To Direct The Expenditures Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. There is hereby levied a tax of eight and one-half mills, if so much be necessary, on all taxable property in Richland County for ordinary county purposes, which together with all additional sums available for ordinary purposes, shall be used for the payment of the items hereinafter set forth. *Provided*, that the Richland County Treasurer is hereby authorized and directed to transfer any surplus exceeding twenty-five thousand dollars in the General Funds of Richland County as of June 30, 1960, to the various county-wide Bond Accounts of the county and the Richland County Treasurer and Auditor are hereby authorized and directed to reduce the levies of those bond accounts in proportion to the amounts transferred to the bond accounts. *Provided*, further, that all salaries herein appropriated shall be paid in biweekly installments and the total of such items, other than salaries, shall be expended only if such be necessary. *Provided*, further, however, that implements and supplies of whatever kind to be purchased and/or sold under the terms of this act shall be purchased and/or sold only upon competitive bids each quarter after advertisement for at least one week previous to the letting of such contract in at least two issues of a newspaper published in Richland County, which advertisements shall set forth the articles and the approximate amount, quantity, measure and number thereof to be purchased and/or sold, and the contract of purchase and/or sale shall be awarded to the lowest responsible bidder for the period of one quarter. *Provided*, further, that in case of actual emergency, but in no other event, the supervisor may

Richland County Council Request of Action

Subject

- a. Richland County has a Non-Discrimination, Equal Opportunity Policy. Council shall develop an action plan that holds the Administrator and staff accountable for not following Council approved guidelines, policies and Ordinances **[JACKSON]**
- b. Participation in Executive Session of public bodies created in whole or in part by Richland County: I move that any board, committee, agency, entity or public body created in whole or in part by ordinance or act of Richland County may adopt bylaws and rules of procedure for its operation not inconsistent with the ordinances of Richland County; provided, however, that any board, committee, agency, entity or public body created in whole or in part by an ordinance or act of Richland County shall develop to permit any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session such board, committee, agency, or entity or public body may hold. Should any board, committee, agency, entity or public body created in whole or in part by Richland County refuse to allow any member of the Richland County Council who is a liaison to, or an ex-officio member thereof, to attend any executive session described herein, such refusal shall be reported by either the Chair of County Council, or by any member thereof, at the next meeting of County Council after such refusal, or as soon thereafter as is practical. Further, the facts and circumstances of any denial of access to an executive session as provided for herein shall be briefed by or to County Council during the annual budget process. The purpose of this motion is not to overly burden any public body subject to this motion, or to become involved in the day-to-day operations thereof, but instead to exercise appropriate oversight of public bodies created by, funded by, or created and funded by Richland County **[WASHINGTON]**
- c. Request for financial, operational, and management information from entities funded in whole or in part by Richland County: I move that..."any board, committee, commission, agency, entity or public body or private organization, regardless of size or membership, funded in whole or in part by Richland County provide financial, operational and management information to Richland County, care of its Administrator or the Administrator's designee, including, but not limited to: [list desired information here]. This information should be provided within a reasonable timeframe, but no later than ---, for the County to meaningfully consider the same during its annual budget process. Any public body or private organization or entity that fails to timely provide the requested information, or that provides incomplete information, will be considered to have an incomplete budget request for the budget year to which the information sought pertains, and shall not be considered for County funding for the budget year to which the information sought pertains until all other organizations and entities, which have completed budget submissions are considered for funding. In other words, organizations and entities with incomplete budget submissions will be considered for funding last during that budget cycle. Any organization or entity may request a partial or full waiver to provide such information as is described herein, and if, in the opinion of the County's governing body, there is a valid justification for the failure to provide the information sought (such as an excessive administrative burden), the County's governing body may grant such a waiver and proceed with the budget consideration had such organization or entity filed a completed budget request. For purposes of a "waiver" as described herein, the same are to be given only for one budget year at a time, and only on a case-by-case basis **[WASHINGTON]**
- d. Ordinance clarifying Richland County's role in providing or paying for administrative, legal or other services for public bodies not created by Richland County: "I move that Council pass an ordinance providing that: Richland County shall not provide administrative or other services, or legal representation or funding for legal representation for any board, commission, committee, entity or any other "public body" as defined in the South Carolina Freedom of Information Act as codified at the date of the adoption of this ordinance for any public body that (1) was created or established by any authority other than the governing body of Richland County and (2) whose members are appointed by any authority other than the governing body of Richland County. For any such public body that is required by the United States of America, the State of South Carolina, or any other competent authority, to be funded by Richland County, the same in its budget request shall include requested funding amounts for all administrative, legal or other service it needs to carry out its mission and operations. In other words, if any such organization or entity anticipates the need for legal or other services, for example, that organization or entity should include a funding request for such services so the same may be paid for out of its budget. The purpose of this motion is not to deprive any such organization or entity of services it may need, but to appropriately place the responsibility and authority for such services in the hands of the organization or entity over which Richland County has no role or responsibility other than to provide mandated funding **[WASHINGTON]**

e. Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County. The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other "public body" as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Roberts Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically **[WASHINGTON]**

Purpose