



**RICHLAND COUNTY COUNCIL  
REGULAR SESSION AGENDA**

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**JUNE 15, 2010  
6:00 PM**

**CALL TO ORDER** **HONORABLE PAUL LIVINGSTON, CHAIR**

**INVOCATION** **HONORABLE BILL MALINOWSKI**

**PLEDGE OF ALLEGIANCE** **HONORABLE BILL MALIINOWSKI**

**Presentation Of Resolutions**

1. Julianne "Judy" Scott, Veteran Recognition [DICKERSON]
2. Recognition of Women Veterans [DICKERSON]

**Approval Of Minutes**

3. Regular Session: June 1, 2010 [PAGES 8-17]

**Adoption Of The Agenda**

**Report Of The Attorney For Executive Session Items**

**Outside Counsel/Consultant Executive Session**

4. a. Contractual Matter/ Law Enforcement Services
- b. Columbia Venture vs. Richland County

**Citizen's Input**

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

**Report Of The County Administrator**

6. a. Strategic Plan-First Quarter Report [PAGES 20-53]

- b. Farmers' Market Update
- c. Lower Richland Sewer Update
- d. Employee Grievance [ACTION]

## **Report Of The Clerk Of Council**

## **Report Of The Chairman**

- 7. a. Contractual Matter/Personnel
- b. America Speaks: Our Budget, Our Economy Presentation-Joanne Turnquist, President of Central Carolina

## **Approval Of Consent Items**

- 8. An Ordinance authorizing the issuance and sale of not to exceed \$2,100,000 General Obligation Bonds, Series 2010B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto.  
**[THIRD READING] [PAGES 55-85]**
- 9. An Ordinance authorizing the issuance and sale of not to exceed \$13,400,000 General Obligation Bonds, Series 2010A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the Bonds; delegating to the County Administrator certain authority related to the Bonds; providing for the payment of the Bonds and the disposition of the proceeds thereof; and other matters relating thereto.  
**[THIRD READING] [PAGES 86-115]**
- 10. 10-08MA  
Bierer & Associates, Inc.  
Larkin Ellzey  
RU to OI (2.20 Acres)  
18000-02-82(p)  
11142 Wilson Blvd. **[THIRD READING] [PAGES 117-118]**
- 11. 10-10MA  
Wells Fargo f/k/a Wachovia N. A.  
Charles Salley  
RU/OI to LI (12.6 Acres)  
06013-01-01  
1600 Browning Rd. **[THIRD READING] [PAGES 119-120]**
- 12. 10-11MA  
Wateree Retreat Center  
Allen House  
RU to PDD (43.9 Acres)

27300-07-11  
2350 Clarkson Road [**THIRD READING**] [**PAGES 121-124**]

13. Coroner Budget Amendment for 2009/2010 [**SECOND READING**] [**PAGES 125-127**]
14. Hopkins Community Water System Bond and Bond Anticipation Note Ordinance [**SECOND READING**] [**PAGES 128-180**]
15. To amend the ordinance dealing with Loitering [**SECOND READING**] [**PAGES 181-185**]
16. Business Services Center: Hospitality Tax Ordinance Amendments [**SECOND READING**] [**PAGES 186-192**]

### **Third Reading Items**

17. AN ORDINANCE TO LEVY AND IMPOSE A ONE PERCENT (1%) SALES AND USE TAX, SUBJECT TO A REFERENDUM, WITHIN RICHLAND COUNTY PURSUANT TO SECTION 4-37-30 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; TO DEFINE THE PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE THE ESTIMATED COST OF THE PROJECTS FUNDED FROM THE PROCEEDS OF THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE SALES AND USE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS IN THE REFERENDUM; TO PROVIDE FOR THE CONDUCT OF THE REFERENDUM BY THE RICHLAND COUNTY ELECTION COMMISSION; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, IF APPROVED; TO PROVIDE FOR THE PAYMENT OF THE TAX, IF APPROVED AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO. [**PAGES 193-211**]
18. An Ordinance to Raise Revenue, Make Appropriations, and Adopt A Budget for Richland County South Carolina for Fiscal Year Beginning July 1, 2010 and Ending June 30, 2011. [**PAGES 212-217**]
19. An Ordinance amending Ordinance NO. 029-07HR; so as to temporarily decrease the tap fees to be paid by users of the Broad River Regional Sewer System to three thousand (\$3000.00) dollars and to implement a gradual increase of such fees to four thousand (\$4000.00) dollars. [**PAGES 218-281**]

### **Report Of Development And Services Committee**

20. Eliminate the requirement of obtaining a building permit for roofing, siding, and replacement of windows and exterior doors [**Deferred from June 1, 2010 Meeting**] [**PAGES 220-222**]

### **Report Of Rules And Appointments Committee**

#### **1. Discussion From Rules And Appointments Committee**

21. I move that the Council automatically have a roll call vote unless the vote is unanimous. If the Chair declares a unanimous vote, and no member calls for division, no member will be

recorded as dissenting from the majority. [SMITH]

### **Other Items**

22. 911 Communications Center [PAGES 225-231]

23. A resolution appointing Mr. James Henry Hill, III as a Code Enforcement Officer  
[PAGES 232-233]

### **Citizen's Input**

24. Must Pertain to Items Not on the Agenda

### **Executive Session**

25. a. Employee Grievance

b. Contractual Matter/Personnel

### **Motion Period**

26. Motion to establish an ad hoc committee to work with the City of Columbia to make a recommendation on an ordinance to restrict operating hours of establishments that serve alcohol.  
[SMITH and MANNING]

### **Adjournment**



# Richland County Council Request of Action

**Subject**

Julianne "Judy" Scott, Veteran Recognition [**DICKERSON**]

# Richland County Council Request of Action

**Subject**

Recognition of Women Veterans **[DICKERSON]**

# Richland County Council Request of Action

**Subject**

Regular Session: June 1, 2010 [PAGES 8-17]

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JUNE 1, 2010 6:00 p.m.

*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.*

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### MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Gwendolyn Davis Kennedy
Member	Bill Malinowski
Member	Jim Manning
Member	Kit Smith
Member	Kelvin E. Washington, Sr.
Absent	L. Gregory Pearce, Jr.

**OTHERS PRESENT** – Milton Pope, Michielle Cannon-Finch, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Daniel Driggers, Mike Byrd, David Hoops, Rodolfo Callwood, Jim Wilson, Valeria Jackson, Frank Frierson, Jocelyn Jennings, Vivian McCray, Marlene Park-Coto, Ebony Woods, Cathy McMahon, Amelia Linder, Pam Davis, Tiaa Rutherford, John Todd Downing-Gadson, Monique Walters

### CALL TO ORDER

The meeting was called to order at approximately 6:04 p.m.

### INVOCATION

The Invocation was given by the Honorable Jim Manning



### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning with the assistance of the Greater St Luke Church, Scout Troop 110; Mr. Keith Tolan Scout Master, and Mr. Jerome Ray, Sr. Patrol Leader.

**POINT OF PERSONAL PRIVILEGE** Mr. Livingston recognized the Honorable Jimmy Bales, the Honorable Joe McEachern, Mr. Bobby Bowers, and former Lt. Governor Mr. Bob Peeler.

### APPROVAL OF MINUTES

**Regular Session: May 18, 2010** – Ms. Hutchinson moved, seconded by Mr. Manning, to adopt the minutes as submitted. The vote in favor was unanimous.

**Zoning Public Hearing: May 25, 2010--** Mr. Jeter moved, seconded by Mr. Jackson, to adopt the minutes as submitted. The vote in favor was unanimous.

### PRESENTATION

**Members of the Delegation presented E911 reimbursement check** – Mr. Jeter moved, seconded by Mr. Washington to allow the presentation by Senator John Scott, Mr. Bobby Bowers and members of the Richland County Delegation who presented Council with a check for reimbursement for \$1,206,298.91 for E911 funding. Surplus funds can be used for the E911 system.

**POINT OF PERSONAL PRIVILEGE** Mr. Jeter recognized Mrs. Deborah Livingston, Chairman Livingston's wife; and former house member, Mr. Frank McBride.

### ADOPTION OF AGENDA

Ms. Dickerson moved, seconded by Ms. Hutchinson, to adopt the agenda as submitted. The vote in favor was unanimous.

### REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

**Personnel Matter-** Mr. Smith stated that there was a personnel matter under his report; and there were no items requiring outside counsel.

### CITIZEN'S INPUT

No one signed up to speak.

### REPORT OF THE COUNTY ADMINISTRATOR

**June Homeownership Month-** Ms. Valeria Jackson, Director of Community Development, gave a brief presentation informing council that June is National Homeownership month. A recipient of

the program spoke on her experience and a slide show was also presented. Ms. Jackson also thanked the sponsors and her staff.

**Project Pet Update** – Ms. Roxanne Ancheta gave Council an update on the Project Pet facility; the construction bid was advertised in May by Lexington County, and the bids will be received in July. Staff will keep council posted as the project progresses.

**Farmers' Market Joint Resolution Update** – Mr. Pope stated that the Resolution was vetoed by the Governor, and the lobbyist are continuing to work in addition to getting the support of the delegation to override the Governor's veto.

**Lower Richland Sewer Update** – Mr. Pope stated staff is still pursuing three paths: (1) continuing the MOU with the City; (2) receive and gather information from Palmetto Utilities and report back in 30 days; (3) Rural Development Loan/Grant still pursuing; information was forwarded by the COG to the EPAC Committee. Staff will keep Council posted.

**FY11 Budget Update** – Mr. Pope stated that 2<sup>nd</sup> reading, scheduled for May 27<sup>th</sup> was deferred to June 3, 2010. Third reading is schedule for June 15, 2010. If council had additional requests, submit them to staff so a response can be given by third reading.

**Ridgewood Housing Contract Notification** – Mr. Pope stated that the South Company will be serving as the housing development team for the infill project. Additional information will be in the Friday Report.

**Dick Smith Easement** – Mr. Pope stated Ms. Hutchinson has been very involved with the project, and staff looks forward to moving with the project; and as soon as it is finalized and Mr. Smith has had an opportunity to review, this item will be processed administratively.

**Savvy Seniors** – Public Information gave a brief presentation and update.

Mr. Livingston stated that Mr. Pearce informed him that he was ill and not able to attend the meeting tonight.

**Township Gala and Dedication** – Mr. Pope stated the Township event will be held June 9, 2010 at 4:00 pm at the Township Auditorium.

#### REPORT OF THE CLERK OF COUNCIL

Ms. Finch stated she had no report.

#### REPORT OF THE CHAIRMAN

**Personnel Matter** – Mr. Livingston stated the personnel matter was an item for executive session.

#### PUBLIC HEARING ITEMS

- **An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$500,000 of Undesignated General Fund Balance to Risk Management Department's budget to pay for liability and worker's compensation claims** – No one signed up to speak.

- **An Ordinance Amending the Fiscal Year 2009-2010 Victim's Assistance Fund Annual Budget and General Fund Annual Budget to appropriate \$50,000 of Undesignated Fund Balance from the General Fund to the Victim's Assistance Fund for the anticipated revenue shortfall** – No one signed up to speak.
- **An Ordinance to levy and impose a one percent (1%) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-7-30 of the Code of Laws of South Carolina 1976, as amended ; to define the purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and the issuance of General Obligation Bonds and to prescribe the contents of the ballot questions in the commission; to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto** – Fourteen persons spoke on this item: Lill Mood; Justin Lofurno, John Lumpkin, Bob Liming, Rachel Kefalos, Doug Bridges, Ted Speth, William DePass, Nita Floyd, Charles Austin, Jr., Bill Leidinger, Robin White, and Mr. Sanders Aye
- **An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$34,950 of additional miscellaneous revenue and \$11,487 of Undesignated General Fund Balance to the Sheriff's Department's budget to pay for the replacement of damaged vehicles** – No one signed up to speak.

#### APPROVAL OF CONSENT ITEMS

Ms. Hutchinson asked that Item 11 be removed; Mr. Livingston asked that Item 15, 18 and 32 be removed; Mr. Manning asked that Items 20 and 34 be removed; Mr. Malinowski asked that Item 24 be removed; and Mr. Washington asked that Item 30 be removed.

Mr. Jeter moved, seconded by Ms. Dickerson and Ms. Hutchinson, to approve the Consent agenda as amended. The vote in favor was unanimous

- **An Ordinance Amending the fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$500,000 of Undesignated General Fund Balance To Risk Management Department's budget to pay for liability and worker's compensation claims [Third Reading]**
- **An Ordinance Amending the Fiscal Year 2009-2010 General Fund Budget to appropriate \$34,950 of additional miscellaneous revenue and \$11,487 of Undesignated General Fund Balance to the Sheriff's Department's budget to pay for the replacement of damaged vehicles [Third Reading]**
- **An Ordinance Amending the Fiscal Year 2009-2010 Victim's Assistance Fund Annual Budget and General Fund Annual Budget to appropriate \$50,000 of Undesignated Fund Balance from the General Fund to the Victim's Assistance Fund for the anticipated revenue shortfall [Third Reading]**
- **10-08MA Bierer & Associates, Inc. Larkin Ellzey RU to OI (2.20 Acres), 18000-02082(p), 11142 Wilson Blvd. [Second Reading]**
- **10-11 MA, Wateree Center, Allen House, RU to PDD (43.9 Acres), 27300-07-11, 2350 Clarkson Rd [Second Reading]**

- **Construction Services for Lake Elizabeth Phase III Cumbess Creek Water Quality Improvement Project.**
- **Determining the County's true priority investment areas [forwarded from D&S Committee]**
- **Haynes Property Conservation Easement [forwarded from D&S Committee]**
- **Memorandum of Understanding between Richland County and Richland County Transportation Committee to Pool Funds for Dirt Road Paving [forwarded from D&S Committee]**
- **Motion to develop a public-private water and sewer system for the Lower Richland Planning area and other parts of the County [forwarded from D&S Committee]**
- **Request for Construction Contract Award for Closer of Phase 1A at County Landfill [forwarded from D&S Committee]**
- **Special Resurfacing and Full Depth Patching Change Order [forwarded from D&S Committee]**
- **To amend the ordinance dealing with Loitering [forwarded from D&S Committee]**
- **Amendment to Financial Policy-Carryover Funds [forwarded from A&F Committee]**
- **Business Services Center: Hospitality Tax Ordinance Amendments [forwarded from A&F Committee]**
- **Emergency Services Automatic Aid Agreement [forwarded from A&F Committee]**
- **Laboratory Tech-Full Time Grant-Sheriff's Department [forwarded from A&F Committee]**
- **Request for Contract Award-ADA Improvements-Administration and Health Complex [forwarded from A&F Committee]**

### THIRD READING

**10-07MA, Map amendment for properties in the Crane Creek Master Plan Neighborhood District** – Ms. Kennedy moved, seconded by Ms. Hutchinson to give third reading to this item with the exception of the following TMS numbers 09402-03-01, 09407-01-05, 09408-01-03, 09411-01-35 also referred to as the Richardson properties. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-177, Lighting, Standards; Subsection (B); Paragraph (1) and (5); so as to increase maximum lumens under certain circumstances [Item 11 removed from Consent]** – Ms. Hutchinson moved, seconded by Mr. Jeter to approve this item for third reading. The vote in favor was unanimous.

Ms. Hutchinson moved, seconded by Ms. Smith to reconsider this item. The vote in favor for reconsideration was unanimous.

**Blue Lights can only be used by Law Enforcement and approved Emergency Vehicles [Forwarded from D&S Committee] [Item 15 removed from Consent]** – Ms. Dickerson moved, seconded by Mr. Jackson to give this item second reading. The vote in favor was unanimous.

**Eliminate the requirement of obtaining a building permit for roofing, siding, and replacement of windows and exterior doors [Forwarded from D&S Committee] [Item 18 removed from Consent]** – A discussion took place. Mr. Jeter moved, seconded by Ms. Dickerson, to defer this item. The vote was in favor for deferral. Mr. Manning opposed.

**International Cultural Exchange Ad Hoc Committee [Forwarded from D&S Committee] [Item 20 removed from Consent]** – Mr. Manning requested clarification of the motion coming from the D&S Committee; and further discussion took place. Mr. Washington restated his original motion. Mr. Jeter moved, seconded by Mr. Manning, to appoint Mr. Washington as chair and Mr. Manning as co-chair for this committee. The vote was in favor. Mr. Malinowski opposed.

**Retreat: Visionary Legacy of Council [Forwarded from D&S Committee] [Item 24 removed from Consent]** – Mr. Manning moved, seconded by Mr. Washington, to approve the committee recommendations. The vote was in favor; Mr. Malinowski and Ms. Dickerson opposed.

**EMS Ambulance Purchase [Forwarded from A&F Committee] [Item 30 removed from Consent]** - Mr. Washington asked what could the dollars refunded to the E911 system be used for. Mr. Pope responded to Mr. Washington's question that the money can only be used for the E911 system. Ms. Dickerson moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

**Pursue Properties Associated with Caughman Creek Using Hospitality Tax funds [Forwarded from A&F Committee] [Item 32 removed from Consent]** – Ms. Smith clarified the committee recommendations, which was for staff to pursue options for purchasing the property to include conservation easements, public-private partnerships; use of hospitality funds have not been removed from the table, but the recommendation does not authorize expenditure of hospitality funds.

**Retirement System Deduction Program for Retired Public Safety Officers Insurance [Item 34 removed from Consent]** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to deny this item. The vote was in favor for denial. Mr. Manning opposed.

#### **REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

**Hopkins Community Water System Bond and Bond Anticipation Note Ordinance** – Mr. Jackson stated that the Committee forwarded this item without a recommendation.

Mr. Pope stated that this was discussed at Committee level to see if it should be a single stand alone fund or incorporated into the existing utility system. Staff is working with rural development. He asked that this item be given first reading and allow staff time to continue discussion and bring back a recommendation.

Mr. Jackson moved, seconded by Mr. Jeter, to give this item first reading. The vote in favor was unanimous.

#### **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

**Coroner Budget Amendment for 2009/2010** – Ms. Dickerson stated that the committee recommended approval of the amended budget. She said the County Administrator asked that no amount be included because it was subject to change.

Mr. Jeter requested a breakdown of the part-time budget.

Mr. Pope stated that the committee directed staff to meet with the Coroner for additional information. He said although the Coroner sent the information requested there would need to be additional discussion.

Mr. Pope further stated that there would be an additional item regarding the Sheriff's Department fuel. He said he would bring back that amount.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to give first reading to this item. The vote in favor was unanimous. Council and staff agreed that 2<sup>nd</sup> reading would be June 15<sup>th</sup> and 3<sup>rd</sup> reading at the Special Called Meeting following the Zoning Public Hearing on June 22<sup>nd</sup>.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF VACANCIES

- a. **Business Service Center Appeals Board -1** – Mr. Malinowski stated that this board needs to be advertised.
- b. **East Richland Public Service Commission-2** – Mr. Malinowski stated that the two positions on this commission need to be advertised.
- c. **Historic Columbia Foundation-1** –Mr. Malinowski stated that this item needs to be advertised.
- d. **Richland County Public Library-6** – Mr. Malinowski stated this item needs to be advertised.

### II. NOTIFICATION OF APPOINTMENTS

- a. **Building Codes Board of Adjustments and Appeals-1** –Mr. Malinowski stated there were no applications received and directed staff to re-advertise.
- b. **Historic Columbia Foundation-1** – Mr. Malinowski stated there was one appointment to be made to this board and an application was received from Mr. James W. Kitchens, Jr. The committee recommended Mr. Kitchens. The vote in favor of the committee's recommendation was unanimous.

### III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Appearance Commission Ordinance regarding the position of Landscaper/Landscape Architect** – Mr. Malinowski stated that the committee recommended no changes and that this item was to be tabled. There were no objections.
- b. **Richland County Library Board Terms** –Mr. Malinowski stated this item was handled under the vacancies in item # 41.

## OTHER ITEMS

**C&D Landfill Bid Award** – Mr. Pope stated that staff sent out electronic bid awards to Council and would like to give a brief overview based upon council direction. He further stated that the Bid Award was Friday and the Procurement Director was present should Council have any questions for him. Mr. McDonald stated that the e-mail was sent out late Friday morning because the bids were received after the agenda was published. He also directed Council to the last page of the bid, which mirrors the way the County currently handles contractors. He stated it is on a year to year basis, provides the most flexibility, and the County would only be bound for one year and could enter into a new contract if necessary.

Mr. McDonald said staff recommended Waste Management.

After a lengthy discussion, Mr. Manning moved, seconded by Mr. Jackson, to approve Schedule A at two years.

In a substitute motion, Ms. Dickerson moved, seconded by Mr. Washington, to approve the Administrator's recommendation to award Waste Management.

<u>For</u>	<u>Against</u>
Hutchinson	Malinowski
Jeter	Manning
Livingston	Kennedy
Dickerson	Jackson
Washington	
Smith	

The substitute motion passed.

## CITIZENS INPUT

No one signed up to speak.

## EXECUTIVE SESSION

Mr. Malinowski moved, seconded by Ms. Dickerson, to go into Executive Session. The vote in favor was unanimous.

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Council went into Executive Session at approximately 7:54 p.m. and came out at approximately 8:47 p.m.

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- a. **Personnel Matter (2)** –Mr. Livingston stated that no action was to be taken on either personnel Matter.

**MOTION PERIOD**

**I move that the Council automatically have a roll call vote unless the vote is unanimous. If the Chair declares an unanimous vote, and no member calls for division, no member will be recorded as dissenting from the majority [SMITH]** – Mr. Livingston forwarded this motion to the Rules and Appointments Committee.

**Resolution honoring the Blythewood High Schools Bengals for winning their first golf state championship [Dickerson]** – Ms. Dickerson moved, seconded by Mr. Washington for approval. The vote in favor was unanimous.

**Resolution for the Speight's Family Reunion [DICKERSON]** – This item was approved unanimously.

**ADJOURNMENT**

The meeting adjourned at approximately 8:50 p.m.

\_\_\_\_\_  
Paul Livingston, Chair

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Damon Jeter, Vice-Chair

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Joyce Dickerson

\_\_\_\_\_  
Valerie Hutchinson

\_\_\_\_\_  
Norman Jackson

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Gwendolyn Davis Kennedy

\_\_\_\_\_  
Bill Malinowski

\_\_\_\_\_  
Jim Manning

\_\_\_\_\_  
L. Gregory Pearce, Jr.

\_\_\_\_\_  
Kit Smith

\_\_\_\_\_  
Kelvin E. Washington, Sr.



The minutes were transcribed by Michelle R. Cannon-Finch and Monique Walters

# Richland County Council Request of Action

**Subject**

For Items on the Agenda Not Requiring a Public Hearing

# Richland County Council Request of Action

## **Subject**

- a. Strategic Plan-First Quarter Report [**PAGES 20-53**]
- b. Farmers' Market Update
- c. Lower Richland Sewer Update
- d. Employee Grievance [**ACTION**]



# *Richland County*

## *Bringing Citizens and Government Together*

### **MISSION**

Richland County Government is dedicated to providing services that are accessible to all residents and improve the quality of life in our community.

### **VISION**

Richland County will be a model community for the state and nation. Our county will be a safe, diverse, and sustainable community, with a thriving economy that provides opportunities for all residents to live, work, learn, and grow.

### **VALUES**

**Accessibility** Richland County Government will ensure that services are available and accessible to all residents. We will foster an environment that promotes openness and welcomes participation from all members of the community.

**Accountability** Richland County Government is committed to providing efficient, effective, and responsible public services. We strive to be proactive in our approach, and accountable for our results.

**Diversity** Richland County Government values the uniqueness of every citizen. We will embrace diversity by promoting an inclusive, multi-cultural environment that serves and respects all residents equally.

**Excellence** Richland County Government is dedicated to exceeding the expectations of our residents. We will demonstrate our commitment to excellence by providing the highest quality services to all residents on a daily basis.

**Vision** Richland County Government will be guided by a shared vision for our community. We will learn from our past, but remain focused on our future.

### **STRATEGIC PRIORITIES**

Manage  
Growth

Improve Transportation  
Infrastructure

Enhance Public  
Safety

Promote Economic  
Opportunities

Engage the  
Community

Item# 5



## ***Richland County Strategic Plan***

The Richland County Strategic Plan will serve as a broad policy outline to guide council's priorities over the next five fiscal years: July 1, 2010 through June 30, 2015. The overall goals and strategies of the plan will be implemented through a series of **annual action plans** developed by council each year (during the annual council retreat) and funded through the county's annual budget process. The plan will be carried out and evaluated annually by the county administrator and members of Richland County staff to ensure progress toward meeting the council's desired goals and objectives.

### **Richland County Council**

***Bill Malinowski***  
*District 1*

***Gwendolyn Kennedy***  
*District 7*

***Joyce Dickerson***  
*District 2*

***Jim Manning***  
*District 8*

***Damon Jeter***  
*District 3*

***Val Hutchinson***  
*District 9*

***Paul Livingston***  
*District 4*

***Kelvin Washington***  
*District 10*

***Kit Smith***  
*District 5*

***Norman Jackson***  
*District 11*

***Greg Pearce***  
*District 6*

***J. Milton Pope***  
*County Administrator*

**STRATEGIC PRIORITY #1: MANAGE GROWTH**

**GOAL:** Richland County will develop and maintain a well-planned and attractive community that protects the investment of existing residents and businesses while balancing the need for smart, sustainable, and environmentally-responsible growth. (LEAD DEPARTMENT-PLANNING)

**STRATEGY #1:** Minimize the impact of growth on existing residents by ensuring that the costs associated with new development will result in the smallest possible impact to existing residents and businesses. **Planning; Utilities**

**First Quarter Results - Strategy #1 (as of 6/1/2010)**

**Planning**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Started impact fee study.		Selecting consultants.	Contract consultants.

**Utilities**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
To improve coordination of new project approvals between the Planning and Utilities Departments by providing Utility Master Plans to the Planning Department.	Met all Goals	The Planning Department now has updated information on proposed water and sewer line sizes and locations for all the unincorporated areas on the County. This information will be used to assist in determining infrastructure requirements for any new proposed project.	Continue to pursue funding for the sewer system expansion in Lower Richland County.

**STRATEGY #2:** Protect and revitalize established communities by promoting and investing in neighborhood redevelopment. **Planning-NIP; Administration; Grants; Economic Development.**

**First Quarter Results – Strategy #2 (as of 6/1/2010)**

**Planning-NIP**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
5 area master plans completed.		Project funding.	Continue Broad River Road study.

**Grants**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
The Grants Office will work with all involved departments to research funding resources.	3-Met some Goals	Worked with Neighborhood Improvement to identify funding sources (DOT Enhancement-2011). Served on Community Development's RFP selection committee for affordable housing. This opportunity gave me a first hand look at the work they do to revitalize communities.	Communicate with departments to monitor specific needs and continue with funding research especially funds that can assist with project engineering as well as implementation. Host follow up meetings with Public Works and Neighborhood Improvement to move forward with project ideas for FY 2011 DOT grant.

**Economic Development**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**STRATEGY #3:** Identify distressed commercial corridors and develop strategies for encouraging the adaptive reuse of existing buildings and infrastructure. **Planning-NIP; Administration; Grants; Economic Development**

**First Quarter Results – Strategy #3 (as of 6/1/2010)**

**Planning-NIP**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Broad River Road Corridor Study.	Ongoing	Study in progress. Three days of community meetings completed in May.	Have study completed by late August.

**Grants**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
The Grants Office will work with all involved departments to research funding resources.	2-Met all Goals	Worked with Neighborhood Improvement to identify funding sources (EPA Smart Growth-2010). Research continues on grants that will assist areas such as Decker Blvd.	Communicate with departments to monitor specific needs and continue with funding research especially funds that can assist needs. Follow-up with EPA on SmartGrowth letter of intent. If approved, apply for grant.

**Economic Development**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.



**STRATEGY #4:** Improve collaboration among local jurisdictions to ensure a coordinated approach to planning, growth management, and investment in infrastructure needs. **Planning; Public Works; School Districts**

**First Quarter Results-Strategy #4 (as of 6/1/2010)**

**Planning**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
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No activity for this quarter.

**Public Works**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
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No activity for this quarter.

**STRATEGY #5:** Ensure the conservation and protection of natural resources, including green space, air, and water quality. **Planning-Conservation Commission; Public Works – Stormwater Admin; Grants**

**First Quarter Results -Strategy #5 (as of 6/1/2010)**

**Planning-Conservation Commission**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
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Two Conservation easements, award 10 community grants, award stream mitigation study, partner in 2 Green Code Plan reviews. Green Code adopted.

No inventory-staffing.

Unknown-other work priorities.

**Public Works – Stormwater Admin**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
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Development of water quality projects to improve impaired waters and monitoring and enforcement of water quality regulations.

2-Met all Goals

Projects are on schedule and enforcement is being performed.

Continue monitoring and project development.

**Public Works-Admin**

<u>Goals</u>	<u>Status</u>	<u>Results</u>	<u>Goals for Next Quarter</u>
Participation in creation of development code that promotes land conservation.	3-Met some Goals	Stormwater buffer regulations have been put in place. Continue to participate in creation of regulations from the Development Roundtable recommendations. Promote complete street and traffic impact regulations.	Work with roundtable to complete development regulations.

**Grants**

<u>Goals</u>	<u>Status</u>	<u>Results</u>	<u>Goals for Next Quarter</u>
The Grants Office will work with all involved departments to research funding resources.	3-Met some Goals	Conducted general research to identify grant opportunities for Gills Creek and waterways.	Communicate with departments to monitor specific needs and continue with funding research.

*STRATEGY #6:* Use growth management tools such as the Richland County Comprehensive Plan and Land Use Regulations to identify and target areas where growth will and will not be encouraged. **Planning-NIP; Economic Development**

**First Quarter Results-Strategy #6 (as of 6/1/2010)**

**Planning-NIP**

<u>Goals</u>	<u>Status</u>	<u>Results</u>	<u>Goals for Next Quarter</u>
Comprehensive Plan adopted.		Priority Investment Areas identified.	Push conformance with Comprehensive Plan. Present growth related topics to County Council at each Zoning Public Hearing.

**Economic Development**

<u>Goals</u>	<u>Status</u>	<u>Results</u>	<u>Goals for Next Quarter</u>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities, and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

***DESIRED OUTCOMES:*** By implementing the strategies above, Richland County expects to achieve the following objectives by June 30, 2015:

- A method will be developed to assess the net financial impact of new residential and commercial development, and a plan will be implemented to ensure that all new residential and commercial growth pays for itself to the fullest extent possible. **Planning; Administration; Economic Development; Public Works**
- The coordination of resources among county departments will be enhanced in order to facilitate the identification, protection, and revitalization of established residential neighborhoods. **Planning-NIP; Administration; Grants; Planning-Conservation Commission; Public Works**
- A method of identifying high-priority commercial corridors will be developed, and a comprehensive plan to promote and revitalize targeted corridors will be implemented. **Planning; Planning-NIP; Economic Development; Grants**
- Land-use planning and growth management efforts will be consolidated among jurisdictions within Richland County, including the pursuit of a unified planning ordinance. **Planning; Economic Development; School Districts; Administration; Planning-Conservation Commission**
- The county will expand the availability of water and sewer infrastructure to serve the Lower Richland community. **Utilities; Public Works-Stormwater**
- A minimum of one meeting per year will be conducted between the county and representatives from Richland County School Districts One & Two and Lexington-Richland School District Five to discuss opportunities for coordinating school planning and growth management efforts. **Planning; Administration; School Districts; Planning-Conservation Commission**
- Richland County will progress toward meeting all state and federal standards for air and water quality. **Public Works-Stormwater; Public Works-Admin; Administration; Grants**
- An inventory of “green space” will be completed, and a system will be developed for preserving and connecting such areas, including consideration of minimum green space requirements for new development. **Planning-Conservation Commission; Administration; Economic Development; Planning**
- The amount of targeted lands set aside for conservation purposes will be increased. **Planning-Conservation Commission; Planning**
- The county’s performance on citizen satisfaction surveys will increase for growth management practices, environmental stewardship, and overall county appearance.

**Planning; Utilities; Public Works; Planning-NIP; Planning-Conservation Commission; Economic Development; Administration**

- The county will identify priority investment areas and a plan will be created for targeting infrastructure and other incentives toward development in those areas. **Planning; Utilities; Administration; Economic Development; Grants; Public Works**
- A minimum of 95% of rezoning requests will be consistent with the county's growth management plan(s). **Planning**

**STRATEGIC PRIORITY #2: IMPROVE TRANSPORTATION INFRASTRUCTURE**

**GOAL:** Richland County will promote an efficient and sustainable multi-modal transportation network that improves public safety, minimizes congestion, reduces travel times, and provides access to economic opportunities. (LEAD DEPARTMENT - PUBLIC WORKS)

**STRATEGY #1:** Improve Richland County’s transportation infrastructure by investing in capital improvements to the county’s roadway network and ensuring the adequate maintenance of county-maintained roads. **Public Works-Admin.; Planning-Transportation**

**First Quarter Results - Strategy #1 (as of 6/1/2010)**

**Public Works-Admin**

<b><u>Goals</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Expand pavement maintenance to include permanent repairs and improvements. Expand maintenance activities to include roadway striping and intersection markings. Develop roadway signing program to be in conformance with Federal requirements.	3-Met some Goals	Pavement repair crew is fully staffed and trained to perform permanent pavement repairs. Staff has also been trained in applying thermoplastic pavement marking.	Develop pavement repair tracking system to improve efficiency of production. Implement roadway and intersection safety audits. Acquire materials and equipment to apply thermoplastic pavement markings. Implement sign inventory program if funding in 2011 budget approved.

**Planning-Transportation**

<b><u>Goals</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
No activity for this quarter.			

**STRATEGY #2:** Promote the long-term viability of a safe, accessible, and efficient mass transit system by assisting the regional bus system and exploring opportunities for the development of light rail and commuter rail systems. **Administration; Planning - Transportation**

**First Quarter Results-Strategy #2 (as of 6/1/2010)**

**Planning - Transportation**

<b><u>Goals</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
No activity for this quarter.			

**STRATEGY #3:** Promote the availability of alternative modes of transportation, such as greenways, bike lanes, and sidewalks. **Planning; Public Works-Admin; Planning-Transportation**

**First Quarter Results- Strategy #3 (as of 6/1/2010)**

**Planning**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Working on sidewalk ordinance.		None-other priorities.	Get sidewalk ordinance to Planning Commission.

**Public Works-Admin**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Promote installation of sidewalks in land development. Budget funds and seek grants to provide sidewalks in high traffic areas. Implement a program to bring existing sidewalks into ADA compliance. Work with planning to develop a sidewalk masterplan.	5-Major Difficulties	Funds requested in 2011 budget.	If budget approved with funding, prepare grant application and preliminary engineering.

**Planning- Transportation**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Central Midlands COG committees.		Preliminary light rail not feasible.	New bus service possible.

**STRATEGY #4:** Strengthen the link between growth management and transportation infrastructure. **Planning; Public Works-Admin; Planning-Transportation**

**First Quarter Results-Strategy #4 (as of 6/1/2010)**

**Planning**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Complete Streets goal.		Goals completed.	County Council adoption in July.

**Public Works-Admin**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Promote development of regulations that require adequate infrastructure to be provided as part of land development.	5-Major Difficulties	No regulations.	Promote development of regulations.

**Planning-Transportation**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Complete Streets goal.		Goals completed.	County Council adoption in July.

**STRATEGY #5:** Actively pursue state and federal funds for transportation projects in Richland County. **Public Work; Planning – Transportation & NIP; Grants**

**First Quarter Results-Strategy #5 (as of 6/1/2010)**

**Public Works-Admin**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Budget funds for matching SCDOT transportation enhancement grants. Apply for sidewalk/intersection projects when identified. Coordinate with school districts for Safe Walks to School grant program.	4-External Obstacles	Funding grant match requested in 2011 budget.	If budget approved with funding, prepare grant application and preliminary engineering.

**Planning – Transportation**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Need preliminary engineering funds.		Funding.	Unknown-funding.

**Planning- NIP**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Need preliminary engineering funds.		Funding.	Unknown-funding.

**Grants**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
The Grants Office will work with all involved departments to research funding resources.	3-Met some Goals	Turned in paperwork to Rep. Joe Wilson's Office for transportation appropriation funds for Hardscrabble Widening Project. Kept in touch with lobbyist on any news concerning request.	Continue to track Hardscrabble request and research other funding alternatives either through appropriation or grant programs.

DESIRED OUTCOMES: By implementing the strategies above, Richland County expects to achieve the following objectives by June 30, 2015:

- The county’s mean travel time to work (21.7 minutes) will be maintained or improved.
- Planning-Transportation**
- A plan will be developed for paving a majority of county-maintained dirt roads. **Public Works-Admin; Administration**
  - A comprehensive resurfacing program will be developed to ensure the adequate maintenance of county-maintained roads. **Public Works-Admin**
  - All roads in the county labeled as “failing” will be identified and a plan will be developed and implemented to remedy their failing status. **Public Works-Admin; Planning-Transportation**
  - A congestion management plan will be developed and implemented to improve the free-flow of people and products in Richland County. **Planning-Transportation**
  - A long-term funding source for the regional transit system will be identified and implemented. **Public Works-Admin; Planning-Transportation; Grants**
  - The county will support regional efforts to expand transit service to 75% of transit-dependent areas, and accessibility in transit-supportive areas will also be increased. **Planning-Transportation; Grants; Planning-NIP; Administration**



- A study will be completed to determine the feasibility of locating park-and-ride facilities in the unincorporated areas of Richland County. **Planning-Transportation; Planning-NIP**
- An analysis will be completed, to include revisions and updates of previous studies, to determine the feasibility of developing light rail infrastructure in Richland County within the next 20 years. **Planning-Transportation**
- A “Complete Streets” initiative will be implemented to ensure that alternative modes of transportation, such as bike lanes and sidewalks, are integrated into all new major transportation improvements. **Planning-Transportation; Planning-NIP**
- The number of contacts made to state and federal officials in an effort to secure additional funds for transportation projects will be increased. **Administration; Grants**

**STRATEGIC PRIORITY #3: ENHANCE PUBLIC SAFETY**

**GOAL:** Richland County will reduce the incidence of criminal activity and prevent the loss of life and property through enhanced public safety and emergency services. (LEAD DEPARTMENTS: SHERIFF AND EMS)

**STRATEGY #1:** Ensure that the availability of public safety services (including law enforcement, emergency medical, and fire suppression services) continue to meet the needs of our growing community. **Administration; Sheriff; Emergency Services; Fire Contract or RC Fire/EMS**

**First Quarter Results-Strategy #1 (as of 6/1/2010)**

**Emergency Services**

<b><u>Goals</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
1. Obtain 2011 Budget 2. Train New Paramedics 3. Establish Mobile EOC 4. Expand PUSH Team Assets 5. Initiate Rebanding Program.	2-Met all Goals	1. Budget Presented 2. On-going Paramedic class with 11 students. 3. Requested in Budget. 4. Ordering new equipment. 5. Changing out rebanded radios.	1. Implement Budget. 2. Identify students for next class. 3. Seek Funding. 4. Establish additional resources. 5. Work with state to complete rebanding program.

**Fire**

<b><u>Goals</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
1. Establish Budget. 2.Reviw of Columbia Fire services. 3. Evaluate Volunteer Services. 4. Initiate Rebanding Program.	2-Met all Goals	1. Budget Presented. 2. Ongoing Audit. 3. On-going review. 4. Complete Inventory of rebanding radios.	1. Implement Budget. 2. Complete Audit. 3. Continue review. 4. Begin replacing radios.

**STRATEGY #2:** Plan for and invest in safety-related buildings and infrastructure to support expansion of public safety services. **Administration; Sheriff; Emergency Services; ASGDC; Grants**

**First Quarter Results-Strategy #2 (as of 6/1/2010)**

**Emergency Services**

<b><u>Goals</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
1. Review ESD Space requirements for new buildings. 2. Construct new EOC/HQ. 3. Construct new downtown EMS station. 4. Construct new 911 Center. 5. Construct new EMS storage facility. 6. Construct new northwest station. 7. Plan and construct replacement emergency service / fire stations in St. Andrews, Dentsville, Highway 21, Capital View, Bluff Road.	2-Met all Goals	1. Space requirements are under review. 2. Awaiting funding. 3. Awaiting funding. 4. Awaiting funding. 5. Determined size. 6. Purchase site. 7. Awaiting funding.	1. Obtain funding. 2. Obtain funding. 3. Obtain funding. 4. Obtain funding. 5. Obtain funding. 6. Obtain funding for construction. 7. Obtain funding.

**ASGDC**

<b><u>Goals</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Currently improving storm water drainage system behind Phase V area of the Detention Center. This is being done with the assistance of Public Works. Upgraded the fire protection system and evacuation plans. All chemicals used in cleaning have been changed to "Go Green" type products.	2-Met all Goals		

**Grants**

<u>Goals</u>	<u>Status</u>	<u>Results</u>	<u>Goals for Next Quarter</u>
The Grants Office will work with all involved departments to research funding resources.	3-Met some Goals	Conducted initial search for grants that would fund a new EMS building. Research needs to continue and expand to see how other Counties handle such funding (grants, bonds, etc.).	Conduct further research on building projects and meet with departments to determine exact needs.

*STRATEGY #3:* Support crime prevention and community policing efforts to ensure that residents are kept informed of issues related to public safety. **Sheriff**

**First Quarter Results-Strategy #3 (as of 6/1/2010)**

*STRATEGY #4:* Promote efficiency and eliminate duplication by maximizing the coordination of public safety services with neighboring jurisdictions, schools, and other service providers. **Sheriff; Emergency Services; Fire Contract or RC Fire/EMS**

**First Quarter Results-Strategy #4 (as of 6/1/2010)**

**Emergency Services**

<u>Goals</u>	<u>Status</u>	<u>Results</u>	<u>Goals for Next Quarter</u>
1. Coordinate services with SC Emergency Management Division. 2. Replace Vehicles. 3. Fully implement AVL at the 911 Center. 4. Upgrade technology.	2-Met all Goals	1. Signed LEMPG grant. 2. Implement replacement as funded in budget. 3. Dispatchers trained in AVL use. 4. Secure technology as funded in the budget.	1. Implement requirements of LEMPG. 2. Order vehicles as funded. 3. Review AVL usage by dispatchers. 4. Implement technology in operations.

**Fire**

<u>Goals</u>	<u>Status</u>	<u>Results</u>	<u>Goals for Next Quarter</u>
1. Review fire service agreement. 2. Review fire operations. 3. Implement AVL.	2-Met all Goals	1. Audit Underway. 2. Review underway. 3. AVL installation.	1. Conclude Audit. 2. Conclude review. 3. Train fire fighters on AVL.

**EMS**

<u>Goals</u>	<u>Status</u>	<u>Results</u>	<u>Goals for Next Quarter</u>
1. Computer Aided Dispatch (CAD) system. 2. Paperless Reporting for medical records. 3. First Responder Program. 4. Improve Technology.	2-Met all Goals	1. Installing the CAD. 2. Training on computers. 3. Review First Responder Program. 4. Review technology requirements.	1. Complete CAD installation. 2. Cut-over to paperless reports. 3. Complete review of First Responder Program. 4. Obtain technology equipment.

DESIRED OUTCOMES: By implementing the strategies above, Richland County expects to achieve the following objectives by June 30, 2015:

- The incidence of violent and non-violent criminal activities per 100,000 residents in Richland County will be decreased. **Sheriff**
- Richland County’s ranking among the seven largest counties in South Carolina for crime rates per 100,000 residents will be improved. **Sheriff; Administration; Solicitor**
- The average daily inmate population at the Alvin S. Glenn Detention Center will not exceed the facility’s capacity. **ASGDC; Sheriff; Solicitor**
- The county will compare officer-to-population ratios annually and will consider adjustments to personnel levels as necessary. **Sheriff; Administration**
- A long-range plan for locating, financing, and constructing new public safety buildings and infrastructure will be completed. This plan will also consider the replacement of existing buildings and infrastructure, including the Richland County Judicial Center. **Administration; Sheriff; Emergency Services; RC Fire; EMS**
- The availability and accessibility of public information materials, including reports and crime prevention tips, will be increased. **Administration; Sheriff**
- The number of neighborhood watch organizations will be increased. **Sheriff**
- The county will eliminate instances where duplication of first responders occurs. **Emergency Services; Fire Contract or RC Fire**

**STRATEGIC PRIORITY #4: PROMOTE ECONOMIC OPPORTUNITIES**

**GOAL:** Richland County will contribute to the prosperity of all residents by fostering a climate that is conducive to the creation of new jobs and continued expansion and diversification of the local economy. (LEAD DEPARTMENT- ADMINISTRATION)

*STRATEGY #1:* Continue to identify and pursue opportunities for industrial recruitment, retention, and expansion, with a special emphasis on emerging “green” and knowledge-based industries, such as fuel cell technologies. **Economic Development**

**First Quarter Results-Strategy #1 (as of 6/1/2010)**

**Economic Development**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

*STRATEGY #2:* Create an environment that encourages the startup, growth, and expansion of homegrown, small, and minority-owned businesses. **Economic Development**

**First Quarter Results - Strategy #2 (as of 6/1/2010)**

**Economic Development**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**STRATEGY #3:** Ensure that economic opportunities are spread throughout all regions of the county. **Economic Development**

**First Quarter Results - Strategy #3 (as of 6/1/2010)**

**Economic Development**

<b>Action</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**STRATEGY #4:** Identify, protect, and develop product at potential industrial development sites in order to facilitate the recruitment and expansion of targeted industries. **Economic Development; Planning**

**First Quarter Results - Strategy #4 (as of 6/1/2010)**

**Economic Development**

<b>Action</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities, and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**Planning**

<b>Action</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
No activity for this quarter.			

***STRATEGY #5:*** Increase Richland County’s competitiveness as a destination for businesses and employees by continuing to promote good schools, strong neighborhoods, diverse cultural and recreational activities, and an exceptional quality-of-life. **Economic Development; Planning; School Districts; Recreation Commission; Admin – PIO**

**First Quarter Results - Strategy #5 (as of 6/1/2010)**

**Economic Development**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities and new wealth to Richland County’s citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**Planning**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
No activity for this quarter.			

**Admin – PIO**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Work with newly established economic development office to create a marketing plan. At one time the county hired a consultant to come up with an overall economic development marketing strategy and would like to dust this off and work from this, if in fact the plan is able to be salvaged .	4-External Obstacles	Pending	Work with new Economic Development Director.



**STRATEGY #6:** Promote regional cooperation by strengthening partnerships with neighboring jurisdictions, major employers, state and local economic development agencies, and non-profit organizations. **Economic Development; Administration**

**First Quarter Results - Strategy #6 (as of 6/1/2010)**

**Economic Development**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities, and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**STRATEGY #7:** Contribute to workforce readiness by partnering with school districts and educational institutions to maximize student achievement. **Economic Development; School Districts**

**First Quarter Results - Strategy #7 (as of 6/1/2010)**

**Economic Development**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities, and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

*At the December 15, 2009 Council Meeting, Richland County Council directed the following strategies, which were a product of the Economic Development Strategic Plan (also approved at the 12-15-09 Council Meeting), be incorporated into this document. Desired outcomes for the following strategies are to be determined by Council.*

**STRATEGY #8:** Establish the Richland County Department of Economic Development.  
**Administration**

**First Quarter Results - Strategy #8 (as of 6/1/2010)**

**Administration**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities, and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**STRATEGY #9:** Establish a Richland County Business Retention and Expansion Program (BRE). **Administration; Economic Development**

**First Quarter Results - Strategy #9 (as of 6/1/2010)**

**Administration**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities, and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**Economic Development**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities, and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**STRATEGY #10:** Establish a Richland County Business Attraction and Retention Program (BAR). **Economic Development**

**First Quarter Results - Strategy #10 (as of 6/1/2010)**

**Economic Development**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities, and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**STRATEGY #11:** Establish a Richland County Real Estate Product Development Program. **Economic Development; Planning**

**First Quarter Results - Strategy #11 (as of 6/1/2010)**

**Economic Development**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities, and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**Planning**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
No activity for this quarter.			

***STRATEGY #12:*** Establish an Economic Development Marketing Plan for Richland County.  
**Economic Development; Admin – PIO**

**First Quarter Results - Strategy #12 (as of 6/1/2010)**

**Economic Development**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Expand, diversify, and sustain the local economy, provide meaningful job opportunities, and new wealth to Richland County's citizens.	Ongoing	Continued to work with our ED partner, Central SC Alliance, to recruit, retain, and expand businesses / industry / etc.	Establish Department of Economic Development.  Hire Economic Development Director.

**Admin – PIO**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Work with newly established economic development office to create a marketing plan.	4-External Obstacles	Pending	Work with new Economic Development Head.

***DESIRED OUTCOMES:*** By implementing the strategies above, Richland County expects to achieve the following objectives by June 30, 2015:

- The median household income in Richland County will increase at a rate equal to or above the rate of inflation. **Economic Development; Administration**
- The number of new jobs created will exceed the rate of population increase. **Economic Development; Administration**
- The number of announced economic development projects and capital investment will increase each year. **Economic Development; Administration; Admin-PIO**
- Access to employment opportunities will be improved in each part of the county. **Economic Development; Administration**
- A program to assist in the incubation and development of small, minority-owned, “green,” and knowledge-based companies, including those developing fuel cell technologies, within Richland County will be developed and implemented. **Economic Development; Administration**
- An inventory of potential industrial development sites will be created, and a plan to protect such sites from residential or commercial development will be developed and implemented. **Economic Development; Administration; Planning**

- Product (including shovel-ready sites and spec buildings) will be developed at sites targeted for economic development. **Administration; Economic Development; Planning**
- Academic performance in each of the county's school districts will increase, and high school drop out rates will decrease. **School Districts**

**STRATEGIC PRIORITY #5: ENGAGE THE COMMUNITY**

**GOAL:** Richland County will increase citizen satisfaction, encourage participation, and improve regional cooperation by engaging the community through a comprehensive public outreach and communications strategy. (LEAD DEPARTMENT- PUBLIC INFORMATION)

STRATEGY #1: Utilize internal and external resources (including print, video, electronic, and social networking media) to efficiently and effectively disseminate information about county programs, services, events, and high profile issues. **Admin – PIO**

**First Quarter Results - Strategy #1 (as of 6/1/2010)**

**Admin - PIO**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
PIO has established television, radio, online vehicles to promote the county and has had a social marketing presence for at least two years.	3-Met some Goals	Results are good.	Create print presences.

STRATEGY #2: Improve outreach efforts to inform citizens of tax and budget related issues. **Admin – PIO; Finance**

**First Quarter Results - Strategy #2 (as of 6/1/2010)**

**Admin – PIO**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Created budget video, online information, promote hearings.	3-Met some Goals	Press release created on budget hearing and budget and posted to the web.	Promote budget with revamped website.

**Finance**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Enhance availability and access to financial reporting on County's website.	2-Met all Goals	Updated Finance section of County website to include more information and financial reports for citizens.	Continue to update website with financial data and transparency reporting.

**STRATEGY #3:** Bring county government “closer to the people” by engaging in face-to-face contact with county residents, neighborhoods, and community organizations, and by continuing to expand successful education and outreach programs, such as Richland 101. **Admin – PIO; Planning – NIP; Public Works – Stormwater; Community Development; Sheriff’s Department**

**First Quarter Results - Strategy #3 (as of 6/1/2010)**

**Admin – PIO**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
The county has several outreach programs including Richland 101, Richland 101 for Kids and have established senior events and Hispanic event and teen events are in the works. In addition on the radio weekly, have a weekly online newsletter and weekly television show in addition to special events.	3-Met some Goals	Results are good.	Updating Richland 101.

**Public Works – Stormwater**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Develop public information program and participate in appropriate events. Make staff available to meet with community and neighborhood organizations and the RC Neighborhood Association to communicate services that can be provided by Public Works. Create new Richland 101 presentation.	3-Met some Goals	Public information exhibit and materials have been developed. Six public events were attended in advance of Public Works Week.	Create new Richland 101 presentation. Continue public outreach at appropriate events.

**Community Development**

<b>Action</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
<p>Added more information to CD webpage. Began implementation of 2010 marketing plan. Paid Latino Communications to translate brochures in Spanish for CD department. For Fair Housing Month in April paid Buonasera group to run Fair Housing Radio on Clear Channel regarding housing discrimination. Attended various nightly meetings called by County Council and Citizens. Attend expos like one held at Sportsplex at Sandhills. Staff attend community events like Ridgewood Alive in April and provide flyers and other information. In April hosted Community Development week at 2020 Hampton. Attend Richland 101 sessions and supply information. Host monthly down payment assistance program where an average of 20-60 people attend. Attend monthly homeless shelter meetings. Attend monthly community revitalization meetings. Hosted contractor's workshop in April. Part of the Minority Forum and Savvy Seniors event at Richland Mall.</p>	<p>2-Met all Goals</p>		<p>Will continue similar efforts as stated in previous goals/accomplishments. On June 17th will have the National Homeownership Fair at 2020 Hampton Street from 9-1.</p>



**STRATEGY #4:** Maximize convenience for residents and businesses by expanding and promoting access to online services, such as public documents, forms, and payment options.  
**Admin – PIO; IT; Ombudsman’s Office; Grants; EECBG**

**First Quarter Results - Strategy #4 (as of 6/1/2010)**

**Admin – PIO**

<b><u>Action</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
PIO is working with IT to update the county's web site in fiscal 2011 and make it more user friendly.	4-External Obstacles	Pending budget	Begin laying the foundation for work to begin in July of 2010.

**IT**

<b><u>Goals</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Add additional online payment options so that our citizens can use the county website to pay more of their county obligations on-line.		Goal to be completed by June 1, 2010.	

**Ombudsman’s Office**

<b><u>Goals</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
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Quality control checks will be conducted via US Mail and telephone to inquire about the services provided through Richland County Government and to measure citizen satisfaction. Surveys will be created and distributed amongst the various departments which interact with the public on a daily basis. These surveys will be a maximum of 5 questions and will be designed to provide measurable data regarding the level of quality service provided by county departments. A comment/suggestion box will also be available to citizens visiting County service departments to express their concerns with the services provided by County government.

**Grants**

<b><u>Goals</u></b>	<b><u>Status</u></b>	<b><u>Results</u></b>	<b><u>Goals for Next Quarter</u></b>
Work with PIO and IT to ensure that all re-grant materials are promoted and accessible to the public through the web and other social media outlets.	2-Met all Goals	All three re-grant programs were advertised on the website, newspaper, and the Weekly Review.	Advertise H-Tax Round Two guidelines and application due date.

**EECBG**

<u>Goals</u>	<u>Status</u>	<u>Results</u>	<u>Goals for Next Quarter</u>
1) Register of Deeds is hiring a software company to come in and create and e recording system that will minimize traveling to and from the courthouse. This quarter the goal was to hire that company. 2) The county offers total transparency on all EECBG programs on the website 3) We are in the planning stages of putting together a quarterly newsletter that will appear on the website as a user friendly information guide to grant programs.	2-Met all Goals	The County has hired Technology Solutions Inc. to handle the software development for this program. 2) Quarterly stimulus information is available of the website. 3) The quarterly newsletter will be coming on line soon.	1) Software company will be creating software. 3) Quarterly newsletter will be finalized and put on website.

**STRATEGY #5:** Participate in regional cooperation efforts by improving communications with policy makers from neighboring jurisdictions and the county’s legislative delegation.  
**Administration; County Council**

**First Quarter Results - Strategy #5 (as of 6/1/2010)**

**STRATEGY #6:** Assess citizen satisfaction and customer service quality through the ongoing solicitation and analysis of feedback from county residents. **Admin – PIO; Ombudsman’s Office; Each Department (through customer comment cards)**

**First Quarter Results - Strategy #6 (as of 6/1/2010)**

**Admin – PIO**

<u>Goals</u>	<u>Status</u>	<u>Results</u>	<u>Goals for Next Quarter</u>
Coordinate with county research manager and IT to use survey monkeys and or IT products to gauge citizen satisfaction.	4-External Obstacles	Pending	Coordinate online survey with Research Manager.

**Ombudsman’s Office**

**Goals    Status    Results    Goals for Next Quarter**

Quality control checks will be conducted via US Mail and telephone to inquire about the services provided through Richland County Government and to measure citizen satisfaction. Surveys will be created and distributed amongst the various departments which interact with the public on a daily basis. These surveys will be a maximum of 5 questions and will be designed to provide measurable data regarding the level of quality service provided by county departments. A comment/suggestion box will also be available to citizens visiting County service departments to express their concerns with the services provided by County government.

*STRATEGY #7:* Establish creative partnerships to leverage county resources and maximize efforts to engage multiple demographics, including youths, seniors, and non-English speaking communities. **Administration-PIO; Recreation Commission**

**First Quarter Results - Strategy #7 (as of 6/1/2010)**

**Administration-PIO**

**Goals    Status    Results    Goals for Next Quarter**

County PIO often leverages relationships with area malls, agencies that serve seniors, teens and etc. We can always do better but have had success with special programs and have received favorable ad rates because of relationships with radio and television stations. Additionally, the county staff works well with DHEC, keep Midlands Beautiful, Forest Acres, Richland Recreation Commission, Woodley's Garden Centers, Coca-Cola etc, Time Warner, etc.	3-Met some Goals	Completed some.	Identify more community resources.
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**STRATEGY #8:** Capitalize on the innovation and success of county programs by recognizing achievements and participating in local, state, and national award programs. **Admin - PIO**

**First Quarter Results - Strategy #8 (as of 6/1/2010)**

**Admin - PIO**

<b>Goals</b>	<b>Status</b>	<b>Results</b>	<b>Goals for Next Quarter</b>
Various county programs have received national recognition, IT, CASA, Sheriff's Department, Richland County Budget and Finance etc.	3-Met some Goals	Completed some.	To identify at least two regional and national awards the county may apply for.

**DESIRED OUTCOMES:** By implementing the strategies above, Richland County expects to achieve the following objectives by June 30, 2015:

- A redesigned and more user-friendly county website will be unveiled. **Admin-PIO; IT**
- A monthly newsletter will be created to promote county programs, events, and services. **Admin-PIO**
- A county television station will be established and content will be developed for dissemination to residents. **Admin-PIO**
- Staff will continue to produce and promote the county's weekly television show, *Richland Revealed*. **Admin-PIO**
- The number of press releases promoting county news and information will be tracked and increased. **Admin -PIO; Ombudsman's Office**
- The county will reach out to new demographics by expanding its presence on social networking sites such as *Twitter*, *Facebook*, and *MySpace*, and by utilizing new technological tools, such as text message alerts and WiFi. **Admin-PIO; IT**
- The county will continue to expand upon its successful Richland 101 program to include potential new programs such as Richland 101 for Businesses, Richland 101 En Español, and Richland 101 Online. **Admin-PIO; IT; Community Development**
- A speakers bureau will be established to provide community groups with easy access to county leaders and experts in various county-related fields. **Admin-PIO; Community Development**
- The county will continue to build on existing relationships and will continue to pursue new relationships with outside organizations, neighborhood groups, and the business

community. **Admin-PIO; Planning; Recreation Commission; Community Development**

- Residents' knowledge about where their tax money is going and how it is being spent will be increased by including additional information with county tax bills. **Finance; Admin-PIO**
- The number of public documents accessible through the county's website will be increased. **Admin-PIO; IT; Ombudsman's Office; Grants; EECBG**
- All county forms will be posted on the county's website. **Admin-PIO; IT; Ombudsman's Office**
- The number of transactions completed through the county's website, including the electronic payment of taxes and fees, will increase each year. **IT; Admin-PIO; Finance**
- A system will be implemented to enable the online submission and tracking of citizen service requests, questions, and complaints through the Richland County Ombudsman's Office. **Ombudsman's Office; IT**
- Council members will meet regularly with regional policy makers and members of the legislative delegation. **Council; Administration; Admin-PIO; Community Development**
- A uniform process for handling and tracking Freedom of Information Act requests will be established and implemented. **Admin-PIO; Ombudsman's Office**
- The county's performance on citizen surveys will increase for access to information, value for taxes paid, regional cooperation, and overall citizen satisfaction. **Ombudsman's Office; Community Development; Admin-PIO; Each Dept.**
- Citizen participation in the governmental process will be increased, including increased participation in county elections and the 2010 decennial census. **Admin-PIO; Planning-NIP; Community Development**

# Richland County Council Request of Action

**Subject**

- a. Contractual Matter/Personnel
- b. America Speaks: Our Budget, Our Economy Presentation-Joanne Turnquist, President of Central Carolina

# Richland County Council Request of Action

**Subject**

An Ordinance authorizing the issuance and sale of not to exceed \$2,100,000 General Obligation Bonds, Series 2010B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto.

**[THIRD READING] [PAGES 55-85]**

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,100,000 GENERAL OBLIGATION BONDS, SERIES 2010B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY 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 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") of 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 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 Code (the same being and hereinafter referred to as the "County Bond Act"), the governing bodies of the several counties of 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 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) The assessed value of all the taxable property in the County as of June 30, 2009, for purposes of computation of the County's constitutional debt limit, is \$1,360,107,180 which excludes exempt manufacturing property of \$18,817,230. Eight percent of such sum is \$108,808,574. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$38,720,000. Thus, the County may incur not exceeding \$70,088,574 of additional general obligation debt within its applicable debt limitation.



The County intends to issue simultaneously with the bonds authorized herein not to exceed \$13,400,000 General Obligation Bonds, Series 2010A, the par amount of which will also count against the County's constitutional debt limit.

(f) The American Recovery and Reinvestment Act of 2009 (the "ARRA"), Pub.L. 111-5, Feb. 17, 2009, 123 Stat. 115, amends the Internal Revenue Code of 1986, as amended (the "IRC"), to provide for the issuance of Build America Bonds ("BABs") if (a) the interest on such obligation would otherwise be excludable from gross income under Section 103 of the IRC; (b) such obligation is issued before January 1, 2011; and (c) the issuer makes an irrevocable election to have Section 54AA of the Code apply to the obligation. BABs are taxable obligations which provide a tax credit in the amount of 35% of the interest payable by the issuer, either as an annual credit to the respective bondholders under Section 54AA(a) of the IRC, or, if the bond is qualified under Section 54AA(g) of the IRC, and the issuer so elects, as an annual direct payment to the issuer under Section 6431 of the IRC.

(g) It is now in the best interest of the County for the County Council to provide for the issuance and sale of not exceeding \$2,100,000 general obligation bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, the proceeds of which will be used to provide funds for: (i) funding improvements to the Northeast Campus of Midlands Technical College; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$2,100,000 aggregate principal amount of general obligation bonds of the County to be designated "Not exceeding \$2,100,000 (or such other amount as may be issued) General Obligation Bonds, Series 2010B, of Richland County, South Carolina" (the "Bonds") for the purpose stated in Section 1(g) of this Ordinance.

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 County Council at the time of sale thereof; and shall mature serially in successive annual installments as determined by the Administrator.

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 3. Delegation of Authority Relating to the Bonds. The County Council hereby delegates to the Administrator the authority to determine whether the Bonds shall be issued as traditional tax-exempt bonds or shall be issued as BABs.

In connection with the issuance of traditional tax-exempt bonds, the County Council hereby delegates to the Administrator or his lawfully-authorized designee the authority: (a) to determine the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) to determine the interest payment dates of the Bonds; (c) to determine redemption provisions, if any, for the Bonds; (d) the date and time of sale of the Bonds; (e) to receive bids on behalf of the County Council; and (f) to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds.

In connection with the issuance of BABs, the County Council hereby delegates to the Administrator or his lawfully-authorized designee the authority: (a) to determine the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) to determine the interest payment dates of the Bonds; (c) to determine redemption provisions, if any, for the Bonds; (d) to determine the date and time of sale of the Bonds; (e) to receive bids on behalf of the County Council; (f) to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds, provided it reflects the lowest cost of borrowing to the County; (g) to determine whether the tax credit shall be provided as a credit to the bondholders or as a direct payment to the County; and (h) to make an irrevocable election to have Section 54AA of the IRC apply to the Bonds, such that a portion of the Bonds may be issued as BABs.

The County Administrator is further authorized to determine, upon advice of the County's bond counsel and financial advisor, if the Bonds should be sold together with the Series 2010A Bonds.

After the sale 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 the Bonds.

SECTION 4. Registration, Transfer and Exchange of 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 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 Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each 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 Bond the Registrar/Paying Agent on behalf of the County shall issue in the name of the transferee a new fully-registered Bond or Bonds, of the same aggregate principal amount, interest rate and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered 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 Bond shall be registered upon the registry books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such 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 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 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 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 Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

SECTION 5. 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 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any 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 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 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 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 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 Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

SECTION 7. Execution of Bonds. The 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 Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

SECTION 8. Form of Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference. If the Bonds are issued as BABs, appropriate changes will be made in the form of the bonds attached hereto as Exhibit A.

SECTION 8. Security for Bonds. The full faith, credit, and taxing power of the county is irrevocably pledged to the payment of the Bonds. The Bonds are payable from an ad valorem tax levied annually by the County Auditor and collected by the County Treasurer.

The Council shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, an ad valorem tax sufficient to pay the principal and interest of the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor. To the extent allowed by law, the Auditor and Treasurer of the County, may consider the amounts available as an annual direct payment to the County under Section 6431 (or other relevant section) of the IRC when levying and collecting the taxes provided for herein, if the Bonds are issued as BABs.

SECTION 9. Notice of Initiative and Referendum. The County Council hereby delegates to its Chair and the Administrator the authority to determine whether the Notice prescribed under the provisions of Title 11, Chapter 27, relating to the Initiative and Referendum provisions contained in Title 4, Chapter 9 of the Code of Laws of South Carolina 1976, as amended, shall be given with respect to this Ordinance,

such notice being in substantially the form attached hereto as Exhibit B. If such notice is given, the Chair and the Administrator are authorized to cause such notice to be published in a newspaper of general circulation in the County.

SECTION 10. Defeasance. The obligations 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 Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) Such 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 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 Bonds shall no longer be deemed to be outstanding hereunder, such 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) 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) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”); and

(c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions.

SECTION 11. Exemption from State Taxes. Both the principal of and interest on the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the 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 12. Eligible Securities. The Bonds initially issued (the “Initial 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 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 Bonds of the same maturity or any integral multiple of \$5,000.

The Initial Bonds shall be issued in fully-registered form, one Bond for each of the maturities of the Bonds, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial 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 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 Bonds, 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 Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository 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 Bonds 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 Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants 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 13. Sale of Bonds, Form of Notice of Sale. The Bonds shall be sold at public sale. A Notice of Sale in substantially the form attached hereto as Exhibit C 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 of South Carolina 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. Appropriate modifications shall be made in the Notice of Sale if the Bonds are offered to purchase as BABs.

SECTION 14. 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 Bonds together with the Notice of Sale. The County Council authorizes the Administrator to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 of the Securities Exchange Commission. The Administrator is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser of the Bonds.

SECTION 15. Filings with Central Repository. In compliance with Section 11-1-85, South Carolina Code of Laws 1976, as amended, 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 16. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (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 D 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 17. 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:

(a) Any premium shall be placed in the sinking fund established pursuant to Section 4-15-150 of the Code; and

(b) The balance of the proceeds shall be applied for the purposes set forth in this Ordinance including defraying the costs and expenses of issuing the Bonds.

SECTION 18. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds and this Ordinance, such notice in substantially the form attached hereto as Exhibit E, 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 19. 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 to reimburse the School District from the proceeds of the 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 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 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 Project will be the County's general reserve funds or other legally-available funds.

SECTION 20. Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders 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 Bonds; provided, however, that for purposes of this covenant only, the County shall not be in violation of this covenant solely because it makes the irrevocable election under Section 54AA(d) or (g) (as applicable) of the IRC with respect to the Bonds to be issued as BABs. The

County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the 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 “arbitrage bonds,” as defined in Section 148 of the IRC, and to that end the County hereby shall:

(a) comply with the applicable provisions of Sections 54AA, 103 and 141 through 150 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 21. 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. as bond counsel and Ross, Sinclair & Associates, LLC, as Financial Advisor, in connection with the issuance of the Bonds. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of 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 to Follow]

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Paul Livingston, Chairman  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_\_ DAY OF

\_\_\_\_\_, 2010:

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:  
Date of Second Reading:  
Publication of Notice of  
Public Hearing:  
Date of Public Hearing:  
Date of Third Reading:



FORM OF BOND

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
GENERAL OBLIGATION BONDS, SERIES 2010B

No. R-

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>ISSUE DATE</u>	<u>CUSIP</u>
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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 Wells Fargo Bank, N.A., in Atlanta, Georgia (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 principal and interest, as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the County are irrevocably pledged and there shall be levied annually by the Auditor of the County and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as they respectively mature and to create such sinking fund as may be necessary therefore.

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 American

Recovery and Reinvestment Act of 2009], the Constitution and laws of the State of South Carolina, 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; and Ordinance No. \_\_\_\_\_ duly enacted by the County Council on \_\_\_\_\_, 2010.

[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 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:

\_\_\_\_\_  
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 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: \_\_\_\_\_  
Clerk, County Council

## FORM OF NOTICE

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Richland County, South Carolina (the "County"), on \_\_\_\_\_, 2010, enacted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,100,000 GENERAL OBLIGATION BONDS, SERIES 2010B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE ADMINISTRATOR OF THE COUNTY TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of not to exceed \$2,100,000 General Obligation Bonds, Series 2010B (the "Bonds") of the County.

The proceeds of the Bonds will be used to provide funds for: (i) funding capital projects; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

Pursuant to Section 11-27-40(8) of the Code of Laws of South Carolina, 1976, as amended, unless a notice, signed by not less than five (5) qualified electors of the County, of the intention to seek a referendum is filed both in the office of the Clerk of Court of the County and with the Clerk of the County Council, the initiative and referendum provisions of South Carolina law, Sections 4-9-1210 to 4-9-1230 of the Code of Laws of South Carolina, 1976, as amended, shall not be applicable to the Ordinance. The notice of intention to seek a referendum must be filed within twenty (20) days following the publication of this notice of the adoption of the aforesaid Ordinance in a newspaper of general circulation in Richland County.

/s/Chair, County Council, Richland County,  
South Carolina

## FORM OF NOTICE OF SALE

\$ \_\_\_\_\_ GENERAL OBLIGATION BONDS, SERIES 2010B  
OF RICHLAND COUNTY, 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 \_\_\_\_\_, \_\_\_\_\_, 2010, at which time said proposals will be publicly opened for the purchase of \$ \_\_\_\_\_ General Obligation Bonds, Series 2010B, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ \_\_\_\_\_ General Obligation Bonds, Series 2010B, Richland County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

Facsimile Bids: The County will accept the facsimile transmission of a manually signed Official Bid Form at the risk of the Bidder. The County shall not be responsible for the confidentiality of bids submitted by facsimile transmission. Any delay in receipt of a facsimile bid, and any incompleteness or illegible portions of such bid are the responsibility of the bidder. Bids by facsimile should be transmitted to the attention of J. Milton Pope, County Administrator, fax number (803) 576-2138.

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

**PROPOSALS MAY BE DELIVERED BY HAND, BY MAIL, BY FACSIMILE TRANSMISSION OR BY ELECTRONIC BID, BUT NO PROPOSAL SHALL BE CONSIDERED WHICH IS NOT ACTUALLY RECEIVED BY THE COUNTY AT THE PLACE, DATE AND TIME APPOINTED, AND THE COUNTY SHALL NOT BE RESPONSIBLE FOR ANY FAILURE, MISDIRECTION, DELAY OR ERROR RESULTING FROM THE SELECTION BY ANY BIDDER OF ANY PARTICULAR MEANS OF DELIVERY OF BIDS.**

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 \_\_\_\_\_, 2010; 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>
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The Bonds will bear interest from the date thereof payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, until they mature.

[Redemption Provisions]

Municipal Bond Insurance: The County has submitted applications to various bond insurers for a policy of insurance relating to the Bonds to be effective as of the date of their issuance. If a bidder for the Bonds desires to have the Bonds so insured, the bidder should specify in its bid for the Bonds whether bond insurance will be purchased. The premium on such bond insurance must be paid at or prior to the closing by the successful bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued shall not constitute cause for a failure or refusal by the purchaser of the bonds to accept delivery of and pay for the Bonds.

Registrar/Paying Agent: Wells Fargo Bank, N.A., Atlanta, Georgia, shall serve as Registrar/Paying Agent for the Bonds.

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 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. 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: 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. There shall be levied annually by the Auditor of the County, and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor. [To the extent allowed by law, the County Auditor and County Treasurer may consider the amounts available as an annual direct payment to the County under Section 6431 (or other relevant section) of the IRC when levying and collecting the taxes provided for herein, if the Bonds are issued as BABs.]

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 2010B, 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.

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.

Delivery: The Bonds will be delivered on or about \_\_\_\_\_, 2010, 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 Bonds will be furnished to any person interested in bidding for the Bonds upon request. 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 Bonds. Persons seeking additional information should communicate with J. Milton Pope, County Administrator, 2020 Hampton Street, Columbia, South Carolina, 29201, telephone (803) 576-2054 or Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1301 Gervais Street, 17th Floor, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: [fheizer@mcnair.net](mailto:fheizer@mcnair.net).

RICHLAND COUNTY, SOUTH CAROLINA  
s/ \_\_\_\_\_  
Chair, County Council



## FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT

This Disclosure Dissemination Agent Agreement (the “Disclosure Agreement”), dated as of \_\_\_\_\_, 2010, is executed and delivered by Richland County, South Carolina (the “Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the “Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the “Rule”).

SECTION 1. Definitions. Capitalized terms not otherwise defined in this Disclosure Agreement shall have the meaning assigned in the Rule or, to the extent not in conflict with the Rule, in the Official Statement (hereinafter defined). The capitalized terms shall have the following meanings:

“Annual Report” means an Annual Report described in and consistent with Section 3 of this Disclosure Agreement.

“Annual Filing Date” means the date, set in Sections 2(a) and 2(f), by which the Annual Report is to be filed with the Repositories.

“Annual Financial Information” means annual financial information as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(a) of this Disclosure Agreement.

“Audited Financial Statements” means the financial statements (if any) of the Issuer for the prior fiscal year, certified by an independent auditor as prepared in accordance with generally accepted accounting principles or otherwise, as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(b) of this Disclosure Agreement.

“Bonds” means the bonds as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

“Certification” means a written certification of compliance signed by the Disclosure Representative stating that the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice delivered to the Disclosure Dissemination Agent is the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice required to be submitted to the Repositories under this Disclosure Agreement. A Certification shall accompany each such document submitted to the Disclosure Dissemination Agent by the Issuer and include the full name of the Bonds and the 9-digit CUSIP numbers for all Bonds to which the document applies.

“Disclosure Representative” means the Finance Director, the senior member of the Issuer 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.

“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 (including persons holding Bonds through nominees, depositories or other intermediaries) or (b) treated as the owner of any Bonds for federal income tax purposes.

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

“Notice Event” means an event listed in Sections 4(a) of this Disclosure Agreement.

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

“National Repository” means for purposes of the Rule the Electronic Municipal Market Access (EMMA) system created by the Municipal Securities Rulemaking Board.

“Repository” means the MSRB, each National Repository and the State Depository (if any).

“State Depository” means any public or private depository or entity designated by the State of South Carolina as a state information depository (if any) for the purpose of the Rule. The list of state information depositories maintained by the United States Securities and Exchange Commission shall be conclusive as to the existence of a State Depository. Currently, the following depositories are listed by the Securities and Exchange Commission as available State Depositories:

1. Municipal Advisory Council of Michigan  
1445 First National Building  
Detroit, Michigan 48226-3517  
(313) 963-0420 (phone)  
(313) 963-0943 (fax)  
[jackie@macmi.com](mailto:jackie@macmi.com)
2. Municipal Advisory Council of Texas  
PO Box 2177  
Austin, TX 78768-2177  
(512) 476-6947 (phone)  
(512) 476-6403 (fax)  
[mac@mactexas.com](mailto:mac@mactexas.com)
3. Ohio Municipal Advisory Council  
9321 Ravenna Road, Unit K  
Twinsburg, OH 44087-2445  
(330) 963-7444 (phone)  
(800) 969-OMAC (6622) (phone)  
(330) 963-7553 (fax)  
[sid\\_filing@ohiomac.com](mailto:sid_filing@ohiomac.com)

“Trustee” means the institution identified as such in the document under which the Bonds were issued.

“Voluntary Report” means the information provided to the Disclosure Dissemination Agent by the Issuer pursuant to Section 7.

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 30 days prior to 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 each National Repository and the State Depository (if any) not later than 210 days after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2009. 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 Notice Event as described in Section 4(a)(12) has occurred and to immediately send a notice to each National Repository or the MSRB and the State Depository (if any) in substantially the form attached as Exhibit B.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 12:00 noon on the first business day following the Annual Filing Date for the Annual Report, a Notice Event described in Section 4(a)(12) shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to each National Repository or the MSRB and the State Depository (if any) in substantially the form attached as Exhibit B.

(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 Certificate, together with a copy for the Trustee, for filing with each National Repository and the State Depository (if any).

(e) The Disclosure Dissemination Agent shall:

- (i) determine the name and address of each Repository each year prior to the Annual Filing Date;
- (ii) upon receipt, promptly file each Annual Report received under Section 2(a) with each National Repository, and the State Depository, (if any);
- (iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with each National Repository, and the State Depository (if any);
- (iv) upon receipt, promptly file the text of each disclosure to be made with each National Repository or the MSRB and the State Depository (if any) together with

a completed copy of the MSRB Material Event Notice Cover Sheet in the form attached as Exhibit C, describing the event by checking the box indicated below when filing pursuant to the Section of this Disclosure Agreement indicated:

1. “Principal and interest payment delinquencies,” pursuant to Sections 4(c) and 4(a)(1);
2. “Non-Payment related defaults,” pursuant to Sections 4(c) and 4(a)(2);
3. “Unscheduled draws on debt service reserves reflecting financial difficulties,” pursuant to Sections 4(c) and 4(a)(3);
4. “Unscheduled draws on credit enhancements reflecting financial difficulties,” pursuant to Sections 4(c) and 4(a)(4);
5. “Substitution of credit or liquidity providers, or their failure to perform,” pursuant to Sections 4(c) and 4(a)(5);
6. “Adverse tax opinions or events affecting the tax-exempt status of the security,” pursuant to Sections 4(c) and 4(a)(6);
7. “Modifications to rights of securities holders,” pursuant to Sections 4(c) and 4(a)(7);
8. “Bond calls,” pursuant to Sections 4(c) and 4(a)(8);
9. “Defeasances,” pursuant to Sections 4(c) and 4(a)(9);
10. “Release, substitution, or sale of property securing repayment of the securities,” pursuant to Sections 4(c) and 4(a)(10);
11. “Ratings changes,” pursuant to Sections 4(c) and 4(a)(11);
12. “Failure to provide annual financial information as required,” pursuant to Section 2(b)(ii) or Section 2(c), together with a completed copy of Exhibit B to this Disclosure Agreement;
13. “Other material event notice (specify),” pursuant to Section 7 of this Agreement, together with the summary description provided by the Disclosure Representative.

- (v) 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 Repositories, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

### 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 under the headings: “Security,” “Outstanding Indebtedness,” “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.”

(b) Audited Financial Statements prepared in accordance with GAAP as described in the Official Statement will be included in the Annual Report.

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 each of the National Repositories or the Securities and Exchange Commission. 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.

#### SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events, if material, with respect to the Bonds constitutes a Notice Event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements relating to the Bonds reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions or events affecting the tax-exempt status of the Bonds;
7. Modifications to rights of Bond holders;
8. Bond calls;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds;
11. Rating changes on the Bonds;
12. Failure to provide annual financial information as required; and
13. Other material event notice (specify) \_\_\_\_\_.

The Issuer shall promptly notify the Disclosure Dissemination Agent in writing upon the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c). Such notice shall be accompanied with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(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 five business days of receipt of such notice, 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

Disclosure Agent is to report the occurrence pursuant to subsection (c), together with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Agent to disseminate such information, and the date the Issuer desires for the Disclosure Agent to disseminate the information.

(c) If the Disclosure 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 Agent shall promptly file a notice of such occurrence with the State Depository (if any) and (i) each National Repository, or (ii) the MSRB.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, notices of Notice Events, and Voluntary Reports filed pursuant to Section 7(a), the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds 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 failure of the Disclosure Agent to so advise the Issuer shall not constitute a breach by the Disclosure Agent of any of its duties and responsibilities under this Disclosure Agreement. The Issuer acknowledges and understands that the duties of the Disclosure Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Reports.

(a) The Issuer may instruct the Disclosure Agent to file information with the Repositories, from time to time pursuant to a Certification of the Disclosure Representative accompanying such information (a "Voluntary Report").

(b) Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice 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, Annual Financial Statement, Voluntary Report or Notice Event notice.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Agent under this Disclosure Agreement shall terminate with respect to the Bonds upon the legal defeasance, prior redemption or payment in full of all of the Bonds, when the Issuer is no longer an obligated person with respect to the Bonds, or upon delivery by the Disclosure Representative to the Disclosure Agent of an opinion of nationally recognized bond counsel 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. 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 or under any other document relating to the Bonds, 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 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 ISSUER AGREES TO INDEMNIFY AND SAVE THE DISCLOSURE DISSEMINATION AGENT AND ITS RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS, HARMLESS AGAINST ANY LOSS, EXPENSE AND LIABILITIES WHICH THEY MAY INCUR ARISING OUT OF OR IN THE EXERCISE OR PERFORMANCE OF THEIR POWERS AND DUTIES HEREUNDER, INCLUDING THE COSTS AND EXPENSES (INCLUDING ATTORNEYS FEES) OF DEFENDING AGAINST ANY CLAIM OF LIABILITY, BUT EXCLUDING LIABILITIES DUE TO THE DISCLOSURE DISSEMINATION AGENT'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

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.

(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 neither of them shall incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The fees and expenses of such counsel shall be payable by the Issuer.

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 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, the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the Bonds, 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 New York (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 Continuing 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 BONDS**

Name of Issuer	Richland County, South Carolina
Obligated Person(s)	Daniel Driggers, Finance Director
Name of Bond Issue:	General Obligation Bonds, Series 2010B, \$_____
Date of Issuance:	_____, 2009
Date of Official Statement	_____, 2009

CUSIP Number: \_\_\_\_\_ CUSIP Number: \_\_\_\_\_

**EXHIBIT B**

**NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT**

Name of Issuer                      Richland County, South Carolina  
Obligated Person(s)              Daniel Driggers, Finance Director  
Name of Bond Issue:              General Obligation Bonds, Series 2010B, \$ \_\_\_\_\_  
Date of Issuance:                  \_\_\_\_\_, 2009  
Date of Official Statement:      \_\_\_\_\_, 2009

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by the Disclosure Agreement, dated as of \_\_\_\_\_, 2008, 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:     Issuer  
       Obligated Person

**EXHIBIT C**  
**MATERIAL EVENT NOTICE COVER SHEET**

This cover sheet and material event notice should be sent to the Municipal Securities Rulemaking Board or to all Nationally Recognized Municipal Securities Information Repositories, and the State Information Depository, if applicable, 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 material event notice relates:

\_\_\_\_\_

Number of pages of attached material event notice: \_\_\_\_

Description of Material Events Notice (Check One):

1.  Principal and interest payment delinquencies
2.  Non-Payment related defaults
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 or events affecting the tax-exempt status of the security
7.  Modifications to rights of securities holders
8.  Bond calls
9.  Defeasances
10.  Release, substitution, or sale of property securing repayment of the securities
11.  Rating changes
12.  Failure to provide annual financial information as required
13.  Other material event notice (specify)
14. \_\_\_\_\_

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

Signature:

\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Employer: Digital Assurance Certification, L.L.C.

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Voice Telephone Number: \_\_\_\_\_

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on \_\_\_\_\_, 2009, 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 providing for the issuance and sale of General Obligation Bonds of Richland County, South Carolina in the aggregate principal amount of not to exceed \$2,100,000 (the "Bonds"), the proceeds of which will be used to provide funds for: (i) acquiring vehicles for use by the Sheriff's Department; funding capital projects; constructing and equipping a public safety building; and acquiring and installing digital radios; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

The full faith, credit and taxing power of the County will be 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. There shall be levied annually by the Auditor of the County, and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal 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

# Richland County Council Request of Action

**Subject**

An Ordinance authorizing the issuance and sale of not to exceed \$13,400,000 General Obligation Bonds, Series 2010A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the Bonds; delegating to the County Administrator certain authority related to the Bonds; providing for the payment of the Bonds and the disposition of the proceeds thereof; and other matters relating thereto.

**[THIRD READING] [PAGES 86-115]**

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$13,400,000 GENERAL OBLIGATION BONDS, SERIES 2010A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY 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 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") of 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 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 Code (the same being and hereinafter referred to as the "County Bond Act"), the governing bodies of the several counties of 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 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) The assessed value of all the taxable property in the County as of June 30, 2009, for purposes of computation of the County's constitutional debt limit, is \$1,360,107,180 which excludes exempt manufacturing property of \$18,817,230. Eight percent of such sum is \$108,808,574. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$38,720,000. Thus, the County may incur not exceeding \$70,088,574 of additional general obligation debt within its applicable debt limitation.

The County intends to issue simultaneously with the bonds authorized herein not to exceed \$2,100,000 General Obligation Bonds, Series 2010B, the par amount of which will also count against the County's constitutional debt limit.

(f) The American Recovery and Reinvestment Act of 2009 (the "ARRA"), Pub.L. 111-5, Feb. 17, 2009, 123 Stat. 115, amends the Internal Revenue Code of 1986, as amended (the "IRC"), to provide for the issuance of Build America Bonds ("BABs") if (a) the interest on such obligation would otherwise be excludable from gross income under Section 103 of the IRC; (b) such obligation is issued before January 1, 2011; and (c) the issuer makes an irrevocable election to have Section 54AA of the Code apply to the obligation. BABs are taxable obligations which provide a tax credit in the amount of 35% of the interest payable by the issuer, either as an annual credit to the respective bondholders under Section 54AA(a) of the IRC, or, if the bond is qualified under Section 54AA(g) of the IRC, and the issuer so elects, as an annual direct payment to the issuer under Section 6431 of the IRC.

(g) It is now in the best interest of the County for the County Council to provide for the issuance and sale of not exceeding \$13,400,000 general obligation bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, the proceeds of which will be used to provide funds for: (i) funding capital projects; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$13,400,000 aggregate principal amount of general obligation bonds of the County to be designated "Not exceeding \$13,400,000 (or such other amount as may be issued) General Obligation Bonds, Series 2010A, of Richland County, South Carolina" (the "Bonds") for the purpose stated in Section 1(g) of this Ordinance.

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 County Council at the time of sale thereof; and shall mature serially in successive annual installments as determined by the Administrator.

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 3. Delegation of Authority Relating to the Bonds. The County Council hereby delegates to the Administrator the authority to determine whether the Bonds shall be issued as traditional tax-exempt bonds or shall be issued as BABs

In connection with the issuance of traditional tax-exempt bonds, the County Council hereby delegates to the Administrator or his lawfully-authorized designee the authority: (a) to determine the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) to determine the interest payment dates of the Bonds; (c) to determine redemption provisions, if any, for the Bonds; (d) the date and time of sale of the Bonds; (e) to receive bids on behalf of the County Council; and (f) to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds.



In connection with the issuance of BABs, the County Council hereby delegates to the Administrator or his lawfully-authorized designee the authority: (a) to determine the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) to determine the interest payment dates of the Bonds; (c) to determine redemption provisions, if any, for the Bonds; (d) to determine the date and time of sale of the Bonds; (e) to receive bids on behalf of the County Council; (f) to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds, provided it reflects the lowest cost of borrowing to the County; (g) to determine whether the tax credit shall be provided as a credit to the bondholders or as a direct payment to the County; and (h) to make an irrevocable election to have Section 54AA of the IRC apply to the Bonds, such that a portion of the Bonds may be issued as BABs.

The County Administrator is further authorized to determine, upon advice of the County's bond counsel and financial advisor, if the Bonds should be sold together with the Series 2010B Bonds.

After the sale 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 the Bonds.

SECTION 4. Registration, Transfer and Exchange of 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 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 Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each 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 Bond the Registrar/Paying Agent on behalf of the County shall issue in the name of the transferee a new fully-registered Bond or Bonds, of the same aggregate principal amount, interest rate and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered 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 Bond shall be registered upon the registry books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such 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 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 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 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 Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

SECTION 5. 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 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any 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 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 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 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 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 Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

SECTION 7. Execution of Bonds. The 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 Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

SECTION 8. Form of Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference. If the Bonds are issued as BABs, appropriate changes will be made in the form of the bonds attached hereto as Exhibit A.

SECTION 8. Security for Bonds. The full faith, credit, and taxing power of the county is irrevocably pledged to the payment of the Bonds. The Bonds are payable from an ad valorem tax levied annually by the County Auditor and collected by the County Treasurer.

The Council shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, an ad valorem tax sufficient to pay the principal and interest of the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor. To the extent allowed by law, the Auditor and Treasurer of the County, may consider the amounts available as an annual direct payment to the County under Section 6431 (or other relevant section) of the IRC when levying and collecting the taxes provided for herein, if the Bonds are issued as BABs.

SECTION 9. Notice of Initiative and Referendum. The County Council hereby delegates to its Chair and the Administrator the authority to determine whether the Notice prescribed under the provisions of Title 11, Chapter 27, relating to the Initiative and Referendum provisions contained in Title 4, Chapter 9 of the Code of Laws of South Carolina 1976, as amended, shall be given with respect to this Ordinance, such notice being in substantially the form attached hereto as Exhibit B. If such notice is given, the Chair and the Administrator are authorized to cause such notice to be published in a newspaper of general circulation in the County.

SECTION 10. Defeasance. The obligations 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 Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) Such 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 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 Bonds shall no longer be deemed to be outstanding hereunder, such 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) 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) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”); and

(c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions.

SECTION 11. Exemption from State Taxes. Both the principal of and interest on the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the 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 12. Eligible Securities. The Bonds initially issued (the “Initial 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 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 Bonds of the same maturity or any integral multiple of \$5,000.

The Initial Bonds shall be issued in fully-registered form, one Bond for each of the maturities of the Bonds, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial 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 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 Bonds, 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 Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository 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 Bonds 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 Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants 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 13. Sale of Bonds, Form of Notice of Sale. The Bonds shall be sold at public sale. A Notice of Sale in substantially the form attached hereto as Exhibit C 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 of South Carolina 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. Appropriate modifications shall be made in the Notice of Sale if the Bonds are offered to purchase as BABs.

SECTION 14. 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 Bonds together with the Notice of Sale. The County Council authorizes the Administrator to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 of the Securities Exchange Commission. The Administrator is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser of the Bonds.

SECTION 15. Filings with Central Repository. In compliance with Section 11-1-85, South Carolina Code of Laws 1976, as amended, 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 16. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (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 D 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 17. 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:

(a) Any premium shall be placed in the sinking fund established pursuant to Section 4-15-150 of the Code; and

(b) The balance of the proceeds shall be applied for the purposes set forth in this Ordinance including defraying the costs and expenses of issuing the Bonds.

SECTION 18. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds and this Ordinance, such notice in substantially the form attached hereto as Exhibit E, 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 19. 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 to reimburse the School District from the proceeds of the 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 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 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 Project will be the County's general reserve funds or other legally-available funds.

SECTION 20. Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders 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 Bonds; provided, however, that for purposes of this covenant only, the County shall not be in violation of this covenant solely because it makes the irrevocable election under Section 54AA(d) or (g) (as applicable) of the IRC with respect to the Bonds to be issued as BABs. The

County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the 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 “arbitrage bonds,” as defined in Section 148 of the IRC, and to that end the County hereby shall:

(a) comply with the applicable provisions of Sections 54AA, 103 and 141 through 150 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 21. 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. as bond counsel and Ross, Sinclair & Associates, LLC, as Financial Advisor, in connection with the issuance of the Bonds. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of 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 to Follow]

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Paul Livingston, Chairman  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_\_ DAY OF

\_\_\_\_\_, 2010:

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:  
Date of Second Reading:  
Publication of Notice of  
Public Hearing:  
Date of Public Hearing:  
Date of Third Reading:

FORM OF BOND

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
GENERAL OBLIGATION BONDS, SERIES 2010A

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 Wells Fargo Bank, N.A., in Atlanta, Georgia (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 principal and interest, as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the County are irrevocably pledged and there shall be levied annually by the Auditor of the County and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as they respectively mature and to create such sinking fund as may be necessary therefore.

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 American



Recovery and Reinvestment Act of 2009], the Constitution and laws of the State of South Carolina, 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; and Ordinance No. \_\_\_\_\_ duly enacted by the County Council on \_\_\_\_\_, 2010.

[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 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:

\_\_\_\_\_  
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 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: \_\_\_\_\_  
Clerk, County Council

## FORM OF NOTICE

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Richland County, South Carolina (the "County"), on \_\_\_\_\_, 2010, enacted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$13,400,000 GENERAL OBLIGATION BONDS, SERIES 2010A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE ADMINISTRATOR OF THE COUNTY TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of not to exceed \$13,400,000 General Obligation Bonds, Series 2010A (the "Bonds") of the County.

The proceeds of the Bonds will be used to provide funds for: (i) funding capital projects; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

Pursuant to Section 11-27-40(8) of the Code of Laws of South Carolina, 1976, as amended, unless a notice, signed by not less than five (5) qualified electors of the County, of the intention to seek a referendum is filed both in the office of the Clerk of Court of the County and with the Clerk of the County Council, the initiative and referendum provisions of South Carolina law, Sections 4-9-1210 to 4-9-1230 of the Code of Laws of South Carolina, 1976, as amended, shall not be applicable to the Ordinance. The notice of intention to seek a referendum must be filed within twenty (20) days following the publication of this notice of the adoption of the aforesaid Ordinance in a newspaper of general circulation in Richland County.

/s/Chair, County Council, Richland County,  
South Carolina

## FORM OF NOTICE OF SALE

§ \_\_\_\_\_ GENERAL OBLIGATION BONDS, SERIES 2010A  
OF RICHLAND COUNTY, 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 \_\_\_\_\_, \_\_\_\_\_, 2010, at which time said proposals will be publicly opened for the purchase of \$ \_\_\_\_\_ General Obligation Bonds, Series 2010A, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ \_\_\_\_\_ General Obligation Bonds, Series 2010A, Richland County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

Facsimile Bids: The County will accept the facsimile transmission of a manually signed Official Bid Form at the risk of the Bidder. The County shall not be responsible for the confidentiality of bids submitted by facsimile transmission. Any delay in receipt of a facsimile bid, and any incompleteness or illegible portions of such bid are the responsibility of the bidder. Bids by facsimile should be transmitted to the attention of J. Milton Pope, County Administrator, fax number (803) 576-2138.

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

**PROPOSALS MAY BE DELIVERED BY HAND, BY MAIL, BY FACSIMILE TRANSMISSION OR BY ELECTRONIC BID, BUT NO PROPOSAL SHALL BE CONSIDERED WHICH IS NOT ACTUALLY RECEIVED BY THE COUNTY AT THE PLACE, DATE AND TIME APPOINTED, AND THE COUNTY SHALL NOT BE RESPONSIBLE FOR ANY FAILURE, MISDIRECTION, DELAY OR ERROR RESULTING FROM THE SELECTION BY ANY BIDDER OF ANY PARTICULAR MEANS OF DELIVERY OF BIDS.**

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 \_\_\_\_\_, 2010; 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>
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The Bonds will bear interest from the date thereof payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, until they mature.

[Redemption Provisions]

Municipal Bond Insurance: The County has submitted applications to various bond insurers for a policy of insurance relating to the Bonds to be effective as of the date of their issuance. If a bidder for the Bonds desires to have the Bonds so insured, the bidder should specify in its bid for the Bonds whether bond insurance will be purchased. The premium on such bond insurance must be paid at or prior to the closing by the successful bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued shall not constitute cause for a failure or refusal by the purchaser of the bonds to accept delivery of and pay for the Bonds.

Registrar/Paying Agent: Wells Fargo Bank, N.A., Atlanta, Georgia, shall serve as Registrar/Paying Agent for the Bonds.

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 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. 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: 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. There shall be levied annually by the Auditor of the County, and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor. [To the extent allowed by law, the County Auditor and County Treasurer may consider the amounts available as an annual direct payment to the County under Section 6431 (or other relevant section) of the IRC when levying and collecting the taxes provided for herein, if the Bonds are issued as BABs.]

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 2010A, 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.

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.

Delivery: The Bonds will be delivered on or about \_\_\_\_\_, 2010, 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 Bonds will be furnished to any person interested in bidding for the Bonds upon request. 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 Bonds. Persons seeking additional information should communicate with J. Milton Pope, County Administrator, 2020 Hampton Street, Columbia, South Carolina, 29201, telephone (803) 576-2054 or Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1301 Gervais Street, 17th Floor, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: [fheizer@mcnair.net](mailto:fheizer@mcnair.net).

RICHLAND COUNTY, SOUTH CAROLINA  
s/ \_\_\_\_\_  
Chair, County Council

## FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT

This Disclosure Dissemination Agent Agreement (the “Disclosure Agreement”), dated as of \_\_\_\_\_, 2010, is executed and delivered by Richland County, South Carolina (the “Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the “Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the “Rule”).

SECTION 1. Definitions. Capitalized terms not otherwise defined in this Disclosure Agreement shall have the meaning assigned in the Rule or, to the extent not in conflict with the Rule, in the Official Statement (hereinafter defined). The capitalized terms shall have the following meanings:

“Annual Report” means an Annual Report described in and consistent with Section 3 of this Disclosure Agreement.

“Annual Filing Date” means the date, set in Sections 2(a) and 2(f), by which the Annual Report is to be filed with the Repositories.

“Annual Financial Information” means annual financial information as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(a) of this Disclosure Agreement.

“Audited Financial Statements” means the financial statements (if any) of the Issuer for the prior fiscal year, certified by an independent auditor as prepared in accordance with generally accepted accounting principles or otherwise, as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(b) of this Disclosure Agreement.

“Bonds” means the bonds as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

“Certification” means a written certification of compliance signed by the Disclosure Representative stating that the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice delivered to the Disclosure Dissemination Agent is the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice required to be submitted to the Repositories under this Disclosure Agreement. A Certification shall accompany each such document submitted to the Disclosure Dissemination Agent by the Issuer and include the full name of the Bonds and the 9-digit CUSIP numbers for all Bonds to which the document applies.

“Disclosure Representative” means the Finance Director, the senior member of the Issuer 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.



“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 (including persons holding Bonds through nominees, depositories or other intermediaries) or (b) treated as the owner of any Bonds for federal income tax purposes.

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

“Notice Event” means an event listed in Sections 4(a) of this Disclosure Agreement.

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

“National Repository” means for purposes of the Rule the Electronic Municipal Market Access (EMMA) system created by the Municipal Securities Rulemaking Board.

“Repository” means the MSRB, each National Repository and the State Depository (if any).

“State Depository” means any public or private depository or entity designated by the State of South Carolina as a state information depository (if any) for the purpose of the Rule. The list of state information depositories maintained by the United States Securities and Exchange Commission shall be conclusive as to the existence of a State Depository. Currently, the following depositories are listed by the Securities and Exchange Commission as available State Depositories:

1. Municipal Advisory Council of Michigan  
1445 First National Building  
Detroit, Michigan 48226-3517  
(313) 963-0420 (phone)  
(313) 963-0943 (fax)  
[jackie@macmi.com](mailto:jackie@macmi.com)
2. Municipal Advisory Council of Texas  
PO Box 2177  
Austin, TX 78768-2177  
(512) 476-6947 (phone)  
(512) 476-6403 (fax)  
[mac@mactexas.com](mailto:mac@mactexas.com)
3. Ohio Municipal Advisory Council  
9321 Ravenna Road, Unit K  
Twinsburg, OH 44087-2445  
(330) 963-7444 (phone)  
(800) 969-OMAC (6622) (phone)  
(330) 963-7553 (fax)  
[sid\\_filing@ohiomac.com](mailto:sid_filing@ohiomac.com)

“Trustee” means the institution identified as such in the document under which the Bonds were issued.

“Voluntary Report” means the information provided to the Disclosure Dissemination Agent by the Issuer pursuant to Section 7.

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 30 days prior to 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 each National Repository and the State Depository (if any) not later than 210 days after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2009. 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 Notice Event as described in Section 4(a)(12) has occurred and to immediately send a notice to each National Repository or the MSRB and the State Depository (if any) in substantially the form attached as Exhibit B.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 12:00 noon on the first business day following the Annual Filing Date for the Annual Report, a Notice Event described in Section 4(a)(12) shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to each National Repository or the MSRB and the State Depository (if any) in substantially the form attached as Exhibit B.

(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 Certificate, together with a copy for the Trustee, for filing with each National Repository and the State Depository (if any).

(e) The Disclosure Dissemination Agent shall:

- (i) determine the name and address of each Repository each year prior to the Annual Filing Date;
- (ii) upon receipt, promptly file each Annual Report received under Section 2(a) with each National Repository, and the State Depository, (if any);
- (iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with each National Repository, and the State Depository (if any);
- (iv) upon receipt, promptly file the text of each disclosure to be made with each National Repository or the MSRB and the State Depository (if any) together with

a completed copy of the MSRB Material Event Notice Cover Sheet in the form attached as Exhibit C, describing the event by checking the box indicated below when filing pursuant to the Section of this Disclosure Agreement indicated:

1. “Principal and interest payment delinquencies,” pursuant to Sections 4(c) and 4(a)(1);
2. “Non-Payment related defaults,” pursuant to Sections 4(c) and 4(a)(2);
3. “Unscheduled draws on debt service reserves reflecting financial difficulties,” pursuant to Sections 4(c) and 4(a)(3);
4. “Unscheduled draws on credit enhancements reflecting financial difficulties,” pursuant to Sections 4(c) and 4(a)(4);
5. “Substitution of credit or liquidity providers, or their failure to perform,” pursuant to Sections 4(c) and 4(a)(5);
6. “Adverse tax opinions or events affecting the tax-exempt status of the security,” pursuant to Sections 4(c) and 4(a)(6);
7. “Modifications to rights of securities holders,” pursuant to Sections 4(c) and 4(a)(7);
8. “Bond calls,” pursuant to Sections 4(c) and 4(a)(8);
9. “Defeasances,” pursuant to Sections 4(c) and 4(a)(9);
10. “Release, substitution, or sale of property securing repayment of the securities,” pursuant to Sections 4(c) and 4(a)(10);
11. “Ratings changes,” pursuant to Sections 4(c) and 4(a)(11);
12. “Failure to provide annual financial information as required,” pursuant to Section 2(b)(ii) or Section 2(c), together with a completed copy of Exhibit B to this Disclosure Agreement;
13. “Other material event notice (specify),” pursuant to Section 7 of this Agreement, together with the summary description provided by the Disclosure Representative.

- (v) 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 Repositories, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

### 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 under the headings: “Security,” “Outstanding Indebtedness,” “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.”

(b) Audited Financial Statements prepared in accordance with GAAP as described in the Official Statement will be included in the Annual Report.

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 each of the National Repositories or the Securities and Exchange Commission. 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.

#### SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events, if material, with respect to the Bonds constitutes a Notice Event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements relating to the Bonds reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions or events affecting the tax-exempt status of the Bonds;
7. Modifications to rights of Bond holders;
8. Bond calls;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds;
11. Rating changes on the Bonds;
12. Failure to provide annual financial information as required; and
13. Other material event notice (specify) \_\_\_\_\_.

The Issuer shall promptly notify the Disclosure Dissemination Agent in writing upon the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c). Such notice shall be accompanied with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(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 five business days of receipt of such notice, 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

Disclosure Agent is to report the occurrence pursuant to subsection (c), together with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Agent to disseminate such information, and the date the Issuer desires for the Disclosure Agent to disseminate the information.

(c) If the Disclosure 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 Agent shall promptly file a notice of such occurrence with the State Depository (if any) and (i) each National Repository, or (ii) the MSRB.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, notices of Notice Events, and Voluntary Reports filed pursuant to Section 7(a), the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds 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 failure of the Disclosure Agent to so advise the Issuer shall not constitute a breach by the Disclosure Agent of any of its duties and responsibilities under this Disclosure Agreement. The Issuer acknowledges and understands that the duties of the Disclosure Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Reports.

(a) The Issuer may instruct the Disclosure Agent to file information with the Repositories, from time to time pursuant to a Certification of the Disclosure Representative accompanying such information (a "Voluntary Report").

(b) Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice 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, Annual Financial Statement, Voluntary Report or Notice Event notice.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Agent under this Disclosure Agreement shall terminate with respect to the Bonds upon the legal defeasance, prior redemption or payment in full of all of the Bonds, when the Issuer is no longer an obligated person with respect to the Bonds, or upon delivery by the Disclosure Representative to the Disclosure Agent of an opinion of nationally recognized bond counsel 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. 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 or under any other document relating to the Bonds, 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 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 ISSUER AGREES TO INDEMNIFY AND SAVE THE DISCLOSURE DISSEMINATION AGENT AND ITS RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS, HARMLESS AGAINST ANY LOSS, EXPENSE AND LIABILITIES WHICH THEY MAY INCUR ARISING OUT OF OR IN THE EXERCISE OR PERFORMANCE OF THEIR POWERS AND DUTIES HEREUNDER, INCLUDING THE COSTS AND EXPENSES (INCLUDING ATTORNEYS FEES) OF DEFENDING AGAINST ANY CLAIM OF LIABILITY, BUT EXCLUDING LIABILITIES DUE TO THE DISCLOSURE DISSEMINATION AGENT'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

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.

(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 neither of them shall incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The fees and expenses of such counsel shall be payable by the Issuer.

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 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, the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the Bonds, 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 New York (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 Continuing 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 BONDS**

Name of Issuer                      Richland County, South Carolina  
Obligated Person(s)                Daniel Driggers, Finance Director  
Name of Bond Issue:                General Obligation Bonds, Series 2010A, \$ \_\_\_\_\_  
Date of Issuance:                    \_\_\_\_\_, 2010  
Date of Official Statement         \_\_\_\_\_, 2010

CUSIP Number: \_\_\_\_\_ CUSIP Number: \_\_\_\_\_





**EXHIBIT C**  
**MATERIAL EVENT NOTICE COVER SHEET**

This cover sheet and material event notice should be sent to the Municipal Securities Rulemaking Board or to all Nationally Recognized Municipal Securities Information Repositories, and the State Information Depository, if applicable, 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 material event notice relates:

\_\_\_\_\_

Number of pages of attached material event notice: \_\_\_\_

Description of Material Events Notice (Check One):

1.  Principal and interest payment delinquencies
2.  Non-Payment related defaults
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 or events affecting the tax-exempt status of the security
7.  Modifications to rights of securities holders
8.  Bond calls
9.  Defeasances
10.  Release, substitution, or sale of property securing repayment of the securities
11.  Rating changes
12.  Failure to provide annual financial information as required
13.  Other material event notice (specify)
14. \_\_\_\_\_

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

Signature:

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Employer: Digital Assurance Certification, L.L.C.

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Voice Telephone Number: \_\_\_\_\_

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on \_\_\_\_\_, 2010, 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 providing for the issuance and sale of General Obligation Bonds of Richland County, South Carolina in the aggregate principal amount of not to exceed \$13,400,000 (the "Bonds"), the proceeds of which will be used to provide funds for: (i) funding capital projects; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

The full faith, credit and taxing power of the County will be 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. There shall be levied annually by the Auditor of the County, and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal 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

# Richland County Council Request of Action

**Subject**

10-08MA  
Bierer & Associates, Inc.  
Larkin Ellzey  
RU to OI (2.20 Acres)  
18000-02-82(p)  
11142 Wilson Blvd. **[THIRD READING] [PAGES 117-118]**

**Notes**

First Reading: May 25, 2010  
Second Reading:  
Third Reading:  
Public Hearing: May 25, 2010

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

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 A PORTION OF THE REAL PROPERTY DESCRIBED AS TMS # 18000-02-82 FROM RU (RURAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL 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 a portion of the real property described as TMS # 18000-02-82 from RU (Rural Density District) zoning to OI (Office and Institutional District) zoning, as reflected on Exhibit "A", which is attached hereto.

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. 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 \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2010.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

Public Hearing: May 25, 2010  
First Reading: May 25, 2010  
Second Reading: June 1, 2010 (tentative)  
Third Reading:

## Exhibit "A"

### **METES AND BOUNDS DESCRIPTION**

Portion of Richland County TMS 18000-02-82, 2.20 acres (net) and 2.88 acres (gross) with 0.68 acres in R/O/W) and located on U.S. Highway 21, Columbia, Richland County, South Carolina.

All that tract of land, with improvements thereon, lying and being in the County of Richland, State of South Carolina, and described on that Plat of Boundary Survey prepared for Bierer & Associates, Inc., prepared by Chris Knight, PLS, Dennis Corporation, dated February 12, 2010 and recorded March 26, 2010 in the Office of the Register of Deeds for Richland County, South Carolina in Plat Book 1595, at page 1260. More particularly described as follows:

Beginning at the intersection of U.S. Highway 21 (a 75 foot right-of-way) and Pineview Church Road and running in a southeasterly direction along U.S. Highway 21 approximately 900 feet to a point located in the centerline of U.S. Highway 21, said point being the Point and Place of Beginning; thence turning and running in a northeasterly direction along Parcel "A" N88°44'28"E a distance of 220.10 feet to a No. 5 Rebar set; thence N88°44'28"E a distance of 117.99 feet to a point; thence turning and running in a southeasterly direction along Norfolk Southern Railway right of way S04°20'16"E a distance of 275.78 feet to a point; thence turning and running in a southwesterly direction along property n/f Branham Lumber Company S86°15'56"W a distance of 65.10 feet to an existing No. 6 Rebar; thence S86°15'56"W a distance of 388.85 feet to an existing No. 6 Rebar; thence S86°15'56"W a distance of 42.59 feet to a point; thence turning and running in a northeasterly direction along U.S. Highway 21 N19°12'56"E a distance of 43.48 feet to a pk nail; thence N16°54'47"E a distance of 99.97 feet to a pk nail; thence N15°12'48"E a distance of 99.63 feet to a pk nail; thence N13°12'03"E a distance of 67.71 to a point, said point being the Point and Place of Beginning.

# Richland County Council Request of Action

**Subject**

10-10MA  
Wells Fargo f/k/a Wachovia N. A.  
Charles Salley  
RU/OI to LI (12.6 Acres)  
06013-01-01  
1600 Browning Rd. **[THIRD READING] [PAGES 119-120]**

**Notes**

First Reading: May 25, 2010  
Second Reading:  
Third Reading:  
Public Hearing: May 25, 2010

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

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 # 06013-01-01 FROM RU (RURAL DISTRICT) AND OI (OFFICE AND INSTITUTIONAL DISTRICT) TO LI (LIGHT INDUSTRIAL 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 real property described as TMS # 06013-01-01 from RU (Rural Density District) and OI (Office and Institutional District) to LI (Light Industrial District) 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. 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 \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2010.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

Public Hearing: May 25, 2010  
First Reading: May 25, 2010  
Second Reading: June 1, 2010 (tentative)  
Third Reading:



# Richland County Council Request of Action

**Subject**

10-11MA  
Wateree Retreat Center  
Allen House  
RU to PDD (43.9 Acres)  
27300-07-11  
2350 Clarkson Road **[THIRD READING] [PAGES 121-124]**

**Notes**

First Reading: May 25, 2010  
Second Reading:  
Third Reading:  
Public Hearing: May 25, 2010

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

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 # 27300-07-11 FROM RU (RURAL DISTRICT) TO 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 # 27300-07-11 from RU (Rural District) zoning to a 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 Master Plan (dated September 10, 2008, revised March 16, 2010) prepared for Wateree Retreat Center by Pace Engineering Consultants, Inc., which was submitted to, and is on file in, the Richland County Planning & Development Services Department (hereinafter referred to as "PDS"), and is incorporated herein by reference, except as otherwise amended herein; and
- b) The site development, as referenced on Exhibit "A" (which is attached hereto), shall be limited to:
  1. In Phase 1: Seven (7) cabins, with a total of 20,400 square feet; and
  2. In Phase 2: A family life center, with a maximum of 10,500 square feet; and a 3,000 square foot maintenance building; and
  3. In Phase 3: An assisted living facility, with a maximum of 17,000 square feet; and
- c) A maximum of three hundred ninety-four (394) parking spaces shall be allowed; and
- d) A traffic impact assessment shall be submitted at the time of major subdivision or major land development submission if such is required by the PDS; and
- e) Unless otherwise provided herein, all development shall conform to all current relevant land development regulations; and
- f) All development shall meet or exceed the minimum standards of Chapter 26 of the Richland County Code of Ordinances for landscaping, parking, and pedestrian standards; and
- g) The applicant shall dedicate additional right-of-way to Richland County along Clarkson Road if warranted by the South Carolina Department of Transportation (SCDOT); proof of which is required to be submitted prior to recording any bonded plats or receiving land development approval for the project; and
- h) All internal streets beyond the on-site guard house and gate shall be privately owned; and

- i) Access to the subject site shall be limited to one (1) curb cut along Clarkson Road, as shown on Exhibit “A”, and shall be designed and constructed to “American Association of State Highway and Transportation Officials” (AASHTO) standards; and
- j) If applicable, prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSO written evidence of:
  - a. The U.S. Army Corps of Engineers’ approval of the wetlands delineation and/or encroachment permit, and
  - b. FEMA’s approval of the 100 year flood elevation statement; and
- k) The applicant shall consider utilizing “Low Impact Design (LID)” or other acceptable stormwater management technologies; and
- l) 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
- m) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest; and

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. 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 \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

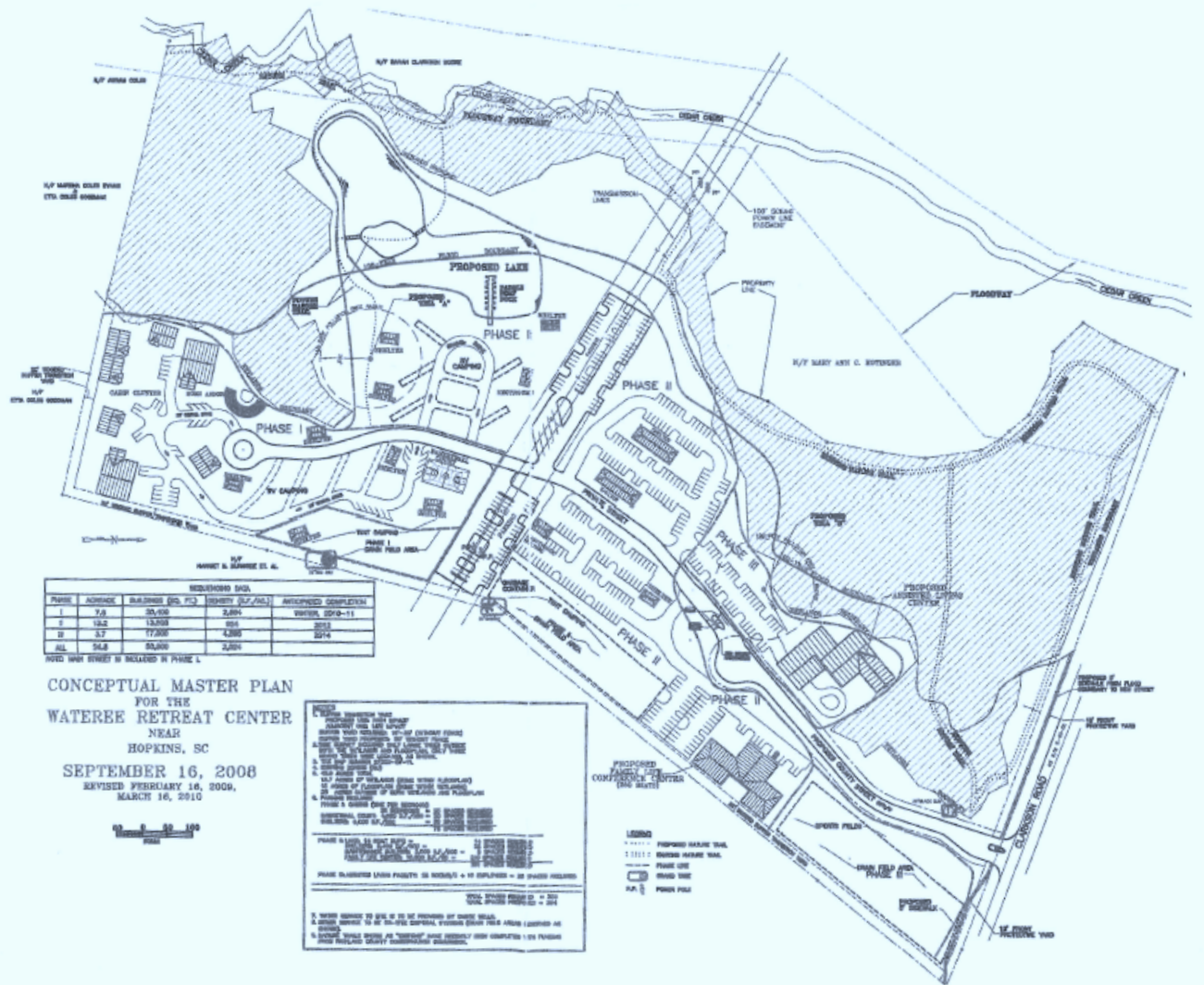
By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

Public Hearing: May 25, 2010  
 First Reading: May 25, 2010  
 Second Reading: June 1, 2010 (tentative)  
 Third Reading:

Exhibit "A"



# Richland County Council Request of Action

**Subject**

Coroner Budget Amendment for 2009/2010 [**SECOND READING**] [**PAGES 125-127**]

**Notes**

May 25, 2010: This item was forwarded to Council with no recommendation. The vote was in favor.

## Richland County Council Request of Action

Subject: Coroner Budget Amendment for 2009/2010

### A. Purpose

County Council is requested to approve a budget amendment to increase the Coroner's budget by \$95,000. The funds will be used to pay salaries and operating expenses for the remainder of FY 09-10.

### A. Background / Discussion

The Coroner's Office is going to require additional funds in several budget line items to pay for the services it is required by law to provide to the citizens of Richland County. As is stated every year, it is not possible for the Coroner to predict the number of deaths that will occur during a given budget year. As a result of an ever increasing case load, it has been determined that the Coroner's budget will fall short this year.

### B. Financial Impact

This request would require a budget amendment of \$95,000.00 with the funds designated as outlined below:

- Account #525500-Postmortem Pathology: Additional \$50,000.00
- Account #522600-Service Contracts: Body Transport- additional \$5,000.00
- Account #521600-Oil & Lubricants: Additional \$8,000.00
- Account #511300-Part-Time Wages: Additional \$32,000.00

### C. Alternatives

1. Approve the request to amend the Coroner's budget by adding an additional \$95,000.00. Approval would allow the Coroner to pay for the services that will be performed by him as required by state law.
2. Do not approve the request. Not approving this request will cause the Coroner's budget to show a negative balance for FY 09-10.

### D. Recommendation

Recommended by: Gary Watts                      Department: Coroner  
Date: 05/21/2010

It is recommended that Council approve the request to amend the Coroner's budget by adding and additional \$95,000 so that we can provide the service to the citizens of Richland County as required by law.

**F. Approvals**

**Legal**

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
Comments:

**Finance**

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
Comments:

**Procurement**

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
Comments:

**Grants**

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
Comments:

**Administration**

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
Comments:

# Richland County Council Request of Action

**Subject**

Hopkins Community Water System Bond and Bond Anticipation Note Ordinance [**SECOND READING**] [**PAGES 128-180**]

**Notes**

May 25, 2010: The committee forwarded this item to Council without a recommendation. The vote was in favor.



## Richland County Council Request of Action

**Subject:** Hopkins Community Water System  
Bond and Bond Anticipation Note Ordinance

**A. Purpose**

The purpose of this report is to seek County Council approval of the revenue bond ordinance and the ordinance authorizing bond anticipation notes for the Hopkins Community Water Project.

**B. Background**

USDA Rural Development is providing funding to develop a community water system to serve Hopkins and the surrounding community. The total project cost is estimated to be approximately \$4.8 million. Of this \$4.8 million, Rural Development has committed to provide a \$1,793,000.00 grant and a \$2,033,000 loan. Consistent with Rural Development policies, bond anticipation notes are issued to temporarily supply construction funds until the final grant and loan funds are available. The grant and loan are established as reimbursable funds.

**C. Discussion**

The County's bond attorney has prepared the necessary bond ordinance documents to establish the funding for the project. These documents are attached for reference.

**D. Financial Impact**

The approval of these ordinances will be consistent with the established policies and procedures of the acceptance of a Rural Development grant/loan. The water system will be established as an enterprise fund and will have user fee rates sufficient to pay any debt service that will be outstanding on the system. No general tap revenue should be required to support the system.

**E. Alternatives**

1. Approve the bond ordinance as presented.
2. Disapprove the bond ordinance. This action will delay or possibly halt the construction project.

**F. Recommendation**

It is recommended that County Council approve the bond ordinances as presented.

**Recommended by:** Andy H. Metts    **Department:** Utilities    **Date** 5/12/10

**G. Reviews**

Please indicate your recommendation with a  before routing to the next recipient. Thanks.

**Finance**

Reviewed by: Daniel Driggers

Date: 5/19/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: We would recommend denial of the establishment of a separate system for Hopkins since it would conflict with prior Council approval to consolidate all Utility systems. Establishment of a separate system would create management, budgetary and rate inconsistencies in comparison to the remainder of the County. This would require an amendment in the FY11 budget recommendation. We were unable to resolve the conflict due to constraints on the time available to review the ROA.

**Procurement**

Reviewed by: Rodolfo Callwood

Date:5/19/2010

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation.

**Grants**

Reviewed by: Sara Salley

Date: 5/19/2010

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

**Administration**

Reviewed by: Sparty Hammett

Date: 5/21/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation. A meeting is scheduled with the County's bond attorney on Monday morning in an attempt to address the Finance Director's concerns with the Bond Ordinance.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
GENERAL BOND ORDINANCE NO. \_\_\_\_\_

AUTHORIZING AND PROVIDING FOR THE CREATION OF THE HOPKINS WATERWORKS SYSTEM AND FOR THE ISSUANCE OF HOPKINS WATERWORKS SYSTEM IMPROVEMENT REVENUE BONDS OF RICHLAND COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM OF BONDS; LIMITING THE PAYMENT OF THE BONDS SOLELY TO THE NET REVENUES DERIVED FROM THE OPERATION OF THE WATERWORKS SYSTEM AND PLEDGING THE REVENUES TO SUCH PAYMENT; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO SUCH FUNDS; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING.

Error! Unknown document property name.

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:

## ARTICLE I

### DEFINITIONS

Section 1.1 Definitions. Unless the context shall clearly indicate some other meaning, the terms defined in this Section shall, for all purposes of this Ordinance and of any ordinance, resolution, certificate, opinion, instrument or other document herein or therein mentioned, have the meanings herein specified, with the definitions to be equally applicable to both the singular and plural forms of any of the terms herein defined and vice versa. The term:

“Accountant” shall mean an independent certified public accountant or a firm of independent certified public accountants selected by the County.

“Act” shall mean Title 6, Chapter 21, Code of Laws of South Carolina, 1976, and all other statutory authorizations, now or hereinafter enacted, authorizing and enabling the County to provide for the issuance of the Bonds.

“Annual Budget” shall mean the annual budget required by Section 7.8 hereof and adopted in conformance therewith.

“Bondholders” or the term “Holders” or any similar term shall mean the registered owner or owners of any Outstanding Bond or Bonds.

“Bond” or “Bonds” shall mean any Bond, some of the Bonds or all of the Bonds issued under and pursuant to Article III hereof, excluding bonds or other indebtedness issued under Section 3.5 and Section 3.6 hereof.

“Bond and Interest Redemption Fund” shall mean each of the respective funds of that name established pursuant to Section 6.7 of this Ordinance and so designated pursuant to a Supplemental Ordinance to provide for the payment of the principal of and interest on the respective Series of Bonds issued pursuant to this Ordinance and such Supplemental Ordinance as the same respectively become due and payable.

“Bond Counsel” shall mean any attorney or firm of attorneys of nationally recognized standing in matters pertaining to the federal tax exemption of interest on obligations issued by states and political subdivisions, and duly admitted to practice law before the highest court of any state of the United States.

“Books of Registry” shall mean the registration books maintained by the Registrar in accordance with Section 4.3 hereof.

“Business Day” shall mean any day other than a Saturday, a Sunday or a day on which banking institutions in the State or the office of the Custodian/Trustee are required or authorized by law (including executive orders) to close.

“Construction Fund” shall mean any fund established with and maintained by the Custodian named by ordinance or resolution of the County, and derived from certain of the proceeds of the sale of the Bonds and intended to defray the cost of all or a portion of any Project and to pay all Costs of Acquisition and Construction in connection therewith, as established in a Supplemental Ordinance authorizing the issuance of any Series of Bonds.

“Consulting Engineer” shall mean the engineer or engineering firm or corporation registered and qualified to practice the profession of engineering under the laws of the State of South Carolina and having a favorable reputation for skill and experience in the construction and operation of sewage disposal and treatment systems, employed by the County to perform and carry out the duties imposed by this Ordinance, and who or which is not a full-time employee of the County.

“Contingent Fund” shall mean the fund of that name established pursuant to Section 6.10 of this Ordinance.

“Cost of Acquisition and Construction” shall mean, to the extent permitted by the Act, all costs of acquiring, reconstructing, replacing, extending, repairing, bettering, improving, equipping, developing, embellishing or otherwise improving the System, including the Costs of Issuance and capitalized interest on Bonds. Cost of Acquisition and Construction shall include the payment of amounts due on bond anticipation notes, the proceeds of which were used for Cost of Acquisition and Construction.

“Cost of Issuance” shall mean all items of expense, directly or indirectly payable or reimbursable by or to the County and related to the authorization, sale and issuance of Bonds including, but not limited to, printing costs, costs of preparation and reproduction of documents, filing and recording fees, initial fees and charges of any Custodian/Trustee, Custodian, Registrar or Paying Agent, legal fees and charges, auditing and accounting fees and charges, fees and disbursements of consultants and professionals, costs of credit ratings, fees and charges for preparation, execution, transportation and safekeeping of Bonds, costs and expenses of refunding, premiums for insurance of the payment of Bonds, financing charges, accrued interest with respect to the initial investment of proceeds of Bonds and any other costs, charges or fees in connection with the original issuance of Bonds.

“Council” shall mean the County Council of Richland County, South Carolina.

“County” shall mean Richland County, South Carolina.

“Custodian” shall mean any bank, depository or trust company duly qualified and doing business within the State selected by the County as a depository of moneys or securities held in the Construction Fund.

“Custodian/Trustee” shall mean a bank, a trust company, a national banking association or a national association qualified under the terms of Article VIII hereof as shall be appointed in a Supplemental Ordinance authorizing a Series of Bonds.

“Debt Service” shall mean, with respect to each Series of Bonds and with respect to any particular Fiscal Year, the aggregate of the amounts to be paid or set aside (or estimated to be required to be paid or set aside) in the applicable Bond and Interest Redemption Fund in such Fiscal Year for the payment of the principal of, redemption premium, if any, and interest (to the extent not capitalized) on such Series of Bonds; provided that the interest on Variable Rate Indebtedness then Outstanding shall be calculated at the actual average rate of interest on the Variable Rate Indebtedness during the twelve (12) months immediately preceding the date of calculation; provided further, that for purposes of Section 3.3 hereof, interest on Variable Rate Indebtedness then proposed to be issued shall be calculated at the initial interest rate on such Variable Rate Indebtedness as of the date of such calculation.

“Debt Service Reserve Fund” shall mean the respective funds, if any, of that name established pursuant to Section 6.8 of this Ordinance and so designated pursuant to a Supplemental Ordinance.

“Default” or “Event of Default” shall mean any of those defaults specified in and defined by Article X hereof.

“Depreciation Fund” shall mean the fund of that name established pursuant to Section 6.9 of this Ordinance.

“Expenses of Operating and Maintaining the System” shall mean the current expenses, paid or accrued, of operation, maintenance and current repair of the System, and shall include, without limiting the generality of the foregoing, salaries, wages, employee benefits, cost of materials and supplies, cost of routine repairs, renewals, replacements and alterations occurring in the usual course of business, cost of billings and collections, cost of insurance, costs of any audit required by this Ordinance, the premiums for all insurance required with respect to the System, taxes, if any, amounts payable by way of arbitrage rebate. Expenses of Operating and Maintaining the System shall not include the payment of interest on Bonds, any allowance for depreciation or renewals or replacements of capital assets of the System and amounts deemed to be payments in lieu of taxes or other equity transfers.

“Fiscal Year” shall mean the fiscal year for the System as determined by the County, initially being the period from July 1 in any year to and including June 30 in the following year.

“Government Obligations” shall mean any of the following:

(a) non-callable bonds, notes or direct obligations and general obligations of the United States;

(b) non-callable U.S. Treasury Certificates, Notes and Bonds (including State and Local Government Series - “SLGS”);

(c) non-callable direct obligations of the U.S. Treasury which have been stripped by the U.S. Treasury;

(d) non-callable obligations issued by any agency or instrumentality of the United States of America which are backed by the full faith and credit of the United States; and

(e) prerefunded municipal bonds which are rated “Aaa” by Moody's or “AAA” by S&P.

“Interest Account” shall mean the account by that name created within each respective Bond and Interest Redemption Fund.

“Interest Payment Date” shall mean the respective interest payment dates for a Series of Bonds as determined by a Supplemental Ordinance.

“Initial Bond” shall mean the first bond issued pursuant to the Ordinance and a Supplemental Ordinance.

“Junior Bonds” shall mean either (a) bonds secured by a pledge of Revenues junior and subordinate in all respects to the pledge securing the Bonds or (b) any other form of indebtedness, including lease purchase obligations secured by sums available in the Revenue Fund after provision has been made for all payments required to be made with respect to the Bonds.

“Maximum Debt Service” shall mean the highest principal and interest requirements (to the extent not capitalized) on the Bonds then Outstanding during any Fiscal Year. With respect to any Series of Variable Rate Bonds, the following methods shall determine the interest rate to be used:

(a) in the case of determining the Reserve Fund Requirement, the interest rate shall be equal to the lesser of (i) the 25-Bond Revenue Index published by *The Bond Buyer* no more than (2) weeks prior to, but in no event after, the issuance of the Series of Bonds to which the Reserve Fund Requirement in question applies, or (ii) the maximum interest rate allowable on such Variable Rate Bonds;

(b) in the case of determining the Maximum Debt Service for purposes of Section 3.3 of this Ordinance, the interest rate shall be equal to the initial interest rate on such Variable Rate Indebtedness for the applicable period.

provided, however, that if the 25-Bond Revenue Index referred to in (a) above is no longer published, any reasonably equivalent nationally recognized index published for the periods in questions may be selected by the County for use in its stead.

“Net Revenues” shall mean the Revenues of the System after deducting the Expenses of Operating and Maintaining the System.

“Operation and Maintenance Fund” shall mean the fund of that name established pursuant to Section 6.6 of this Ordinance.

“Ordinance” shall mean this ordinance as from time to time amended or supplemented by one or more Supplemental Ordinances.

“Outstanding” when used with respect to any Bond shall have the construction given to such word in Article XII hereof; i.e., a Bond shall not be Outstanding if such Bond is not, or would not be, at the time, deemed to be Outstanding by reason of the operation and effect of said Article XII.

“Paying Agent” shall mean for each Series of Bonds the respective paying agent or paying agents appointed pursuant to the proceedings authorizing such Bonds.

“Permitted Investments” shall mean (a) any one or more of the investments now or hereafter permitted by Section 6-5-10, Code of Laws of South Carolina 1976, as amended and in effect from time to time, or any authorization relating to the investment of County funds; and (b) the South Carolina Pooled Investment Fund or similar State-administered pool investment fund.

“Principal Account” shall mean the account by that name created within each respective Bond and Interest Redemption Fund.

“Project” shall mean any work, undertaking or project which the County is or may hereafter be authorized to construct or acquire with the proceeds of any Bonds and which will become a part of the System, including the acquisition of any system which shall be combined with or consolidated into the System pursuant to law.

“Rate Covenant” shall mean the covenant as to fees, rates and other charges described in Section 7.1 hereof.

“Record Date” shall mean with respect to any Series of Bonds the fifteenth (15th) day (whether or not a Business Day) of the calendar month immediately preceding an Interest Payment Date or such other day as may be provided in the Supplemental Ordinance authorizing the issuance of such Series of Bonds.

“Registrar” shall mean for each Series of Bonds the registrar appointed pursuant to the proceedings authorizing such Bonds.

“Reserve Fund Requirement” shall mean, as of the date of calculation, the debt service reserve fund requirement, if any, established pursuant to a Supplemental Ordinance authorizing the issuance of a Series of Bonds.

“Revenue Fund” shall mean the fund of that name established pursuant to Section 6.5 of this Ordinance.

“Revenues” shall mean all receipts, income, revenues, fees and other charges to be levied and collected in connection with, and all other income and receipts of whatever kind or character derived by the County from the operation of the System, including, but not limited to, tap fees, connection charges, impact fees, developer fees, plant capacity fees, interest earnings and other



earnings or investments, as such earnings or investments are computed in accordance with generally accepted accounting practices, but excluding the proceeds of any grants or debt, contributions in aid of construction, gains or losses on extinguishment of debt, fees derived from assessments and extraordinary items, and the receipts, income, revenues, fees and other charges derived from the operation of Special Facilities.

“Series” or “Series of Bonds” or “Bonds of Series” shall mean all Bonds designated as being of the same series issued and delivered on original issuance in a simultaneous transaction, and any Bonds thereafter delivered in lieu thereof or in substitution thereof pursuant to this Ordinance.

“Special Facilities” shall mean any project or undertaking, the revenues and expenses resulting from the operation of which can be segregated from the revenues and expenses of the System and which the County shall designate as such by ordinance of Council.

“Special Facilities Bonds” shall mean any bonds issued in accordance with Section 3.6 hereof.

“State” shall mean the State of South Carolina.

“Supplemental Ordinance” shall mean any ordinance by the County providing for the issuance of Bonds and any ordinance enacted by the Council pursuant to and in compliance with the provisions of Article IX hereof amending or supplementing the provisions of this Ordinance.

“System” shall mean the Hopkins Waterworks System established herein, as the same is now constituted, all properties, real and personal, and matters and things used or useful in the maintenance, operation or functioning thereof, all apparatus and equipment used in connection therewith, and all replacements, enlargements, improvements, extensions, additions, and betterments that may be made thereto, including any Project, and any other public utility system with which the System may hereafter be combined pursuant to ordinance of Council.

“Test Period” shall mean that period defined in Section 3.3 hereof.

“Variable Rate Bonds” shall mean indebtedness in the form of Bonds the interest rate on which is not established at a fixed or constant rate at the time such indebtedness is incurred.

## ARTICLE II

### FINDINGS AND DETERMINATIONS

Section 2.1. Findings and Determinations. The Council hereby finds and determines:

A. Pursuant to Section 4-9-10, Code of Laws of South Carolina, 1976, as amended (the “Code”), the Council/Administrator form of government was selected and the Council constitutes the governing body of the County.

B. In the exercise of the powers vested in the County by the Constitution and statutes of the State of South Carolina, and in conformity with the provisions thereof, the County, pursuant to the favorable results of a referendum heretofore duly held on November 7, 1978, is authorized and empowered to acquire, construct and operate a waterworks system or systems in any of the unincorporated areas of the County.

C. It is the County’s best interest to create a waterworks system to serve the residents of the Hopkins Area Community in Lower Richland County.

D. The System is administered by as a department of the County.

E. Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, provides that a county or political subdivision may incur indebtedness payable solely from a revenue-producing project which source does not involve revenues from any tax or license.

F. Pursuant to the Act, the County may issue revenue bonds to defray the cost of improvements, enlargements and extensions to the System.

G. The System will be operated on a fiscal year basis, which presently commences on July 1 of each year and ends on June 30 of the following year.

H. By the enactment of the Ordinance, the County intends to provide for the issuance of the revenue bonds at the time and on the terms and conditions set forth in the Ordinance and Supplemental Ordinances hereto.

### ARTICLE III

#### ESTABLISHMENT OF HOPKINS WATERWORKS SYSTEM

- a. Pursuant to the Constitution and statutes of the State of South Carolina, and in conformity with the provisions thereof, the County, pursuant to the favorable results of a referendum heretofore duly held on November 7, 1978, hereby the Hopkins Waterworks System to service the residents of the of the Hopkins Area Community in lower Richland County.
- b. The system is administered as a department of the County

### ARTICLE IV

#### AUTHORIZATION AND ISSUANCE OF BONDS

Section 3.1. Authorization of Bonds. There is hereby authorized to be issued Bonds of the County to be known as “Richland County, South Carolina, Waterworks System Revenue Bonds,” or such other designations as may be provided in the Supplemental Ordinance authorizing such Bonds, which Bonds may be issued pursuant to this Ordinance and in accordance with the terms, conditions and limitations set forth herein, in Series, in such amounts and from time to time as the County may deem to be necessary or advisable for any corporate purpose of the County for which Bonds may be issued under this Ordinance and the Act.

Section 3.2. General Provisions For Issuance of Bonds. (a) The Bonds shall be issued in Series by means of Supplemental Ordinances enacted by the Council in accordance with the provisions of this Article and Article IX hereof. Each Supplemental Ordinance shall designate the Bonds provided for thereby by an appropriate Series designation and by such further particular designations, if any, as the County deems appropriate, and shall, unless or except as is otherwise set forth herein, also specify: (i) the authorized principal amount of such Series of Bonds; (ii) the purpose or purposes for which the Bonds of such Series are being issued, which shall be one or more of the purposes set forth in Sections 3.3 or 3.4 hereof; (iii) if the Bonds of the Series are being issued for a purpose specified in Section 3.3 hereof, the Project for which such Bonds are being issued; (iv) an estimate of the Costs of Acquisition and Construction for any Project to be financed by such Series of Bonds, and, in the event of the acquisition by purchase or condemnation of any facilities already constructed, a determination of what repairs, replacements, additions and betterments will be necessary in order that such facilities may be effective for their purpose and an estimate of the cost required therefor; (v) the date or dates of the Bonds of the Series; (vi) the maturity date or dates of the Bonds of the Series and the sinking fund installment amounts; (vii) the interest rate or rates of the Bonds of such Series, or the manner of determining such rate or rates, the initial Interest Payment Date therefor, and the subsequent Interest Payment Dates; (viii) the denominations of, and manner of numbering and lettering, the Bonds of such Series; (ix) the redemption premium or premiums, if any, or the redemption price or prices to be paid upon the redemption of the Bonds of such Series, the period or periods, if any, during which such premiums or prices shall be payable, and the terms and conditions, if any, of such redemption; (x) the place or places of payment of the Bonds of the Series and interest thereon, and the Paying Agent therefor;

(xi) the provisions for the sale or other disposition of the Bonds of the Series and the use, application and investment, if any, of the proceeds of such sale or other disposition, which use, application and investment shall not be inconsistent or in conflict with the provisions hereof; (xii) whether such Series of Bonds will be subject to a Reserve Fund Requirement and the manner of satisfaction of Reserve Fund Requirement; (xiii) any other provisions which may be required to be inserted therein by other provisions of this Ordinance; and (xiv) any other necessary or desirable provisions not inconsistent or in conflict with the provisions of this Ordinance.

(b) Bonds of a Series may be executed and delivered to the Registrar by the County and authenticated and delivered by the Registrar to the County or, upon its order, upon compliance with Section 3.3 or 3.4 hereof.

Bonds issued upon compliance with this Section and Section 3.3 or Section 3.4 hereof shall be on a parity with respect to the pledge and lien of the Net Revenues of the System inter sese, but not with respect to the particular Bond and Interest Redemption Fund or Debt Service Reserve Fund created for the benefit of the Holders of the Bonds of a Series, notwithstanding, that they may be in different form, and bear different dates, interest rates, number, date of issuance or date of execution. In all such instances, the pledge of Net Revenues made hereunder, and the covenants and remedies hereby granted, shall be applicable and available to the Holders of such Bonds.

(c) The County may, from time to time, issue Bond Anticipation Notes upon compliance with the terms, limitations and conditions herein pertaining to the issuance of Bonds.

Section 3.3. Conditions for the Issuance of Bonds under this Ordinance Other than Refunding Bonds. Anytime and from time to time, one or more Series of Bonds (exclusive of refunding Bonds) may be issued for such purposes as may be permitted by the Act upon compliance with the provisions of Section 3.2 hereof and this Section in such principal amounts as may be determined by the Council for the purpose of paying all or part of the Costs of Acquisition and Construction of one or more Projects authorized to be financed under the Act with Bonds upon the written request of the County and upon compliance with the following conditions:

A. There shall be executed a certificate of the Chairman of County Council or the County Administrator stating (i) either (a) that no Default exists in the payment of the principal of, premium, if any, or interest on any Bonds or Junior Bonds and all mandatory sinking fund redemptions, if any, required to have been made shall have been made, or (b) that the application of the proceeds of sale of the Series of Bonds to be issued as required by the Supplemental Ordinance authorizing their issuance will cure any such Default or permit such redemptions; and (ii) either (a) that to the best of his or her knowledge, the County is not in Default in the performance of any other of its covenants and agreements contained in this Ordinance, or (b) setting forth the circumstances of each such Default known to him or her.

B. If a certificate filed pursuant to part (A) of this Section should disclose a Default or Defaults hereunder, there shall be filed with the County an opinion of Bond Counsel that, in the case of any Default disclosed in a certificate filed pursuant to part (A) of this Section, each such Default does not deprive the Bondholders of the security afforded by this Ordinance in any material aspect.

C. For the issuance of Bonds (other than the Initial Bond anticipated to be issued hereunder) to finance the Cost of Acquisition and Construction, or a portion thereof, of any Project, there shall be delivered a report from an accountant stating that the amount of the Net Revenues of the System for any consecutive twelve (12) month period out of the last twenty-four (24) month period (the "Test Period") is not less than 120% of the Maximum Debt Service for any succeeding Fiscal Year of Bonds then Outstanding and the Bonds then proposed to be issued, provided the amount of Net Revenues for such Test Period may be adjusted by adding the following:

- (i) in case the rates and charges for the services furnished by the System shall have been revised and such revised rates and charges shall have gone into effect prior to the delivery of the Bonds proposed to be issued, the additional amount of Net Revenues which would have been realized during the Test Period if such rates and charges had been in effect during such Test Period as determined by an Accountant or a Consulting Engineer; and
- (ii) in case an existing waterworks system, existing electric distribution system, or any other public utility system is to be acquired and combined or made a part of the System from the proceeds of the Bonds proposed to be issued, the additional amount of Net Revenues which would have been realized during the Test Period if such existing system or systems to be acquired had been a part of the System during such Test Period (which computation of the additional amount of Net Revenues shall be based upon the method of computing Net Revenues under this Ordinance and approved by an Accountant or a Consulting Engineer).

D. Such Bonds shall be issued to secure funds to defray the Cost of Acquisition and Construction of a Project, including any acquisition or construction of any system which shall be combined with or consolidated into the System pursuant to law; or to refund Junior Bonds, or any notes, bonds, or other obligations but not Bonds issued to finance or to aid in financing the acquisition, construction, improvement, enlargement or repair of the System or another enterprise combined with the System.

E. The Supplemental Ordinance shall provide for a deposit into any Debt Service Reserve Fund established for the Series of Bonds authorized by such Supplemental Ordinance of cash or securities or an insurance policy, surety bond or letter of credit, as provided in Section 6.8 hereof (inclusive of any proceeds of such Series of Bonds to be deposited in the applicable Debt Service Reserve Fund) having an aggregate value not less than the Reserve Fund Requirement, if any, with respect to the applicable Series of Bonds then proposed to be issued.

F. So long as the County is indebted to the United States of America, Rural Development, the County shall not borrow money from any source, enter into any contract or agreement, or incur any other liabilities in connection with making enlargements, improvements, or extensions to, or for any other purpose in connection with, the System (exclusive of normal maintenance) without the prior written consent of Rural Development. This would include the

issuance of any Series of Bonds issued on a parity with the Initial Bond, any Junior Bonds and any Special Facilities Bonds.

Section 3.4. Refunding Bonds. Without complying with the provisions of Section 3.3 hereof except as otherwise provided herein, the County by means of a Supplemental Ordinance enacted in compliance with the provisions of the Act and any other statutory provisions authorizing the issuance of revenue refunding bonds, including advance refunding bonds, may issue hereunder refunding Bonds as follows:

A. Bonds may be issued for the purpose of refunding (including by purchase) at any time within one year prior to maturity or prior to any sinking fund installment due date, the Bonds maturing on such date (or an amount of Bonds subject to redemption from such sinking fund installments not in excess of the amount of Bonds required to be redeemed on such due date) for the payment of which sufficient Revenues are not available. Any Bonds issued for such purpose shall mature (or sinking fund installments therefor shall commence) not earlier than the latest stated maturity of any Bond not then refunded to be Outstanding after such refunding; or

B. Bonds may be issued at any time for the purpose of refunding (including by purchase) Bonds, including amounts to pay principal, redemption premium and interest to the date of redemption (or purchase) of the refunded Bonds and the Costs of Issuance; provided that (i) the aggregate Debt Service on all Bonds to be Outstanding after the issuance of the proposed Series of refunding Bonds shall not be greater than would have been the aggregate Debt Service of all Bonds not then refunded and the Bonds to be refunded; or (ii) the requirements of parts (A), (B), (C) and (E) of Section 3.3 hereof are met with respect to the refunding Series.

Section 3.5. Junior Bonds. The County may at any time issue Junior Bonds in such amount as it may from time to time determine, payable from Net Revenues, provided that such Junior Bonds are issued to secure funds to defray the cost of improving, extending, enlarging, or repairing the System, some part thereof, including the acquisition of any system which may be combined with or consolidated into the System pursuant to law, or to refund Bonds, Junior Bonds, or any notes, bonds, or other obligations issued to finance or to aid in financing the acquisition, construction, or improvement of the System, and provided further that the pledge of Net Revenues securing Junior Bonds shall at all times be subordinate and inferior to the pledge securing the Bonds.

Section 3.6. Special Facilities Bonds. The County shall also have the right to issue, from time to time, Special Facilities Bonds to defray the costs of acquiring or constructing Special Facilities subject to the following conditions:

A. The County shall determine that the receipts, income, revenues and other charges to be levied and collected in connection with the Special Facilities shall be at least equal to: (1) the estimated costs of operating and maintaining such Special Facilities; (2) the principal and interest requirements of the Special Facilities Bonds; (3) the amounts to be deposited in any reserve funds with respect thereto; and (4) any other costs and expenses relating to such Special Facilities.

B. The receipts, income, revenues, fees and other charges derived from the operation of the Special Facilities shall be segregated from the Revenues of the System.

C. The debt service payments and other costs and expenses and reserves related to such Special Facilities shall not be paid from Revenues of the System.

## ARTICLE IV

### THE BONDS

Section 4.1. Execution. Unless or except as is otherwise set forth in the Supplemental Ordinance providing for the issuance of a Series of Bonds, the Bonds shall be executed on behalf of the County by the Chairman of County Council by his or her manual or facsimile signature and the corporate seal of the County or a facsimile thereof shall be impressed or reproduced thereon and attested by the Clerk to County Council by his or her manual or facsimile signature.

In case any officer whose signature or facsimile signature shall appear on the Bonds shall cease to be such officer before the delivery of such Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, as if he had remained in office until delivery.

Section 4.2. Authentication. Upon compliance with the provisions of Section 3.3, 3.4, or 3.5 hereof, as the case may be, and upon the order of the County, the Registrar shall authenticate Bonds authorized to be issued hereunder. Only such Bonds as shall have endorsed thereon a certificate of authentication duly executed manually by the Registrar shall be entitled to any right or benefit under this Ordinance. No Bond shall be valid or obligatory for any purpose unless and until such certificate of authentication shall have been duly executed by the Registrar, and such executed certificate of the Registrar upon any such Bond shall be conclusive evidence that such Bond has been authenticated and delivered. The Registrar's certificate of authentication on any Bond shall be deemed to have been executed by it if signed by an authorized officer of the Registrar, but it shall not be necessary that the same person sign the certificate of authentication on all of the Bonds issued hereunder or on all of the Bonds of a particular Series.

Section 4.3. Registration and Transfer of Bonds; Persons Treated as Holders. Unless and except as is otherwise set forth in the Supplemental Ordinance providing for the issuance of a Series of Bonds, each Bond shall be fully registered and transferable only upon the Books of Registry of the County, which shall be kept for that purpose at the office of the Registrar by the registered owner thereof or by his attorney, duly authorized in writing, upon surrender thereof, together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or his duly authorized attorney with such signature guaranteed by a participant in the Securities Transfer Agents in Medallion Program ("STAMP") or similar program. Upon the transfer of any Bond, the County shall issue, subject to the provisions of Section 4.6 hereof, in the name of the transferee, a new Bond or Bonds of the same series and of the same aggregate principal amount, interest rate and maturity as the unpaid principal amount of the surrendered Bond.

Any Bondholder requesting any transfer shall pay any tax or other governmental charge required to be paid with respect thereto. As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the Holder and absolute owner thereof for

all purposes and payment of or on account of the principal, redemption premium, if any, and interest on any Bond shall be made only to or upon the order of the Bondholder thereof, or his duly authorized attorney, and neither the County nor the Registrar, shall be affected by any notice to the contrary, but such registration may be changed as herein provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Section 4.4. Form of Bonds; Denominations; Medium of Payment. Unless or except as is otherwise provided in the Supplemental Ordinance authorizing their issuance, the Bonds: (a) shall be in fully registered form without coupons, provided, such Bonds may be issued in book-entry form; (b) shall be issued in denominations of \$5,000, or any integral multiple thereof, provided that, upon partial redemption of a Bond requiring surrender thereof and the issuance of a new Bond, such new Bond may be in the denomination of the unredeemed balance; and (c) shall be payable with respect to principal, interest, and premium, if any, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Section 4.5. Numbers, Date, and Payment Provisions. The Bonds shall be numbered and designated in such manner as the County, with the concurrence of the Registrar, shall determine. Each Bond of a Series shall bear interest from the Interest Payment Date immediately preceding the date of its authentication, unless authentication shall be upon an Interest Payment Date, in which case it shall bear interest from its authentication, or unless authentication shall precede the first Interest Payment Date for such Bond, in which case it shall bear interest as otherwise provided in the Supplemental Ordinance authorizing its issuance, provided, however, that if the date of authentication of any Bond of any Series is after a Record Date and before the corresponding Interest Payment Date therefor, such Bond shall bear interest from such succeeding Interest Payment Date; notwithstanding the foregoing, if at the time of authentication of any Bond any interest on such Bond is in default, such Bond shall bear interest from the date to which interest on such Bond has been paid or if no interest has been paid, such Bond shall bear interest from the date of delivery thereof or from its dated date, or as otherwise provided in the Supplemental Ordinance authorizing the issuance of such Bonds.

Section 4.6. Exchange of Bonds. Bonds, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the Bondholder or his duly authorized attorney, may, at the option of the Bondholder thereof, and upon payment by such Bondholder of any charges which the Registrar may make as provided in Section 4.7, be exchanged for a principal amount of Bonds of the same Series and maturity of any other authorized denomination equal to the unpaid principal amount of surrendered Bonds.

Section 4.7. Regulations with Respect to Exchanges and Transfer. In all cases in which the privilege of exchanging or transferring Bonds is exercised, the County shall execute and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. All Bonds surrendered in any such exchanges or transfers shall forthwith be canceled by the Registrar. There shall be no charge to the Bondholder for such exchange or transfer of Bonds except that the Registrar may make a charge sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or transfer. Neither the County nor the Registrar shall be required (a) to exchange or transfer Bonds (i) from the Record



Date to the succeeding Interest Payment Date or (ii) for a period of fifteen (15) days following any selection of Bonds to be redeemed or thereafter until after the first publication or mailing of any notice of redemption, or (b) to transfer any Bonds called for redemption.

Section 4.8. Mutilated, Lost, Stolen or Destroyed Bonds. In case any 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 Holder, 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 Holder thereof at his request, risk and expense a new 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 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 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 Bond, and of the ownership thereof, and also such security and indemnity 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 Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance or any Supplemental Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder. Neither the County nor the Registrar nor any Paying Agent shall be required to treat both the original Bond and any duplicate Bond as being Outstanding for the purpose of determining the principal amount of Bonds which may be issued hereunder or for the purpose of determining any percentage of Bonds Outstanding hereunder, but both the original and duplicate Bond shall be treated as one and the same.

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

## ARTICLE V

### REDEMPTION OF BONDS

Section 5.1. Redemption of Bonds. The Bonds of a Series may be subject to redemption prior to their stated maturities upon such terms and conditions and at such dates and redemption price or prices or premium or premiums as shall be set forth in the Supplemental Ordinance providing for the issuance of such Bonds, and upon the further terms and conditions as are hereinafter set forth.

Section 5.2. Selection of Bonds for Redemption. In the event of the redemption at any time of only part of the Bonds of a Series, the Bonds to be redeemed shall be redeemed in such order as is set forth in the Supplemental Ordinance providing for the issuance of such Bonds. Unless otherwise provided by Supplemental Ordinance, if less than all of the Bonds of like maturity of any Series shall be called for prior redemption, the particular Bonds or portions of Bonds to be redeemed shall be selected at random by the Registrar in such manner as the Registrar in its discretion may deem fair and appropriate; provided, however, that the portion of any Bond of a denomination of more than \$5,000 to be redeemed shall be in the principal amount of \$5,000 or an integral multiple thereof, and that, in selecting portions of such Bonds for redemption, the Registrar shall treat each such Bond as representing that number of Bonds of \$5,000 denomination which is obtained by dividing the principal amount of such Bond by \$5,000.

Section 5.3. Notice of Redemption. Unless or except as otherwise provided in the Supplemental Ordinance authorizing their issuance, the provisions of this Section 5.3 apply to each Series of Bonds.

In the event any of the Bonds or portions thereof are called for redemption, the Registrar shall give notice, in the name of the County, of redemption of Bonds by first-class mail, postage prepaid, to the registered owner thereof as shown on the Books of Registry of the County and to such securities depositories as the County may designate not less than thirty (30) days and not more than sixty (60) days prior to the date fixed for the redemption thereof. Such notice of redemption shall state: (a) the title of such Bonds to be redeemed, CUSIP numbers, date of issue, the series designation (if any) thereof, the redemption date, the place or places of redemption and the redemption price or redemption premium, if any, payable upon such redemption; (b) if less than all such Bonds of a particular Series are to be redeemed, the distinctive number of such Bonds to be redeemed; (c) that the interest on such Bonds designated for redemption in such notice shall cease to accrue from and after such redemption date; and (d) that on such date there will become due and payable on each such Bond the principal amount thereof to be redeemed at the then applicable redemption price or redemption premium, if any, and the interest accrued on such principal amount to the redemption date. Any notice mailed as provided in this Section shall be conclusively presumed to have been duly given, when mailed, whether or not the registered owner thereof receives the notice.

Section 5.4. Partial Redemption of Bond. In the event that only part of the principal sum of a Bond shall be called for redemption or prepaid, payment of the amount to be redeemed or prepaid shall be made only upon surrender of such Bond to the Registrar. Upon surrender of such Bond, the County shall execute and the Registrar shall authenticate and deliver to the Holder thereof, at the principal office of the Registrar, or send to such Holder by registered mail at his request, risk and expense, a new fully executed Bond or Bonds, of authorized principal sums equal in aggregate principal amount to, and of the same Series, maturity and interest rate as, the unredeemed portion of the Bond surrendered.

Section 5.5. Effect of Redemption. If a Bond is subject by its terms to redemption prior to its stated maturity and has been duly called for redemption and notice of the redemption thereof has been duly given as hereinbefore provided and if moneys for the payment of such Bond at the then applicable redemption price or together with the then applicable redemption premium, if any, and the interest to accrue to the redemption date on such Bond are held for the purpose of such

payment by the Custodian/Trustee for the series of Bonds of which such Bond is one, then such Bond so called for redemption shall, on the redemption date designated in such notice, become due and payable, and interest on the Bond so called for redemption shall cease to accrue.

Section 5.6. Cancellation. All Bonds which have been redeemed shall be canceled and either maintained or destroyed by the Registrar and shall not be reissued. A counterpart of the certificate of destruction evidencing such destruction shall be furnished by the Registrar to the County upon the request of the County.

Section 5.7. Defeasance. So long as the Federal Government or any agency thereof is the registered owner of Initial Bond, the County shall not issue any Bonds or other obligations for the purpose of defeasing or otherwise terminating the lien on the Bonds without immediately prepaying all of the Initial Bond held by the Federal Government then outstanding.

## ARTICLE VI

### ESTABLISHMENT OF FUNDS; SECURITY FOR AND PAYMENT OF THE BONDS; INVESTMENT OF MONEYS

Section 6.1. Listing of Funds and Accounts. The following are the funds created and established by this Ordinance:

- (i) Revenue Fund to be held by a bank or other financial institution designated from time to time by the County.
- (ii) Operation and Maintenance Fund to be held by a bank or other financial institution designated from time to time by the County.
- (iii) Bond and Interest Redemption Fund for each Series of Bonds to be held by the Custodian/Trustee, including an Interest Account and Principal Account.
- (iv) Debt Service Reserve Fund, if any, for each Series of Bonds to be held by the Custodian/Trustee.
- (v) Depreciation Fund and Contingent Fund to be held by a bank or other financial institution designated from time to time by the County.
- (vi) Construction Fund, if applicable, for each Series of Bonds to be held by a Custodian designated by the County.

One or more accounts may, by direction of the County or by the terms of a Supplemental Ordinance, be established within any of the above funds. It is intended by this Ordinance that the funds referred to in this Article (other than a Construction Fund) shall remain in existence for so long a time as any sum remains due and payable by way of principal of and interest on the Bonds,

and that deposits and withdrawals therefrom be made in the manner herein prescribed and in the order of priority hereinafter set forth in Section 6.2 hereof.

Section 6.2. Disposition of Revenues. So long as any Bonds are Outstanding, the Revenues of the System shall be applied at the times, in the amounts and for the purposes as provided or permitted by this Ordinance, and in the following order of priority.

First, provision shall be made for the payment of Expenses of Operating and Maintaining the System;

Second, there shall be transferred into the respective Bond and Interest Redemption Funds, the amounts required by this Ordinance or any Supplemental Ordinance;

Third, there shall be transferred into the respective Debt Service Reserve Funds, the amounts (including any payments required under the terms of any surety bond, insurance policy or letter of credit applicable thereto) required by this Ordinance or any Supplemental Ordinance;

Fourth, provisions shall be made for the payment of any Junior Bonds;

Fifth, there shall be deposited into the Depreciation Fund the amount determined by the provisions of this Ordinance; and

Sixth, there shall be deposited into the Contingent Fund the amount determined by the provisions of this Ordinance.

Any surplus Revenues thereafter remaining after the foregoing deposits have been made shall be disposed of as the County shall determine from time to time to be for the best interest of the System.

Section 6.3. Security for and Payment of the Bonds. The Bonds, together with the interest thereon, shall be payable solely from and secured equally and ratably by a lien upon the Net Revenues of the System; provided, however, that all funds and accounts held by the Custodian/Trustee in the respective Bond and Interest Redemption Funds and Debt Service Reserve Funds established to secure a particular Series of Bonds are hereby pledged for the benefit only of the respective Bondholders as security for the Bonds of the Series to which such Funds relate. The Revenues shall be and hereby are irrevocably pledged to the payment of the principal of and interest on the Bonds. This provision of this Section 6.3 shall not preclude the issuance of Junior Bonds, if such Junior Bonds be issued in conformity with the provisions of Article 3.5 hereof, but the pledge herein made shall preclude the issuance of bonds payable from or secured by a pledge or lien on Net Revenues superior to that herein made to secure the Bonds.

The Bonds do not constitute an indebtedness of the County within any State Constitutional provisions (other than Article X, Section 14, Paragraph 10 of the South Carolina Constitution authorizing obligations payable solely from special sources not involving revenues from any tax or license) or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. The full faith, credit

and taxing powers of the County are not pledged to the payment of the principal of and interest on the Bonds.

The covenants and agreements herein set forth to be performed by the County shall be for the equal and proportionate benefit, security and protection of all Holders of the Bonds without preference, priority or distinction as to payment or security or otherwise (except as to maturity) of any of the Bonds for any reason or cause whatsoever, except as expressly provided herein or in the Bonds, and, except as aforesaid, all Bonds shall rank pari passu and shall be secured equally and ratably hereunder without discrimination or preference whatsoever.

Section 6.4. Accounting Methods. The designation of the Revenue Fund, the Operation and Maintenance Fund, the Depreciation Fund and the Contingent Fund in and by this Ordinance shall not be construed to require the establishment of any completely independent, self-balancing funds as such term is commonly defined and used in governmental accounting, but rather is intended solely to constitute an earmarking of the Revenues and assets of the System for certain purposes and to establish certain priorities for application of such Revenues and assets as herein provided.

The cash required to be accounted for in each of the foregoing funds established herein may be deposited in a single bank account, into which only Revenues shall be deposited, provided that adequate accounting records are maintained to reflect and control the restricted allocation of the cash in and deposit therein for the various purposes of such funds as provided herein.

Section 6.5. Revenue Fund. There is hereby established a Revenue Fund to be maintained by the County and into which shall be deposited all Revenues. Moneys in the Revenue Fund shall be made use of only in the manner specified in this Article VI and in the order of priority according to Section 6.2 hereof. So long as the County maintains proper accounting records for receipts and disbursements for the Revenue Fund, the Operation and Maintenance Fund may be maintained as part of the Revenue Fund.

Section 6.6. Operation and Maintenance Fund. There is hereby established an Operation and Maintenance Fund to be maintained by the County in order to provide for the payment of all Expenses of Operating and Maintaining the System. So long as any of the Bonds remain Outstanding and unpaid, adequate provision shall be made by the County for the Expenses of Operating and Maintaining the System by depositing on or before the 15<sup>th</sup> day of the month following the month in which Bonds are delivered to the initial purchasers thereof, and not later than the 15<sup>th</sup> day of each month thereafter, in the Operation and Maintenance Fund from the Revenues of the System, an amount equal to the estimated Expenses of Operating and Maintaining the System for the next ensuing month in accordance with the Annual Budget.

Section 6.7. Bond and Interest Redemption Fund. There shall be established and maintained special funds of the County to be designated the Bond and Interest Redemption Fund for each Series of Bonds then Outstanding which shall be kept on deposit with the Custodian/Trustee, and withdrawals therefrom shall be made for the purposes provided in this Ordinance. Each Bond and Interest Redemption Fund shall bear a separate series designation as may be necessary to distinguish such Bond and Interest Redemption Fund.

The respective Bond and Interest Redemption Funds are intended to provide for the payment of the principal of, redemption premium, if any, and interest on each Series of Bonds as the same respectively fall due. Payments into such Funds shall be made in the manner prescribed by this Ordinance and all moneys in the respective Bond and Interest Redemption Funds shall be used solely to pay the principal of, redemption premium, if any, and interest on the respective Series of Bonds, and for no other purpose, and withdrawals therefrom shall be made only to effect payment of the principal of, redemption premium, if any, and interest on the respective Series of Bonds. Earnings on investments in the Bond and Interest Redemption Fund, including the accounts therein, shall be added to and become a part of such respective Funds and the accounts therein.

There may be established in the respective Bond and Interest Redemption Funds from time to time a capitalized interest account to provide for the payment of interest on the Bonds of a particular Series as may be permitted hereunder. Any such account shall be created by a Supplemental Ordinance relating to the issuance of the Bonds of such Series. Any earnings from the investment of funds in the capitalized interest account not required to pay interest on the Bonds of any Series during the period for which interest on the Bonds of such Series is capitalized shall be paid over to the County for deposit in the Construction Fund created by the Supplemental Ordinance relating to such Bonds or, if such Construction Fund has been terminated or no such fund was created, such earnings shall be retained in the appropriate Bond and Interest Redemption Fund.

Unless and except as is otherwise set forth in the Supplemental Ordinance, not later than the 15th day of the month following the month in which each Series of Bonds are delivered to the initial purchasers thereof, and not later than the 15th day of each month thereafter, the County shall transfer or cause to be transferred to the Custodian/Trustee for deposit into the respective Bond and Interest Redemption Funds from the moneys in the Revenue Fund, the amounts hereinafter set forth.

(a) There shall be established and maintained, for the purpose of paying the interest on the respective Series of Bonds as the same becomes due and payable, an Interest Account in the respective Bond and Interest Redemption Funds. Unless and except as is otherwise set forth in the Supplemental Ordinance, not later than the 15th day of the month following the month in which each respective Series of Bonds is delivered to the initial purchasers thereof, and not later than the 15th day of each month thereafter, the County shall transfer or cause to be transferred to the Custodian/Trustee for deposit into the respective Bond and Interest Redemption Funds for credit to the Interest Account an amount (until the moneys on deposit therein equal the amount needed) such that, if the same amount is credited to the Interest Account not later than the 15th day of each calendar month preceding the next date upon which an installment of interest falls due on the respective Series of Bonds, the aggregate of the amounts so paid and credited to the Interest Account would on such date be equal to the installment of interest then falling due on the respective Series of Bonds then Outstanding. In making any of the deposits to the Interest Account required by this paragraph (a), consideration shall be given to and allowance made for accrued interest received upon delivery of each Series of Bonds to the initial purchasers and for any other credits (including any interest earnings therein) otherwise made to such Account.

(b) There shall be established and maintained, for the purpose of paying the principal of the Bonds as they mature, whether at maturity or by mandatory sinking fund

redemption, a Principal Account in the respective Bond and Interest Redemption Funds. Unless and except as is otherwise set forth in the Supplemental Ordinance, not later than the 15th day of the twelfth month prior to each date upon which an installment of principal of a respective Series of Bonds falls due or mandatory sinking fund redemption date, and on or before the 15th day of each calendar month thereafter, the County shall transfer or cause to be transferred to the Custodian/Trustee for deposit into the respective Bond and Interest Redemption Funds to the credit of the Principal Account an amount (until the moneys on deposit therein equal the amount needed) such that, if the same amount were credited to the Principal Account on or before the 15th day of each succeeding month thereafter and prior to the next date upon which an installment of principal falls due on the respective Series of Bonds or mandatory sinking fund redemption date, the aggregate of the amounts so paid and credited to the Principal Account would on such date be equal to the installment of principal or mandatory sinking fund redemption payment on the respective Series of Bonds then falling due. In making any of the deposits to the Principal Account required by this paragraph (b), consideration shall be given to and allowance made for any other credits (including any interest earnings therein) otherwise made to such Account.

(c) If, on the dates when the payments required by paragraphs (a) and (b) of this Section are to be made, the aggregate of (i) the payments required by said paragraphs (a) and (b); (ii) previous monthly payments made by the County; and (iii) the remaining payments to be made prior to the succeeding date on which principal or interest, or both, as the case may be, will be due and payable, will be less than the sum required to effect the payment of the succeeding installment of principal or interest, or both, as the case may be, moneys in the applicable Debt Service Reserve Fund shall be added to the payment to be made pursuant to said paragraphs (a) and (b).

Moneys in the respective Bond and Interest Redemption Funds shall be used and applied solely to the payment of the interest on and the retirement of the principal of and redemption premium, if any, on the respective Series of Bonds and shall be used and applied in accordance with the provisions of this Section and this Ordinance. The moneys paid into the respective Bond and Interest Redemption Fund shall be held by the Custodian/Trustee in trust solely for the purpose of paying the interest on and the retirement of the principal of and redemption premium, if any, on the respective Series of Bonds and withdrawals from such Funds shall be made by the Custodian/Trustee in order to transfer such moneys to the Paying Agent for the respective Series of Bonds. Such withdrawals shall be made so that the necessary moneys shall be available to the Paying Agent not later than one (1) Business Day prior to the day on which principal or interest or both, and redemption premium, if any, as the case may be, are payable on the Bonds.

Section 6.8. Debt Service Reserve Fund. A Supplemental Ordinance may provide for the establishment of a Debt Service Reserve Fund for any Series of Bonds. Each Debt Service Reserve Fund shall bear a separate Series designation as may be necessary to distinguish such Debt Service Reserve Fund and shall, subject to certain provisions of this Ordinance, be maintained in an amount equal to the applicable Reserve Fund Requirement, as determined pursuant to a Supplemental Ordinance so long as the applicable Series of Bonds shall be Outstanding. Each such Fund is intended to insure the timely payment of the principal of and interest on the applicable Series of Bonds and to provide for the redemption of such Series of Bonds prior to their stated maturities. The respective Debt Service Reserve Funds shall be kept on deposit with the Custodian/Trustee, and withdrawals therefrom shall be made for the purposes provided in this Ordinance.

Moneys in each Debt Service Reserve Fund shall be used for the following purposes, and for no other:

(a) To prevent a Default in the payment of the principal of or interest on the applicable Series of Bonds, by reason of the fact that moneys in the applicable Bond and Interest Redemption Fund are insufficient for such purposes;

(b) To pay the principal of, interest on, and redemption premium, if any, of the applicable Series of Bonds in the event that all Outstanding Bonds of such Series be redeemed as a whole;

(c) To effect partial redemption of the applicable Series of Bonds, provided that such redemption be undertaken in accordance with the provisions of this Ordinance permitting a partial redemption of the applicable Series of Bonds and the balance remaining in the applicable Debt Service Reserve Fund following such partial redemption shall not be less than the Reserve Fund Requirement;

(d) To effect the retirement of a Series of Bonds through purchase under the conditions herein prescribed.

Whenever the market value (determined as of the valuation date specified in Section 6.13 hereof) of the cash and securities in the applicable Debt Service Reserve Fund shall exceed the Reserve Fund Requirement, such excess may be used at the direction of the County either (i) to repurchase and retire the applicable Series of Bonds at prices not exceeding the call price first to become available or then prevailing or (ii) to transfer to the Revenue Fund or, at the option of the County, to the Construction Fund during the period of construction or acquisition of a Project. Purchases of Bonds shall be effected by the County through the Registrar, and whenever Bonds shall have been purchased pursuant to this authorization, it shall be the duty of the Registrar to cancel and destroy such Bonds and to deliver certificates evidencing such act to the County.

Whenever the aggregate value of cash and securities in any Debt Service Reserve Fund shall be less than the applicable Reserve Fund Requirement as a result of a withdrawal of funds therefrom, there shall be deposited in the applicable Debt Service Reserve Fund over the next succeeding twelve (12) months, successive equal monthly installments of the amount necessary to reestablish in the applicable Debt Service Reserve Fund its respective Reserve Fund Requirement.

In lieu of the deposit of moneys into the Debt Service Reserve Fund established with respect to any Series of Bonds to meet the Reserve Fund Requirement with respect to that Series, the County may cause to be credited a surety bond or an insurance policy payable to, or a letter of credit in favor of, the Custodian/Trustee for the benefit of the Holders of the Bonds meeting the standard set forth in the Supplemental Ordinance authorizing that Series of Bonds. The amount of moneys required to be deposited to the Debt Service Reserve Fund shall be reduced by the amount of the surety bond, insurance policy, or letter of credit. The surety bond, insurance policy, or letter of credit shall be payable (upon the giving of notice as required thereunder) on any Interest Payment Date on which moneys will be required to be withdrawn from the Debt Service Reserve Fund and



applied to the payment of the principal of or interest on any Bonds of that Series but only to the extent that withdrawals cannot be made by amounts then credited to the Debt Service Reserve Fund.

If the County obtains a surety bond, insurance policy or letter of credit in substitution for moneys deposited to the applicable Debt Service Reserve Fund as may be permitted under the applicable Supplemental Ordinance, excess moneys in the respective Debt Service Reserve Funds shall be transferred to the applicable Construction Fund, or if one does not exist, be deposited as the County deems advisable.

Section 6.9. Depreciation Fund. There is hereby established a Depreciation Fund.

On or before the 15<sup>th</sup> day of the month following the month in which Bonds are delivered to the initial purchasers thereof, and on or before the 15<sup>th</sup> day of each and every month thereafter, the County shall deposit into the Depreciation Fund 1/12<sup>th</sup> of the amount determined in the Annual Budget prepared for the System. Moneys in the Depreciation Fund shall be used to build up a reserve for the depreciation of the System and used for the purpose of restoring depreciated or obsolete items of the System. Moneys in these funds shall be used solely for such purposes, but shall be transferred to the applicable Bond and Interest Redemption Fund whenever necessary in order to prevent a default in the payment of principal or interest when due on any Bonds.

Moneys in the Depreciation Fund shall be held by a bank or other financial institution designated by the County or its designee, and withdrawals from the Depreciation Fund shall be made by or on order of the County.

Section 6.10. Contingent Fund. There is hereby established a Contingent Fund.

On or before the 15<sup>th</sup> day of the month following the month in which Bonds are delivered to the initial purchasers thereof, and on or before the 15<sup>th</sup> day of each and every month thereafter, the County shall deposit into the Contingent Fund 1/12<sup>th</sup> of the amount determined in the Annual Budget prepared for the System. Moneys in the Contingent Fund shall be used to build up a reasonable reserve for improvements, betterments, and extensions to the System, other than those necessary to maintain the System in good repair and working order. Moneys in these funds shall be used solely for such purposes, but shall be transferred to the applicable Bond and Interest Redemption Fund whenever necessary in order to prevent a default in the payment of principal or interest when due on any Bonds.

Moneys in the Contingent Fund shall be held by a bank or other financial institution designated by the County or its designee, and withdrawals from the Contingent Fund shall be made by or on order of the County.

Section 6.11. Application of Remaining Revenues. After making payment for the Expenses of Operating and Maintaining the System; and after making payments on the Bonds; and after making the required deposits and payments, if any, to the applicable Debt Service Reserve Fund; and after providing for the payment of Junior Bonds; and after making the deposits to the Depreciation Fund and the Contingent Fund, the Revenues of the System shall then be used to meet any other obligations of the County, which are or which shall become charges, liens or

encumbrances upon the Revenues of the System; and then disposed of by the County as it may determine from time to time to be for the best interest of the System.

Section 6.12. Establishment of Construction Fund. There shall be established with the Custodian a Construction Fund with respect to each Series of Bonds (other than for Bonds issued pursuant to Section 3.4 hereof, if applicable) in the Supplemental Ordinance providing for their issuance, the moneys in which shall be used to defray the cost of the Project and to pay any Costs of Acquisition and Construction with respect to the facilities so financed. On the occasion of the delivery of any Series of Bonds, the proceeds therefrom shall be paid into the Construction Fund established for such Series as set forth in a Supplemental Ordinance authorizing their issue. Withdrawals from the Construction Fund shall not be made except as provided in the Supplemental Ordinance establishing such Construction Fund.

Section 6.13. Investment of Funds. Moneys held for the credit of the respective Bond and Interest Redemption Funds shall be invested, to the fullest extent practicable and reasonable, in Permitted Investments which shall mature prior to the respective dates when the moneys held for the credit of such Fund will be required for the purpose intended. Moneys in any other funds established by this Ordinance shall be invested, to the fullest extent practicable, in Permitted Investments, maturing at such times and in such amounts as shall be required to provide moneys to make the payments required to be made from such funds. Investment instructions shall be given from time to time in writing by an authorized officer of the County to the Custodian/Trustee.

The Custodian/Trustee and the Custodian or other depository shall value on an annual basis Permitted Investments in the various funds established by this Ordinance and forward such valuation to the County. Until changed pursuant to written instructions from the County, such evaluation shall be made on June 30 of each year. If as a result of such evaluation, there is a shortage in the amount or amounts to be deposited in such fund or funds, the County shall replenish such funds to the required levels within 120 days of such shortage.

The value of Permitted Investments (except investment agreements) shall be determined by the Custodian/Trustee or the Custodian or other depository at the market value thereof, exclusive of accrued interest, provided, however, Permitted Investments in any Debt Service Reserve Fund shall be valued at cost if the maturity thereof is one year or less and shall be valued at market value and marked to market annually if the maturity thereof is longer than one (1) year.

Except as otherwise provided herein, all interest earnings when realized shall be deposited or transferred to the Revenue Fund. Expenses of purchase, safekeeping, sale and redemption and all other expenses attributable to such investments shall be operating expenses of the System.

## ARTICLE VII

### COVENANTS

Section 7.1. Rates and Charges. The County covenants and agrees to operate the System in an efficient and economical manner and establish, levy, maintain, revise and collect such fees, rates and other charges for the use of the services and facilities furnished by the System as may be necessary or proper, which fees, rates, and other charges, together with other available moneys, shall at all times be at least sufficient after making due and reasonable allowances for contingencies and for a margin of error in estimates to provide an amount equal to (a) one hundred percent (100%) of the amounts required to be deposited into the Operation and Maintenance Fund for the then current Fiscal Year; (b) one hundred twenty percent (120%) of the amounts required to be deposited into each Bond and Interest Redemption Fund for the then current Fiscal Year; (c) one hundred percent (100%) of the amounts required to be deposited into each Debt Service Reserve Fund for the then current Fiscal Year; (d) one hundred percent (100%) of the amounts required to be deposited into the Depreciation Fund for the then current Fiscal Year; (e) one hundred percent (100%) of the amounts required to be deposited into the Contingent Fund for the then current Fiscal Year; and (f) one hundred percent (100%) of the amounts required to provide for payment of any Junior Bonds for the then current Fiscal Year; and (g) the amounts necessary to comply in all respects with the terms of this Ordinance or any other contract or agreement with the Holder of a Bond (such obligation hereafter referred to as the "Rate Covenant").

Section 7.2. Statutory Lien. There is hereby created and established in accordance with Section 6-21-330 of the South Carolina Code of Laws 1976, as amended, a statutory lien upon the System in favor of the Holders from time to time of the Bonds. The System shall remain subject to such statutory lien until payment in full of the principal of and interest on the Bonds.

Section 7.3. To Pay Principal, Premium, and Interest on the Bonds. The County covenants and agrees to punctually pay, or cause to be paid, out of the Net Revenues pledged to such payment in Article VI hereof, the principal of, redemption premium, if any, and the interest on each and every Bond issued under the provisions of this Ordinance, at the place, on the dates and in the manner provided herein.

Section 7.4. Operation of System. The County covenants and agrees it shall at all times operate the System properly and in an efficient and economical manner and will maintain, preserve and keep the same with the appurtenances and every part and parcel thereof in good repair, working order and condition, and shall from time to time make all necessary and proper repairs and replacements so that at all times the operation of the System may be properly and advantageously conducted.

Section 7.5. Records, Accounts and Audits. The County covenants and agrees to keep proper books of records and accounts (separate from all other records and accounts), in which complete and correct entries shall be made of all transactions relating to the System. A complete financial statement of the System shall be prepared in accordance with generally accepted accounting principles by an Accountant within such time limit as may established in a Supplemental Ordinance authorizing a Series of Bonds. As long as the County is indebted to the United States of America, acting through Rural Development, the County covenants to comply with reporting requirements of Rural Development, as set forth in a Supplemental Ordinance authorizing the issuance of a Series of Bonds. The County will cause to be furnished to the Custodian/Trustee and any Holder of any of the Bonds who makes written request therefor a copy of such statement. Such records shall be kept in accordance with the standards from time to time prescribed by the Governmental Accounting Standards Association or its successor. The County will cause to be furnished to any Holder of any of the Bonds, who make written request therefor, copies of financial statements certified by an Accountant. The County shall deliver to the Custodian/Trustee, annually, within sixty (60) days after the close of each Fiscal Year, a certificate demonstrating compliance with the Rate Covenant.

Section 7.6. Sale, Lease or Other Encumbrances. Other than the Bonds, Junior Bonds, Special Facilities Bonds, or obligations authorized or permitted hereby, the County covenants and agrees not to issue any bonds, notes, certificates or other obligations or evidences of indebtedness secured by a pledge of the Net Revenues. The County further covenants and agrees that it will not create or cause to be created any lien or charge on the Revenues other than the liens and charges created or permitted to be created hereby, and no part of the System will be sold, mortgaged, leased or otherwise disposed of or encumbered; provided, however, the County may from time to time permanently abandon the use of, sell, trade or lease any property forming a part of the System, which the County determines is no longer necessary or useful or profitable in the operation of the System, or necessary to produce or maintain the Revenues thereof, or which is to be or has been replaced by other property so as not to impair the operation of the System. Any moneys received upon a sale hereunder shall be considered Revenues.

Section 7.7. Insurance. The County covenants and agrees to make provision to maintain adequate insurance on the works, plants, facilities and properties comprising the System against the risks, accidents or casualties, of the kinds and in at least the amounts which are usually and customarily carried on similar plants, properties and systems which are owned and operated by a public or municipal corporation, including without limiting the generality of the foregoing, fire, extended coverage, general liability and workmen's compensation, and also all additional insurance covering such risks as may be deemed necessary or desirable by the County or recommended by a competent independent engineer or other advisor employed for the purpose of making such recommendations. The Custodian/Trustee shall not be responsible for maintaining such insurance policies or copies thereof.

Section 7.8. No Free Service. The County covenants and agrees that no free service will be furnished by the System to the County or to any agency, instrumentality or person. The reasonable costs and value of any services of the System rendered to the County through the operation of the System shall be charged against the County and shall be paid as the service accrues from the current funds and such funds, when so paid, shall be accounted for in the same manner as other Revenues of the System.

Section 7.9. Annual Budget. Prior to the beginning of each Fiscal Year, the County covenants and agrees to prepare an annual budget for the ensuing Fiscal Year which shall set forth in reasonable detail the estimated Revenues and Operation and Maintenance Expenses, debt service requirements, payments to the Depreciation Fund and Contingent Fund and other expenditures of the System for such Fiscal Year. Following the end of each fiscal quarter and at such other times as the County shall determine, the County shall review its estimates set forth in the annual budget for such Fiscal Year, and in the event such estimates do not substantially correspond with actual Revenues, operation and maintenance expenses or other requirements, or if there are at any time during any such Fiscal Year extraordinary receipts or payments of unusual costs, the County may prepare an amended annual budget for the remainder of such Fiscal Year. The County also may at any time adopt an amended annual budget for the remainder of the then current Fiscal Year.

## ARTICLE VIII

### CUSTODIAN/TRUSTEE; CUSTODIANS

Section 8.1. Custodian/Trustee. Prior to the delivery of the initial Series of Bonds, the County shall designate a Custodian/Trustee in the Supplemental Ordinance and the Custodian/Trustee shall signify its acceptance of the powers, duties and obligations conferred and imposed upon it by this Ordinance by executing and delivering to the County a written instrument of acceptance.

The Custodian/Trustee shall (a) prior to the occurrence of an Event of Default as set forth in Article X hereof which the Custodian/Trustee has or is deemed to have notice hereunder and after the curing of all Events of Default which may have occurred, perform such duties and obligations, and only such duties and obligations, as are specifically set forth in this Ordinance, and no implied covenants or obligations shall be read into this Ordinance against the Custodian/Trustee, and (b) during the existence of any Event of Default which the Custodian/Trustee has or is deemed to have notice hereunder (which has not been cured or waived) exercise the rights and powers vested in it by this Ordinance and use the same degree of care and skill in their exercise, as a prudent man would exercise or use under the circumstances in the conduct of his own affairs.

No provisions of this Ordinance shall be construed to relieve the Custodian/Trustee from liability for its own negligence, intentionally wrongful action or failure to act.

At all times, (1) the Custodian/Trustee shall not be liable for any error of judgment made in good faith by an officer or employee of the Custodian/Trustee unless it shall be provided that the Custodian/Trustee was negligent in ascertaining the pertinent facts; (2) the Custodian/Trustee shall not be liable with respect to any action taken or omitted to be taken by it in good faith in accordance with the direction of the Holders of not less than a majority (or such lesser percentage as is specifically required or permitted by this Ordinance) in the aggregate principal amount of the Bonds at the time Outstanding relating to the time, method and place of conducting a proceeding for any remedy available to the Custodian/Trustee, or exercising any trust or power conferred upon the Custodian/Trustee under this Ordinance; (3) in the administration of the trusts of this Ordinance, the Custodian/Trustee may execute any of the trusts or powers hereof directly or through its agents or attorneys. The Custodian/Trustee may consult with counsel and the opinion or

advice of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it hereunder in good faith and in accordance with the opinion of such counsel.

The Custodian/Trustee may conclusively rely upon the authenticity of, and the truth of the statements and the correctness of the opinions expressed in, and shall be protected in acting upon any note, resolution, request, consent order, certificate, report, opinion, note, or other paper or document furnished to it pursuant to any provision of this Ordinance, believed by it to be genuine and to have been signed and presented by the proper party. The Custodian/Trustee is not required to make any inquiry or investigation into the facts or matters stated in any resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, approval, bond, debenture or other paper or document but the Custodian/Trustee, in its discretion, may make such further inquiry or investigation into such facts or matters as it may see fit and, if the Custodian/Trustee determines to make such further inquiry or investigation, it is entitled to examine the books, records and premises of the County, in person or by agent or attorney.

The Custodian/Trustee shall not be required to take notice or be deemed to have notice or actual knowledge of any event of default specified in Article X hereof other than a payment default described in subparagraphs A or B of Section 10.1 unless the Custodian/Trustee shall receive from the County or the Holder of any Bond written notice stating that an Event of Default hereunder has occurred and specifying the same, and, in the absence of such notice, the Custodian/Trustee may conclusively assume that there is no such Event of Default.

The Custodian/Trustee shall be entitled to payment of and reimbursement by the County for reasonable fees and expenses for its services rendered hereunder and all advances and counsel fees and expenses reasonably and necessarily made or incurred by the Custodian/Trustee in connection with such services.

The Custodian/Trustee shall not, in any event, be required to take, defend, or appear in any legal action or proceeding hereunder or to exercise any of the trusts or powers hereof unless it shall first be adequately indemnified to its satisfaction as to terms, coverage, duration, amount and otherwise against the costs, expenses, and liabilities which may be incurred thereby. Every provision of this Ordinance relating to the conduct or affecting the liability of or affording protection to the Trustee shall be subject to the provisions hereof.

The Custodian/Trustee may execute any of its trusts or powers or perform any duties under this Ordinance either directly or by or through agents or attorneys, and may in all cases pay, subject to reimbursement from the County, such reasonable compensation as it deems proper to all such agents and attorneys reasonably employed or retained by it, and the Custodian/Trustee shall not be responsible for any misconduct or negligence of any agent or attorney appointed with due care by it.

The Custodian/Trustee is not required to give any bond or surety with respect to the performance of its duties or the Custodian/Trustee shall not be responsible for any misconduct or negligence of any agent or attorney appointed with due care by it.

The Custodian/Trustee is not required to give any bond or surety with respect to the performance of its duties or the exercise of its powers under this Ordinance.

The Custodian/Trustee's immunities and protections from liability and its right to indemnification in connection with the performance of its duties under this Ordinance shall extend to the Custodian/Trustee's officers, directors, agents, attorneys, and employees. Such immunities and protections and right to indemnification, together with the Custodian/Trustee's right to compensation, shall survive the Custodian/Trustee's resignation or removal, the discharge of this Ordinance, and the final payment of all Bonds issued hereunder.

The permissive right of the Custodian/Trustee to take the actions permitted by this Ordinance shall not be construed as an obligation or duty to do so.

Whether or not expressly so provided, every provision of this Ordinance relating to the conduct or affecting the liability of or affording protection to the Custodian/Trustee is subject to the provisions of this Section.

Section 8.2. Resignation of Custodian/Trustee. The Custodian/Trustee may resign at any time and be discharged of its duties and obligations hereunder by giving 30 days' written notice to the County and to the Holders of the Bonds by first class mail, postage prepaid, of such resignation. No resignation will become effective until a successor Custodian/Trustee has been appointed and accepts such appointment as provided below. Upon receiving notice of resignation, the County shall promptly appoint such successor Custodian/Trustee by an instrument in writing executed by order of its Council. In the event a successor Custodian/Trustee has not been appointed within 60 days of the date notice of resignation is given, the Custodian/Trustee at the County's expense, may apply to any court of competent jurisdiction for the appointment of a successor Custodian/Trustee to act until such time as a successor is appointed as provided in this Section.

Unless otherwise ordered by a court or regulatory body having competent jurisdiction, or unless required by law, any successor Custodian/Trustee shall, if there is such an institution willing, qualified and able to accept the trust upon reasonable or customary terms, be a bank, bank holding company or trust company or wholly-owned subsidiary of a bank holding company or trust company in good standing, qualified to act hereunder, and having a capital and earned surplus of not less than \$25,000,000.

Any successor Custodian/Trustee appointed as provided in this section, shall execute, acknowledge and deliver to the County and its predecessor Custodian/Trustee an instrument accepting such appointment hereunder, and thereupon the resignation or removal of the predecessor Custodian/Trustee shall become effective, the predecessor Custodian/Trustee shall immediately be discharged and released from all duties and obligations hereunder and such successor Custodian/Trustee, without any further act, deed or conveyance, shall become vested with all the rights, powers, trusts, duties and obligations of its predecessor of the trust hereunder. Upon the request of any such successor Custodian/Trustee, the County shall execute any and all instruments in writing for more fully and certainly vesting in and confirming to such successor Custodian/Trustee all such rights, powers and duties. Upon acceptance of appointment by a successor Custodian/Trustee, the County shall notify the registered owner of each Bond then Outstanding by first-class mail, postage prepaid.

The predecessor Custodian/Trustee shall execute any and all documents necessary or appropriate to convey all interest it may have to the successor Custodian/Trustee. The predecessor Custodian/Trustee shall promptly transfer all funds to the successor Custodian/Trustee and deliver all records relating to the trust or copies thereof and communicate all material information it may have obtained concerning the trust to the successor Custodian/Trustee.

Any corporation or association into which the Custodian/Trustee may be merged or with which it may be consolidated, or any corporation or association resulting from any merger, or any corporation or association succeeding to the business of the Custodian/Trustee, shall be the successor of the Custodian/Trustee hereunder without the execution or filing of any paper or any further act on the part of any of the parties hereto.

Each, every and all funds and accounts held by the Trustee shall be impressed with a trust for the benefit of the Holders of the Bonds, under the provisions of this Ordinance and of the Act.

Section 8.3. Removal of Custodian/Trustee. Upon 30 days' written notice, the County, with the consent and approval of the Holders of not less than 50% of the Bonds then Outstanding, provided that an Event of Default shall not have occurred and be continuing, may remove the Custodian/Trustee. The removal of the Custodian/Trustee under this Section 8.3 shall not be effective until a successor Custodian/Trustee has been appointed and has accepted the duties of Custodian/Trustee.

The Holders of a majority in aggregate principal amount of the Bonds at the time outstanding may, upon 30 days' written notice to the Custodian/Trustee and the County, remove the Custodian/Trustee and appoint a successor Custodian/Trustee by instrument or instruments in writing signed by such Holders of the Bonds.

Section 8.4. Custodians. The Construction Fund shall be held by a bank, a trust company, a national banking association or a national association as Custodian under this Ordinance or a Supplemental Ordinance.

Section 8.5. Duties and Obligations of Custodian/Trustee and Custodians. The recitals of fact made in this Ordinance and in the Bonds shall be taken as statements of the County, and neither the Custodian/Trustee nor Custodian shall be deemed to have made any representations whatsoever as to the correctness of the same or as to the validity or sufficiency of this Ordinance or of the Bonds issued hereunder. Nor shall the Custodian/Trustee or any Custodian be under any responsibility or duty with respect to the issuance of the Bonds or the application of the proceeds thereof, except to the extent provided for herein, or in a Supplemental Ordinance. Nor shall the Custodian/Trustee or any Custodian be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in response to this Ordinance, or to the Bonds issued hereunder, or to advance any of its own moneys, unless properly indemnified to its satisfaction. Nor shall the Custodian/Trustee or any Custodian be liable in connection with the performance of its duties hereunder, except for its own negligence or misconduct.



Section 8.6. Custodian/Trustee and Custodians Protected in Relying upon Resolutions, etc**Error! Bookmark not defined.** The Custodian/Trustee and all Custodians shall at all times be protected in acting upon any notice, resolution, request, consent, order, certificate, statement, opinion, bond, or other paper or document believed to be genuine and to have been signed by the proper party or parties.

## ARTICLE IX

### AMENDMENTS OR SUPPLEMENTS TO ORDINANCE

Section 9.1. Amendments or Supplements to Ordinance. The County shall not amend this Ordinance except in accordance with the provisions of this Article.

A. The County may, from time to time and without the consent of any Holder of the Bonds enact an ordinance amendatory hereof or supplemental thereto (a) for the purpose of providing for the issuance of Bonds pursuant to the provisions of Article III hereof, or (b) (i) making any amendments or modifications hereto which may be required to permit this Ordinance to be qualified under the Trust Indenture Act of 1939, as amended; (ii) making any modification or amendment to this Ordinance not inconsistent herewith required for the correction of language or to cure any ambiguity or defective provisions, omission, mistake or manifest error herein contained; (iii) making any amendments or supplements hereto to grant to or confer upon the Holders additional rights, remedies, power and authority, or to grant to or confer upon any Holders, committee or trustee for the Holders any additional rights, power or authority; or (iv) to add to the security of the Holders of the Bonds.

B. From time to time the Holders of 66-2/3% in principal amount of the Bonds then Outstanding, by an instrument or instruments in writing signed by such Holders and filed with the County and the Custodian/Trustee, shall have power to assent to and authorize any modification or amendment to the provisions of this Ordinance that may be proposed by the County or of the rights and obligations of the County and of the Holders of Bonds issued hereunder; and any action herein authorized to be taken with the assent and authority given as aforesaid of the Holders of 66-2/3% in principal amount of the Bonds at the time Outstanding shall be effective and binding upon all of the Holders of Bonds issued hereunder; and any action herein authorized to be taken with the assent and authority given as aforesaid of the Holders of 66-2/3% in principal amount of the Bonds at the time Outstanding shall be effective and binding upon all of the Holders of Bonds Outstanding and upon the County as fully as though such action were specifically and expressly authorized by the terms of this Ordinance; provided always, that without the consent of the Holder of each Bond affected thereby, no such modification shall be made which will (a) extend the time of payment of principal of or the interest on any Bond, or reduce the principal amount thereof or the rate of interest thereon or the premium payable upon the redemption thereof, or (b) give to any Bond or Bonds any preference over any other Bond or Bonds, or (c) authorize the creation of any pledge prior to or, except as provided herein for the issuance of Series of Bonds, on a parity with the pledge afforded by this Ordinance, or (d) reduce the percentage in principal amount of the Bonds required to assent to or authorize any such modification to this Ordinance. For the purpose of computations required by this paragraph, Bonds directly or indirectly owned or controlled by the County shall be disregarded.

Any modification or amendment or supplement to the provisions of this Ordinance or of any Supplemental Ordinance supplemental hereto shall be set forth in an ordinance to be enacted by the County.

## ARTICLE X

### EVENTS OF DEFAULT

Section 10.1. Events of Default. With respect to the Bonds, the following shall constitute “Events of Default”:

A. If payment of the principal of any Bond, whether at maturity or by proceedings for redemption, by declaration as provided in Article XI hereof, or otherwise, is not made by the County after the same has become due and payable; or

B. If payment of any installment of interest on any Bond is not made by the County as the same becomes due and payable; or

C. If the County shall fail in the due and punctual performance of any of the covenants, conditions, agreements and provisions contained in the Bonds or in this Ordinance or in any Supplemental Ordinance on the part of the County to be performed, and such failure continues for 30 days after written notice specifying such failure and requiring the same to be remedied has been given to the County by the Custodian/Trustee, or the Holders of not less than 20% in principal amount of the Bonds then Outstanding or any trustee or committee therefor; or

D. If any proceedings are instituted, with the consent or acquiescence of the County, for the purpose of effecting a composition between the County and its creditors and if the claim of such creditors is in any circumstance payable from any of the Revenues or any other moneys pledged and charged in this Ordinance or any Supplemental Ordinance for the payment of the Bonds, or any such proceedings are instituted for the purpose of adjusting the claims of such creditors, pursuant to any Federal or State statute now or hereafter enacted; or

E. If an order or decree is entered (a) with the consent or acquiescence of the County, appointing a receiver or receivers of the System or any of the facilities thereof; or (b) without the consent or acquiescence of the County, appointing a receiver or receivers of the System or any of the facilities thereof and if, in either case, such order or decree having been entered is not vacated or discharged or stayed on appeal within 60 days after the entry thereof; or

F. If, under the provisions of any law for the relief or aid of debtors, any court of competent jurisdiction assumes custody or control of the System or any of the facilities thereof, and such custody or control is not terminated within 90 days from the date of assumption of such custody or control; or

G. If the County is for any reason rendered incapable of fulfilling its obligations hereunder in any material respect.

Subject to the provisions, limitations and conditions of Sections 11.1 and 11.2 of Article XI hereof, insofar as the remedies provided in said provisions are concerned, nothing in Section 11.3 of Article XI hereof or in this Article, and particularly nothing in paragraph C of this Section 10.1, shall prohibit or limit, or be construed as prohibiting or limiting any Holder of a Bond from enforcing the duties of the County, or any of the officers thereof, under any provisions of this Ordinance (including, without limiting the generality of the foregoing, the duties imposed by or referred to in Section 11.3 hereof) by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction, even though the failure of the County or any of the officers thereof to perform any such duty may not then constitute an "Event of Default" as defined in this Article.

## ARTICLE XI

### REMEDIES UPON EVENT OF DEFAULT

Section 11.1 Declaration of Principal and Interest as Due. Upon the occurrence of an Event of Default, and at any time thereafter while such Event of Default continues, then and in each and every case the Custodian/Trustee in its own name and as trustee of an express trust, on behalf and for the benefit and protection of the Holders of all Outstanding Bonds, may proceed, and upon the written request of the Holders of not less than 25% in principal amount of the Bonds then Outstanding, shall proceed to declare the principal of all Bonds then Outstanding, together with all accrued and unpaid interest thereon, if not already due, to be due and payable immediately, and upon any such declaration the same shall become and be due and payable immediately, anything contained in this Ordinance or any Supplemental Ordinance hereto or in any of the Bonds to the contrary notwithstanding. This provision is also subject, however, to the condition that, if at any time after the principal of the Bonds, together with the accrued and unpaid interest thereon and other moneys secured hereby, have been so declared due and payable and before any further action has been taken (other than the making of the above declaration), the principal amount of all Bonds which have matured either according to the maturity date or dates otherwise specified therein (except as a result of such declaration) and all arrears of interest upon all Bonds, except interest accrued but not yet due on said Bonds, have been paid or caused to be paid, and all other Events of Default, if any, which have occurred have been remedied, cured or secured, then and in each and every such case the Holders of 25% in principal amount of the Bonds then Outstanding, by notice in writing delivered to the Custodian/Trustee and the County, may waive such Default and its consequences and rescind and annul such declaration. No such waiver or rescission or annulment shall extend to or affect any subsequent default or impair or exhaust any right or power related to such subsequent Default.

Section 11.2. Appointment of a Receiver. Upon the occurrence of an Event of Default described in paragraphs A and B of Section 10.1 hereof, and at any time thereafter while such default continues, the Custodian/Trustee or the Holders of not less than 25% in principal amount of the Bonds then Outstanding or any custodian/trustee therefor, may apply to a court of competent jurisdiction for the appointment of a receiver. Any receiver so appointed shall (a) enter into and upon and take possession of the System, to the exclusion of the County if such court so directs; (b) have, hold, use, operate, manage and control the System as such receiver may deem best; and (c) exercise all rights and powers of the County with respect to the System as the County itself may do. In addition, the receiver shall (a) maintain, restore and insure the System and from

time to time make all necessary and proper repairs to the System as such receiver may deem expedient; (b) establish, levy, maintain and collect such fees, rentals and other charges in connection with the System as such receiver may deem necessary or proper and reasonable; and (c) collect and receive all revenues, deposit such revenues in a separate account and apply such revenues so collected and received in such manner as the court shall direct.

Notwithstanding anything contained in this Ordinance or the Act, such receiver shall have no power to sell, assign, mortgage or otherwise dispose of any assets of whatever kind or character of the County and useful to the System, other than in the ordinary course of System business.

Section 11.3. Suits at Law or in Equity and Mandamus. In case any one or more of the Events of Default shall happen and be continuing, then and in every such case, but subject to the provisions, limitations and conditions of Sections 11.1 and 11.2 of this Article so far as the remedies provided in said provisions are concerned, the Holder of any Bond at the time Outstanding, or Custodian/Trustee therefor, may, for the equal benefit and protection of all Holders of the Bonds similarly situated,

- (a) by mandamus or other suit, action or proceedings at law or in the equity, enforce such Bondholder's right against the County and require and compel the County to perform and carry out its duties and obligations under the Act and this Ordinance, and to perform and carry out its covenants and agreements with the Bondholders;
- (b) by action or suit in equity require the County to account as if such County were the trustee of an express trust;
- (c) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the Bondholders; or
- (d) bring suit upon the Bonds.

Section 11.4. Remedies Not Exclusive; Effect of Waiver of Default; Effect of Abandonment of Proceedings or Adverse Determination. The Holders from time to time of the Bonds shall be entitled to all the remedies and benefits of this Ordinance as are and as shall be provided by law, and, subject to the provisions of Sections 11.1 and 11.2 of this Article, nothing herein shall be construed to limit the rights or remedies of any such Holders under any applicable statute that may now exist or be enacted thereafter. No remedy conferred by the Act and this Article upon any Holder of any Bond is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred by the Act and this Article or by any other law now or hereafter existing. Every substantive right and remedy conferred upon the Holders of the Bonds may be enforced and exercised from time to time and as often as may be deemed expedient.

No waiver of any default or breach of duty or contract by any Holder of any Bond shall extend to or affect any subsequent default or breach of duty or contract, or shall impair any

rights or remedies thereon. No delay or omission of any Holder of a Bond to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein.

In case any suit, action or proceeding to enforce any right or exercise any remedy shall be brought or taken and then discontinued or abandoned, or shall be determined adversely to Holders of the Bonds then and in every such case, the County and such Holders shall be restored to their former positions and rights and remedies as if no suit, action or proceeding had been brought or taken.

Section 11.5. Restrictions on Bondholder's Action.

A. No Holder of any Bond shall have any right to institute any suit, action or proceeding at law or in equity for the enforcement of any provision of this Ordinance or the execution of any trust under this Ordinance or for any remedy under this Ordinance unless such Holder shall have previously given to the Custodian/Trustee written notice of the happening of an Event of Default and the Holders of at least twenty-five percent (25%) in principal amount of the Bonds then Outstanding shall have filed a written request with the Custodian/Trustee and shall have offered the Custodian/Trustee reasonable opportunity, either to exercise the powers granted in this Ordinance or by the laws of the State or to institute such action, suit or proceeding in its own name, and unless such Holders shall have offered to the Custodian/Trustee adequate security and indemnity against the costs, fees (including reasonable attorneys' fees), expenses and liabilities to be incurred therein or thereby, and the Custodian/Trustee shall have refused to comply with such request for a period of 60 days after receipt by it of such notice, request an offer of indemnity, it being understood and intended that no one or more Holders of Bonds shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the pledge created by this Ordinance, or to enforce any right under this Ordinance, except in the manner therein provided; and that all proceedings at law or in equity to enforce any provision of this Ordinance shall be instituted, had and maintained in the manner provided in this Ordinance and for the equal benefit of all Holders of the Outstanding Bonds.

B. Nothing in this Ordinance or in the Bonds contained shall affect or impair the obligation of the County, which is absolute and unconditional, to pay at the respective dates of maturity and places therein expressed the principal of (and redemption premium, if any) and interest on the Bonds to the respective Holders thereof, or affect or impair the right of action, which is also absolute and unconditional, of any Holder to enforce such payment of his Bond.

Section 11.6. Application of Revenues and Other Moneys After Default. During the continuance of an Event of Default, all moneys received by the Custodian/Trustee pursuant to any right given or action taken under the provisions of this Article shall, after payment of the costs and expenses of the proceedings taken in efforts to collect such moneys and of the fees, expenses and advances incurred or made by the Custodian/Trustee with respect thereto, including reasonable attorneys fees, be deposited in the respective Bond and Interest Redemption Funds, and all amounts held by the Custodian/Trustee hereunder shall be applied as follows (provided if more than one Bond and Interest Redemption Fund has been established, such amounts shall be paid ratably):

A. Unless the principal of all Outstanding Bonds shall have become or have been declared due and payable:

First: To the payment to the persons entitled thereto of all installments of interest then due on the Bonds in the order of maturity of such installments, and, if the amount available shall not be sufficient to pay in full any installment or installments maturing on the same date, then to the payment thereof ratably, according to the amounts due thereon to the person entitled thereto, without any discrimination or preference; and

Second: To the payment to the persons entitled thereto of the unpaid principal amounts or redemption premium, if any, of any Bonds which shall have become due (other than Bonds previously called for redemption in accordance with the provisions hereof), whether at maturity or by call for redemption, in the order of their due dates, and if the amounts available shall not be sufficient to pay in full all the Bonds due on any date, then to the payment thereof ratably, according to the principal amounts or redemption premium, if any, due on such date, to the persons entitled thereto, without any discrimination or preference.

B. If the principal amounts of all Outstanding Bonds shall have become or have been declared due and payable, to the payment of the principal amounts and interest then due and unpaid upon the Bonds without preference or priority of principal over interest or of interest over principal, of any installment of interest over any other installment of interest, or of any Bond over any other Bond, ratably, according to the amounts due respectively for principal amounts and interest, to the persons entitled thereto without any discrimination or preference.

C. If the principal amounts of all Outstanding Bonds shall have been declared due and payable, and if such declaration shall thereafter have been rescinded and annulled under the provisions of this Article, then, subject to the provisions of paragraph (b) of this Section in the event that the principal amounts of all Outstanding Bonds shall later become due or be declared due and payable, the moneys shall be applied in accordance with the provisions of paragraph (A) of this Section.

Whenever moneys are to be applied by the Custodian/Trustee pursuant to the provisions of this Section, such moneys shall be applied by it at such times, and from time to time, as the Custodian/Trustee shall determine, having due regard for the amount of such moneys available for application and the likelihood of additional moneys becoming available for such application in the future. Whenever the Custodian/Trustee shall apply such moneys, it shall fix the date (which shall be a Bond payment date unless it shall deem another date more suitable) upon which such application is to be made and upon such date interest on the principal amounts to be paid on such dates shall cease to accrue. The Custodian/Trustee shall give such notice as it may deem appropriate of the deposit with it of any such moneys and of the fixing of any such date, and shall not be required to make payment to the Holder of any Bond until such Bond shall be presented to the Custodian for appropriate endorsement of any partial payment or for cancellation if fully paid.

Whenever all Bonds and interest thereon have been paid under the provisions of this Section and all expenses and charges of the Custodian/Trustee have been paid, any balance remaining shall be paid to the person entitled to receive the same; if no other person shall be entitled thereto, then the balance shall be paid to the County or as a court of competent jurisdiction may direct.

## ARTICLE XII

### MISCELLANEOUS

Section 12.1. Benefits of Ordinance Limited to the County, the Custodian/Trustee and Holders of the Bonds. With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from this Ordinance or the Bonds is intended or should be construed to confer upon or give to any person other than the County, the Custodian/Trustee and the Holders of the Bonds, any legal or equitable right, remedy or claim under or by reason of or in respect to this Ordinance or any covenant, condition, stipulation, promise, agreement or provision herein contained. This Ordinance and all of the covenants, conditions, stipulations, promises, agreements and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the County, the Custodian/Trustee and the Holders from time to time of the Bonds as herein and therein provided.

Section 12.2. Ordinance Binding Upon Successors or Assigns of the County. All the terms, provisions, conditions, covenants, warranties and agreements contained in this Ordinance shall be binding upon the successors and assigns of the County and shall inure to the benefit of the Custodian/Trustee, its successors or substitutes in trust and assigns, and the Holders of the Bonds.

Section 12.3. No Personal Liability. No recourse shall be had for the enforcement of any obligation, covenant, promise or agreement of the County contained in this Ordinance or the Bonds, against any member of the County, any officer or employee, as such, in his or her individual capacity, past, present or future, of the County, either directly or through the County, whether by virtue of any constitutional provision, statute or rule of law, or by the enforcement of any assessment or penalty or otherwise, it being expressly agreed and understood that this Ordinance and the Bonds are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer or employee as such past, present or future, of the County, either directly or by reason of any of the obligations, covenants, promises, or agreements entered into between the County and the Custodian/Trustee or the Bondholder or to be implied therefrom as being supplemental hereto or thereto, and that all personal liability of that character against every such member, officer and employee is, by the adoption of this Ordinance and the execution of the Bonds, and as a condition of, and as a part of the consideration for, the adoption of this Ordinance and the execution of the Bonds, expressly waived and released. The immunity of members, officers and employees of the County under the provisions contained in this Section 12.4 shall survive the termination of this Ordinance.

Section 12.4. Effect of Saturdays, Sundays and Legal Holidays. Whenever this Ordinance requires any action to be taken on a Saturday, Sunday, legal holiday or bank holiday in the State of South Carolina, such action shall be taken on the first Business Day occurring thereafter. Whenever in this Ordinance the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, legal holiday or bank holiday, in the State of South Carolina, such time shall continue to run until midnight on the succeeding Business Day.

Section 12.5. Partial Invalidity. If any one or more of the covenants or agreements or portions thereof provided in this Ordinance on the part of the County or the Custodian or any Paying Agent to be performed should be determined by a court of competent jurisdiction to be contrary to law, then such covenant or covenants, or such agreement or agreements, or such portions thereof, shall be deemed severable from the remaining covenants and agreements and portions thereof provided in this Ordinance and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds, but the Holders of the Bonds shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

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

Section 12.6. Law and Place of Enforcement of Ordinance. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in said State.

Section 12.7. Effect of Article and Section Headings and Table of Contents. The headings or titles of the several Articles and Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Ordinance.

Section 12.8. Repeal of Inconsistent Ordinances and Resolutions. All ordinances and resolutions of the County, and any part of any ordinance or resolution, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 12.9. Effectiveness of Ordinance. This Ordinance shall become effective upon its enactment; provided, however, that it shall not be necessary for the County to establish the funds and accounts created in Article VI hereof prior to the issuance of any Bonds.

Section 12.10. Notices. All notices, certificates, or other communications hereunder or under this Ordinance shall be sufficiently given and shall be deemed given when mailed by registered mail, postage prepaid, or given when dispatched by telegram addressed as follows:



If to the County:

Richland County  
Post Office Box 192  
Kingstree, South Carolina 29202-0192  
Attn: County Administrator

The County and the Custodian/Trustee, may, by notice given to the other parties, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

Section 12.11. Codification. This Ordinance shall be forthwith codified in the Code of County Ordinances in the manner required by law and the name shall be indexed under the general heading “Ordinance Waterworks System Revenue Bonds.”

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2010.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Paul Livingston, Chairman  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2010:

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:  
Date of Second Reading:  
Date of Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
FIRST SUPPLEMENTAL ORDINANCE NO. \_\_\_\_\_

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A HOPKINS WATERWORKS SYSTEM IMPROVEMENT REVENUE BOND ANTICIPATION NOTE, SERIES 2010, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION OF RICHLAND COUNTY, SOUTH CAROLINA, IN AN AMOUNT NOT TO EXCEED \$2,033,000; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE NOTE; PROVIDING FOR FORM AND DETAILS OF THE NOTE; PROVIDING FOR THE PAYMENT OF THE NOTE; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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 1.     Findings and Determinations. The County Council (the "Council") of 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 "Code"), the Council/Administrator form of government was selected and the Council constitutes the governing body of the County.

(b) In the exercise of the powers vested in the County by the Constitution and statutes of the State of South Carolina, and in conformity with the provisions thereof, the County, pursuant to the favorable results of a referendum heretofore duly held on November 7, 1978, is authorized and empowered to acquire, construct and operate a waterworks system or systems in any of the unincorporated areas of the County.

(c) The System was created pursuant to General Bond Ordinance No. \_\_\_\_\_ enacted by the County Council on \_\_\_\_\_ and is administered as a department of the County.

(d) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, provides that a county may incur indebtedness payable solely from a revenue-producing project which source does not involve revenues from any tax or license.

(e) Title 11, Chapter 17, Code of Laws of South Carolina 1976, as amended ("Title 11"), provides that any borrower (the definition of which includes the 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 such bonds.

(f) The County has made general provision for the issuance from time to time of waterworks system revenue bonds (the “Bonds”) of the County through the enactment of Ordinance No. \_\_\_\_\_ entitled “An Ordinance Providing For The Issuance Of Hopkins Waterworks System Revenue Bonds Of Richland County, South Carolina” (the “General Bond Ordinance”).

(g) The County propose to install approximately 11,000 linear fee of 12” water lines, 50,000 linear feet of 10” water lines, 35,500 linear fee of 8” water lines, construct a 300,000 gallon elevated water storage tank and rehabilitate existing wells to service the project area (hereinafter referred to as the “Project”).

(j) The total cost of the Project is estimated to be \$4,814,000 to be financed with a loan from the Federal Government in the amount of \$2,033,000, grants from the Federal Government in the amount of \$1,793,000, a grant from the South Carolina Department of Health and Environmental Control administrated Environmental Protection Agency grant and contributions from the County of \$488,000.

(k) The Government will, upon compliance by the County with the terms and conditions set forth in a letter dated March 26, 2007, to the Chairman of the County Council of the County, purchase a waterworks system improvement revenue bond of the County in the maximum amount of \$2,033,000.

(l) It is in the best interest of the County to authorize the issuance and sale of a revenue bond pursuant to the Revenue Bond Act for Utilities, the General Bond Ordinance and a Supplemental Ordinance in the principal amount of not exceeding \$2,033,000 for the purpose of defraying a portion of the costs and expenses of the Project.

(m) Pending the issuance and sale of such revenue bond, it is in the best interest of the County to provide for the issuance of a waterworks system improvement revenue bond anticipation note in a principal amount not exceeding \$2,033,000 (the “BAN”) in anticipation of the issuance of the aforesaid revenue bond and the receipt of the proceeds thereof.

Section 2. Delegation of Authority. The Council hereby delegates to the County Administrator the authority to offer the BAN by private sale at such time as deemed to be in the best interest of the County and to cause to be prepared and distributed an appropriate Notice of Sale. The County Administrator is hereby authorized and empowered to determine the principal amount of the BAN and to award the sale of the BAN to the bidder whose bid is in the best interest of the County in accordance with the terms of the Notice of Sale for the BAN, provided the net interest cost of the BAN does not exceed 6% per annum.

Section 3. Authorization of Bonds. Pursuant to the provisions of the Revenue Bond Act, there is hereby authorized to be issued, and the Council irrevocably obligates and binds itself to effect the issuance of, a waterworks system improvement revenue bond (the “Bond”) of the County in the principal amount of not exceeding \$2,033,000, the proceeds of which will be used to pay the principal of the BAN. Prior to the issuance and sale of the Bond, the Council shall enact an ordinance setting forth the form and details of the Bond, provided such details shall be within the limitations contained in the Revenue Bond Act.

Section 4. Authorization of Bond Anticipation Note. Pending the issuance and delivery of the Bond authorized by Section 3 hereof, and pursuant to the provisions of Title 11, Chapter 17 of the Code, and for the purpose of paying a portion of the cost of the improvements described in Section 1(g) and other costs incidental to the Project including, but without limiting the generality of such costs, engineering, financial and legal fees, there is hereby authorized to be issued the BAN in a principal amount of not exceeding \$2,033,000 in anticipation of the receipt of the proceeds of the Bond.

The BAN shall be in fully-registered form, registered as to principal and interest in the name of the Bank; shall be dated as of the date of its issuance; shall mature not later than twelve (12) months from the date of its issuance; shall be of the denomination of not exceeding \$2,033,000, or such lesser amount as may be paid from time to time for the BAN; and shall bear interest on the respective principal amounts of the BAN advanced to the County from time to time at the rate reflected thereon.

The County shall have the right to prepay the principal of or interest on the BAN, or both, in whole without penalty.

Both the principal of and interest on the BAN 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 at such place as may be agreed upon with the Bank. The County shall serve as the Registrar/Paying Agent for the BAN.

If payment for the BAN is made in installments, the amount and date of each payment shall be endorsed on the BAN in the space provided therefor by the County Administrator of the County. Interest shall accrue on the amount paid for the BAN from the date of payment thereof.

The BAN shall be executed on behalf of the County by the manual or facsimile signature of the County Administrator and the corporate seal of the County or a facsimile thereof shall be impressed or reproduced thereon and attested by the Clerk to County Council by his or her manual or facsimile signature.

Section 5. Registration of BAN. The BAN shall be registered as to principal and interest in the name of the registered owner thereof at the office of the Clerk to Council on registry books to be kept for that purpose, after which no transfer of such BAN shall be effectual unless made on said books by the registered holder in person, or by his duly authorized legal attorney.

Section 6. Form of Note. The BAN shall be issued in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

Section 7. Covenants of the County. The County hereby covenants with the Bank as follows:

(a) The County covenants that as long as the BAN shall be outstanding under the provisions of this Ordinance and except as is otherwise permitted in this Ordinance, it will not sell, trade or lease or otherwise dispose of or encumber the System or any part thereof. The County may, however, from time to time, sell or dispose of any property, real or personal, which in the judgment of the Council of the County is no longer necessary or useful or profitable in the operation of the System or necessary to produce and maintain the revenues thereof, or which is to be or has been replaced by other property so as not to impair the operations of the System. Amounts received from such sale or disposition shall be deposited to the credit of the Revenue Fund established in the General Bond Ordinance.

(b) The County covenants that it has not issued, nor will it cause to be issued, any notes or certificates of indebtedness of any type in anticipation of the issuance of the Bond, except the BAN.

(c) The County hereby covenants and agrees with the Bank that it will not take any action which will, or fail to take any action which failure will, cause interest on the BAN to become includable in the gross income of the Bank for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the BAN. The County further covenants and agrees with the Bank that no use of the proceeds of the BAN shall be made which, if such use had been reasonably expected on the date of issue of the BAN, would have

caused the BAN to be an “arbitrage bond,” as defined in Section 148 of the Code, and to that end the County hereby shall:

- (i) comply with the applicable provisions of Sections 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the BAN is outstanding;
- (ii) 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 Code relating to required rebates of certain amounts to the United States; and
- (iii) make such reports of such information at the time and places required by the Code.

Section 8. Payment of BAN. For the payment of the principal of and interest on the BAN as the same respectively mature, there are hereby pledged the proceeds of the Bond authorized in Section 3 hereof. Title 11 provides that the County may also, at its option, utilize any other funds available therefor for the payment of the principal of and interest on the BAN, and in accordance therewith, the County also hereby pledges the Revenues of the System for the payment of such principal and interest on the BAN.

The proceeds of the BAN shall be applied for the purpose for which the Bond is to be issued. Upon the delivery of the Bond in anticipation of which the BAN is authorized to be issued, a sufficient amount of the proceeds of the Bond shall be applied by the County to meet the payment of the principal of and, to the extent available, interest on the BAN.

Section 9. Tax Exemption. Both the principal of and interest on the BAN shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code of Laws of South Carolina, 1976, 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 should be noted, however, that Section 12-11-20, Code of Laws of South Carolina, 1976, as amended, imposes upon every bank engaged in business in the State of South Carolina a fee or franchise tax computed on the entire net income of such bank which would include interest paid on the BAN to any such bank.

Section 10. Events of Default. The following shall constitute “Events of Default”:

- (a) If payment of the principal of the BAN is not made after the same has become due and payable; or
- (b) If payment of interest on the BAN is not made after the same has become due and payable; or
- (c) If the County fails or refuses to comply in any material respect in the due and punctual performance of the covenants, conditions, agreements and provisions contained in the BAN or in this Ordinance, and such failure continues for thirty days (30) after written notice specifying such failure and requiring the same to be remedied has been given to the County by the registered owner of the Note; or
- (d) If any order or decree is entered (i) with the consent or acquiescence of the County, appointing a receiver of the System or of any of the revenues of the System (the “Revenues”) or other moneys pledged and charged in the Ordinance for the payment of the BAN, or (ii) without the consent or acquiescence of the County, appointing a receiver of the System or any of the Revenues or other moneys pledged and charged in the Ordinance for the payment of the BAN and, in either case, such order or decree

having been entered is not vacated or discharged or stayed on appeal within sixty days (60) after the entry thereof; or

(e) If any proceedings are instituted, with the consent or acquiescence of the County, for the purpose of effecting a composition between the County and its creditors and if the claim of such creditors is in any circumstance payable from the Revenues or other monies pledged and charged in the Ordinance for the payment of the BAN, or any such proceedings are instituted for the purpose of adjusting the claims of such creditors, pursuant to any federal or state statute now or hereafter enacted; or

(f) If the County is for any reason rendered incapable of fulfilling its obligations hereunder in any material respect.

Nothing in this section shall prohibit the registered owner of the BAN from enforcing the duties of the County by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction, even though the failure of the County to perform any such duty may not then constitute an Event of Default.

Section 11. Remedies Upon Event of Default. Upon the occurrence of an Event of Default and at any time thereafter while such Event of Default continues, the registered owner of the BAN may, upon notice in writing delivered to the County, declare the entire unpaid principal and interest on the BAN, as the case may be, then outstanding due and payable, and thereupon the entire unpaid principal of and interest on such BAN shall immediately be and become immediately due and payable.

The provisions of this Section are subject to the condition that if at any time after the entire principal of the BAN shall have been so declared due and payable and before any judgment or decree for the payment of the moneys due shall have been obtained or entered, the County shall pay to, or shall deposit with a trustee for payment to, the registered owner of the BAN a sum sufficient to pay principal on the BAN and interest upon the BAN, then the registered owner of the BAN may, by written notice to the County, rescind and annul such declaration and its consequences. No such rescission and annulment shall, however, extend to or affect any subsequent Event of Default.

Upon the occurrence of an Event of Default, the Bank (in addition to the power granted to it above) may proceed to protect and enforce its rights with respect to the BAN by any suit, action or special proceeding in equity or at law, either for the specific performance of any covenant or agreement contained herein or in aid of the execution of any power herein granted, or for the enforcement of any other appropriate legal or equitable remedy, as the trustee may deem most effective to protect and enforce any of its rights or interests under the BAN.

No waiver of any Event of Default, by the registered owners of the BAN shall extend to or shall affect any subsequent Event of Default or other default or shall impair any rights or remedies consequent thereto.

No delay or omission to exercise any right or power occurring upon any Event of Default or other default shall impair any such right or power or shall be construed to be a waiver of any such Event of Default or other default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient.

No remedy conferred upon or reserved to the registered owner of the BAN is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and shall be in addition to any other remedy given to the registered owner of the BAN.

In case the registered owner of the BAN shall have proceeded to enforce any right or exercise any power under this Ordinance and such proceedings shall have been discontinued or abandoned for any reason, or shall have been determined adversely to the registered owner of the BAN, then and in every case the County and the registered owner of the BAN shall be restored to their former positions and rights hereunder, and all rights, remedies and powers of the registered owner of the BAN shall continue as if no such proceedings had been taken.

Section 12. Construction Fund. All payments for the Note shall be deposited in a separate special fund of the County to be designated “Richland County Construction Fund (Waterworks System Improvements – Hopkins Project), Interim Financing, 2010” (the “Construction Fund”), which fund shall be held by the bank designated by the County. The moneys deposited in the Construction Fund shall be disbursed for and applied to the payment of the costs and expenses of the Project and shall be made in the manner withdrawals from other funds of the County are made and in accordance with applicable rules and regulations of the Government.

The County Administrator is authorized to make disbursements from the Construction Fund to pay the costs and expenses of the Project. As each such payment is made, the County shall furnish the registered owner of the Note with a certificate duly executed by an authorized representative of the engineers for the Project and the County Administrator of the County, certifying that the sums to be paid are to pay costs and expenses incident to the construction of those aspects of the Project which will be reimbursed with the proceeds of the Bond, that such costs and expenses have been duly incurred by reason of work performed or materials furnished, and that no part of the items to be paid have been previously paid. Each certificate shall be approved in writing by an authorized representative of the Government and shall state that the disbursement is to pay costs and expenses of the Project that will be reimbursed with proceeds of the Bond. Copies of such certificates shall be made available, upon request, to the registered owner of the BAN.

Section 13. Designation of BAN. The County covenants that, in accordance with the provisions of the IRC, the BAN is designated as a “qualified tax-exempt obligation” as defined in the IRC. The County does not anticipate that it will issue more than \$30,000,000 in tax-exempt bonds or other tax-exempt obligations in 2010 except private activity bonds other than qualified 501(c)(3) bonds. The County represents that the sum of all tax-exempt obligations (other than such private activity bonds) issued by the County during calendar year 2010 is not reasonably expected to exceed \$30,000,000.

Section 14. General Authorization. The County Administrator of the County and the County Attorney are hereby authorized and directed to take any and all such further actions as shall be deemed necessary or desirable in order to effectuate issuance of the BAN and to carry out the intentions of this Ordinance. Council hereby retains McNair Law Firm, P.A., as bond counsel, in connection with the issuance of the BAN.

Section 15. Invalidity of Sections, Paragraphs, Clauses or Provisions. If any section, paragraph, clause or provision of this Ordinance is held invalid or unenforceable under any circumstances, such holding shall not affect the validity or enforceability thereof under other circumstances or the validity or enforceability of this Ordinance as a whole or of any other section, paragraph, clause or provisions of this Ordinance.

Section 16. Repeal of Conflicting Ordinances. All orders, ordinances and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the BAN are, to the extent of such conflict, hereby repealed from and after its passage and approval.



Section 17. Effective Date. This Ordinance shall be in full force and effect from and after its enactment as provided by law.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2010.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Paul Livingston, Chairman  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_ DAY OF

\_\_\_\_\_, 2010:

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:  
Date of Second Reading:  
Date of Third Reading:

(FORM OF NOTE)

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
RICHLAND COUNTY  
WATERWORKS SYSTEM IMPROVEMENT REVENUE  
BOND ANTICIPATION NOTE, SERIES 2010

\_\_\_\_\_, 2010

\$ \_\_\_\_\_

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 order of \_\_\_\_\_ in \_\_\_\_\_, South Carolina (the "Bank"), or its registered assigns, the principal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), or such lesser amount as has been advanced hereunder as shown on the Certificate of Advances attached hereto, on the Note (unless this Note shall be prepaid at an earlier date). This Note shall bear interest on the principal amounts advanced hereunder as shown on the Certificate of Advances from the date or dates of such advances at the rate of \_\_\_\_% per annum.

Both the principal of and interest on this Note are payable upon presentation and surrender of this Note at the principal office of the Bank, in \_\_\_\_\_, South Carolina, 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.

The County shall have the right to prepay this Note in whole without penalty.

This Note is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Title 11, Chapter 17, Code of Laws of South Carolina, 1976, as amended (the "Act"), General Bond Ordinance No. \_\_\_\_\_ duly enacted on \_\_\_\_\_; and Ordinance No. \_\_\_\_\_ duly enacted on \_\_\_\_\_ (the "Ordinances"), by the Council of the County, in anticipation of the issuance of a waterworks system improvement bond (the "Bond") to be issued by the County pursuant to Title 6, Chapter 21, Code of Laws of South Carolina, 1976, as amended. The proceeds of this Note shall be used, pending issuance of the Bond, to provide funds to defray a portion of the costs of the Project (as defined in the Ordinances).

This Note is payable, both as to principal and interest, from the proceeds of the Bond. This Note is a special obligation of the County, and there is hereby pledged to the payment of the principal hereof and interest hereon the proceeds of the Bond. The Act provides that the County may also, at its option, utilize any other funds available therefor for the payment of the principal of and interest on this Note, and in accordance therewith the County also hereby pledges the revenues of the System for the payment of such principal and interest.

This Note has been initially registered in the name of the Bank as to principal and interest at the office of the County on registry books to be kept for such purpose, such registration to be noted hereon. After such registration, the principal of and interest on this Note shall be payable only to the registered owner hereof. No transfer shall be valid unless made on such books by the registered owner, or by its legal representative, and similarly noted on this Note.

This Note 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 should be noted, however, that Section 12-11-20, Code of Laws of South Carolina, 1976, as amended, imposes upon every bank engaged in business in the State of South Carolina a fee or franchise tax computed on the entire net income of such bank which would include any interest paid on this Note to any such bank.

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 Note exist, have happened and have been done and performed in regular and due time, form and manner as required by law, and that the County has irrevocably obligated itself to issue and sell, prior to the stated maturity hereof, the Bond in anticipation of which this Note is issued.

In witness whereof, Richland County, South Carolina, has caused this Note to be executed in its name by the manual or facsimile signature of the County Supervisor and Chairman of County Council and attested by the manual or facsimile signature of the Clerk to County Council under the seal of the County.

RICHLAND  
COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chairman, County Council

(SEAL)

ATTEST:

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

CERTIFICATE OF ADVANCES

Richland County, has received the following amounts of moneys in payment for this Note:

<u>Date of Advance</u>	<u>Principal Amount Advanced</u>	<u>Total Principal Amount Advanced</u>	<u>Signature of Authorized Officer of Richland County, South Carolina</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

REGISTRATION

This Note has been registered in the name of \_\_\_\_\_ in \_\_\_\_\_, South Carolina, on registry books kept by Richland County, South Carolina.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Clerk to County Council, Richland County,  
South Carolina

# Richland County Council Request of Action

**Subject**

To amend the ordinance dealing with Loitering [**SECOND READING**] [**PAGES 181-185**]

**Notes**

May 25, 2010: The committee recommended that Council approve the ordinance as amended to include as part of one of the included definitions of loitering the words "and/or paraphernalia for drug use to include pipes, bongs, holders, wrappers or any other items normally construed as being implemented during drug use." The vote in favor was unanimous.

## Richland County Council Request for Action

Subject: To amend the ordinance dealing with Loitering

### A. Purpose

This request is, per Mr. Malinowski's motion, to amend Section 18-2 of the Richland County Code of Ordinances, so as to add language dealing with loitering.

### B. Background / Discussion

During the Motion Period of the April 6, 2010, County Council meeting, Mr. Malinowski made a motion to amend Section 18-2 of the Richland County Code of Ordinances, so as to add language dealing with loitering. The motion was to include as part of one of the included definitions of loitering the words "and/or paraphernalia for drug use to include pipes, bongs, holders, wrappers or any other items normally construed as being implemented during drug use."

### C. Financial Impact

No known financial impact.

### D. Alternatives

1. Adopt an ordinance amending section 18-2.
2. Do not adopt the ordinance.

### E. Recommendation

Council Discretion.

Recommended by: Elizabeth A. McLean      Department: Legal      Date: 4/14/10

### F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

#### Finance

Reviewed by: Daniel Driggers

Date: 4/14/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: As stated this is a policy decision for Council with no known financial impact

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval: This is a policy decision within the discretion of Council. However, since enforcement of the ordinance is within the purview of the Sheriff's Dept. Council may want to seek their input.

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: J. Milton Pope

Date: 4-14-10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion...however I forwarded the motion to the Sheriff and he did not have any objections to the motion.

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY**

**ORDINANCE NO. \_\_\_\_\_-10HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-2, LOITERING; SO AS TO ADD ADDITIONAL LANGUAGE TO THE DEFINITION.

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

SECTION I. The Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-2 (a); is hereby amended to read as follows:

**Sec. 18-2. Loitering.**

(a) *Definitions.* As used in this section, "loitering" shall mean remaining idle in essentially one (1) location, spending time idly, loafing or walking around aimlessly in a public place in such manner as to:

- (1) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (2) Create or cause to be created a danger of a breach of the peace;
- (3) Obstruct or hinder the free passage of vehicles or pedestrians;
- (4) Obstruct or interfere with any person lawfully in any public place;
- (5) Engage in begging;
- (6) Engage in gambling;
- (7) Engage in prostitution;
- (8) Solicit or engage in any business, trade or commercial transaction unless specifically authorized or licensed to do so;
- (9) Unlawfully use or possess an unlawful drug and/or paraphernalia for drug use to include pipes, bongs, holders, wrappers or any other items normally construed as being implemented during drug use;
- (10) Unlawfully use or possess alcoholic beverages, beer or wine.

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  
\_\_\_\_\_.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2010

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

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

# Richland County Council Request of Action

**Subject**

Business Services Center: Hospitality Tax Ordinance Amendments  
**[SECOND READING] [PAGES186-192]**

**Notes**

May 25, 2010: The committee recommended that Council give approval to three readings of the ordinance amendment as shown in the drafted amendment. The vote in favor was unanimous.



## Richland County Business Service Center

2020 Hampton Street, Suite 1050  
P.O. Box 192  
Columbia, SC 29202

Phone: (803) 576-2287  
Fax: (803) 576-2289  
[bsc@rcgov.us](mailto:bsc@rcgov.us)  
<http://www.rcgov.us/bsc>

### MEMORANDUM

**TO:** County Council Members

**FROM:** Pam Davis, Director of the Business Service Center

**DATE:** June 8, 2010

**SUBJECT:** Revisions to the Hospitality Tax ordinance following first reading

The Business Service Center has been preparing amendments to another ordinance for Council's consideration at a future committee meeting. As part of this preparation process, several items in the Hospitality Tax ordinance amendment were identified as appropriate to recommend Council's consideration and approval. The Hospitality Tax ordinance was given first reading approval by County Council on Tuesday, June 1, after receiving a recommendation for approval at the May 25, 2010 A&F Committee.

The proposed changes since first reading approval are described below. Some changes are minor, and one or two are significant. The revised Hospitality Tax ordinance amendment is included on the following pages below for your convenience and consideration. Recommended changes (from what was approved at first reading) are shown in red.

- 1) Minor change: Removing "and appeals" from the ordinance heading to accurately reflect the referenced code section.
- 2) Minor change: In Section 23-72, subsection (c), remove the second sentence which had been added. The subject of this sentence is addressed elsewhere in the ordinance, and this second sentence is redundant. The following subsection would then be reordered as subsection (c).
- 3) Minor change: In Section 23-73. Assessments and appeals of hospitality tax, adding "(b)" to the beginning of the second paragraph and reorder following subsections.
- 4) Minor change: In Section 23-73, adding the words " , which are based upon records provided by businesses," to the sentence, "Assessments of hospitality taxes and/or penalties, which are based upon records provided by businesses, shall be conveyed in writing to businesses." in subsection (b) for greater clarification relating to assessments.

5) Minor change: In Section 23-73(b), removing the words “including a reassessment based upon a waiver of penalties as authorized in Section 23-74 (b),” in the sentence, “The license official shall establish a procedure for hearing an application for a reassessment, including a reassessment based upon a waiver of penalties as authorized in Section 23-74 (b), and for issuing a notice of final assessment.” This language is added in a new subsection (d).

6) Significant change: In Section 23-73, add a subsection “(d)” to read as follows:

(d) Requests for waivers of penalties, as described in Sec. 23-82 (b), shall be submitted to the Business Service Center Director simultaneously with corroborating documentation relating to the validity of the appeal within five (5) business days of receipt of a tax assessment . The Director shall determine if the provided documentation confirms the circumstances permitting a waiver of penalties as described in the aforementioned section. A decision shall be provided in writing within five (5) business days of the receipt of the request. Businesses wishing to appeal the decision of the Business Service Center Director may appeal to the Richland County Council within five (5) business days of receipt of the Director’s decision.

This paragraph establishes the process for requesting waivers of penalties.

7) Minor change: In Section 23-74(b), remove the words “but in any case not to exceed six months” in the sentence, “Penalties shall not be waived, except if the following circumstances of reasonable cause are proven by the person, but in any case not to exceed six months:” and rewrite the sentence to read as follows, for greater clarification: “Penalties shall not be waived, except if the following circumstances of reasonable cause are proven by the person. No more than six months of penalties shall be waived.”

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SECTION 23-65, DEFINITIONS; SECTION 23-72, INSPECTIONS, AUDITS, AND ADMINISTRATION; SECTION 23-73, ASSESSMENTS ~~AND APPEALS~~ OF HOSPITALITY TAX; AND SECTION 23-74, VIOLATIONS AND PENALTIES; SO AS TO CLARIFY AND REVISE THE LANGUAGE THEREIN.

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 Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-65, Definitions; is hereby amended to read as follows:

**Section 23-65. Definitions.**

Whenever used in this article, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined:

*Local Hospitality Tax* means a tax on the sales of prepared meals and beverages sold in establishments or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine, within the incorporated municipalities and the unincorporated areas of the county.

*Person* means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

*Prepared Meals and Beverages* means the products sold ready for consumption either on or off premises in businesses classified as eating and drinking places under the Standard Industrial Code Classification Manual and including lunch counters and restaurant stands; restaurants, lunch counters, and drinking places operated as a subordinate facility by other establishments; and bars and restaurants owned by and operated for members of civic, social, and fraternal associations.

*Richland County* means the county and all of the unincorporated areas within the geographical boundaries of the county and all of the incorporated municipalities of the county.

SECTION II. The Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-72, Inspections, audits, and administration; is hereby amended to read as follows:

**Section 23-72. Inspections, audits, and administration.**

(a) For the purpose of enforcing the provisions of this article, the County Administrator or other authorized agent of the county is empowered to enter upon the premises of any person subject to this article and to make inspections, examine, and audit books and records.

(b) It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours' written notice. In the event that an audit reveals that the remitter has filed false information, the costs of the audit shall be added to the correct amount of tax determined to be due.

~~(c) All operational and administrative costs associated with the billing and collection of the local hospitality tax will be charged to the "Richland County Local Hospitality Tax Special Revenue Fund."~~ Revenues of the hospitality tax shall be used in accordance with Section 6-1-730 of the South Carolina Code of Laws, including police, fire protection, emergency medical services, and emergency preparedness operations, as provided for therein.

(~~dc~~) The county administrator or other authorized agent of the county may make systematic inspections of all service providers that are governed by this article. Records of inspections shall not be deemed public records.

SECTION III. The Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-73, Assessments of hospitality tax; is hereby amended to read as follows:

**Section 23-73. Assessments and appeals of hospitality tax.**

(a) When a person fails to pay or accurately pay their hospitality taxes or to furnish the information required by this Article or by the Business Service Center, a license official of the Business Service Center shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as the license official may deem appropriate to assess a hospitality tax and penalties, as provided herein.

~~(b) A notice of such tax assessment shall be served by certified mail.~~ Assessments of hospitality taxes and/or penalties, which are based upon records provided by businesses, shall be conveyed in writing to businesses. If a business fails to provide records as required by this Article or by the Business Service Center, the tax assessment shall be served by certified mail. Within five (5) business days after ~~the notice a tax assessment~~ is mailed or otherwise conveyed in writing, any person who desires to have

the assessment adjusted must make application to the Business Service Center for reassessment. The license official shall establish a procedure for hearing an application for a reassessment, ~~including a reassessment based upon a waiver of penalties as authorized in Section 23-74 (b),~~ and for issuing a notice of final assessment.

~~(d)~~ (e) A final assessment may be appealed to the ~~Business Service Center Appeals Board, as described in Section 16-8 of this Code of Ordinances~~ County Council, provided that an application for reassessment was submitted within the allotted time period of five business days. However, if no application for reassessment is submitted within the allotted time period, the assessment shall become final.

~~(e) Requests for waivers of penalties, as described in Sec. 23-74 (b), shall be submitted to the Business Service Center Director simultaneously with corroborating documentation relating to the validity of the appeal within five (5) business days of receipt of a tax assessment. The Director shall determine if the provided documentation confirms the circumstances permitting a waiver of penalties as described in the aforementioned section. A decision shall be provided in writing within five (5) business days of the receipt of the request. Businesses wishing to appeal the decision of the Business Service Center Director may appeal to the Richland County Council within five (5) business days of receipt of the Director's decision.~~

SECTION IV. The Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-74, Violations and penalties; Subsection (b); is hereby amended to read as follows:

(b) The penalty for violation of this Article shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due. Penalties shall not be waived, ~~except if the following circumstances of reasonable cause are proven by the person. but in any case not to exceed six months. No more than six months of penalties shall be waived.~~

(1) An unexpected and unavoidable absence of the person from South Carolina, such as being called to active military duty. In the case of a corporation or other business entity, the absence must have been an individual having primary authority to pay the hospitality tax.

(2) A delay caused by death or serious, incapacitating illness of the person, the person's immediate family, or the person's accountant or other third party professional charged with determining the hospitality tax owed. In the case of a corporation or other business entity, the death or serious, incapacitating illness must have been an individual having primary authority to pay the hospitality tax.

(3) The hospitality tax was documented as paid on time, but inadvertently paid to another taxing entity.

(4) The delinquency was caused by the unavailability of necessary records

directly relating to calculation of hospitality taxes, over which the person had no control, which made timely payment impossible. For example, the required records may have been destroyed by fire, flood, federally-declared natural disaster, or actions of war or terrorism. Unavailability of records caused by time or business pressures, employee turnover, or negligence are not reasonable cause for waiver of hospitality tax penalties.

(5) The delinquency was the result of clear error on the part of the Business Service Center or Treasurer's Office staff in processing or posting receipt of the person's payment(s).

(6) Delay or failure caused by good faith reliance on erroneous guidance provided by the Business Service Center or Treasurer's Office staff, so long as complete and accurate information was given to either of these offices, no change in the law occurred, and the person produces written documentation.

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

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

SECTION VII. Effective Date. All sections of this ordinance shall be effective on and after July 6, 2010.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2010

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

First Reading: June 1, 2010  
Second Reading: June 15, 2010 (tentative)  
Public Hearing: July 6, 2010 (tentative)  
Third Reading: July 6, 2010 (tentative)



# Richland County Council Request of Action

**Subject**

AN ORDINANCE TO LEVY AND IMPOSE A ONE PERCENT (1%) SALES AND USE TAX, SUBJECT TO A REFERENDUM, WITHIN RICHLAND COUNTY PURSUANT TO SECTION 4-37-30 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; TO DEFINE THE PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE THE ESTIMATED COST OF THE PROJECTS FUNDED FROM THE PROCEEDS OF THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE SALES AND USE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS IN THE REFERENDUM; TO PROVIDE FOR THE CONDUCT OF THE REFERENDUM BY THE RICHLAND COUNTY ELECTION COMMISSION; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, IF APPROVED; TO PROVIDE FOR THE PAYMENT OF THE TAX, IF APPROVED AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO. **[PAGES193-211]**

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO LEVY AND IMPOSE A ONE PERCENT (1%) SALES AND USE TAX, SUBJECT TO A REFERENDUM, WITHIN RICHLAND COUNTY PURSUANT TO SECTION 4-37-30 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; TO DEFINE THE PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE THE ESTIMATED COST OF THE PROJECTS FUNDED FROM THE PROCEEDS OF THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE SALES AND USE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS IN THE REFERENDUM; TO PROVIDE FOR THE CONDUCT OF THE REFERENDUM BY THE RICHLAND COUNTY ELECTION COMMISSION; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, IF APPROVED; TO PROVIDE FOR THE PAYMENT OF THE TAX, IF APPROVED; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

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

(a) The South Carolina General Assembly has enacted Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended (the “Act”), pursuant to which the county governing body may impose by ordinance a sales and use tax in an amount not to exceed one percent, subject to the favorable results of a referendum, within the county area for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money.

(b) Pursuant to the terms of Section 4-37-10 of the Code of Laws of South Carolina 1976, as amended, the South Carolina General Assembly has authorized county government to finance the costs of acquiring, designing, constructing, equipping and operating highways, roads, streets, bridges, greenways, pedestrian sidewalks, bike paths and lanes, and other transportation-related projects either alone or in partnership with other governmental entities. As a means to furthering the powers granted to the County under the provisions of Section 4-9-30 and Sections 6-21-10, *et. seq* of the Code of Laws of South Carolina 1976, as amended, the County Council is authorized to form a transportation authority or to enter into a partnership, consortium, or other contractual arrangement with one or more other governmental entities pursuant to Title 4, Chapter 37 of the Code of Laws of the South Carolina 1976, as amended. The County Council has decided to provide funding for highways, roads, streets, bridges, mass transit, greenways, pedestrian sidewalks, bike paths and lanes, *inter alia*, without the complexity of a transportation authority or entering into a partnership, consortium, or other contractual arrangements with one or more other governmental entities at this time; provided that nothing herein shall preclude County Council from entering into partnerships, consortiums, or other contractual arrangements in the future. County Council may utilize such provisions in the future as necessary or convenient to promote the public purposes served by funding

highways, roads, streets, bridges, mass transit, greenways, pedestrian sidewalks, and bike paths and lanes as provided in this Ordinance.

(c) The County Council finds that a one percent sales and use tax should be levied and imposed within Richland County, for the following projects and purposes: For financing the costs of highways, roads, streets, bridges, greenways, pedestrian sidewalks, and bike paths and lanes and other transportation-related projects facilities, and drainage facilities related thereto, and mass transit systems operated by Richland County or (jointly) operated by the County, other governmental entities and transportation authorities.

For a period not to exceed twenty-five (25) years from the date of imposition of such tax, to fund the projects at a maximum cost not to exceed \$1,023,000,000 to be funded from the net proceeds of a sales and use tax imposed in Richland County pursuant to provisions of the Act, subject to approval of the qualified electors of Richland County in referendum to be held on November 2, 2010. The imposition of the sales and use tax and the use of sales and use tax revenue, if approved in the referendum, shall be subject to the conditions precedent and conditions or restrictions on the use and expenditure of sales and use tax revenue established by the Act, the provisions of this Ordinance, and other applicable law. Subject to annual appropriations by County Council, sales and use tax revenues shall be used for the costs of the projects established in this Ordinance, as it may be amended from time to time, including, without limitation, payment of administrative costs of the projects, and such sums as may be required in connection with the issuance of bonds, the proceeds of which are applied to pay costs of the projects. All spending shall be subject to an annual independent audit to be made available to the public.

(d) County Council finds that the imposition of a sales and use tax in Richland County for the projects and purposes defined in this Ordinance for a limited time not to exceed twenty-five (25) years to collect a limited amount of money will serve a public purpose, provide funding for roads and transportation, mass transit, and greenbelts to facilitate economic development, promote public safety, provide needed infrastructure, promote desirable living conditions, enhance the quality of life in Richland County, and prepare Richland County to meet present and future needs of Richland County and its citizens.

## **Section 2. Approval of Sales and Use Tax Subject to Referendum.**

(a) A sales and use tax (the "Sales and Use Tax"), as authorized by the Act, is hereby imposed in Richland County, South Carolina, subject to a favorable vote of a majority of the qualified electors voting in a referendum on the imposition of the Sales and Use Tax to be held in Richland County, South Carolina on November 2, 2010.

(b) The Sales and Use Tax shall be imposed for a period not to exceed twenty-five (25) years from the date of imposition.

(c) The maximum cost of the projects to be funded from the proceeds of the Sales and Use Tax shall not exceed, in the aggregate, the sum of \$1,023,000,000, and the maximum amount of net proceeds to be raised by the Sales and Use Tax shall not exceed \$1,023,000,000, which includes administrative costs and debt service on bonds issued to pay for the projects. The estimated principal amount of initial authorization of bonds to be issued to pay costs of the projects and to be paid by a portion of the Sales and Use Tax is \$200,000,000. The proceeds of these bonds shall be used for a portion of the following projects:

- Project 1: Improvements to highways, roads (paved and unpaved), streets, intersections, and bridges including related drainage system improvements.  
Amount: \$627,400,000.
- 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: \$337,117,605.
- Project 3: Improvements to pedestrian sidewalks, bike paths, intersections and greenways.  
Amount: \$58,482,394.

(d) The Sales and Use Tax shall be expended for the costs of the following projects, including payment of any sums as may be required for the issuance of and debt service for bonds, the proceeds of which are applied to such projects, for the following purposes:

(i) Improvements to highways, roads (paved and unpaved), streets, intersections, and bridges including related drainage system improvements. Amount: \$627,400,000;

(ii) Continued operation of mass transit services provided by Central Midlands Regional Transit Authority including implementation of near, mid and long-term service improvements. Amount: \$337,117,605; and

(iii) Improvements to pedestrian sidewalks, bike paths, intersections and greenways.  
Amount: \$58,482,394.

(e) The Sales and Use Tax, if approved in the referendum conducted on November 2, 2010, shall terminate on the earlier of:

(i) April 1, 2036; or

(ii) the end of the calendar month during which the Department of Revenue determines that the Sales and Use Tax has raised revenues sufficient to provide the greater of either the costs of the projects as approved in the referendum or the cost to amortize all debts related to the approved projects.

(f) The amounts of Sales and Use Tax collected in excess of the required proceeds must first be applied, if necessary, to complete each project for which the Sales and Use Tax was imposed. Any additional revenue collected above the specified amount must be applied to the reduction of debt principal of Richland County on transportation infrastructure debts only.

(g) The Sales and Use Tax must be administered and collected by the South Carolina Department of Revenue in the same manner that other sales and use taxes are collected. The Department may prescribe amounts that may be added to the sales price because of the Sales and Use Tax.

(h) The Sales and Use Tax is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36 of

Title 12 of the Code of Laws of South Carolina, and the enforcement provisions of Chapter 54 of Title 12 of the Code of Laws of South Carolina. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36 of Title 12 of the Code of Laws of South Carolina are exempt from the tax imposed by this Ordinance. The gross proceeds of the sale of food lawfully purchased with United States Department of Agriculture Food Stamps are exempt from the Sales and Use Tax imposed by this Ordinance. The Sales and Use Tax imposed by this Ordinance also applies to tangible property subject to the use tax in Article 13, Chapter 36 of Title 12 of the Code of Laws of South Carolina.

(i) Taxpayers required to remit taxes under Article 13, Chapter 36 of Title 12 of the Code of Laws of South Carolina must identify the county in which the personal property purchased at retail is stored, used, or consumed in this State.

(j) Utilities are required to report sales in the county in which the consumption of the tangible personal property occurs.

(k) A taxpayer subject to the tax imposed by Section 12-36-920 of the Code of Laws of South Carolina 1976, as amended, who owns or manages rental units in more than one county must report separately in his sales tax return the total gross proceeds from business done in each county.

(l) The gross proceeds of sales of tangible personal property delivered after the imposition date of the Sales and Use Tax, either under the terms of a construction contract executed before the imposition date, or written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the Sales and Use Tax provided in this ordinance if a verified copy of the contract is filed with the Department of Revenue within six months after the imposition date of the Sales and Use Tax provided for in this Ordinance.

(m) Notwithstanding the imposition date of the Sales and Use Tax with respect to services that are billed regularly on a monthly basis, the Sales and Use Tax authorized pursuant to this ordinance is imposed beginning on the first day of the billing period beginning on or after the imposition date.

**Section 3. Remission of Sales and Use Tax; Segregation of Funds; Administration of Funds; Distribution to Counties: Confidentially.**

(a) The revenues of the Sales and Use Tax collected under this Ordinance must be remitted to the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administrating the Sales and Use Tax, not to exceed one percent of such revenues, the State Treasurer shall distribute the revenues quarterly to the Richland County Treasurer and the revenues must be used only for the purposes stated herein. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these distributions must be made in the same fiscal year as the misallocation. However, allocations made as a result of city or county code errors must be corrected prospectively.

(b) Any outside agencies, political subdivisions or organizations designated to receive funding from the Sales and Use Tax must annually submit requests for funding in accordance with procedures and schedules established by the County Administrator. The County Administrator shall prepare the proposed budget for the Sales and Use Tax and submit it to the County Council at such

time as the County Council determines. At the time of submitting the proposed budget, the County Administrator shall submit to the County Council a statement describing the important features of the proposed budget.

County Council shall adopt annually prior to the beginning of each fiscal year a budget for expenditures of Sales and Use Tax revenues. County Council may make supplemental appropriations for the Sales and Use Tax following the same procedures prescribed for the enactment of other budget ordinances. The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for the Sales and Use Tax for purposes other than as specified in the annual budget when such transfers are approved by County Council. In the preparation of the annual budget, County Council may require any reports, estimates, and statistics from any county agency or department as may be necessary to perform its duties as the responsible fiscal body of the County.

Except as specifically authorized by County Council, any outside agency or organization receiving an appropriation of the Sales and Use Tax must provide to County Council an independent annual audit of such agency or organization financial records and transactions and such other and more frequent financial information as required by County Council, all in form satisfactory to County Council.

(c) The Department of Revenue shall furnish data to the State Treasurer and to the Richland County Treasurer for the purpose of calculating distributions and estimating revenues. The information which must be supplied to the County upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of S.C. Code Ann. §12-54-240. Any person violating the provisions of this section shall be subject to the penalties provided in S.C. Code Ann. § 12-54-240.

**Section 4. Sales and Use Tax Referendum; Ballot Question.**

(a) The Commission shall conduct a referendum on the question of imposing the Sales and Use Tax in the area of Richland County on Tuesday, November 2, 2010, between the hours of 7 a.m. and 7 p.m. under the election laws of the State of South Carolina, mutatis mutandis. The Commission shall publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and purposes as set forth herein, and the cost of projects, and shall publish such election and other notices as are required by law.

(b) The referendum question to be on the ballot of the referendum to be held in Richland County on November 2, 2010, must read substantially as follows:

**RICHLAND COUNTY SPECIAL SALES AND USE TAX**

**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-five (25) years, or until a total of \$1,023,000,000 in sales tax revenue has been collected, whichever occurs first. The sales tax revenue will be used to pay the costs of the following projects:

Project 1: Improvements to highways, roads (paved and unpaved), streets, intersections, and bridges including related drainage system improvements.  
Amount: \$627,400,000.

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: \$337,117,605.

Project 3: Improvements to pedestrian sidewalks, bike paths, intersections and greenways.  
Amount: \$58,482,394.

YES

NO

Instructions to Voters: All qualified electors desiring to vote in favor of levying the special sales and use tax shall vote YES and

All qualified electors opposing to levying the special sales and use tax shall vote NO

## **QUESTION 2**

I approve the issuance of not exceeding \$200,000,000 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-five (25) years, to fund projects from among the categories described in Question 1 above.

YES

NO

Instructions to Voters: All qualified electors desiring to vote in favor of the issuance of bonds for the stated purposes shall vote YES and

All qualified electors opposing to the issuance of bonds for the stated purposes shall vote NO

(c) In the referendum on the imposition of the Sales and Use Tax in Richland County, all qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote “yes” and all qualified electors opposed to levying the tax shall vote “no.” If a majority of the electors voting in the referendum shall vote in favor of imposing the Sales and Use Tax, then the Sales and Use Tax is imposed as provided in the Act and this Ordinance. Expenses of the referendum must be paid by Richland County government.

(d) In the referendum on the issuance of bonds, all qualified electors desiring to vote in favor of the issuance of bonds for the stated purpose shall vote “yes” and all qualified electors opposed to the issuance of bonds shall vote “no.” If a majority of the electors voting in the referendum shall vote

in favor of the issuance of bonds, then the issuance of bonds shall be authorized in accordance with S.C. Constitution Article X, Section 14, Paragraph (6). Expenses of the referendum must be paid by Richland County government.

**Section 5. Imposition of Tax Subject to Referendum.**

The imposition of the Sales and Use Tax in Richland County is subject in all respects to the favorable vote of a majority of qualified electors casting votes in a referendum on the question of imposing the Sales and Use Tax in the area of Richland County in a referendum to be conducted by the Board of Elections and Voter Registration of Richland County on November 2, 2010, and the favorable vote of a majority of the qualified electors voting in such referendum shall be a condition precedent to the imposition of a sales and use tax pursuant to the provisions of this Ordinance.

**Section 6. Miscellaneous.**

(a) If any one or more of the provisions or portions hereof are determined by a court of competent jurisdiction to be contrary to law, then that provision or portion shall be deemed severable from the remaining terms or portions hereof and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance; if any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied to any particular case in any jurisdiction or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, those circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever; provided, however, that the Sales and Use Tax may not be imposed without the favorable results of the referendum to be held on November 2, 2010.

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

(c) The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this ordinance.

(d) This Ordinance shall take effect immediately upon approval at third reading.

(e) All previous ordinances regarding the same subject matter as this ordinance are hereby repealed.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2010.



RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Paul Livingston, Chairman  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2010:

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading: May 4, 2010  
Date of Second Reading: May 18, 2010  
Date of Public Hearing: June 1, 2010  
Date of Third Reading: June 15, 2010 (Tentative)

**High Priority Bike, Ped, Greenway Projects**

Type	LOCATION	Highway Name 1	Highway Name 2	Cost	Comments
Intersection	Broad River Rd and Bush River Rd			\$ 90,000	
Intersection	Huger St and Gervais St			\$ 90,000	
Intersection	Elmwood Ave and Park St			\$ 90,000	
Intersection	Main St and Elmwood Ave			\$ 90,000	
Intersection	Elmwood Ave and Bull St			\$ 90,000	
Intersection	Gervais St and Millwood Ave			\$ 90,000	
Intersection	Garner's Ferry Rd and Atlas Rd			\$ -	
Intersection	Garner's Ferry Rd and Hallbrook Dr/Pineview Rd			\$ -	
Intersection	Two Notch Rd and Alpine Rd			\$ 90,000	
Intersection	Two Notch Rd and Maingate Dr/Windsor Lake Blvd			\$ 90,000	
Intersection	Two Notch Rd and Polo Rd			\$ -	
Intersection	Two Notch Rd and Brickyard Rd			\$ 90,000	
Intersection	Two Notch Rd and Sparkleberry Ln			\$ 90,000	
Intersection	Blossom St and Saluda Ave			\$ 90,000	
Intersection	Devine St and Harden St/Santee Ave			\$ 90,000	
Intersection	Two Notch Rd and Decker Blvd/Parklane Rd			\$ 90,000	
Intersection	Polo Rd and Mallet Hill Rd			\$ -	
Intersection	Huger St and Blossom St			\$ 90,000	
Intersection	Huger St and Greene St			\$ 90,000	
Intersection	Huger St and Lady St			\$ 90,000	
Intersection	Assembly St and Greene St			\$ 90,000	
Intersection	Assembly St and Pendleton St			\$ 90,000	
Intersection	Assembly St and Gervais St			\$ 90,000	
Intersection	Assembly St and Washington St			\$ 90,000	
Intersection	Assembly St and Laurel St			\$ 90,000	
Intersection	Assembly St and Calhoun St			\$ 90,000	
Intersection	Main St and Taylor St			\$ 90,000	
Intersection	Main St and Blanding St			\$ 90,000	
Intersection	Main St and Laurel St			\$ 90,000	
Intersection	Main St and Calhoun St			\$ 90,000	
Intersection	Rosewood Dr and Marion St			\$ 90,000	
Intersection	Rosewood Dr and Pickens St			\$ 90,000	
Intersection	Rosewood Dr and Harden St			\$ 90,000	
Intersection	Rosewood Dr and Holly St			\$ 90,000	
Intersection	Rosewood Dr and Ott Rd			\$ 90,000	

Intersection	Rosewood Dr and Kilbourne Rd		\$	90,000
Intersection	Rosewood Dr and Beltline Blvd		\$	90,000
Intersection	Garners Ferry Rd and Old Woodlands Rd		\$	90,000
Intersection	Devine St and Fort Jackson Blvd		\$	90,000
Intersection	Harden St and Gervais St		\$	90,000
Greenways	Dutchman Blvd Connector		\$	81,580
Greenways	Columbia Mall Greenway		\$	502,884
Greenways	Polo/Windsor Lake Connector		\$	298,994
Greenways	Gills Creek North Greenway		\$	267,293
Greenways	Woodbury/Old Leesburg Connector		\$	90,127
Greenways	Crane Creek		\$	1,195,694
Greenways	Crane Creek		\$	356,979
Greenways	Crane Creek		\$	615,684
Greenways	Smith/Rocky Branch		\$	334,387
Greenways	Smith/Rocky Branch		\$	1,097,592
Greenways	Smith/Rocky Branch		\$	698,829
Greenways	Three Rivers Greenway Extension		\$	123,394
Greenways	Three Rivers Greenway Extension		\$	455,493
Greenways	Three Rivers Greenway Extension		\$	273,673
Greenways	Lincoln Tunnel Greenway		\$	692,328
Sidewalk	Assembly St	Whaley St	\$	1,728,231
Sidewalk	Clemson Rd	Longtown Rd	\$	2,127,879
Sidewalk	Colonial Dr	Harden St	\$	911,434
Sidewalk	Columbiana Dr	Lexington County Line	\$	437,645
Sidewalk	Broad River Rd	Greystone Blvd	\$	99,646
Sidewalk	Blossom St	Williams St	\$	37,408
Sidewalk	Gervais St	450' west of Gist St	\$	7,774
Sidewalk	Broad River Rd	Broad River Bridge (West End)	\$	1,880,623
Sidewalk	Alpine Rd	Two Notch Rd	\$	1,036,867
Sidewalk	Blythewood Rd	I-77	\$	172,441
Sidewalk	Broad River Rd	Harbison Blvd	\$	2,167,525
Sidewalk	Superior St	Whaley St	\$	700,968
Sidewalk	Leesburg Rd	Garners Ferry Rd	\$	1,731,805
Sidewalk	Polo Rd	Two Notch Rd	\$	-
Sidewalk	Two Notch Rd	Alpine Rd	\$	2,433,157
Sidewalk	Bluff Rd	Rosewood Dr	\$	-
Sidewalk	Gervais St	Huger St	\$	75,690
Sidewalk	Huger St	Blossom St	\$	231,175

Sidewalk	Broad River Rd	I-26	Harbison Blvd	\$	2,249,478
Sidewalk	Park St	Gervais St	Senate St	\$	153,513
Sidewalk	Polo Rd	Mallet Hill Rd	Alpine Rd	\$	367,583
Sidewalk	Clemson Rd	Two Notch Rd	Percival Rd	\$	508,255
Sidewalk	Atlas Rd	Fountain Lake Way	Garners Ferry R	\$	-
Sidewalk	Bratton St	King St	Maple St	\$	347,941
Sidewalk	Calhoun St	Gadsden St	Wayne St	\$	82,256
Sidewalk	Fort Jackson Blvd	Wildcat Rd	I-77	\$	309,189
Sidewalk	Franklin St	Sumter St	Bull St	\$	707,026
Sidewalk	Grand St	Shealy St	Hydrick St	\$	643,159
Sidewalk	Jefferson St	Sumter St	Bull St	\$	343,118
Sidewalk	Laurel St	Gadsden St	Pulaski St	\$	323,160
Sidewalk	Lincoln St	Heyward St	Whaley St	\$	178,628
Sidewalk	Lyon St	Gervais St	Washington St	\$	175,524
Sidewalk	Magnolia St	Two Notch Rd	Pinehurst Rd	\$	745,613
Sidewalk	Maple St	Kirby St	Gervais St	\$	119,251
Sidewalk	Mildred Ave	Westwood Ave	Duke Ave	\$	136,382
Sidewalk	Royster St	Mitchell St	Superior St	\$	85,821
Sidewalk	School House Rd	Two Notch Rd	Ervin St	\$	434,594
Sidewalk	Senate St	Gladden St	Kings St	\$	428,607
Sidewalk	Shandon St	Willmot St	Wheat St	\$	161,164
Sidewalk	Tryon St	Catawba St	Heyward St	\$	319,002
Sidewalk	Wayne St	Calhoun St	Laurel St	\$	330,145
Sidewalk	Wildwood Ave	Monticello Rd	Ridgewood Ave	\$	238,004
Sidewalk	Wiley St	Superior St	Edisto Ave	\$	252,806
Sidewalk	Windover St	Two Notch Rd	Belvedere Dr	\$	169,147
Sidewalk	Shandon St	Rosewood Dr	Heyward St	\$	241,663
Sidewalk	Broad River Rd	Royal Tower Rd	Woodrow St	\$	-
Sidewalk	Broad River Rd	Lake Murray Blvd	Western Ln	\$	-
Sidewalk	Lower Richland Blvd	Rabbit Run Rd	Garners Ferry Rd	\$	234,069
Sidewalk	Harrison Road	Harrison Rd	Harrison Rd	\$	600,000
Bikeways	Broad River Rd	Greystone Blvd	Broad River Bridge	\$	289,216
Bikeways	Harden St	Devine St	Rosewood Dr	\$	628,194
Bikeways	Senate St	Sumter St	Laurens St	\$	417,016
Bikeways	Trenholm Rd	South of Dent Middle School	Decker Blvd	\$	111,715
Bikeways	Two Notch Rd	Beltline Blvd	Parkland Rd	\$	2,195,224
Bikeways	Broad River Rd	Broad River Bridge (West End)	Broad River Bridge (East End)	\$	16,187
Bikeways	Hampton St	Prickens St	Harden St	\$	29,057

Bikeways	Pendleton St	Lincoln St	Marion St	\$	29,040
Bikeways	Pickens St/Washington St/Wayne St	Hampton St (west)	Hampton St (east)	\$	62,692
Bikeways	Shop Rd	George Rogers Blvd	Northway Rd	\$	-
Bikeways	Sumter St	Washington St	Senate St	\$	17,697
Bikeways	Beltline Blvd/Devine St	Rosewood Dr	Chateau Dr	\$	24,158
Bikeways	Beltline Blvd	Forest Dr	Valley Rd	\$	1,101
Bikeways	Beltline Blvd/Colonial Dr/Farrow Rd	Harden St	Academy St	\$	6,636
Bikeways	Catawba St/Tryon St/Whaley St/Williams St	Church St	Blossom St	\$	5,547
Bikeways	Bonham Rd/Devereaux Rd/Heathwood Cir/Kilbourne Rd/Rickenbaker Rd/Sweetbriar Rd	Blossom St	Fort Jackson Blvd	\$	21,691
Bikeways	Chester St/Elmwood Ave/Wayne St	Hampton St	Park St	\$	12,094
Bikeways	Clement Rd/Duke Ave/River Dr	Main St	Monticello Rd	\$	30,427
Bikeways	College St/Laurens St/Oak St/Taylor St	Greene St	Elmwood Ave	\$	16,331
Bikeways	Edgefield St/Park St	Calhoun St	River Dr	\$	16,464
Bikeways	Gervais St/Gladden St/Hagood Ave/Page St/Senate St/Trenholm Rd/Webster St	Millwood Ave	Beltline Blvd	\$	22,913
Bikeways	Heyward St/Marion St/Superior St	Whaley St	Wiley St	\$	9,748
Bikeways	Sumter St	Blossom St	Wheat St	\$	249,694
Bikeways	Huger St/Lady St/Park St	Gervais St (east)	Gervais St (west)	\$	7,295
Bikeways	Lincoln St	Blossom St	Lady St	\$	439,133
Bikeways	Ott Rd	Jim Hamilton Blvd	Blossom St	\$	17,872
Bikeways	Saluda Ave	Wheat St	Greene St	\$	3,934
Bikeways	Wheat St	Sumter St	Assembly St	\$	120,072
Bikeways	Wheat St	Harden St	King St	\$	4,351
Bikeways	Bluff Rd	Berea Rd	Beltline Blvd	\$	-
Bikeways	Shop Rd	Northway Rd	Beltline Blvd	\$	-
Bikeways	Blossom St	Williams St	Huger St	\$	37,408
Bikeways	Gervais St	450' west of Gist St	Gist St	\$	15,549
Bikeways	Assembly St	Blossom St	Rosewood Dr	\$	25,654
Bikeways	Beltline Blvd	Rosewood Dr	Devine St	\$	23,418
Bikeways	Broad River Rd	Bush River Rd	Greystone Blvd	\$	34,749
Bikeways	Broad River Rd	Harbison Blvd	Bush River Rd	\$	294,355
Bikeways	Calhoun St	Wayne St	Harden St	\$	80,934
Bikeways	Decker Blvd/Parklane Rd/Two Notch Rd	Two Notch Rd	Percival Rd	\$	118,890
Bikeways	Fort Jackson Blvd	Devine St	Newell Rd	\$	77,206
Bikeways	Garners Ferry Rd	Rosewood Dr	True St	\$	61,257
Bikeways	Gervais St	Park St	Millwood Ave	\$	83,763
Bikeways	Greene St	Assembly St	350' west of Lincoln St	\$	17,772
Bikeways	Main St	Pendleton St	Whaley St	\$	45,662
Bikeways	Onell Ct	Decker Blvd	Parklane Rd	\$	78,536

Bikeways	Rosewood Dr	Bluff Rd	Garners Ferry Rd	\$	193,581
Bikeways	Bluff Rd	Rosewood Dr	Berea Rd	\$	-
Bikeways	Colonial Dr	Bull St	Slighs Ave	\$	355,887
Bikeways	Holt Dr/Superior St	Wiley St	Airport Blvd	\$	408,235
Bikeways	Leesburg Rd	Garners Ferry Rd	Semmes Rd	\$	234,463
Bikeways	Wilson Blvd	I-77	Farrow Rd	\$	-
Bikeways	Gervais St	Gist St	Huger St	\$	75,690
Bikeways	Huger St	Blossom St	Gervais St	\$	231,175
Bikeways	Shop Rd	Beltline Blvd	Pineview Dr	\$	591,491
Bikeways	Blossom St	Assembly St	Sumter St	\$	77,743
Bikeways	Bull St	Elmwood Ave	Victoria St	\$	18,533
Bikeways	Main St	Elmwood Ave	Sunset Dr	\$	69,342
Bikeways	Elmwood Ave	Wayne St	Proposed Greenway Connector	\$	3,893
Bikeways	Main St	Calhoun St	Elmwood Ave	\$	1,025
Bikeways	Dutchman Blvd	Broad River Rd	Lake Murray Blvd	\$	103,798
Bikeways	Columbiana Dr	Lake Murray Blvd	Lexington County Line	\$	642,960
Bikeways	Broad River Rd/Lake Murray Blvd	I-26	Harbison Blvd	\$	14,282
Bikeways	Dutch Fork Rd	Bickley Rd	Rauch Meetze Rd	\$	-
Bikeways	Broad River Rd	Woodrow St	I-26 (Exit 97)	\$	-
Bikeways	Dutch Fork Rd	Broad River Rd	Bickley Rd	\$	-
Bikeways	Blythewood Rd	Winnboro Rd	Main St	\$	362,273
Bikeways	Clemson Rd	Longtown Rd	Brook Hollow Dr	\$	989,195
Bikeways	Clemson Rd	Summit Pky	Percival Rd	\$	1,477,321
Bikeways	Alpine Rd	Two Notch Rd	Percival Rd	\$	1,382,490
Bikeways	Hardscrabble Rd	Farrow Rd	Lee Rd	\$	-
Bikeways	Polo Rd	Two Notch Rd	640' south of Mallet Hill Rd	\$	968,268
Bikeways	Clemson Rd	Brook Hollow Dr	Summit Pky	\$	106,774
Bikeways	Two Notch Rd	Alpine Rd	Spears Creek Church Rd	\$	330,737
Bikeways	Hardscrabble Rd	Lee Rd	Lake Carolina Blvd	\$	-
Bikeways	Pineview Rd	Bluff Rd	Garners Ferry Rd	\$	-
Bikeways	Atlas Rd	Bluff Rd	Garners Ferry Rd	\$	-
Bikeways	Pickens St	Washington St	Rosewood Dr	\$	1,063,557
Bikeways	College St	Lincoln St	Sumter St	\$	253,087
Bikeways	Assembly St	Blossom St	Rosewood Dr	\$	621,346
Bikeways	Greene St	Assembly St	Bull St	\$	246,364
Bikeways	Bull St/Henderson St/Rice St	Wheat St	Heyward St	\$	5,991
Bikeways	Greene St	Bull St	Saluda Ave	\$	323,326
Bikeways	Catawba St	Sumter St	Lincoln St	\$	225,131

Bikeways	Blossom St	Huger St	Assembly St	\$	2,357,391
Bikeways	Whaley St	Lincoln St	Pickens St	\$	394,378
Bikeways	Whaley St	Lincoln St	Church St	\$	132,828
Bikeways	Craig Rd	Harrison Rd	Covenant Rd	\$	6,684
Bikeways	Broad River Rd	Royal Tower Rd	Woodrow St	\$	-
Bikeways	Broad River Rd	Lake Murray Blvd	Western Ln	\$	-

**Total High Priority Bike, Ped, Greenway Projects**

\$ 57,060,191

**MODIFICATIONS TO THE HIGH PRIORITY LIST**

Sidewalk	Koon	Malinda Road	Farmview Street	\$92,890.98
Sidewalk	Pelham	Gills Creek Parkway	Garners Ferry Road	\$346,773.70
Sidewalk	Pinehurst	Harrison Road	Forest Drive	\$352,561.30
Sidewalk	Prospect	Wilmot Avenue	Yale	\$137,937.80
Sidewalk	Sunset	Elmhurst Road	River Drive	\$364,522.34
Sidewalk	Veterans	Garners Ferry Road	Wormwood Drive	\$171,602.34
Sidewalk	Veterans	Coachmaker Road	Coatsdale Road	\$45,914.96
Intersection	Main St and Taylor St			\$ 90,000

**Total Bike, Ped, Greenway Projects Including Modifications**

58,482,394.12

### High Priority Roadway Projects

Type	Project Name	Begin Location (Highway1)	End Location (Highway2)	Total	Comments
Widening	Pineview Rd	Bluff Rd	Garners Ferry Rd	18,000,000	
Widening	Atlas Rd	Bluff Rd	Garners Ferry Rd	17,400,000	
Widening	Clemson Rd	Old Clemson Rd	Sparkleberry Crossing Rd	23,100,000	
Widening	Lower Richland Blvd	Rabbit Run Rd	Garners Ferry Rd	5,900,000	
Widening	Hardscrabble Rd	Clemson Rd	Lake Carolina Blvd	28,800,000	
Widening	Blythewood Rd	Syrup Mill Rd	I-77	7,600,000	
Widening	Broad River Rd	Royal Tower Rd	I-26 (Exit 97)	28,700,000	
Intersection	North Main St. and Fairfield Rd.	North Main St.	Fairfield Rd.	5,100,000	
Intersection	Clemson Rd. and Rhame Rd./North Springs Rd.	Clemson Rd.	Rhame Rd./North Springs Rd.	3,400,000	
Intersection	Farrow Rd. and Pisgah Church Rd.	Farrow Rd.	Pisgah Church Rd.	3,500,000	
Intersection	Wilson Blvd. and Pisgah Church Rd.	Wilson Blvd.	Pisgah Church Rd.	3,500,000	
Intersection	North Main St. and Monticello Rd.	North Main St.	Monticello Rd.	5,100,000	
Intersection	Broad River Rd. and Rushmore Rd.	Broad River Rd.	Rushmore Rd.	3,600,000	
Intersection	Wilson Blvd. and Killian Rd.	Wilson Blvd.	Killian Rd.	2,600,000	
Intersection	Garners Ferry Rd. and Harmon Rd.	Garners Ferry Rd.	Harmon Rd.	2,600,000	
Intersection	Clemson Rd. and Sparkleberry Ln. (to Mallet Hill Rd.)	Clemson Rd.	Sparkleberry Ln. (to Mallet Hill Rd.)	5,100,000	
Intersection	Lake Murray Blvd. and Kinley Rd.	Lake Murray Blvd.	Kinley Rd.	1,000,000	
Intersection	North Springs Rd. and Risdon Way	North Springs Rd.	Risdon Way	1,700,000	
Intersection	Summit Pkwy and Summit Ridge Rd.	Summit Pkwy	Summit Ridge Rd.	500,000	
Special	Shop Road Extension	na	na	9,800,000	PE & ROW Only
Special	Assembly Street RR Grade Separation	na	na	24,200,000	
Interchange	I-20 / Broad River Rd.	na	na	9,800,000	PE & ROW Only
Program	Access Management & Complete Streets Initiatives	na	na	100,000	
Program	County-Wide Corridor Improvement Plan	na	na	200,000	
Program	County-Wide Thoroughfare Plan	na	na	200,000	
Program	County-Wide HOV Lane Study	na	na	200,000	
Program	Local Road Resurfacing Program	na	na	18,000,000	
Program	Dirt Road Paving Program	na	na	9,000,000	
Program	Intelligent Transportation System	na	na	900,000	
Widening	Hardscrabble Rd	Farrow Rd	Clemson Rd	35,600,000	
Widening	Shop Rd	I-77	George Rogers Blvd	33,200,000	
Widening	Polo Rd	Mallet Hill Rd	Two Notch Rd	12,500,000	
Widening	Bluff Rd	I-77	Rosewood Dr	16,700,000	



Widening Intersection	Blythewood Rd	Wynnsboro Rd	Syrup Mill Rd	21,000,000
Intersection	Hardscrabble Rd. and Kelly Mill Rd./Rimer Pond Rd.	Hardscrabble Rd.	Kelly Mill Rd./Rimer Pond Rd.	2,900,000
Intersection	Bull St. and Elmwood Ave.	Bull St.	Elmwood Ave.	1,800,000
Intersection	Screaming Eagle Rd. and Percival Rd.	Screaming Eagle Rd.	Percival Rd.	1,000,000
Intersection	Kennerly Rd. and Coogler Rd./Steeple Ridge Rd.	Kennerly Rd.	Coogler Rd./Steeple Ridge Rd.	1,700,000
Intersection	North Springs Rd. and Harrington Rd.	North Springs Rd.	Harrington Rd.	1,800,000
Special	Shop Road Extension	na	na	59,100,000
Special	Kelly Mill Rd.	na	na	4,400,000
Interchange	I-20 / Broad River Rd.	na	na	40,600,000
<b>Total High Priority Roadway Projects</b>				<b>471,900,000</b>

**Projects Included in High Priority List: No Costs Associated**

Special Program	Study of Outer Beltway	na	na	-
Program	Preservation of Existing Right-of-Way	na	na	-
Program	Extension of Existing Roads	na	na	-
Program	Reservation of Road Connections	na	na	-
Program	Transfer of Development Rights	na	na	-
Program	Capital Improvements Plan	na	na	-
Program	Traffic Mitigation Plans	na	na	-
Program	Demand Management	na	na	-
Program	Establish the Position of Director of Transportation	na	na	-
Program	Update the County Zoning Ordinance	na	na	-
Program	Encourage Transit Oriented Development	na	na	-
Program	Encourage Traditional Neighborhood Development	na	na	-

**MODIFICATIONS TO HIGH PRIORITY LIST**

Special	Assembly Street RR Grade Separation	na	na	24,200,000
Special	Innovista	na	na	50,000,000
Special	Zoo	na	na	4,000,000
Widening	Spears Creek Church Rd	Two Notch Rd	Percival Rd	26,600,000
Special	Neighborhood Improvement Transportation Projects	County wide	County wide	63,000,000
Intersection	North Main St. and Fairfield Rd.	North Main St.	Fairfield Rd.	5,100,000
Special	Commerce Drive Improvements	Royster Street	Jim Hamilton Boulevard	5,000,000
Widening	North Main Street (Phases IA2 & III; II & IV)	Anthony Avenue	Fuller Avenue	36,200,000
Widening	Ridgewood/North Main Extension (Columbia portion)	Dixie Avenue	North Main Street	-
<b>Total Roadway Projects Including Modifications</b>				<b>627,400,000</b>

Fold the \$700k in with the Main Street project

**Transit**  
**\$337,117,605**

Mode	Amount	Percentage
Bike / Ped / Greenway	\$58,482,394	6%
Transit	\$337,117,605	33%
Roadway	\$627,400,000	61%
TOTAL	\$1,022,999,999	100%

# Richland County Council Request of Action

**Subject**

An Ordinance to Raise Revenue, Make Appropriations, and Adopt A Budget for Richland County South Carolina for Fiscal Year Beginning July 1, 2010 and Ending June 30, 2011. [**PAGES 212-217**]

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR**

**AN ORDINANCE TO RAISE REVENUE, MAKE APPROPRIATIONS,  
AND ADOPT A BUDGET FOR RICHLAND COUNTY, SOUTH  
CAROLINA FOR FISCAL YEAR BEGINNING JULY 1, 2010 AND  
ENDING JUNE 30, 2011.**

WHEREAS, 4-9-120 and 4-9-140 of the Laws of South Carolina require that a County Council shall adopt an annual budget, and shall act by Ordinance to adopt a budget and levy taxes.

NOW THEREFORE, be it ordained by County Council of Richland County in Council, duly assembled, and by the authority of the same:

SECTION 1. That the following appropriations by activity be, and the estimated revenue to support these appropriations, as well as other supporting documents contained in the recommended budget are hereby adopted, such supporting documents being made part thereof and incorporated herein by reference:

<u>REVENUES</u>	<u>FY11</u> <u>Appropriation</u>
General Operations	124,696,353
Capital Replacement	4,587,000
Victims Assistance Surcharge/Assessments	665,000
Temporary Alcohol Permits	97,616
Title IV Civil Process	65,000
Solicitor Drug Court	57,000
Emergency Telephone System	1,700,000
Accommodations Tax	550,000
Road Maintenance	5,400,000
Mass Transit	2,500,000
Hospitality Tax	2,410,000
Conservation Commission	692,000
Neighborhood Redevelopment	692,000
Tourism Development	900,000
Stormwater Management	2,904,658
Fire Service - Operations	19,640,854
Solid Waste – including Landfill	26,906,468
Jim Hamilton Airport	257,750
Utilities System	5,739,662
Parking Garage	135,000
School District No. 1 – Operations	177,449,139
School District No. 2 – Operations	117,750,851
Recreation Commission – Operations	10,784,800
Midlands Technical College	4,341,000
Midland Technical College - Capital and Debt Service	2,094,000
Columbia Area Mental Health	1,905,500
Library	19,533,000
Riverbanks Zoological Park – Operations	2,003,300
School District No. 1 – Debt Service	39,198,741
School District No. 2 – Debt Service	36,923,602
General County Debt Service	12,816,496
Fire Service – Debt Service	233,176
East Richland Public Service District – Debt Service	927,922

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Riverbanks Zoological Park – Debt Service	1,599,809
Recreation Commission – Debt Service	2,709,090

**TOTAL REVENUES** **630,866,787**

**FUND BALANCE AND OTHER SOURCES**

General Fund	5,674,736
Neighborhood Redevelopment	40,102
Hospitality Tax	1,899,112
Stormwater Management	637,177
Accommodation Tax	112,591
Parking Garage	117,350
Solid Waste	325,425
Emergency Telephone System	157,602
Road Maintenance	519,685
Mass Transit	728,877
Tourism Development	17,369
Fire Service	155,405

**TOTAL FUND BALANCE AND OTHER SOURCES** **10,385,431**

**TRANSFERS IN**

To Victims Assistance from General Fund	363,163
To Airport Fund from General Fund	100,000
To Emergency Telephone System from General Fund	1,513,785
To Emergency Telephone System from Fire Service	830,000
To Utilities System from Stormwater	500,000
To Hospitality Tax Debt Service from Hospitality Tax	1,966,392

**Total Transfers In** **5,273,340**

**TOTAL SOURCES** **\$646,525,558**

**EXPENDITURES**

General Operations	131,161,580
Capital Replacement	1,819,561
Victims Assistance Surcharge/Assessments	1,028,163
Temporary Alcohol Permits	97,616
Title IV Civil Process	65,000
Solicitor Drug Court	57,000
Emergency Telephone System	4,201,387
Accommodations Tax	662,591
Road Maintenance	5,919,685
Mass Transit	3,228,877
Hospitality Tax	2,342,720
Conservation Commission	692,000
Neighborhood Redevelopment	732,102
Tourism Development	917,369
Stormwater Management	3,041,835
Fire Service - Operations	18,966,259

Solid Waste – including Landfill	27,231,893
Jim Hamilton Airport	357,750
Utilities System	6,239,662
Parking Garage	252,350

School District No. 1 – Operations	177,449,139
School District No. 2 – Operations	117,750,851
Recreation Commission – Operations	10,784,800
Midlands Technical College	4,341,000
Midland Technical College - Capital and Debt Service	2,094,000
Columbia Area Mental Health	1,905,500

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Library	19,533,000
Riverbanks Zoological Park – Operations	2,003,300
School District No. 1 – Debt Service	39,198,741
School District No. 2 – Debt Service	36,923,602
General County Debt Service	12,816,496
Fire Service – Debt Service	233,176
East Richland Public Service District – Debt Service	927,922
Riverbanks Zoological Park – Debt Service	1,599,809
Recreation Commission – Debt Service	2,709,090
Hospitality Tax – Debt Service	1,966,392
<b>TOTAL EXPENDITURES</b>	<b>641,252,218</b>
<b>TRANSFERS OUT</b>	
From General Fund to ETS	1,513,785
From Fire Service to ETS	830,000
From General Fund to Victim's Assistance	363,163
From General Fund to Airport Fund	100,000
From Stormwater to Utilities System	500,000
From Hospitality Tax to Hospitality Tax Debt Service	1,966,392
<b>Total Transfers Out</b>	<b>5,273,340</b>
<b>TOTAL USES</b>	<b><u>\$646,525,558</u></b>

**SECTION 2.** Mileage rate paid to County employees shall be the same as the U.S. Federal reimbursement rate per mile for the fiscal period stated above.

**SECTION 3.** All fees previously approved by the County Council, either through budget ordinances or ordinances apart from the budget, will remain in effect unless and until the County Council votes to amend those fees.

**SECTION 4.** At fiscal year end, any funds encumbered for capital purchases shall reflect as a designation of fund balance in the Comprehensive Annual Financial Report and shall be brought forward in the subsequent fiscal year as budgeted fund balance. This automatic re-budgeting shall not require a supplemental budget ordinance.

**SECTION 5.** Continuation grants and those with no personnel or match requests are considered approved as presented with budget adoption up to available budgeted match dollars. All other grants will require individual Council approval prior to award acceptance.

**SECTION 6.** Commensurate with budget authority, the County Administrator may approve purchases in the amount of one hundred thousand dollars (\$100,000) or less. Purchases in excess of one hundred thousand dollars (\$100,000) shall be reviewed and approved by the County Council prior to acceptance.

**SECTION 7.** Designated fund balance allocated in prior years for the establishment of an emergency disaster fund, economic development fund and an insurance reserve fund shall remain so designated, but only to the extent of available fund balance as approved by the County Administrator.

**SECTION 8.** All One-percent funds collected through established Multi-County Industrial Park agreements or the funds from the completed sale of any county-owned property in a multi-county park shall be placed in the Richland County Industrial Park Fund and be immediately appropriated for the purpose of continued Economic Development. This appropriation shall not require a supplemental budget ordinance.

**SECTION 9.** Funds allocated but unspent during the fiscal year in capital accounts designated in the County Administrator's Recommended Budget shall be recognized as part of a multi-year capital projects funding and be carried forward and transferred to a capital projects fund for the purpose of providing partial funding for approved major capital projects. The amount to be carried forward shall not exceed the line item appropriated amount without approval from County Council.

**SECTION 10.** Funds awarded to the Sheriff's Department through forfeiture are included as part of this ordinance and Council designates, as the governing body, that the Sheriff shall maintain these funds in accordance with Federal, State and County guidelines. All forfeited funds will be audited along with the General Fund and posted at that time.

**SECTION 11.** This ordinance hereby authorizes the County Administrator to enter into a short-term promissory note with the Richland County Public Library based on Library cash flow needs from July 1 – December 31 of the current year. The note shall be issued at an interest rate at prime rate plus 2% or a reasonable rate as determined by the County Administrator. The decision shall be made by the County Administrator after reviewing the current financial status of the County and shall have the authority not to issue the note if the issuance creates any adverse cash flow problem for the County.

**SECTION 12.** This ordinance shall establish the County to be self-funded against tort claim liability and shall no longer carry an excess liability insurance policy. Funding shall be established through the annual automatic re-budgeting of the County Self Funded account. The amount to be carried forward shall not exceed the unspent portion of the current year appropriation and shall be used only to cover tort liability claims against the County. This shall increase the original appropriated budget and shall not require a separate budget amendment.

**SECTION 13.** Richland County hereby enacts the implementation of an Administrative Service Fee of up to \$10.00 per hour, to be collected by the Sheriff from parties who request special duty services, and which are authorized by the Sheriff for the duration of fiscal year 2010-2011 only. Funds collected by the Sheriff that are derived from the up to \$10.00 per hour administrative fee for special duty services shall be deposited directly into a Sheriff Administrative Fee revenue account in the General Fund. This revenue will be to offset the cost of the additional use of petrol oil and lubricants, and for the cost of administrative management of special duty assignments. The Sheriff and Finance Director will assess the status of fees collected through the Special Duty Program prior to the end of fiscal year 2011. All excess funds collected over cost shall reflect as a designation of fund balance and shall be brought forward in the following fiscal year as budgeted fund balance. This automatic re-budgeting shall not require a supplemental budget ordinance. Continuation of the Special Duty Program and associated fees shall be evaluated each year during the budget process.

**SECTION 14.** All funds collected by the Sheriff's Department as a cost reimbursement from employees shall be credited back to the sheriff's budget and allowed to utilize for other operational cost.

**SECTION 15.** All major county set fees for services shall be reviewed annually as part of the budget process to adjust for any warranted inflationary adjustment (CPI), but not in excess of market comparables. (Fees established by specific statute would not be covered by this policy.) The CPI adjustment shall be the same as that used for other budget adjustments. Both existing and proposed fee rates and annual revenue estimates shall be included as part of the departmental budget request by each respective department each budget cycle. Also, because of the intent to cover services provided by the cost to provide those services, as part of this annual review, each fee-based revenue shall be compared to its total cost (direct and indirect).

**SECTION 16.** The County Administrator is granted authority to transfer up to \$100,000 between all General Fund direct report budgets.

**SECTION 17.** Recreation Commission appropriation in excess of five mills is made with the following condition; the appropriated fund use must include the continuation of the free after-school programs JUMPs, Fighting Back and Tutorial.

**SECTION 18.** The Utility system sewer rate is increased to the uniform county rate of \$46.54 per month.

**SECTION 19.** The Hospitality Tax Undesignated Fund Balance policy is amended to reflect that any undesignated Hospitality Tax dollars will be reflected as unappropriated reserved funds in the final budget.

**SECTION 20.** The rank structure plan for the Sheriff's Office is approved with no additional funding.

**SECTION 21.** Every grant requiring matching funds will require a budget amendment to be approved by County Council.



**SECTION 22. Conflicting Ordinances Repealed.** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 23. Separability.** 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 24. Effective Date.** This Ordinance shall become effective July 1, 2010.

RICHLAND COUNTY COUNCIL

BY: Paul Livingston, Chair

First Reading: May 4, 2010  
Public Hearing: May 20, 2010  
Second Reading: June 3, 2010  
Third Reading:

# Richland County Council Request of Action

**Subject**

An Ordinance amending Ordinance NO. 029-07HR; so as to temporarily decrease the tap fees to be paid by users of the Broad River Regional Sewer System to three thousand (\$3000.00) dollars and to implement a gradual increase of such fees to four thousand (\$4000.00) dollars. **[PAGES 218-281]**

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

AN ORDINANCE AMENDING ORDINANCE NO. 029-07HR; SO AS TO TEMPORARILY DECREASE THE TAP FEES TO BE PAID BY USERS OF THE BROAD RIVER REGIONAL SEWER SYSTEM TO THREE THOUSAND (\$3000.00) DOLLARS AND TO IMPLEMENT A GRADUAL INCREASE OF SUCH FEES TO FOUR THOUSAND (\$4000.00) DOLLARS.

**WHEREAS**, Richland County Council enacted Ordinance No.029-07HR on March 20, 2007, effective July 1, 2007, which raised the tap fee for users of the Broad River Regional Sewer System to \$4000.00; and

**WHEREAS**, Richland County Council has now determined that the tap fee should be temporarily reduced to \$3000.00 and gradually increased to \$4000.00; and

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. Section 2(b) of Ordinance No. 029-07HR shall be amended to read as follows:

- (b) Until changed by subsequent action of the County Council or a change required to comply with any covenant made by the County, the tap fee for each new customer connecting to the System shall be \$3000.00 effective immediately. The fee shall then increase as follows: to \$3500.00 effective August 16, 2011; and then to \$4000.00 effective July 16, 2013.

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 retroactively from and after July 1, 2007.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

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

# Richland County Council Request of Action

**Subject**

Eliminate the requirement of obtaining a building permit for roofing, siding, and replacement of windows and exterior doors [**Deferred from June 1, 2010 Meeting**] [**PAGES 220-222**]

# AMENDED

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 3, PERMITS, INSPECTION AND CERTIFICATE OF APPROVAL; SECTION 6-43, PERMITS REQUIRED/EXCEPTION; SO AS TO NOT REQUIRE PERMITS FOR COSMETIC OR MAINTENANCE PURPOSES AS LISTED BY THE 2006 INTERNATIONAL RESIDENTIAL CODE.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43; Permits Required/Exception; Subsection (a); is hereby amended to read as follows:

(a) No person shall construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or installation of electrical, gas, or plumbing equipment or other apparatus regulated by this chapter without first obtaining from the building official a separate permit for each such building, structure, or installation. One (1) copy of the required permit shall be forwarded to the county assessor within ten (10) days after issuance. A building, structure, or installation may contain one or more units. Provided, however, no permit shall be required to replace a window or door when such replacement does not affect the structural integrity of the structure and when the replacement work is done directly by the owner of the structure.

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 enforced from and after \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

# AMENDED

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2010

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Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:            June 15, 2010 (tentative)  
Second Reading:  
Public Hearing:  
Third Reading:

# Richland County Council Request of Action

**Subject**

I move that Council automatically have a roll call vote unless the vote is unanimous. If the Chair declares an unanimous vote, and no member calls for division, no member will be recorded as dissenting from the majority.  
**[SMITH]**

# Richland County Council Request of Action

**Subject**

I move that the Council automatically have a roll call vote unless the vote is unanimous. If the Chair declares a unanimous vote, and no member calls for division, no member will be recorded as dissenting from the majority.  
**[SMITH]**



# Richland County Council Request of Action

**Subject**

911 Communications Center **[PAGES 225-231]**

STATE OF SOUTH CAROLINA ) 911 COMMUNICATIONS  
 ) CENTER CONSOLIDATION  
COUNTY OF RICHLAND ) AGREEMENT

This Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010,  
by and between Richland County (“County”) and the City of Columbia (“City”).

BACKGROUND:

In 1999, the Columbia-Richland Communications Center (CRC 911) became operational as a result of the 911 Communications Consolidation Agreement between the City of Columbia and Richland county.

Located within CFD Firehouse #1 (1800 Laurel Street), CRC 911 is the primary Public Safety Answering Point (PSAP) for Richland County, providing consolidated emergency dispatch services for the Columbia Police Department, the Richland County Sheriff’s Department, the Columbia Fire Department, and the Richland County Emergency Services Department.

WITNESSETH:

WHEREAS, the County and City Councils desire to continue the operation of the Columbia-Richland Communications Center, a consolidated 911 dispatch center, commonly referred to as CRC 911.

WHEREAS, CRC 911 will continue to operate in accordance with the Richland County 911 Plan as approved by the State of South Carolina Budget and Control Board, Office of Information Resources (“OIR”).

WHEREAS, CRC 911 will continue to answer 911 phone calls from the public in the unincorporated areas of the County, the City of Columbia, the City of Arcadia Lakes, the City of Blythewood, and the City of Eastover; coordinating and dispatching public safety agency workers to emergency and non-emergency calls for assistance, logging dispatch information into a computer-aided dispatch system, recording emergency radio

and telephone conversations, obtaining background information, such as NCIC checks and registration information, and coordinating backup assistance for public safety workers.

NOW, THEREFORE, in consideration of the mutual covenants herein, it is agreed as follows:

1. OPERATIONAL CONTROL: The County and City shall continue operation of the Oversight Committee, composed of the following officials, or their respective designees: the Richland County Emergency Services Department, the Richland County Sheriff's Department, the Columbia Police Department, the Columbia Fire Department, the City Manager, the County Administrator, and the CRC 911 Director.

The Oversight Committee shall meet with the CRC 911 Director at least four (4) times per calendar year, and will provide guidance on the operation of CRC 911.

The Oversight Committee shall advise the CRC 911 Director, who is responsible for the daily operations. Each public safety agency is responsible for establishing the policies and procedures for dispatching their respective agencies. These policies shall be implemented and enforced by the CRC 911 Director.

2. FINANCIAL:
  - a. The County will continue to administer the 911 Emergency Telephone System Fund which supports the continuing maintenance and replacement costs of the 911 telephony system, radio consoles/workstations, and all other related equipment and/or systems. The parties shall continue to share the cost for the operation of CRC 911, subject to the appropriation of funds for such purpose

by the respective bodies. Title to 911 dispatch consoles shall be jointly held by the City and County.

- b. The CRC 911 Director shall prepare annual operating budget requests (City/County) for the system and shall submit the budget requests to the controlling authorities (Columbia City Manager & Richland County Administrator) for review and approval, no later than January 15<sup>th</sup> (County share of budget request), and February 20<sup>th</sup> (City share of budget request) of each calendar year. Proposed modifications to the budget requests must be provided to the controlling authorities by the CRC 911 Director within thirty (30) days of receipt of the initial budget requests.
3. LEVEL OF SERVICE: CRC 911 will continue to provide the current level of service to each party, to the extent funds have been appropriated and will, to the same extent, support each agency's requirements as identified in the established policies and procedures.
    - a. Both parties agree that any request for additional, non-911 related, "value added" services, must be reviewed, and approved by both controlling authorities prior to implementation.
    - b. The CRC 911 Director will be consulted regarding the financial and/or operational impact created by any additional "value added" service request.

4. BUILDING: CRC 911 will continue to be located at 1800 Laurel Street. The City will be responsible for providing CRC 911 operational and maintenance needs.
  - a. Due to the rapid growth of the City of Columbia and Richland County, maintaining a state-of-the art emergency communications center is necessary to ensure efficient and professional services to citizens and user agencies.
  - b. Both parties agree to initiate a joint (City/County) Feasibility Study, facilitated by the CRC 911 Director, within twenty-four (24) months from the effective date of this Agreement.
    1. Feasibility Study: The focus of the Feasibility Study will be the identification of viable options of either expanding current space availability, or procuring a new facility in order to acquire dedicated training facilities, technology areas, conference areas, personnel maintenance facilities, supervisory areas, and storage (records) areas.
    2. The study and associated recommendations will be presented to the Oversight Committee for consideration and approval.
    3. All approved recommendations will be included in the next fiscal year's budget proposal to the controlling authorities.
  
5. MAINTENANCE: Maintenance of the 911 system equipment and console equipment will be funded by available 911 subscriber fee revenues.
  - a. All other radio equipment will be maintained by the respective agencies. Maintenance expenses for the Computer-Aided Dispatch (CAD) system will be included in the annual CRC 911 budget and shall be borne equally by the parties.

- b. Both parties agree to continue to equally share the operational cost of CRC 911; to include, but not limited to, other operational, maintenance, and/or administrative costs, including personnel/staffing costs, subject to the appropriation of funds for such purpose by the respective governing bodies.
6. PERSONNEL: During the course of this Agreement all current and future CRC 911 personnel will continue to be considered employees of the City of Columbia.
7. ACQUISITION OF DISPATCH EQUIPMENT: Through the use of available 911 subscribers' fees, the County shall continue to provide sufficient 911 dispatch equipment required to properly operate CRC 911. The County, through the use of available 911 subscribers' fees, shall provide such additional equipment as is necessary from time to time to provide adequate and efficient 911 services.
8. AUDIT: All County funds, including 911 tariff funds used to support the operations of CRC 911, will be subject to audit by the County.
9. DURATION: The term of this Agreement shall be for a period of five (5) years commencing upon the date of acceptance.
10. TERMINATION: Either party may terminate this Agreement upon twelve (12) months' written notice to the other party of its intent to do so. However, termination of this Agreement shall not result in disruptions of 911 services to either party.

11. ENTIRE AGREEMENT AND AMENDMENTS: This Agreement constitutes the entire agreement between the parties, and there are no other agreements, covenants, promises, terms or understanding concerning the subject hereof, other than those herein set forth. No subsequent alteration, modification, amendment, change, deletion, or addition to this Agreement shall be binding upon either party unless reduced to writing and duly executed by each party's authorized representative.

WITNESS:

\_\_\_\_\_

RICHLAND COUNTY

BY: \_\_\_\_\_

WITNESS:

\_\_\_\_\_

CITY OF COLUMBIA

BY: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**A RESOLUTION OF THE  
RICHLAND COUNTY COUNCIL**

**A RESOLUTION TO APPOINT AND COMMISSION JAMES HENRY HILL, III  
AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY,  
GENERAL WELFARE, AND CONVENIENCE OF RICHLAND COUNTY.**

**WHEREAS**, the Richland County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Richland County; and

**WHEREAS**, the Richland County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County; and

**NOW, THEREFORE, BE IT RESOLVED THAT** James Henry Hill, III is hereby appointed and commissioned a Code Enforcement Officer of Richland County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this County, including the enforcement of the County's animal care regulations, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended. Provided, however, James Henry Hill, III shall not perform any custodial arrests in the exercise of his duties as a code enforcement officer. This appointment shall remain in effect only until such time as James Henry Hill, III is no longer employed by Richland County to enforce the County's animal care regulations.

**ADOPTED THIS THE 15<sup>th</sup> DAY OF JUNE, 2010.**

\_\_\_\_\_  
Paul Livingston, Chair  
Richland County Council

Attest: \_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council



# Richland County Council Request of Action

**Subject**

Motion to establish an ad hoc committee to work with the City of Columbia to make a recommendation on an ordinance to restrict operating hours of establishments that serve alcohol. **[SMITH and MANNING]**

# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda

# Richland County Council Request of Action

**Subject**

- a. Contractual Matter/ Law Enforcement Services
- b. Columbia Venture vs. Richland County