

**RICHLAND COUNTY COUNCIL  
REGULAR SESSION  
COUNCIL CHAMBERS  
OCTOBER 17, 2006  
6:00 P.M.**

**CALL TO ORDER      Honorable Anthony G. Mizzell,  
Chairman**

**INVOCATION            Honorable Damon Jeter**

**PLEDGE OF ALLEGIANCE  
                                 Honorable Damon Jeter**

**ADOPTION OF AGENDA**

**CITIZEN'S INPUT**

**APPROVAL OF MINUTES**

**Regular Session:            October 3, 2006 [Pages 7-16]**

**REPORT OF THE COUNTY ATTORNEY FOR  
EXECUTIVE SESSION ITEMS**

**REPORT OF THE COUNTY ADMINISTRATOR**

- a.    TIF Update**
- b.    Animal Care Report**

**REPORT OF THE CLERK OF COUNCIL**

- a.    November 7<sup>th</sup> Council Meeting [Election Day]**
- b.    Mayor's Corporate Citizen Luncheon Oct. 24<sup>th</sup>  
12 Noon**

**REPORT OF THE CHAIRMAN**

**OPEN/CLOSE PUBLIC HEARINGS**

**1.f., 1.g., 1.h., 1.i., 1.j.,**

**APPROVAL OF CONSENT ITEMS**

**1.b., 1.c., 1.d., 1.e., 1.g., 1.h., 2.a., 2.b., 2.c., 2.d., 2.e., 2.f.,**

**1. THIRD READING ITEMS**

- a. 06-39MA  
Parker Jennings  
RU to PDD  
Mixed Use Development  
TMS# 01500-02-09  
1300 Peace Haven Road [Pages 17-19]**
- b. 06-41MA  
Seven Acre Cut, LLC  
M-1 to GC  
Retail  
TMS# 14600-03-59  
Killian Road & I-77 [CONSENT] [Pages 20-21]**
- c. 06-42MA  
Steven Odom  
RU/LI to RC  
Business Offices  
TMS# 21614-01-25 & 24(p)  
and TMS# 21613-01-01  
Lower Richland Blvd., [CONSENT]  
[Pages 22-23]**
- d. 06-43MA  
Stonemont Phase 2  
RU to RS-MD  
Residential Development  
TMS# 04100-01-09  
Koon Road [CONSENT] [Pages 24-25]**
- e. 06-44MA  
Brody Pointe  
RU to RS-LD  
Residential Use  
TMS# 01413-01-04/07  
137 & 139 Brody Rd., [CONSENT]  
[Pages 26-27]**

- f. An Ordinance Amendment to the Richland County Road Paving Program to permit reordering o the road priority list [PUBLIC HEARING] [Pages 28-30]**
- g. An Ordinance authorizing a quitclaim deed to Wardell Wallace for a 15' Right-of-Way on Bluff Oaks Road [PUBLIC HEARING] [Legal is requesting that this item be tabled] [Page 31]**
- h. An Ordinance authorizing a quit claim deed to Jerry L. Tucker purported Right-of-Way on Moon Rise Street [PUBLIC HEARING] [Page 32]**
- i. An Ordinance amending the fiscal year 2006-2007 general fund annual budget to allocate a portion of the County's road maintenance fee toward expenditures on specific projects road maintenance fee. [PUBLIC HEARING] [Pages 33-34]**
- j. An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land development; Article V, Zoning Districts and District Standards; Section 26-104, FP Floodplain Overlay District; Subsection (B), Applicability/Establishment; So as to adopt the 1995 Base Flood Elevations along the Congaree River [PUBLIC HEARING]**
- k. 06-23MA  
Bluegrass Villages  
RU to PDD  
Single Family S/D and related  
Commercial 12600-02-01  
Blythewood Road & Muller Road  
[CONSENT] [DEFERRED FROM 10/03  
MTG.] [Pages 35-38]**

## **2. SECOND READING ITEMS**

- a. Richland County/Homebuilders Association Task Force Budget Amendment [CONSENT] [Pages 39-40]**
- b. Sheriff's Budget Amendment: Homeland Security Coordinator FTE (\$28,250.00) [CONSENT] [Pages 41-42]**
- c. Sheriff's Budget Amendment: School Resource Officer FTE (\$42,566.00) [CONSENT] [Pages 43-44]**
- d. Ordinance authorizing the sale and issuance of up to \$4 million General Obligations for the purchase of Sheriff vehicles [CONSENT] [Pages 45-73]**
- e. Budget Amendment: Transportation Consultant (Carter Goble Lee \$56,400.00) [CONSENT] [Pages 74-75]**
- f. Ordinance authorizing the sale and issuance of up to \$7,000,000.00 Hospitality Tax Special Obligation Bond Anticipation Notes for the purchase of Recreation Property [CONSENT] [Pages 76-82]**
- g. Ordinance approving the Broad River Regional Wastewater Treatment Rate Adjustment [DEFERRED FROM 10/03 MTG] [Pages 83-91]**
- h. EMS Budget Amendment One (1) FTE Emergency Management Planner from Grant Funds [CONSENT][Pages 92-93]**

**6. APPROVAL OF RESOLUTION**

- a. A Resolution to appoint and commission Roger Myers as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County [Page 105]**

**7. CITIZEN'S INPUT**

**8. MOTION PERIOD**

**9. ADJOURNMENT**

- 3. REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE [DEFERRED FROM 09/26 mtg.]**
  - a. Approval of MOU with the Renaissance Foundation for funding of the Bethel Cultural Arts Center [Pages 94-99]**
- 4. REPORT OF RULES AND APPOINTMENTS COMMITTEE**
  - I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES [Page 100]**
    - A. Board of Zoning Adjustments and Appeals-1**
    - B. Employee Grievance Committee-1**
  - II. ITEMS FOR DISCUSSION**
    - A. Farmers' Market Committee [Pages 101-102]**
    - B. Lexington/Richland Alcohol and Drug Abuse Council**
- 5. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**
  - a. An Ordinance consenting to an assignment to HOLO (SC) QRS 16-91, INC or other applicable entity of certain rights and obligations of Holopack International Corp. [Page 103]**
  - b. L-J Lots 18 and 19 [Page 104]**

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 3, 2006 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	Anthony G. Mizzell
Vice Chair	L. Gregory Pearce, Jr.
Member	Valerie Hutchinson
Member	Joseph McEachern
Member	Mike Montgomery
Member	Damon Jeter
Member	Paul Livingston
Member	Joyce Dickerson
Member	Kit Smith
Member	Bernice G. Scott
Member	Doris Corley

**OTHERS PRESENT** – Milton Pope, Tony McDonald, Roxanne Matthews, Larry Smith, Amelia Linder, Chief Harrell, Donny Phipps, Anna Almeida, Michael Criss, Tiaa Rutherford, Jennie Sherry-Linder, Andy Metts, Stephany Snowden, Jennifer Dowden, Joe Cronin, Daniel Driggers, Rodolfo Callwood, Audrey Shifflett, Teresa Smith, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

### INVOCATION

The Invocation was given by the Honorable Joyce Dickerson

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

## PRESENTATION

**Mr. Neil McLean, Ex. Dir., Engenuity** – Mr. Neil McLean gave a brief update on Engenuity and the hydrogen and fuel cell economy. Mr. McLean stated that Engenuity is presently building a wet lab space at USC. Mr. McLean requested that the County evaluate hydrogen and fuel cell applications for County operations. Mr. McLean also invited Council to Engenuity '06 on the afternoon of October 17<sup>th</sup>.

**Mr. Curtis S. Bennett, Master Code Professional Planning & Development Services Department** – Mr. Donny Phipps recognized Mr. Curtis S. Bennett on becoming the first Master Code Professional in Richland County.

## ADOPTION OF AGENDA

Mr. Pope stated that a legal briefing regarding the bond policy needed to be added under Report of the County Attorney for Executive Session Items. Mr. Pearce moved, seconded by Mr. Montgomery, to add this item to the agenda. The vote in favor was unanimous.

Ms. Smith moved, seconded by Mr. McEachern, to move Executive Session until after the 2<sup>nd</sup> Citizen's Input. The vote in favor was unanimous.

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

## CITIZEN'S INPUT

The citizen that signed up did not speak at this time.

## APPROVAL OF MINUTES

**Regular Session: September 19, 2006** – Mr. Jeter moved, seconded by Ms. Dickerson, to reconsider the portion of the minutes dealing with the CMRTA. The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve the minutes. The vote was in favor.

**Special Called: September 19, 2006** – Mr. Livingston moved, seconded by Ms. Smith, to approve the minutes as distributed. The vote in favor was unanimous.

**Zoning Public Hearing: September 26, 2006** – Mr. Montgomery moved, seconded by Ms. Hutchinson, to approve the minutes with the following correction: 06-39MA, Parker Jennings, RU to PDD, Mixed-Use Development, 01500-02-09, 1300 Peace Haven Road was not approved unanimously. The vote in favor was unanimous.

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

### a. Outstanding Bonds—Legal Advice

Mr. Smith stated that along with the legal advice regarding outstanding bonds that if there were any questions regarding the Employee Grievance listed under the Report of the County Administrator those would need to be taken up during Executive Session.  
Richland County Council



## REPORT OF THE COUNTY ADMINISTRATOR

**Employee Grievance** – Mr. Pope stated that the Employee Grievance committee reheard the item and Administration concurs with their recommendation to uphold the termination. Mr. McEachern moved, seconded Ms. Smith, to uphold the Administrator's recommendation. The vote in favor was unanimous.

## REPORT OF THE CLERK OF COUNCIL

No report was given.

## REPORT OF THE CHAIRMAN

No report was given.

## PUBLIC HEARING ITEMS

Mr. Mizzell opened the floor to the following public hearings:

- **Ordinance to approve the Issuance and Sale of Special Resource Revenue Bonds for the Vulcan River Road Project** – No one signed up to speak.
- **Ordinance authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina, and International Truck and Engine Corporation** – No one signed up to speak.

The public hearing was closed.

## APPROVAL OF CONSENT ITEMS

Ms. Smith moved, seconded by Mr. Pearce, to approve the following consent items:

- **Ordinance to approve the Issuance and Sale of Special Resource Revenue Bonds for the Vulcan River Road Project** [Third Reading]
- **Ordinance authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina, and International Truck and Engine Corporation** [Third Reading]
- **Ordinance amending the Imagine Richland 2020 Comprehensive Plan, adopted on May 3, 1999, by incorporating the "Broad River Neighborhoods Master Plan" into the I-20 Interbeltway Subarea Plan** [Third Reading]
- **06-41MA, Seven Acre Cut, LLC, M-1 to GC, Retail, 14600-03-59, Killian Rd. & I-77** [Second Reading]
- **06-42MA, Steven Odom, RU/LI to RC, Business Offices, 21614-01-25 & 25 (p) and 21613-01-01, Lower Richland Blvd.** [Second Reading]
- **06-43MA, Stonemont Phase 2, RU to RS-MD, Residential Development, 04100-01-09, Koon Rd.** [Second Reading]
- **06-44MA, Brody Pointe, RU to RS-LD, Residential Use, 01413-01-04/07, 137 & 139 Brody Rd.** [Second Reading]

- **Richland County/Homebuilders Association Task Force Recommendations**
  1. **Amendments to Section 5 of Richland County Road Design Standards**
  2. **Budget Amendment (To Establish a Road Plan Inspection Fee of \$350 Per Inspection And Appropriate Eighty-Two Thousand Two Hundred [\$82,200] for Hiring of Two Inspectors in Engineering Department) [First Reading]**
- **Solid Waste Contract Renewals**
- **Design/build for State Farmers' Market Project**
- **Sheriff Budget Amendment: Homeland Security Coordinator FTE (\$28,250) [First Reading]**
- **Sheriff Budget Amendment: School Resource Officer FTE (\$29,710) [First Reading]**
- **Ordinance authorizing the sale and issuance of up to \$4 million General Obligation Bonds for the purchase of Sheriff Vehicles [First Reading]**
- **Budget Amendment: Transportation Consultant (Carter Goble Lee, \$56,400) [First Reading]**
- **Emergency Services Grant Approvals [First Reading]**
- **Ordinance authorizing the sale and issuance of up to \$7,000,000 Hospitality Tax Special Obligation Bond Anticipation Notes for the purchase of Recreation Property [First Reading]**

The vote in favor was unanimous.

### THIRD READING ITEMS

**06-23MA, Bluegrass Villages, RU to PDD, Single Family S/D and Related Commercial, 12600-02-01, Blythewood Road & Muller Road** – Ms. Dickerson moved, seconded by Mr. McEachern, to defer this item until the October 17<sup>th</sup> meeting. The vote in favor was unanimous.

**An Ordinance amending the Fiscal Year 2006-2007 Road Maintenance budget with an increase in the road maintenance fee to \$36.00 for private vehicles and \$44.00 for commercial vehicles with \$20.00 designated for road maintenance work and \$16.00/\$24.00 designated for funding mass transit and to appropriate two million eight hundred thousand dollars (\$2,800,000.00) for mass transit** – Ms. Livingston moved, seconded by Mr. Pearce, to approve this item. Mr. Jeter offered the following friendly amendment: contingent upon the county's ability to negotiate an intergovernmental agreement with the RTA, City of Columbia and other municipalities. Mr. Livingston did not accept the amendment.

Mr. Jeter moved, seconded by Ms. Dickerson, to include the following amendment to the ordinance: to negotiate an intergovernmental agreement with the RTA, City of Columbia and other municipalities. A discussion took place.

**POINT OF ORDER** – Mr. McEachern stated that the ordinance before Council tonight is not the ordinance that passed at the last meeting.

Mr. Montgomery offered the following friendly amendment: The City of Columbia, the Central Midlands Regional Transit Authority, City of Cayce, Town of Springdale, City of West Columbia, and any other municipality or governmental entity which shall participate in the operation of the transit system shall execute an intergovernmental agreement incorporating these terms and such other terms as are determined necessary by Richland County's attorney to effectuate the intent of this ordinance. The intergovernmental agreement shall commit the signatories to the terms and

conditions of this ordinance and to participation in development of the plan anticipated hereby. The intergovernmental agreement shall be executed by all parties prior to December 1, 2006.

Ms. Dickerson withdrew her second.

A discussion took place.

Mr. Montgomery moved, seconded by Mr. Jeter to include the following amendment to the ordinance: The City of Columbia, the Central Midlands Regional Transit Authority, City of Cayce, Town of Springdale, City of West Columbia, and any other municipality or governmental entity which shall participate in the operation of the transit system shall execute an intergovernmental agreement incorporating these terms and such other terms as are determined necessary by Richland County's attorney to effectuate the intent of this ordinance. The intergovernmental agreement shall commit the signatories to the terms and conditions of this ordinance and to participation in development of the plan anticipated hereby. The intergovernmental agreement shall be executed by all parties prior to December 1, 2006.

A discussion took place. Mr. Livingston offered a friendly amendment to only include the City of Columbia and RTA in the intergovernmental agreement with provision to allow the County Attorney to include any additional legal language that needs to be in place. Mr. Montgomery and Mr. Jeter accepted Mr. Livingston's amendment.

Mr. Pearce called for the question, seconded by Mr. Livingston.

<u>In favor</u>	<u>Oppose</u>
Montgomery	McEachern
Jeter	Corley
Pearce	Scott
Mizzell	Dickerson
Livingston	
Hutchinson	
Smith	

The vote on the call for the question failed.

<u>In favor</u>	<u>Oppose</u>
Montgomery	McEachern
Jeter	Corley
Hutchinson	Pearce
Smith	Mizzell
	Livingston
	Scott
	Dickerson

The vote on the amendment failed.

Ms. Smith moved, seconded by Ms. Scott, to offer the following amendment under Section IV, Subparagraph 4, (before the sentence beginning In addition): The Commission shall also assess the highways and road improvements that are needed to alleviate congestion that will allow people and goods to move through the County efficiently. This will include, but not be limited to, looking at incentives for development that will be conducive to public transit in all areas of the

County. Also, add the language that we will include plans to alleviate traffic congestion. For example, the Lower Richland connector and Clemson Road will be studied. Mr. Livingston and Mr. Pearce accepted the amendment.

Ms. Dickerson moved, seconded by Ms. Corley, to defer this item until the October 17<sup>th</sup> meeting.

<u>In favor</u>	<u>Oppose</u>
McEachern	Montgomery
Corley	Pearce
Hutchinson	Mizzell
Scott	Jeter
Dickerson	Livingston
	Smith

The substitute motion failed.

Ms. Smith moved for a recess, seconded by Ms. Scott.

<u>In favor</u>	<u>Oppose</u>
Montgomery	McEachern
Jeter	Corley
Pearce	Mizzell
Smith	Livingston
Scott	Hutchinson
	Dickerson

The motion for recess failed.

<u>In favor</u>	<u>Oppose</u>
Montgomery	McEachern
Jeter	Corley
Pearce	Hutchinson
Mizzell	Dickerson
Livingston	Smith
Scott	

A discussion took place regarding the vote. Mr. McEachern requested a recount. Mr. Smith stated that in order to clarify the vote a recount would be appropriate.

<u>In favor</u>	<u>Oppose</u>
Montgomery	McEachern
Jeter	Corley
Pearce	Hutchinson
Mizzell	Dickerson
Livingston	
Smith	

Another discussion took place regarding the vote. An individual voice vote was requested by Ms. Smith.

<u>In favor</u>	<u>Oppose</u>
Montgomery	McEachern
Jeter	Corley
Pearce	Hutchinson
Mizzell	Dickerson
Livingston	
Smith	
Scott	

The main motion with the amendment passed.

Ms. Scott moved for a recess, seconded by Ms. Smith. The vote in favor was unanimous.

Ms. Hutchinson moved, seconded by Mr. Pearce, to reconvene. The vote in favor was unanimous.

#### SECOND READING ITEMS

**06-39MA, Parker Jennings, RU TO PDD, Mixed Use Development, 01500-02-09, 1300 Peace Haven Road** – Ms. Corley moved, seconded by Mr. Livingston, to approve this item. The vote was in favor.

**Ordinance Amending the FY 2006-2007 General Fund Annual Budget to Allocate a Portion of the County's Road Maintenance Fee Toward Expenditures on Specific Projects** – Mr. Montgomery moved, seconded by Mr. Livingston, to approve this item. The vote was in favor.

#### REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

**Ordinance approving the Broad River Regional Wastewater Treatment Rate Adjustment** – Mr. McEachern stated that the committee recommended approval.

Mr. McEachern made a substitute motion to defer this item until the October 17<sup>th</sup> meeting, seconded by Ms. Hutchinson. A discussion took place. The substitute motion failed.

The vote on the committee's recommendation for First Reading approval was unanimous.

#### REPORT OF RULES AND APPOINTMENTS COMMITTEE

##### I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES

- a. **Community Relations Council—1** – Mr. McEachern stated the committee recommended staff to advertise for the vacancy. The vote in favor was unanimous.
- b. **Performing Arts Center Board—2** – Mr. McEachern stated the committee recommended staff to advertise for the vacancies. The vote in favor was unanimous.

- c. **Planning Commission—1** – Mr. McEachern stated the committee recommended staff to advertise for the vacancy. The vote in favor was unanimous.

**APPROVAL OF RESOLUTION**

**Resolution approving Richland County Council reimbursing certain expenditures incurred prior to the issuance by Richland County, South Carolina of its General Obligation Bond Anticipation Notes (Innovista Garage)** – Mr. Livingston moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

**APPLICATION FOR LOCATING A COMMUNITY RESIDENTIAL CARE FACILITY IN AN UNINCORPORATED AREA OF RICHLAND COUNTY**

**Sandra Smith, 600 Pineywoods Road, Columbia, South Carolina 29210** – Ms. Corley moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

**CITIZEN'S INPUT**

Mr. Henry Burke spoke regarding an ordinance on parked cars.

Mr. McEachern moved, seconded by Mr. Jeter, to waive Council's rules and allow Mr. Davoll speak regarding the road paving program ordinance. The vote in favor was unanimous.

Mr. Eugene Davoll spoke regarding the road paving program.

**EXECUTIVE SESSION ITEMS**

- a. **Pass Through Bond—Legal Advice**

Mr. Pearce moved, seconded by Mr. Montgomery, to go into Executive Session. The vote in favor was unanimous.

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**Council went into Executive Session at approximately 7:46 p.m. and came out at approximately 8:00 p.m.**  
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Mr. Pearce moved, seconded by Ms. Hutchinson, to come out of Executive Session. The vote in favor was unanimous.

**MOTION PERIOD**

**Resolution for Caroline Coleman Bennett and Naming Charlie's Columbia Backyard as Richland County's Children's Book** – Ms. Smith moved to adopt a resolution for Caroline Coleman Bennett and to name her book, Charlie's Columbia Backyard, as the official Richland County Children's Book. The vote in favor was unanimous.

**Update on Joint City/County Animal Shelter** – Mr. Mizzell requested an update on the joint City/County Animal Shelter. The vote in favor was unanimous.

**EXECUTIVE SESSION**

**b. Personnel Item**

Mr. Scott 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 8:10 p.m. and came out at approximately 8:14 p.m.**  
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**ADJOURNMENT**

Mr. Pearce moved, seconded by Ms. Scott, to adjourn. The vote in favor was unanimous.

The meeting adjourned at approximately 8:15 p.m.

\_\_\_\_\_  
Anthony G. Mizzell, Chair

\_\_\_\_\_  
L. Gregory Pearce, Jr. Vice-Chair

\_\_\_\_\_  
Doris M. Corley

\_\_\_\_\_  
Joyce Dickerson

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

\_\_\_\_\_  
Damon Jeter

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Paul Livingston

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Joseph McEachern

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Mike Montgomery

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley



**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**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 # 01500-02-09 FROM RU (RURAL DISTRICT) TO PDD (PLANNED DEVELOPMENT DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

**WHEREAS**, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

**WHEREAS**, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

**WHEREAS**, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

**WHEREAS**, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

**WHEREAS**, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

**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 RICHLAND COUNTY COUNCIL:**

**Section I.** The Zoning Map of unincorporated Richland County is hereby amended to change the property described as TMS # 01500-02-09, from RU (Rural District) zoning to PDD (Planned Development District) zoning.

**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 May 2, 2006) prepared for Lake Murray Utilities by Heritage Engineering, Inc., which was submitted to, and is on file in, the Richland County Planning & Development Services Department (hereinafter referred to as "PDSD"), and is incorporated herein by reference, except as otherwise amended herein; and
- b) The site development shall be limited to a proposed 1,200 square foot storage shed, an existing 5, 030 square foot metal building, and an existing 907 square foot office trailer as depicted on the "Development Plan", which is attached hereto as Exhibit A; and
- c) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the PDSD; and
- d) Sections 26-173, 26-176, and 26-179 of the Richland County Code of Ordinances require planned developments to adhere to landscape, parking, and pedestrian regulations as minimum standards; Richland County encourages the development at hand to exceed these minimum standards; and
- e) Exhibit A, which is attached hereto, constitutes the applicant's Sketch Plan for subdivision purposes, and is hereby approved for such purposes; and
- f) Proposed changes to the Master Plan shall be subject to the requirements of Section 26-59(j)(1) of the Richland County Land Development Code; and
- g) Access to the subject site shall conform to the proposed design unless public safety issues are present; and
- h) The applicant shall construct a landscape buffer "D" along the Easterly property line and a buffer along the southerly property line consisting of seven (7) foot evergreens, in addition to the buffer depicted on the Development Plan as required by the County's Development Review Team (DRT); and
- i) 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
- j) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest.

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

**Section V.** This ordinance shall be effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

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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

Public Hearing:           September 26, 2006  
First Reading:           September 26, 2006  
Second Reading:        October 3, 2006  
Third Reading:          October 17, 2006 (tentative)

**EXHIBIT A**

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**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 # 14600-03-59 FROM M-1 (LIGHT INDUSTRIAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

**WHEREAS**, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

**WHEREAS**, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

**WHEREAS**, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

**WHEREAS**, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

**WHEREAS**, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

**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 RICHLAND COUNTY COUNCIL:**

**Section I.** The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 14600-03-59 from M-1 (Light Industrial District) zoning to GC (General Commercial District) zoning.

**Section II.** 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.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section IV.** This ordinance shall be effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

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

RICHLAND COUNTY ATTORNEY’S OFFICE

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

- Public Hearing: September 26, 2006
- First Reading: September 26, 2006
- Second Reading: October 3, 2006
- Third Reading: October 17, 2006 (tentative)

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**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 PROPERTIES DESCRIBED HEREIN (TMS # 21614-01-25/24(p) AND TMS # 21613-01-01), FROM RU (RURAL DISTRICT) AND LI (LIGHT INDUSTRIAL DISTRICT) TO RC (RURAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

**WHEREAS**, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

**WHEREAS**, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

**WHEREAS**, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

**WHEREAS**, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

**WHEREAS**, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

**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 RICHLAND COUNTY COUNCIL:**

**Section I.** The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 21614-01-25/24 and TMS # 21613-01-01, from RU (Rural District) and LI (Light Industrial District) zoning to RC (Rural Commercial District) zoning.

**Section II.** 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.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section IV.** This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: September 26, 2006  
First Reading: September 26, 2006  
Second Reading: October 3, 2006  
Third Reading: October 17, 2006 (tentative)



**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**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 # 04100-01-09 FROM RU (RURAL DISTRICT) TO RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

**WHEREAS**, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

**WHEREAS**, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

**WHEREAS**, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

**WHEREAS**, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

**WHEREAS**, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

**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 RICHLAND COUNTY COUNCIL:**

**Section I.** The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 04100-01-09 from RU (Rural District) zoning to RS-MD (Residential, Single-Family – Medium Density District) zoning.

**Section II.** 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.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section IV.** This ordinance shall be effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: September 26, 2006  
First Reading: September 26, 2006  
Second Reading: October 3, 2006  
Third Reading: October 17, 2006 (tentative)

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**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 PROPERTIES DESCRIBED AS TMS # 01413-01-04/07 FROM RU (RURAL DISTRICT) TO RS-LD (RESIDENTIAL, SINGLE-FAMILY – LIGHT DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

**WHEREAS**, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

**WHEREAS**, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

**WHEREAS**, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

**WHEREAS**, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

**WHEREAS**, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

**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 RICHLAND COUNTY COUNCIL:

**Section I.** The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 01413-01-04/07 from RU (Rural District) zoning to RS-LD (Residential, Single-Family – Light Density District) zoning.

**Section II.** 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.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section IV.** This ordinance shall be effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:       September 26, 2006  
First Reading:       September 26, 2006  
Second Reading:     October 3, 2006  
Third Reading:       October 17, 2006 (tentative)

# AMENDED

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES, SECTION 21-20, ROAD PAVING PROGRAM; SUBSECTIONS (D) AND (E); SO AS TO PROVIDE ADDITIONAL MEANS FOR DETERMINING ROAD PAVING PRIORITIES.

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 21, Roads, Highways and Bridges, Section 21-20, Road Paving Program; Subsection (d); is hereby amended by the deletion of the language contained therein and the substitution of the following language:

(d) Roads will be prioritized in accordance with the following procedure, unless one of the exceptions provided in subsection (e) below are followed:

A road's priority for paving will be established by the number of points accredited to it as described below divided by it's length, with the highest total of points per mile constituting the highest priority. The points per mile (P) is calculated by the formula:

$$P = \frac{H + B + C + T + M}{L} \quad \text{Where:}$$

H=Number of points accredited for homes.

One point is accredited for each home accessed from the road. This will include mobile homes as well as permanent homes. It should be noted that the number of homes on a road is an indicator of the number of people using it as well as the importance of the road as a possible school bus route.

B=Number of Points accredited for businesses.

Two points are accredited for each business accessed from the road. To be eligible for these points, a business must occupy a building separate from any residence and rely on the road for either customer traffic or routine use by company vehicles.

C=Number of points accredited for churches.

Two points are accredited for each church accessed from the road.

# AMENDED

T=Number of points accredited for a through road.

Five points are accredited if the road is a through road connecting two different paved roads. It should be noted that a through road has the potential for people other than the residents to use it and it is also more likely to be utilized as a school bus route.

M=Number of points accredited for difficult maintenance.

From 0 to 10 points may accredited to a road based on the difficulty of maintaining it in serviceable condition as determined through consultation with the Roads and Drainage Manager.

L=Length of the road in miles and hundredths.

SECTION II. The Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges, Section 21-20, Road Paving Program; Subsection (e); is hereby amended by the deletion of the language contained therein and the substitution of the following language:

(e) Exceptions to the road paving priority list as established by subsection (d) above, are as follows:

- (1) A road's paving may be given top priority provided that all costs incurred by the County to pave it are paid by its adjacent property owners. Such costs may be included as an assessment on the tax bill of the property owners, to be paid over no more than a fifteen (15) year period with an interest charge equal to that paid by the County for bonds issued to fund construction. The County Council may elect to have the total costs, plus interest, of the improvements allocated between the property owners either by a front footage assessment ratio, or by each lot being assessed an equal share of the costs and interest. Establishment of this assessment shall require approval of eighty percent (80%) of the property owners.
- (2) Alternatively, any Richland County Council Member may petition the Public Works Director by written request to change the order of the roads that results from the mathematical formula of subsection (d) above. Such petition shall include justification for the reordering of the roads. However, such petition (including justification) shall be submitted to the entire County Council for action at a regular or special called County Council meeting if:
  - a. The Public Works Director denies the request, or
  - b. The proposed road is not within the top fifteen (15) roads on the paving priority list, or
  - c. The road paving costs will exceed \$50,000.

# AMENDED

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2006

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: September 12, 2006  
Second Reading: September 19, 2006  
Public Hearing: October 17, 2006 (tentative)  
Third Reading: October 17, 2006 (tentative)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-06HR

AN ORDINANCE AUTHORIZING QUIT-CLAIM DEED TO WARDELL WALLACE FOR A CERTAIN PORTION OF A RIGHT-OF-WAY KNOWN AS BLUFF OAKS ROAD, RICHLAND COUNTY.

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

SECTION I. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain portion of a right-of-way known as Bluff Oaks Road, Richland County, to Wardell Wallace, as specifically described in the attached quit claim deed, which is incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: September 12, 2006  
Second Reading: September 19, 2006  
Public Hearing: October 17, 2006 (tentative)  
Third reading: October 17, 2006 (tentative)



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-06HR

AN ORDINANCE AUTHORIZING QUIT-CLAIM DEED TO JERRY L. TUCKER FOR A CERTAIN TRACT OF LAND NOW OR FORMERLY KNOWN AS MOON RISE STREET, RICHLAND COUNTY.

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

SECTION I. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain tract of land now or formerly known as Moon Rise Street, Richland County, to Jerry L. Tucker, as specifically described in the attached quit claim deed, which is incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: September 12, 2006  
Second Reading: September 19, 2006  
Public Hearing: October 17, 2006 (tentative)  
Third reading: October 17, 2006 (tentative)

# DRAFT

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

**AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET BY AMENDING SECTION 22 AND SECTION 23 OF ORDINANCE NO. 066-06HR, WHICH WAS ENACTED ON JUNE 22, 2006, SO AS TO ALLOCATE A PORTION OF THE COUNTY'S ROAD MAINTENANCE FEE TOWARD EXPENDITURES ON SPECIFIC PROJECTS.**

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 22 of Ordinance No. 066-06HR, entitled, "An Ordinance to Raise Revenue, make Appropriations, and Adopt a Budget for Richland County, South Carolina for Fiscal Year Beginning July 1, 2006 and Ending June 30, 2007", is hereby amended to read as follows:

SECTION 22. A road maintenance fee of \$15 20 on each motorized vehicle licensed in Richland County shall be included on motor vehicle tax notices beginning ~~in January 2002~~ on July 1, 2006; provided, however, veterans who are totally and permanently disabled are exempt from having to pay such a fee ~~beginning July 1, 2006~~. The proceeds from the road maintenance fee will go into the County Road Maintenance Fund and shall be used specifically for the maintenance and improvement of the County road and/or drainage systems. Any interest earned on these funds shall accrue to this account. Any contracted attorney's fees incurred, as a result of litigation involving the road maintenance fee shall reduce the interest accrual. All other 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. As used in this section, "veterans who are totally and permanently disabled" means a person who is:

1. A wartime disabled veteran who is entitled to compensation for the loss, or loss of use of one or both legs or arms, or the permanent impairment of vision in both eyes to a degree as to constitute virtual blindness and is also entitled to a special monthly statutory award by reason thereof, or
2. Any South Carolina veteran classified as totally and permanently disabled due to service-connected disabilities as determined from medical records on file with the Veterans Administration.

**SECTION II.** Section 23 of Ordinance No. 066-06HR, entitled, "An Ordinance to Raise Revenue, make Appropriations, and Adopt a Budget for Richland County, South Carolina for Fiscal Year Beginning July 1, 2006 and Ending June 30, 2007", is hereby amended to read as follows:

SECTION 23. ~~The road maintenance fee shall increase from \$15 to \$20 on each motorized vehicle in Richland County and shall be implemented as of July 1, 2006. Five (\$5.00) Dollars of the total road maintenance fee shall be allocated toward the maintenance and improvement of the following specific road and/or drainage activities and associated resources as needed:~~

DRAFT

- a. Additional funding for drainage projects.
- b. Additional funding for Road paving and/or resurfacing.
- c. Traffic Calming.
- d. Road reclamation and full depth patching.
- e. Customer Service and field investigations of complaints.
- f. Reinstatement of the Balentine Work Crew.

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

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

**SECTION V. Effective Date.** This ordinance shall be enforced from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2006

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:	September 19, 2006
Second Reading:	October 3, 2006
Public Hearing:	October 17, 2006 (tentative)
Third Reading:	October 17, 2006 (tentative)

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**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 # 12600-02-01 FROM RU (RURAL DISTRICT) TO PDD (PLANNED DEVELOPMENT DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

**WHEREAS**, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

**WHEREAS**, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

**WHEREAS**, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

**WHEREAS**, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

**WHEREAS**, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

**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 RICHLAND COUNTY COUNCIL:**

**Section I.** The Zoning Map of unincorporated Richland County is hereby amended to change the property described as TMS # 12600-02-01, from RU (Rural District) zoning to PDD (Planned Development District) zoning.

**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 March 31, 2006 and revised through April 24, 2006) prepared for Bluegrass Villages by B.P. Barber & Associates, Inc., which was submitted to, and is on file in, the Richland County Planning & Development Services Department (hereinafter referred to as “PDSD”), and is incorporated herein by reference, except as otherwise amended herein; and
- b) The site development shall be limited to 134 dwelling units 16 acres of commercial use, substantially in the amounts and locations depicted in Exhibit A, which is attached hereto; and
- c) Should the applicant decide to develop the site in phases, a phasing plan must be provided to the PDSD prior to the department’s review of any construction plans or site specific plans; and
- d) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the PDSD; and
- e) Exhibit A, which is attached hereto, constitutes the applicant’s Sketch Plan for subdivision purposes, and is hereby approved for such purposes; and
- f) Proposed changes to the Master Plan shall be subject to the requirements of Section 26-59(j)(1) of the Richland County Land Development Code; and
- g) The applicant shall dedicate to Richland County a 30-foot right-of-way along the north side of Blythewood Road within the project boundaries at the time of subdivision review; and
- h) All internal streets shall be publicly owned and maintained by Richland County; and
- i) Access to the subject site shall be limited to three entrances on Muller Road and two entrances on Blythewood Road; and
- j) The applicant shall install right turn and left turn (deceleration) lanes at the Blythewood Road entrance into the project, which meets the requirements of the South Carolina Department of Transportation; and
- k) Prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSD 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
- l) The applicant shall attempt to utilize “Low Impact Design (LID)” or other acceptable stormwater management technologies; and
- m) 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
- n) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest.

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

**Section V.** This ordinance shall be effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: July 25, 2006  
First Reading: July 25, 2006  
Second Reading: September 12, 2006  
Third Reading: October 17, 2006 (tentative)

## **EXHIBIT A**

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET TO ESTABLISH A ROAD PLAN INSPECTION FEE OF \$350 PER INSPECTION AND APPROPRIATE EIGHTY-TWO THOUSAND TWO HUNDRED (\$82,200.00) FOR HIRING OF TWO INSPECTORS IN THE ENGINEERING DEPARTMENT.

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. That the amount of Eighty-Two Thousand Two Hundred Dollars (\$82,200.00) be appropriated to the FY 2006-2007 Engineering budget. Therefore, the Fiscal Year 2006-2007 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2006 as amended:	\$118,965,257
Appropriation of Road Plan Inspection Fee:	<u>82,200</u>
Total General Fund Revenue As Amended:	\$119,047,457

EXPENDITURES

Expenditures appropriated July 1, 2006 as amended:	\$118,965,257
Increase in Engineering Budget – add 2 Inspectors:	<u>82,200</u>
Total General Fund Expenditures As Amended:	\$119,047,457

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 \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair



ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2006

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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:           October 3, 2006  
Second Reading:       October 17, 2006 (tentative)  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET TO ONE FULL TIME POSITION FOR HOMELAND SECURITY COORDINATOR FOR THE SHERIFF'S DEPARTMENT. NO ADDIITONAL FUNDS ARE REQUIRED FOR FY 07.

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. That the FY 2006-2007 Sheriff's Department budget be amended to include the addition of one FTE for a Homeland Security Coordinator. Therefore, the Fiscal Year 2006-2007 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2006 as amended:	\$119,047,457
Appropriation of Revenue:	_____ -0-
Total General Fund Revenue As Amended:	\$119,047,457

EXPENDITURES

Expenditures appropriated July 1, 2006 as amended:	\$119,047,457
Increase in Sheriff's Department Budget – add 1 FTE:	_____ -0-
Total General Fund Expenditures As Amended:	\$119,047,457

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 \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2006

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Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

---

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

First Reading:           October 3, 2006  
Second Reading:       October 17, 2006 (tentative)  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET TO ADD ONE FULL TIME POSITION TO THE SHERIFF’S DEPARTMENT FOR A SCHOOL RESOURCE OFFICER FOR RICHLAND SCHOOL DISTRICT TWO AND APPROPRIATE TWENTY-NINE THOUSAND SEVEN HUNDRED TEN DOLLARS AND NO/100 (\$29,710.00) FOR EIGHT MONTHS OF FUNDING. THE COUNTY WILL RECEIVE REVENUE FROM THE SCHOOL DISTRICT TO OFF-SET COSTS.

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. That the FY 2006-2007 Sheriff’s Department budget be amended to include the addition of one FTE for a School Resource Officer. Therefore, the Fiscal Year 2006-2007 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2006 as amended:	\$119,047,457
Appropriation of SRO Revenue from SD Two:	<u>29,710</u>
Total General Fund Revenue As Amended:	\$119,077,167

EXPENDITURES

Expenditures appropriated July 1, 2006 as amended:	\$119,047,457
Increase in Sheriff’s Department Budget – add 1 FTE:	<u>29,710</u>
Total General Fund Expenditures As Amended:	\$119,077,167

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 \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2006

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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:           October 3, 2006  
Second Reading:       October 17, 2006 (tentative)  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_-06HR

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF RICHLAND COUNTY, SOUTH CAROLINA, SERIES 2006A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$4,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM 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.

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-Interim 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 approximate assessed value of all the taxable property in the County as of December 31, 2005, for purposes of computation of the County's constitutional debt limit, is \$1,158,704,057 which excludes exempt manufacturing property. Eight percent of such sum is \$92,696,324. 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 \$45,224,230. Thus, the County may incur not exceeding \$47,472,094 of additional general obligation debt within its applicable debt limitation. Within the next 60 days, the County intends to issue not to exceed \$7,750,000 general obligation bond anticipation notes which are subject to its

constitutional debt limit, thereby reducing its constitutional debt limit by the amount of bond anticipation notes actually issued.

(f) It is now in the best interest of the County for the County Council to provide for the issuance and sale of not exceeding \$4,000,000 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) acquisition of vehicles for the County Sheriff's Department as provided in the budgets for fiscal years 2005-06 and 2006-07; (ii) legal fees and 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 \$4,000,000 aggregate principal amount of general obligation bonds of the County to be designated "Not exceeding \$4,000,000 (or such other amount as may be issued) General Obligation Bonds of Richland County, South Carolina" (the "Bonds") for the purpose stated in Section 1(f) 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 Interim Administrator of the County (the "Interim 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 Interim Administrator.

Without further authorization, the County Council hereby delegates to the Interim Administrator the authority to determine (a) the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) the interest payment dates of the Bonds; (c) redemption provisions, if any, for the Bonds; (d) the time and date of sale of the Bonds; and (e) the registrar/paying agent for the Bonds, subject to the terms and conditions stated below. The County Council delegates to the Interim Administrator the authority to designate the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended. The County Council further delegates to the Interim Administrator the authority to receive bids on behalf of County Council and the authority to award the Bonds to the lowest bidder therefor, provided the true interest cost does not exceed 6%. After the sale of the Bonds, the Interim Administrator shall submit a written report to County Council setting forth the details of the Bonds as set forth in this paragraph.

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. The Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

SECTION 3. 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 4. 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 5. 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 6. Execution of Bonds. The Bonds shall be executed in the name of the County with the facsimile signature of the Chair of the County Council attested by the 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 7. Form of Bonds. The Bonds and the certificate of authentication shall be in substantially the form as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 8. Security for Bonds. 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.

The County Council, acting through its Chair, 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, a tax, without limit, 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.

SECTION 9. Notice of Initiative and Referendum. The County Council hereby delegates to its Chair and the Interim 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 Interim 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 to be named 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 Paying Agent. 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; and
- (b) Non-callable, U.S. Treasury Securities - State and Local Government Series (“SLGS”).

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.

SECTION 13. Sale of Bonds, Form of Notice of Sale. The Bonds shall be offered for public sale on the date and at the time designated by the Interim Administrator. A Notice of Sale shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper of general circulation in the State of South Carolina and/or in a financial publication published in the City of New York not less than seven (7) days prior to the date set for such sale.

The Notice of Sale shall be in substantially the form as set forth in Exhibit C attached hereto and incorporated herein by reference.

SECTION 14. Preliminary and Final Official Statement. The County Council hereby authorizes and directs the Interim 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 Interim Administrator to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 of the Securities Exchange Commission. The Interim 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 Continuing Disclosure Certificate, 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;
- (b) Accrued interest, if any, shall be applied to the payment of the first installment of interest to become due on the Bonds; and
- (c) The balance of the proceeds shall be applied upon warrant or order of the County Council for the purposes set forth in this Ordinance and to defray 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. Tax Covenants. The County covenants that no use of the proceeds of the sale of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of such Bonds would have caused the Bonds to be "arbitrage bonds", as defined in Section 148 of the Internal Revenue Code of 1986 (the "IRC"), and to that end the County hereby shall:

(a) Comply with the applicable provisions of Section 103 and Sections 141 through 150 of the IRC and any regulations promulgated thereunder so long as any of 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;

(c) Make such reports of such information at the times and places required by the IRC; and

(d) 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.

SECTION 20. 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, Interim County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. as bond counsel in connection with the issuance of the Bonds.

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.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2006.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair  
Richland County Council

(SEAL)

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

\_\_\_\_\_, 2006:

\_\_\_\_\_  
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:           October 3, 2006  
Date of Second Reading:       October 17, 2006 (tentative)  
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 2006A

No. R-

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

REGISTERED HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: DOLLARS

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

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

For the payment hereof, both 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 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 \_\_\_\_\_, 2006.

[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 \_\_\_\_\_, 2006, enacted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF RICHLAND COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$4,000,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM 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 \$4,000,000 General Obligation Bonds, Series 2006A (the "Bonds") of the County.

The proceeds of the Bond will be used to provide funds for (i) acquisition of vehicles for the County Sheriff's Department as provided in the budgets for fiscal years 2005-06 and 2006-07; (ii) legal fees and costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

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 Richland County and with the Clerk of the County, the initiative and referendum provisions of South Carolina law, Sections 4-9-1210 to 4-9-1230, South Carolina Code of Laws, 1976, as amended, shall not be applicable to the Ordinance. The intention to seek a referendum must be filed within twenty (20) days following the publication of this notice.

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

FORM OF NOTICE OF SALE

\$ \_\_\_\_\_ GENERAL OBLIGATION BONDS, SERIES 2006A  
OF RICHLAND COUNTY, STATE OF 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 12:00 Noon, South Carolina time, on \_\_\_\_\_, \_\_\_\_\_, 2006, at which time said proposals will be publicly opened for the purchase of \$ \_\_\_\_\_ General Obligation Bonds, Series 2006A, 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 2006A, Richland County, South Carolina" and should be directed to the Interim 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, Interim County Administrator, fax number (803) 576-2138.

Electronic Bids: Electronic proposals must be submitted through i-Deal's Parity Electronic Bid Submission System ("Parity"). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Parity may be obtained from i-Deal, 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 \_\_\_\_\_, 2006; 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. Notice of obtaining a commitment for such insurance will be transmitted via Munifacts. 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: 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. Within twenty-four (24) hours of the sale of the Bonds, The County will designate a registrar and paying agent ("Registrar/Paying Agent") for the Bonds. The Registrar/Paying Agent is a bank, trust company, depository or transfer agent organized under the laws of the State of South Carolina or the laws of the United States of America.

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 tic 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: (a) 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.

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 2006A, 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 Continuing Disclosure 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 \_\_\_\_\_, 2006, 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, Interim 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 \_\_\_\_\_, 2006, 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 any Nationally Recognized Municipal Securities Information Repository for purposes of the Rule. The list of National Repositories maintained by the United States Securities and Exchange Commission shall be conclusive for purposes of determining National Repositories. Currently, the following are National Repositories:

1. DPC Data Inc.  
One Executive Drive  
Fort Lee, New Jersey 07024  
(201) 346-0701 (phone)  
(201) 947-0107 (fax)  
Email: nrmsir@dpcdata.com
2. FT Interactive Data  
Attn: NRMSIR  
100 William Street  
New York, New York 10038  
(212) 771-6999 (phone)  
(212) 771-7390 (fax for secondary market information)  
(212) 771-7391 (fax for primary market information)  
Email: NRMSIR@FTID.com
3. Bloomberg Municipal Repository  
100 Business Park  
Skillman, NJ 08558  
(609) 279-3225 (phone)  
(609) 279-5962 (fax)  
Email: Munis@Bloomberg.com
4. Standard & Poor’s J.J. Kenny Repository  
55 Water Street  
45<sup>th</sup> Floor  
New York, New York 10041  
(212) 438-4595 (phone)  
(212) 438-3975 (fax)  
Email: nrmsir\_repository@sandp.com

“Official Statement” means that Official Statement prepared by the Issuer in connection with the Bonds as listed on Appendix A.

“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, 2005. 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 Dissemination 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 Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with the State Depository (if any) and (i) each National Repository, or (ii) the MSRB.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, 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 Dissemination Agent to so advise the Issuer shall not constitute a breach by the Disclosure Dissemination Agent of any of its duties and responsibilities under this Disclosure Agreement. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Reports.

(a) The Issuer may instruct the Disclosure Dissemination 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 Dissemination 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 Dissemination 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 Dissemination 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 2006A, \$ _____
Date of Issuance:	_____, 2006
Date of Official Statement	_____, 2006

CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
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CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
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 2006A, \$ \_\_\_\_\_  
Date of Issuance:                  \_\_\_\_\_, 2006  
Date of Official Statement:      \_\_\_\_\_, 2006

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 June 9, 2004, 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

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 March \_\_\_\_\_, 2006, 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 \$4,000,000 (the "Bonds"), the proceeds of which will be used to provide funds for (i) acquisition of vehicles for the County Sheriff's Department as provided in the budgets for fiscal years 2005-06 and 2006-07; (ii) legal fees and 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

# AMENDED 9-29-06

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE FIFTY-SIX THOUSAND FOUR HUNDRED (\$56,400.00) FOR TRANSPORTATION CONSULTANT SERVICES WHICH WOULD INCLUDE ASSESSING RICHLAND COUNTY'S MASS TRANSIT NEEDS, BUILDING A LONG-TERM FUTURE FUNDING PLAN FOR MASS TRANSIT , AND APPEARING AT COUNTY COUNCIL MEETINGS AND WORK SESSIONS.

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. That the amount of Fifty-Six Thousand Four Hundred Dollars (\$56,400.00) be appropriated to the FY 2006-2007 Professional Services budget. The City of Columbia will reimburse the County in the amount of Twenty-Eight Thousand Two Hundred Dollars (\$28,200.00) Therefore, the Fiscal Year 2006-2007 General Fund Annual Budget is hereby amended as follows:

## REVENUE

Revenue appropriated July 1, 2006 as amended:	\$118,908,857
Appropriation of General Fund unrestricted Fund Balance:	_____ 56,400
Total General Fund Revenue As Amended:	\$118,965,257

## EXPENDITURES

Expenditures appropriated July 1, 2006 as amended:	\$118,908,857
Increase in Professional Services Budget:	_____ 56,400
Total General Fund Expenditures As Amended:	\$118,965,257

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 \_\_\_\_\_, 2006.

# AMENDED 9-29-06

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2006

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:           October 3, 2006  
Second Reading:       October 17, 2006 (tentative)  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AUTHORIZING THE SALE AND ISSUANCE OF A NOT EXCEEDING \$7,000,000 HOSPITALITY TAX SPECIAL OBLIGATION BOND ANTICIPATION NOTE, SERIES 2006A, OF RICHLAND COUNTY, SOUTH CAROLINA; PROVIDING FOR THE FORM AND DETAILS OF THE NOTE; PROVIDING FOR THE PAYMENT OF THE NOTE; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS THEREOF; PROVIDING FOR THE ACQUISITION OF THE PROJECT; 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. Definitions. The terms defined in this Section for all purposes of this Ordinance shall have the respective meanings as set forth in this Section. The term:

"County" means Richland County, South Carolina.

"Code" means the Internal Revenue Code of 1986, as amended, from time to time, or any successor internal revenue laws of the United States enacted by the Congress of the United States in replacement thereof. References to the Code and sections of the Code include relevant applicable regulations, temporary regulations and proposed regulations thereunder and any successor provisions to those sections, regulations, temporary regulations or proposed regulations.

"Council" means the County Council of Richland County, South Carolina.

"Hospitality Tax" means the local Hospitality Tax imposed by the County pursuant to South Carolina Code Sections 6-1-700 to 6-1-770 and the Hospitality Tax Ordinance, which fee is equal to two percent (2%) on the gross proceeds derived from the sale of prepared meals and beverages for immediate consumption within the unincorporated area of the County.

"Hospitality Tax Ordinance" means Ordinance No. 025-03HR enacted by the County Council on May 6, 2003, which imposed the Hospitality Tax.

"Ordinance" means this Ordinance of the County.

"Project" means: (i) the acquisition of property for use as a destination recreational complex; and (ii) the costs of issuance including professional fees.

"South Carolina Code" shall mean South Carolina Code of Laws 1976 as amended.

"Hospitality Tax Special Obligation Bond Anticipation Note" shall be the not exceeding Hospitality Tax Special Obligation Bond Anticipation Note, Series 2006A authorized herein.

Section 2. 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 County operates under the Council-Administrator form of government and the County Council constitutes the governing body of the County.

(b) Pursuant to the authorization granted by the General Assembly to counties in Sections 6-1-700 to 6-1-770 of the South Carolina Code (collectively, the "Act"), the County Council imposed the Hospitality Tax.

(c) It is a well established principle of South Carolina law that the use of a particular word is not determinative of its characterization. Jackson v. Breeland, 88 S.E. 128, 103 S.C. 184 (1915). As set forth in Brown v. County of Horry, 417 S.E.2d 565, 308 S.C. 180 (1992), the factors that are of paramount importance to the analysis of whether a charge constitutes a "tax" or a "fee" are the following: (1) the purpose behind its imposition; (2) the intended portion of the community that will be charged; and (3) the dedication of the sums so collected to the purpose for which it is charged. The Council finds that its actions in (1) imposing the Hospitality Tax; and (2) segregating the collections received from such fees in order that such sums be utilized according to the Act meet the test enunciated in Brown such that the charges imposed pursuant to the provisions of the Hospitality Tax Ordinance constitute fees.

(d) A vibrant tourism industry fosters and enhances the economic growth and well being of a community and its residents. Tourism has been and continues to be a growing industry for the County. The recreational complex will be a major tourist attraction located within the County.

(e) [reserved].

(f) There is a need to undertake the Project. In order to finance the cost of the Project, the County has determined to issue a hospitality tax special obligation bond anticipation note.

(g) The Hospitality Tax may be used only for the purposes stated in Section 6-1-730 of the South Carolina Code. The Hospitality Tax constitutes an "enterprise charge" within the meaning of Section 11-27-110(A)(4) of the South Carolina Code and the Hospitality Tax Special Obligation Bond Anticipation note constitutes an "enterprise financing agreement" within the meaning of Section 11-27-110(A)(5) of the South Carolina Code and as such the Hospitality Tax Special Obligation Bond Anticipation Note shall not be included within the County's constitutional debt limitation.

(h) The Council finds that the proceeds of the Hospitality Tax Special Obligation Bond Anticipation Note authorized by this Ordinance, as well as the Hospitality Tax pledged in connection therewith, will be used for a public purpose and that the execution and delivery of the Hospitality Tax Special Obligation Bond Anticipation Note as well as all related documents is necessary and in the best interest of the County.

(i) In order to finance the cost of the Project, it is necessary and in the best interest of the County to issue the Hospitality Tax Special Obligation Bond Anticipation Note authorized by this Ordinance. Such transaction will serve a proper public and corporate purpose of the County.

Section 3. Acquisition of the Project. [To be provided]

Section 4. Authorization and Details of Hospitality Tax Special Obligation Bond Anticipation Note.

There is hereby authorized to be issued the Hospitality Tax Special Obligation Bond Anticipation Note in fully-registered form payable to the named payee as may be designated by the purchaser thereof. The Hospitality Tax Special Obligation Bond Anticipation Note shall be offered for sale at one time. The Council hereby delegates to the County Administrator the authority to offer the Hospitality Tax Special Obligation Bond Anticipation Note for sale at such time as he deems to be in the best interest of the County. The County Administrator may arrange the sale of the Hospitality Tax Special Obligation Bond Anticipation Note by negotiation or may cause the Hospitality Tax Special Obligation Bond Anticipation Note to be advertised and bids received therefor. If so advertised, a Notice of Sale may be prescribed and distributed as deemed advisable. The County further delegates to the County Administrator the authority to receive responses on behalf of the County and the authority to award the sale of the Hospitality Tax Special Obligation Bond Anticipation Note to the bank offering to purchase the Hospitality Tax Special Obligation Bond Anticipation Note at the lowest net interest cost to the County provided the interest rate on the Hospitality Tax Special Obligation Bond Anticipation Note shall not exceed 6%. After the sale of the Hospitality Tax Special Obligation Bond Anticipation Note, the County Administrator shall submit a written report to the Council setting forth the results of the sale of the Hospitality Tax Special Obligation Bond Anticipation Note.

The Hospitality Tax Special Obligation Bond Anticipation Note issued in fully-registered form shall be registered as to both principal and interest; shall be dated as of the date of delivery; shall mature not later than one (1) year from the date thereof; and shall not be subject to penalty if paid prior to maturity.

Both the principal of and interest on the Hospitality Tax Special Obligation Bond Anticipation Note 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 a bank or trust company organized under the laws of the State of South Carolina or the laws of the United States of America.

The Hospitality Tax Special Obligation Bond Anticipation Note shall be executed in the name of the County with the facsimile signature of the Chairman of County Council attested by the facsimile signature of the Clerk of the County Council under the seal of the County to be imprinted, impressed or reproduced thereon.

The Hospitality Tax Special Obligation Bond Anticipation in fully-registered form shall be issued in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

Section 5. Security. The County Council irrevocably obligates and binds the County to effect the issuance of a sufficient amount of hospitality tax special obligation bonds prior to the stated maturity of the Hospitality Tax Special Obligation Bond Anticipation Note. At the time of issuance of the hospitality tax special obligation bonds, the County will enact an ordinance setting forth the details thereof.

Section 6. Pledge of Hospitality Tax. As additional security for its obligation to make payments pursuant to the Hospitality Tax Special Obligation Bond Anticipation Note, the County hereby pledges the Hospitality Tax to the extent necessary to make all required payments under the Hospitality Tax Special Obligation Bond Anticipation Note.

Section 7. Tax Covenants. The County covenants that no use of the proceeds of the sale of the Hospitality Fee Special Obligation Bond Anticipation Note shall be made which, if such use had been reasonably expected on the date of issue of such Hospitality Fee Special Obligation Bond Anticipation Note would have caused the Hospitality Fee Special Obligation Bond Anticipation Note to be "arbitrage bonds", as defined in Section 148 of the Internal Revenue Code of 1986 (the "IRC"), and to that end the County hereby shall:

(a) Comply with the applicable provisions of Section 103 and Sections 141 through 150 of the IRC and any regulations promulgated thereunder so long as any of the Hospitality Fee Special Obligation Bond Anticipation Note is 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;

(c) Make such reports of such information at the times and places required by the IRC; and

(d) Not take any action which will, or fail to take any action which failure will, cause interest on the Hospitality Fee Special Obligation Bond Anticipation Note 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 Hospitality Fee Special Obligation Bond Anticipation Note.

Section 8. 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 Hospitality Fee Special Obligation Bond Anticipation Note: 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 in connection with the issuance of the Hospitality Fee Special Obligation Bond Anticipation Note.

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 \_\_\_\_\_, 2006.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair  
Richland County Council

(SEAL)

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

\_\_\_\_\_, 2006:

\_\_\_\_\_  
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:           October 3, 2006  
Date of Second Reading:       October 17, 2006 (tentative)  
Date of Third Reading:         November \_\_, 2006 (tentative)

(FORM OF NOTE)

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
RICHLAND COUNTY  
HOSPITALITY TAX SPECIAL OBLIGATION  
BOND ANTICIPATION NOTE, 2005

\_\_\_\_\_, 2005 \$ \_\_\_\_\_

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 "Purchaser"), or its registered assigns, the principal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), on \_\_\_\_\_, 2005 (unless this 2005 Note shall be prepaid at an earlier date). This Note shall bear interest on the principal amounts from its date at the rate of \_\_\_\_\_% per annum.

Both the principal of and interest on this 2005 Note are payable upon presentation and surrender of this 2005 Note at the principal office of the Purchaser, 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 the principal of or interest on this 2005 Note, or both, in whole or in part, from time to time, without penalty.]

This Note is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina and an ordinance duly enacted on \_\_\_\_\_, 2005 (the "Ordinance"), by the County Council, in anticipation of the issuance of a hospitality tax special obligation bond (the "Bond") to be issued by the County.

This 2005 Note is payable, both as to principal and interest, from the proceeds of the Bond. This 2005 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. As additional security for its obligation to make payments pursuant to the Hospitality Tax Special Obligation Bond Anticipation Note, the County hereby pledges the Hospitality Tax to the extent necessary to make all required payments under the Hospitality Tax Special Obligation Bond Anticipation Note.

This 2005 Note has been initially registered in the name of the Purchaser 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 2005 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 2005 Note.

This 2005 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 2005 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 2005 Note is issued.

In witness whereof, Richland County, South Carolina, has caused this 2005 Note to be executed in its name by the manual or facsimile signature of the Chair of the County Council and attested by the manual or facsimile signature of the Clerk to Council under the seal of the County and this 2005 Note to be dated the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

COUNTY OF RICHLAND, SOUTH CAROLINA

\_\_\_\_\_  
Chair, Richland County Council

(SEAL)

ATTEST:

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

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE PROVIDING FOR AN INCREASE IN THE RATES TO BE PAID BY USERS OF THE BROAD RIVER REGIONAL SEWER SYSTEM AND INCREASING THE TAP FEES TO BE PAID BY USERS OF THE BROAD RIVER REGIONAL SEWER SYSTEM IN CONNECTION WITH THE ISSUANCE AND SALE OF SEWER SYSTEM GENERAL OBLIGATION BOND ANTICIPATION NOTES AND/OR SEWER SYSTEM GENERAL OBLIGATION BONDS OF RICHLAND COUNTY, SOUTH CAROLINA, SERIES 2006A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$12,000,000; 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 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) The County Council has previously determined to establish, operate, and maintain a wastewater collection and treatment system in the Nicholas Creek and Hollingshed Creek drainage basins and a portion of Lake Murray now known as the Broad River Regional Sewer System (the "System") pursuant to the favorable results of a referendum held in Richland County on November 7, 1978, on the question of the County's providing sewage services and the provisions of Section 44-55-1410 of the Code of Laws of South Carolina 1976, as amended and other provisions of law.

(c) The County Council has previously determined that it is necessary to upgrade the Broad River Regional Wastewater Treatment Plant from a 2.5 million gallon per day facility to a 6.0 million gallon per day facility (the "Project").

(d) The County Council has been advised that the current estimated costs of construction of the Project will be approximately \$25,000,000. The County Council has previously determined that it will be in the interest of the County to pay the costs of the Project from the proceeds of sewer system general obligation bonds (the "Bonds").

(e) By virtue of the Chapter 15, Title 4 of the Code of laws of South Carolina 1976, as amended (the "County Bond Act") and continued by Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended (the County Bond Act, as so amended and continued, being hereinafter called the "Enabling Act"), County Council is authorized to issue general obligation bonds of the County for the purpose of defraying the cost of any purpose for which the County may, under applicable constitutional provisions, issue bonds or levy taxes, and for any amount not exceeding the constitutional debt limit applicable to the County.

(f) Section 12 of Article X of the South Carolina Constitution prohibits the issuance of general obligation bonds of any county to finance wastewater collection and treatment facilities benefiting only a particular geographic section of a county unless a special assessment, tax, or service charge in an amount designed to provide debt service shall be imposed upon the areas or persons receiving the benefit therefrom.

(g) Sections 11-23-10 et seq. of the Code of Laws of South Carolina 1976, as amended, authorizes County Council to provide in the ordinance which makes provision for the issuance of the Bonds that the Bonds shall be additionally secured by all or any portion of the revenues to be derived from the operation of the System.

(h) Pursuant to the provisions of the Enabling Act, Article X, Section 12 of the South Carolina Constitution, and Section 11-23-10, Code of Laws of South Carolina 1976 as amended, the County has provided for the imposition and collection of service charges and user fees to be paid by customers of the System in an amount sufficient to pay, when due, debt service on the Bonds to be issued.

(i) After due investigation, County Council has determined and hereby finds that the imposition and collection of service charges, user fees and tap fees as established in this Ordinance and as may be increased from time to time to be paid by customers of the System will be necessary and sufficient to provide for the payment of the principal and interest on the Bonds to be issued, and the requirements of Article X, Section 12 of the South Carolina Constitution with respect to the issuance of the Bonds will be met.

SECTION 2. Establishment of User Fee Rates and Tap Fees.

(a) Until changed by subsequent action of the County Council or a change required to comply with any covenant made by the County, the monthly user fee rate for each customer of the System shall be \$35.23.

(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 customer connecting to the System shall be \$2,700.00.

SECTION 3. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the user rate fees and tap fees, such notice in substantially the form attached hereto as Exhibit A, 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 4. Miscellaneous. 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 enactment.

SECTION 4. Effective Date. This Ordinance shall be effective from and after \_\_\_\_\_,  
2006.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2006.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:           October 3, 2006  
Second Reading:       October 17, 2006 (tentative)  
Public Hearing:  
Third Reading:

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 \_\_\_\_\_, 2006, 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 an increase in the rates to be paid by users of the Broad River Regional Sewer System and increasing the tap fees to be paid by users of the Broad River Regional Sewer System

The Ordinance provides for an increase in the monthly user fee service charge from \$29.80 to \$35.23 and increases the tap fee from \$2,200.00 to \$2,700.00.

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.

COUNTY COUNCIL OF RICHLAND COUNTY,  
SOUTH CAROLINA

s/ \_\_\_\_\_  
Chair

# Richland County Council Request of Action

**Subject:** Broad River Regional Wastewater Treatment Rate Adjustment

## **A. Purpose**

The purpose of this report is to provide County Council with information to support a rate adjustment for the Broad River Regional sewer system.

## **B. Background**

In May 2000, County Council authorized the staff to proceed with the upgrade of the Broad River Regional Wastewater Treatment Plant. In September 2003, bonds were issued in the amount of \$15,500,000 for this project. During the bid process, several events around the world had a dramatic affect on the construction industry. Because of high demand and short supply of concrete and steel, prices of these items have skyrocketed. The design engineer's revised cost estimate now has the estimated cost to be approximately \$25,750,000.

During the May 2006 County Council meeting, Council authorized staff to proceed with bidding the project and to issue Bond Anticipation Notes (BAN) to provide the additional funds required for construction. The BANs are to be issued in an amount not to exceed \$12,000,000. As presented during the May 2006 meeting, a rate increase will be required to offset the additional construction cost.

During the September 26, 2006 meeting of the Development and Services Committee, the committee recommended that Council proceed with "Option B," as outlined below.

## **C. Discussion and Financial Impact**

Based on the current cost estimate, an additional \$10,240,000.00 is needed to fund the project. Additional bonds can be issued to cover these increased costs. The debt service payment would be paid by the users of the system through a combination of user fees and tap fees. Below is a comparison of present user fees and tap fees to those required if additional bonds are issued.

### **Current design**

Estimated Construction Cost	25,740,000.00
Available Funds	<u>15,500,000.00</u>
Additional Funds Required	10,240,000.00

\$10,240,000.00 bond issue with payoff over 20 years at 4% interest.

Annual debt service payment = \$753,477.00

Assume 8100 existing customers

Assume 450 new customers connect annually



**Funding Option A**

User fees to be increased to cover all of the debt service payment.

$$\$753,477.00 / 8100 \text{ cust.} / 12 \text{ mo.} = \$7.75 / \text{mo. Increase}$$

$$\$29.80 + \$7.75 = \$37.55 / \text{mo.}$$

**Funding Option B**

A \$500.00 fee increase to new customer tap fees, and an increase in user fees to cover the balance of debt service payment.

$$450 \times \$500.00 = \$225,000.00$$

$$\$753,477.00 - \$225,000.00 = \$528,477.00$$

$$\$528,477.00 / 8100 \text{ cust.} / 12 \text{ mo.} = \$5.43 / \text{mo. Increase}$$

$$\$29.80 + \$5.43 = \$35.23 / \text{mo.}$$

**Funding Option C**

Same as #2, but with \$100,000.00 of Utilities Department construction budget being used for payment of debt service.

$$\$528,477.00 - \$100,000.00 = \$428,477.00$$

$$\$428,477.00 / 8100 \text{ cust.} / 12 \text{ mo.} = \$4.71 / \text{mo. Increase}$$

$$\$29.80 + \$4.71 = \$34.51 / \text{mo.}$$

The above comparison shows impacts on sewer tap fees and user fees if bid prices are similar to the construction cost estimates. The only way to know for sure of what the construction cost will be is to bid the project.

Council approved proceeding under Funding Option C at the May 2006 meeting. However, during the September 2006 D&S meeting, the committee recommended that Council move forward under Option B.

Our current sewer tap fee is \$2,200.00 and our monthly user fee is \$29.80. These rates can be compared to other sewer service providers as shown on the attached "Wastewater Rate Comparison" sheet.

**D. Recommendation**

When this item was sent to the D&S Committee in September, the recommendation of the Utilities Director, Andy Metts, was for County Council to approve the rates as established in Funding Option C. These rates would provide the least impact on customers by increasing the user fees for existing customers by \$4.71 per month and by adding an additional \$500.00 to the tap fees for new customers.

Option C establishes the monthly fee at \$34.50 per month which is less than the average of \$37.50 per month for other sewer service providers in the area. Also, \$100,000.00 per year

from the Utilities Department's capital improvement budget can be redirected to cover a portion of the debt service payment. This combination of user fees, tap fees and existing fund balance will provide the least impact on existing and future customers. The new rates will become effective January 1, 2007.

However, as mentioned, the committee recommended funding the project under Option B. This option would result in a higher monthly fee of \$35.23 charged to customers, and would not include an annual transfer of \$100,000 from the Utilities Department's capital improvement budget.

## F. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 10/10/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Current sewer plant construction bond issue being considered by Council is contingent upon a rate structure change in order to fund the debt service payments therefore we recommend conceptual approval of a rate increase. The final numbers of the change in rate will be determined by the funding option approved by Council.

### Procurement

Reviewed by: Rodolfo Callwood

Date: 10-10-06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### Legal

Reviewed by: Amelia R. Linder

Date: 10-11-06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: All three funding options appear to be legally sufficient. On September 26, 2006, the D&S committee recommended, and on October 3, 2006 County Council gave first reading to, Option B.

### Administration

Reviewed by: Tony McDonald

Date: 10/11/06

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Staff's previous recommendation was Option C; however, the Council approved Option B on first reading. The only difference between the two is that Option B carries a slightly higher rate increase for the customers.

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

AN ORDINANCE PROVIDING FOR AN INCREASE IN THE RATES TO BE PAID BY USERS OF THE BROAD RIVER REGIONAL SEWER SYSTEM AND INCREASING THE TAP FEES TO BE PAID BY USERS OF THE BROAD RIVER REGIONAL SEWER SYSTEM IN CONNECTION WITH THE ISSUANCE AND SALE OF SEWER SYSTEM GENERAL OBLIGATION BOND ANTICIPATION NOTES AND/OR SEWER SYSTEM GENERAL OBLIGATION BONDS OF RICHLAND COUNTY, SOUTH CAROLINA, SERIES 2006A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$12,000,000; AND OTHER MATTERS RELATING THERETO.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET TO ADD ONE FULL TIME POSITION TO THE EMERGENCY SERVICES DEPARTMENT FOR AN EMERGENCY MANAGEMENT PLANNER TO BE FUNDED THROUGH GRANT FUNDS.

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. That the FY 2006-2007 Emergency Service’s Department budget be amended to include the addition of one FTE for an Emergency Management Planner. Therefore, the Fiscal Year 2006-2007 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2006 as amended:	\$119,077,167
Appropriation of Revenue:	<u>                  -0-</u>
Total General Fund Revenue As Amended:	\$119,077,167

EXPENDITURES

Expenditures appropriated July 1, 2006 as amended:	\$119,077,167
Increase in Emergency Service’s Department Budget:	<u>                  -0-</u>
Total General Fund Expenditures As Amended:	\$119,077,167

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 \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2006

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Michelle 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:           October 3, 2006  
Second Reading:       October 17, 2006 (tentative)  
Public Hearing:  
Third Reading:

**Renaissance Foundation  
Budget Plan for \$500,000 Received from Richland County**

<b>Description of Expenses</b>	<b>2006 <u>Budget</u></b>	<b>2007 <u>Budget</u></b>	<b>2008 <u>Budget</u></b>	<b>2009 <u>Budget</u></b>	<b>2010 <u>Budget</u></b>
<b>Personnel and Fringe Benefits</b>					
Executive Director	27,500	27,500	27,500	27,500	27,500
<b>Other Services</b>					
Accounting Services	2500	2500	2500	2500	2500
<b>Marketing</b>					
Consultants	66,150	66,150	66,150	66,150	66,150
Postage	500	500	500	500	500
Office Supplies	250	250	250	250	250
Memberships	300	300	300	300	300
Printing/Copies	1500	1500	1500	1500	1500
Internet Services	300	300	300	300	300
Network					
Maintenance	<u>1000</u>	<u>1000</u>	<u>1000</u>	<u>1000</u>	<u>1000</u>
<b>Total Expenses</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>

**STATE OF SOUTH CAROLINA )**  
**)**  
**)**  
**COUNTY OF RICHLAND )**      **MEMORANDUM OF UNDERSTANDING**  
**BETWEEN THE RENAISSANCE**  
**FOUNDATION AND RICHLAND**  
**COUNTY, SOUTH CAROLINA**

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between the Renaissance Foundation and Richland County, South Carolina.

WHEREAS, Richland County has imposed a local hospitality tax, as provided in §§6-1-700 et seq., S.C. Code 1976, as amended, the funds from which must be used in accordance with State law; and

WHEREAS, the Renaissance Foundation is a 501(c)(3) non-profit organization under the United States Internal Revenue Code, was created to provide cultural diversity, outreach, resources, partnerships and initiatives within the community in order to bridge the gaps of disparities and to provide a platform to address these issues; and

WHEREAS, the Renaissance Foundation plans to open the Bethel Cultural Arts Center at the site of historic Bethel AME Church, which will include a museum and performing arts facility that will enhance Columbia City Center’s inventory of venues by offering a variety of events that will attract a diverse audience to the museum and performing arts venue; and

WHEREAS, the Richland County Council recognizes the positive contributions the Renaissance Foundation can make toward improving the lives of citizens in Richland County and attracting tourism to Richland County, and desires to take full advantage of these contributions; and

WHEREAS, the Richland County Council, in exchange for the aforementioned contributions and services to the community, has determined that it is appropriate to award the

sum of One Hundred Thousand (\$100,000.00) Dollars per year to the Renaissance Foundation for fiscal year 2006/2007 through fiscal year 2010/2011, from the Local Hospitality Tax Revenue Fund.

NOW, THEREFORE, in consideration of the mutual benefits, covenants and agreements described herein, the parties hereto agree as follows:

- 1) The Renaissance Foundation will continue to work towards establishing the Bethel Cultural Arts Center;
- 2) Richland County agrees to award the Renaissance Foundation the sum of One Hundred Thousand (\$100,000.00) Dollars for each of the fiscal years 2006/2007 through 2010/2011, which shall equal a total award of Five Hundred Thousand (\$500,000.00) Dollars over five years. Such funds are to be used as program operating funds and shall only be applied towards tourism related activities, as in accordance with §6-1-730, S.C. Code 1976, as amended.
- 3) The Renaissance Foundation shall request disbursement of approved funding by writing to the Richland County Budget Department on a quarterly basis, with the quarters being July-September, October-December, January-March and April-June. Such requests shall include a balance sheet and expenditure summary as of the end of the preceding quarter. The requests for disbursements should be mailed to: Richland County Budget Department, Hospitality Tax Disbursements, P.O. Box 192, Columbia, SC 29202;
- 4) The parties hereto understand that the funding for this award is for fiscal years 2006/2007 through 2010/2011 only, and that the appropriations herein agreed to shall be subject to the availability of funds for Richland County during each fiscal



year;

- 5) The parties understand that the Renaissance Foundation shall submit a budget plan for the complete Five Hundred Thousand (\$500,000.00) Dollar award, which must be approved by Richland County Council before disbursement of any funds.
- 6) The parties understand the Renaissance Foundation shall submit a report of expenditures and the impact on tourism for the preceding calendar year and a plan for the upcoming calendar year to the County Administrator on or before March 1 of each year. The parties further understand that it is the intent of Richland County to conduct a yearly review of the recipient agency herein to determine whether to continue funding of the recipient agency and at what level, contingent on the availability of funds in successive fiscal years;
- 7) The parties understand that Richland County strongly encourages the Renaissance Foundation to seek funding from the City of Columbia and any other governmental or private entity in an amount greater than or equal to the amount awarded herein and that such matching funding is vital to the success of the Renaissance Foundation.
- 8) This Agreement shall remain in full force and effect for fiscal years 2006/2007 through 2010/2011 provided the Renaissance Foundation continues to carry out its above-stated mission and uses the award for tourism related activities. If at any time Richland County Council finds that the awarded funds are not being used in accordance with Local Hospitality Tax requirements, as provided in applicable State law and the Richland County Code, Chapter 23, Article 6, this Memorandum of Understanding shall immediately terminate. **The Renaissance**

**Foundation has respectfully submitted the following amendment to the language:** If at any time Richland County Council finds that the awarded funds are not being used in accordance with Local Hospitality Tax requirements, as provided in applicable State law and the Richland County Code, Chapter 23, Article 6, ~~this Memorandum of Understanding shall immediately terminate.~~ **the County shall advise the Renaissance Foundation in writing of the basis of its finding that the awarded funds are not being used in accordance with the aforementioned statute and applicable law. Upon receipt of the written notice, the Renaissance Foundation shall have thirty days to provide a written response and to provide an accounting herein.**

- 9) The parties hereto expressly agree that the tendering of this award by Richland County and the acceptance thereof by the Renaissance Foundation in no way creates any agency relationship between the parties or any relationship which would subject Richland County to any liability for any acts or omissions of the recipient entity or entities. The Renaissance Foundation shall indemnify and hold harmless Richland County, its parent, subsidiaries and affiliates and all their respective directors, council members, officers, agents and employees (hereafter collectively referred to as the "Indemnatee") from liability, damages, losses, costs, expenses, demands, claims, suits, actions and causes of action on account of illness, personal injury or death to employees or any other persons, damage to property of Richland County or others or other loss or liability arising from or in connection with the Renaissance Foundation's performance of any services funded by this award. Further, the Renaissance Foundation, at its own expense,

shall defend any demand, claim, suit, action or cause of action brought against the Indemnatee where such demand, claim, suit, action or cause of action arises from any cause for which the Indemnatee may be entitled to be indemnified and held harmless pursuant to this agreement, arising from or in connection with such demand, claim, suit, action or cause of action; provided, however, that the Indemnatee shall be entitled to participate in such defense.

- 10) Any such employees, volunteers or persons authorized to conduct or carry out the mission of the Renaissance Foundation shall be the sole responsibility of the Renaissance Foundation, which shall ensure that such persons comply with all applicable laws, rules, regulations or decisions of any federal, state, county or municipal governmental authority (including all requirements of state, federal or other grant authorities to ensure a drug-free workplace).

IN WITNESS WHEREOF WE THE UNDERSIGNED have this \_\_\_\_\_ day of \_\_\_\_\_, 2006, set our hand and seal hereon.

THE RENAISSANCE FOUNDATION:

WITNESSES:

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RICHLAND COUNTY COUNCIL

WITNESSES:

\_\_\_\_\_  
Anthony G. Mizzell  
Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Richland County Council

## Rules and Appointments Committee



*Joseph McEachern*  
Chairman  
District Seven

*Paul Livingston*  
District Four

*Mike Montgomery*  
District Eight

*Staffed by:*

*Monique Walters*  
Assistant to the Clerk of  
Council

**RICHLAND COUNTY COUNCIL  
REGULAR SESSION MEETING  
OCTOBER 17, 2006**

### REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

#### **I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES**

- A. Board of Zoning Adjustments and Appeals-1**  
There is a vacancy on this Committee for an expiring term.

Terry W. Brown                      November 4, 2006

- B. Employee Grievance Committee-1**  
There is one vacancy on this board for an expired term.

Suzie Haynes                      October 7, 2006\*

#### **II. ITEMS FOR DISCUSSION**

- A. Farmers' Market Committee**

- B. Lexington/Richland Alcohol and Drug Abuse Council**  
Changing the ending dates for members John Durst and Sam Morton

\*Eligible for reappointment

Report prepared and submitted by:  
Monique Walters, Assistant to the Clerk of Council

**Section 1.7. Cooperation to Establish Sewer and Water Service.** The County agrees to cooperate with the Department and the State in negotiating with the City of Columbia or other entity for the establishment of providing sewer and water service to the New Site.

**Section 1.8 Mitigation of Wetlands.** The County agrees to provide assistance to the Department and the State through its land bank/wetlands mitigation program for the future development and mitigation of wetland areas located on the New Site. Such assistance shall be limited to any properties presently included in such program, but projected not to be less than twenty acres. In any event, the assistance to be provided under this Section shall be at no additional financial cost to the County.

## ARTICLE II COMMITMENTS OF THE STATE AND THE DEPARTMENT

**Section 2.1. Approvals of the Department and the State Board.** On or before May 31, 2005, the Department shall obtain from the State Board (i) an approval of the official designation by the Department of the New Site as the future location for the new "South Carolina State Farmers' Market," at Columbia, (ii) approval of the acceptance of the General Market by the State from the County, and (iii) approval of the funding sources for the development of the New Site, which sources shall aggregate to an amount not less than \$26,900,000. All such approvals shall be secured via affirmative vote of the majority of the members of the State Board in a duly called, public meeting of the State Board.

**Section 2.2. Acceptance of the General Market from County.** The State shall take possession of the General Market "as-is" and hereby agrees that the General Market is suitable for the purpose for which it is intended by the Parties. The Department shall bear the cost of its title search and title insurance, as well as the cost of its own attorney associated with the transaction by which the County contributes the General Market to the State.

**Section 2.3. Creation of Advisory Committee.** After execution of this MOU, the Commissioner of the Department (the "*Commissioner*") shall promptly establish The State Farmers' Market Advisory Committee (the "*Committee*"), which shall consist of ten committee members who will advise and make recommendations to the Commissioner regarding the general operation of the Market in Columbia. The Committee shall be comprised of the following members: one retail market representative; one consumer representative; one large wholesale market representative; one small wholesale market representative, two farmer/fruit & vegetable representatives; one horticultural/specialty product representative; two County representatives, to be designated by the County Council; and the Market Manager shall serve as a non-voting ex officio member. The Committee shall make recommendations regarding the general operation of the Market, including, but not limited to, hours of operation, the exterior appearance of all Market buildings, event planning, traffic flow recommendations, both pedestrian and vehicle, and other such recommendations regarding the success and efficiency of the General Market operation.

## ARTICLE III CONDITIONS AND COVENANTS

**Section 3.1. Conditions Regarding County Commitments.** In addition to any other conditions set forth above, the County's commitments hereunder shall be conditioned on (i) receipt of approvals of the State Board as set forth in Section 2.1 above by May 31, 2005, (ii) each of the Vendors seeking to relocate to the Wholesale Market must have executed a binding relocation commitment within 30 days of the date of the latest approvals required from the State Board, and (iii) execution of vendor financing agreements between the County and each of the committed Vendors by June 30, 2005. Should any of

these conditions not be satisfied on or before the appointed date, the County shall have no further commitments hereunder.

**Section 3.2. *Conditions Upon Which the General Market Will Revert to County.*** The State shall transfer the General Market back to the County upon its voluntary announcement of abandonment prior to the construction of the General Market or upon the State's failure to make significant advancements in construction for an 18 month period.

Should this condition occur, the State shall transfer the General Market to the County within a reasonable period after receiving notice from the County of the State's failure to meet these conditions, but in no event later than 90 days after receiving such notice. The State shall transfer the General Market "as-is," including any improvements thereon, to the County, and the County will only pay the State for the State's actual cost of any improvements to the New Site.

**Section 3.3. *Cessation of \$250,000 Payments.*** Should the State abandon the Market at the New Site as defined above, the County shall have no further responsibility to make such payments to the State.

**Section 3.4. *Footprint and Renderings; County Input.*** Prior to the commencement of any construction activity by the State or the Department at the New Site, the County Council shall review and comment on the footprint and architectural renderings of the New Site, and the County Council has the right to approve the footprint and the architectural renderings of the Retail and Events Area of the Market (the same are attached hereto as Exhibit C). Neither the State nor the Department shall be responsible for the costs of any changes requested by the County which exceed the amounts budgeted by the Department for any particular aspect of the improvements to the New Site.

#### ARTICLE IV MISCELLANEOUS

**Section 4.1. *Applicable Law.*** This Memorandum has been entered into in the State of South Carolina and shall be governed by, and construed in accordance with, South Carolina law.

**Section 4.2. *Binding Effect of Agreement.*** This Memorandum represents binding and enforceable commitments of the parties hereto.

**Section 4.3. *Severability.*** In the event and to the extent (and only to the extent) that any provision or any part of a provision of this Memorandum shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision or part of a provision of this Agreement.

**Section 4.4. *Complete Agreement; Amendment.*** This Memorandum constitutes the entire agreement between the Parties and supersedes all agreements, representations, warranties, statements, promises and understandings, whether oral or written, with respect to the subject matter hereof, and no party hereto shall be bound by any oral or written agreements, statements, promises, or understandings not specifically set forth in this Memorandum.

**Section 4.5. *Counterpart Execution.*** This Memorandum may be executed in multiple counterparts.

**Section 4.6 *Effective Date.*** This Memorandum shall take effect only upon the approval of the State Board and Richland County Council with regard to the development of the New Site.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-06HR

AN ORDINANCE CONSENTING TO AN ASSIGNMENT TO HOLO (SC) QRS 16-91, INC. OR OTHER APPLICABLE ENTITY OF CERTAIN RIGHTS AND OBLIGATIONS OF HOLOPACK INTERNATIONAL CORP. RELATIVE TO ALL INTERESTS IN REAL PROPERTY AND IMPROVEMENTS UNDER A LEASE AGREEMENT, AN INDUCEMENT AND MILLAGE RATE AGREEMENT AND A FEE AGREEMENT WITH RICHLAND COUNTY AND APPROVING THE TERMS AND CONDITIONS OF AN ADDITIONAL LEASE AGREEMENT, INDUCEMENT AND MILLAGE RATE AGREEMENT AND FEE AGREEMENT TO BE ENTERED INTO BETWEEN HOLO (SC) QRS 16-91, INC. OR OTHER APPLICABLE ENTITY AND RICHLAND COUNTY AS APPROPRIATE TO EFFECT THE ASSIGNMENT OF SUCH RIGHTS AND OBLIGATIONS AND APPROVING RELATED AMENDMENTS TO THE TERMS AND CONDITIONS OF THE EXISTING LEASE AGREEMENT, INDUCEMENT AND MILLAGE RATE AGREEMENT AND FEE AGREEMENT BETWEEN HOLOPACK INTERNATIONAL CORP. AND RICHLAND COUNTY TO REFLECT THE ASSIGNMENT OF SUCH TERMS AND CONDITIONS.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AUTHORIZING DEED TO L-J, INC., FOR CERTAIN PARCELS OF LAND KNOWN AS LOTS 18 AND 19 (APPROXIMATELY 14.14 ACRES TOTAL) IN THE RICHLAND NORTHEAST INDUSTRIAL PARK, A PORTION OF RICHLAND COUNTY TMS # 25800-04-01.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to L-J, Inc., for certain real property, as specifically described in the attached Deed, Lots 18 and 19 (approximately 14.14 acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS # 25800-04-01, which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:           October 17, 2006 (tentative)  
Second Reading:  
Public Hearing:  
Third reading:



STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF RICHLAND      )

**A RESOLUTION OF THE  
RICHLAND COUNTY COUNCIL**

**A RESOLUTION TO APPOINT AND COMMISSION ROGER MYERS 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;

**NOW, THEREFORE, BE IT RESOLVED THAT** Roger Myers 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 business license 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, Roger Myers 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 Roger Myers is no longer employed by Richland County to enforce the County's business license regulations.

**ADOPTED THIS THE \_\_\_ DAY OF OCTOBER, 2006.**

\_\_\_\_\_  
Anthony G. Mizzell, Chair  
Richland County Council

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